

## REGULAR MEETING OF AUGUST 19, 2014

Mayor Cosgrove called the meeting to order at 8:00 p.m.

In accordance with the Open Public Meetings Act, notice of the change in meeting time of this Regular Meeting of the Borough of Fair Lawn was published in "The Record" issue of August 14, 2014. Notices were also posted on the bulletin board located on the first floor of the Municipal Building; copies were mailed to The Community News and posted on the Borough of Fair Lawn website.

**PRESENT:** Mayor Cosgrove, Deputy Mayors Dunay and Lefkowitz, Councilmembers Peluso and Swain.

**ALSO PRESENT:** Manager Van Kruijning, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

**PRESENTATION BY KNIGHTS OF COLUMBUS: ADA  
OPPORTUNITY CENTER  
CHILDREN'S THERAPY CENTER**

Mayor Cosgrove stated that the Borough was fortunate to have one of the great organizations in Fair Lawn, the Knights of Columbus, present to give out three checks.

Dennis Weisbrod thanked the Mayor and Council for allocating time on the agenda for St. Anne's Knights of Columbus #2853 to make this presentation. Every spring since the 1960's St. Anne's Council has been conducting an annual drive for persons with intellectual disabilities. This year for two days the members collected in front of Shop Rite, Pathmark, Pathmark in Elmwood Park, Dunkin Donuts on River Road, Modern Bagel on Fair Lawn Avenue and Bagel Base in Elmwood Park. Members also collected at all of the masses at St. Anne's Church, St. Catherine's Church in Glen Rock and St. Leo's Church in Elmwood Park. He publicly thanked those parishes and businesses for allowing them to solicit. He also thanked the parishioners of those churches and the customers of the stores for their continued generosity for this drive. As a result of this drive, they were happy to present three checks each for \$2,550.

Grand Knight Michael O'Shea presented the checks to Nick Felice, Trustee for the Opportunity Center of Fair Lawn, Marianne Pettineo, Co-Chair of the ADA Committee and Marvin Leiken, Executive Director of the Children's Therapy Center.

Nick Felice stated for forty-seven years the Knights of Columbus have given to the Opportunity Center but now thankfully they have a larger collection that can be

divided up among other organizations. In those forty- seven years the Knights of Columbus has given out over \$80,000 to the Opportunity Center.

Marvin Leiken thanked the Knights of Columbus for their gift on behalf of the Children's Opportunity Center, the Board of Directors, the staff and in particular the children and their families. It goes a long way to support the special needs children.

Marianne Pettineo, Co-Chair of the ADA Committee, thanked the Knights of Columbus for their generous support. Many years ago when she had her first child, she remembered seeing them in Shop Rite and thinking she was not alone in this journey. She appreciated their support of children with special needs.

#### **MANAGER'S REPORT:**

Manager Van Kruijning stated the report has been submitted and there have been no changes.

#### **COUNCIL COMMENTS**

Councilmember Peluso stated that last week he and the Mayor presented checks from the Old Timers Association to the Opportunity Center. The Old Timers is a great organization and any male resident of Fair Lawn for over thirty years is welcome to join.

On August 27th the Recreation Department will be holding movie night at Memorial Pool. It will be the first time holding this event. The movie being shown will be Frozen.

He addressed one of the articles he read in the newspaper last week about fracking. He reminded everyone that they bring items to the Work Session to be discussed but there is no time limit for how long they are there. They deal with a lot of issues. No one signed up to be here from 7:30 to 9 p.m. If the discussion continues late into the night or if they have to put it on the next agenda, they will do that. He further explained that since it has been so slow they have only met once in the month of July and August. Today they combined a Work Session with the regular meeting because there was not too much to discuss. This issue is of importance and he does not want people undermining him. Right now they are doing studies in New Jersey and found that there is an underground formation stretching from Trenton to Bergen County with estimates of it containing one trillion cubic feet of natural gas. He has done a lot of research on this and looked forward to their discussion. He thanked the Council for voting to put this back on the Agenda in September. Councilmember Peluso encouraged anyone with concerns to attend the meeting.

Councilmember Swain explained that the Green Team has been working on the anti-idling program. State law bans idling for more than three minutes. In the next campaign, the Green Team will be starting a pilot program at TJ Middle School and Radburn Elementary School where there will be an educational outreach program informing the parents about idling. They want everyone to know that they have to turn their cars off.

Tonight was the presentation by the Knights of Columbus for the donation to the ADA Committee. She was so thrilled about the new playground at Berdan Grove because it was absolutely gorgeous. This will be an inclusionary playground for children of all shapes, sizes and abilities. On September 19th will be the next dance for the ADA Committee.

The Arts Council has a new project which will be a self-portrait.

Councilmember Swain stated there has been a lot of discussions and articles about fracking. She wanted to ask the residents to contact the legislators because there was a bill that had bi-partisan support to ban fracking waste in New Jersey but the Governor vetoed it. If they contact the legislators they may be able to override that veto. As everyone knows the fracking waste is incredibly dangerous and loaded with toxic chemicals. They do not want fracking waste in Fair Lawn.

Councilmember Peluso added that he wanted to publicly thank the Knights of Columbus for their donations. He knows they do a lot of good things in this community.

Deputy Mayor Dunay stated that they had a great presentation tonight from Dominick Tarquinio who is very proactive in the school system. Following a number of tragic events in the Country, Mr. Tarquinio launched an entrepreneurial adventure and created an invention called Lock Aide. He demonstrated it to the Council and donated two for the doors in the Council Chambers. In the event of an intrusion or an emergency it would make it extremely easy for individuals to lock themselves behind the door without needing a key or exposing themselves to a potentially tragic incident. He wished Mr. Tarquinio much success because it shows that someone with a full time job as a High School Administrator can go out and do something that could potentially save a lot of lives in the process.

He acknowledged the Knights of Columbus for their donation. He has been part of collecting the donations and found the generosity of the donors amazing. It was nice to see all three groups represented tonight.

Deputy Mayor Dunay stated that the Council had an important meeting last week in regard to fiscal planning. Manager Van Kruijning and CFO Palermo reviewed

their long term capital expenditure needs. The reality is that many of the roads are in urgent need of repairs. The Borough has an aging infrastructure that will require increased expenditure in the years to come. He felt it was important that they know what they will need to spend in the coming years. He hoped that they can continue on this long term process and understand what the needs will be in the next five years so that they can sustain all of the great things they have in Fair Lawn.

Deputy Mayor Lefkowitz thanked the Knights of Columbus for their donations. She also thanked Mr. Tarquinio for his donation. It was a pleasant night to see something that will hopefully protect people everyone. She added that she drives by the Berdan Grove Park all the time and it looks amazing.

Deputy Mayor Lefkowitz thanked the Promenade businesses because they have been nonstop participating in fund raisers for Fair Lawn organizations. She thanked Habit Burger for their contribution to the DARE program.

Deputy Mayor Lefkowitz thanked the Library for their summer reading program. She also acknowledged the many businesses that have contributed items to the reading program to give to the kids.

Mayor Cosgrove attended the Fair Lawn Filipino Binney Scholarship Dinner with Deputy Mayor Dunay. For nineteen years the Fair Lawn Filipino association has awarded scholarships to Fair Lawn students.

He attended the Junior Police Academy graduation that was held in the Council Chambers on July 25th. Forty-eight youngsters participated in the program. He thanked Chief Cauwels, Captain Kneer, Lieutenant Paterson, Sergeant Metzler, Officer Graziano and all of the Fair Lawn Police Department who participated in this program.

Mayor Cosgrove visited the children at the Jewish Day camp and thanked Rabbi Kanelsky for the invitation.

He attended the Grand Opening of the DaVita Dialysis Center on Pollitt Drive. He wished the owner and the staff the best of luck. It is a state of the art facility and knows they will provide a much needed service to the community.

Mayor Cosgrove stated that on Friday, September 19th, he is involved with sponsoring a night for Lyra Polyi who struggles with a genetic disease which is very rare that does not even have a name. The fund raiser will be held at the Knights of Columbus on Maple Avenue. His office can be contacted for tickets and information.

He spoke about the long range planning. He thanked everyone on the Council for addressing this. They will not be kicking the can down the road but will have to restructure debt. The infrastructure is aging. They have had to put a lot more money into resurfacing the roads. He thanked Manager Van Kruijning and CFO Palermo for the work they did on this planning.

Mayor Cosgrove mentioned the sudden death of Joe Mazur who was volunteer emergency responder for the last 36 years. He served as Chief of the Hazmat Team and was also Fair Lawn Rescue. Their thoughts and prayers go out to the Mazur family. He was a very dedicated volunteer to Fair Lawn.

### **PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

Upon motion by Councilmember Peluso and a second by Deputy Mayor Lefkowitz, it was unanimously agreed to open the time for public comments on Consent Agenda items.

Pam Coles, 13-34 George Street questioned the idling resolution wondering about the ten second rule. Councilmember Swain explained that the law is three minutes. Mayor Cosgrove stated that in the resolution it asked that the engines get turned off after ten seconds if you plan to remain in a location for more than thirty seconds. Deputy Mayor Dunay informed her that this was not an ordinance and it does not carry a penalty. This resolution was to encourage businesses to create idle free zones that would also encourage people not to idle. Attorney Mondello advised that they could not change the law with respect to how long idling can be since the State has preempted that field with the three minutes law.

Ms. Coles mentioned that at the Work Session it was brought up about a bubble up of certain waters and fluids from underneath the ground. She wondered about the Pesticide Reduction Policy resolution. She felt that sometimes they need pesticides in order to fight off diseases from mosquitoes, etc. She was curious if there was a list of what the resolution pertained to. Mayor Cosgrove explained that the Borough maintains public properties in which pest management issues are an ongoing concern. The Mayor and Council would be adopting the Integrated Pest Management policy. The resolution does not list the specific pesticides.

There being no further comments, upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Swain the time for public comments was unanimously closed.

### **RESOLUTIONS BY CONSENT #15-2014**

Upon motion by Councilmember Peluso and a second by Councilmember Swain, Consent Agenda 15-2014 containing the following items was unanimously passed.

- a. Resol. #282-2014 - Approval of Minutes:
  - Regular Meeting 5/27/14
  - Work Session 7/15/14
  - Regular Meeting 7/15/14
- b. Resol. #283-2014 - Refund of Overpayment of Taxes
- c. Resol. #284-2014 - Authorizing Licensing Massage Establishment: Gemini Wellness Services, Inc. t/a Healthy Life Foot Spa
- d. Resol. #285-2014 - Award of Bid: HVAC Repair and Maintenance
- e. Resol. #286-2014 - Authorizing Execution of an Agreement with the County of Bergen to Supercede the Cooperative Agreement Dated July 1, 2000 and Amendments Thereto Establishing the Community Development Program
- f. Resol. #287-2014 - Extension of Contract: Ductile Iron Pipe, Fittings and Valves
- g. Resol. #288-2014 - Extension of Contract: Hydrants and Hydrant Parts
- h. Resol. #289-2014 - Establishing On-Line Banking, E-Checks, Debit and Credit Card Acceptance for the Payment of Tax and Water Utility Charges
- i. Resol. #290-2014 - Appointment to Green Team Advisory Committee
- j. Resol. #291-2014 - Authorizing the Execution of a Temporary Use and Occupancy Agreement
- k. Resol. #292-2014 - Periodic Review of the Environmental Resource Inventory (ERI)
- l. Resol. #293-2014 - Sustainable Land Use Pledge
- m. Resol. #294-2014 - Support of New Jersey's Wildlife Action Plan
- n. Resol. #295-2014 - Pesticide Reduction Policy
- o. Resol. #296-2014 - Support for Responsible Pet Ownership
- p. Resol. #297-2014 - Support for Idle Free New Jersey
- q. Resol. #298-2014 - Name Change Evoquo Water Technologies (Bioxide Odor& Corrosion Control Chemical)
- r. Resol. #299-2014 - Tax Appeal Settlement - Verizon New Jersey, Inc.
- s. Resol. #300-2014 - Tax Appeal Settlement - PSE&G
- t. Resol. #301-2014 - Tax Appeal Settlement - Knollcroft Gardens, Assoc. FLP
- u. Resol. #302-2014 - Tax Appeal Settlement - 15-01 Politt Drive
- v. Resol. #303-2014 - Tax Appeal Settlement - 17-09 Zink Condo Association
- w. Resol. #304-2014 - Emergency Veterinary Services

Councilmember Swain thanked the Council for approving seven resolutions that had to do with Sustainable Jersey. There are many things that the Borough needs to do in order to attain the next level of silver certification. It was really a community project because it tapped in to all areas of the community. She thanked them for the support because now they have a lot of pieces in place and can move forward to attain Sustainable Jersey certification.

#### **RESOLUTION NO. 305-2014 - CONFIRMATION OF FIRE BOARD ACTIONS**

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, Resolution No. 305-2014 was passed with Mayor Cosgrove recusing himself.

#### **PUBLIC COMMENTS:**

Upon motion by Councilmember Peluso and a second by Deputy Mayor Lefkowitz, it was unanimously agreed to open the time for public comments.

Pam Coles, 13-34 George Street, wondered what the outcome of the County meeting on bike lanes that Councilmember Swain attended. Councilmember Swain stated that the Engineers and the Consulting Firm that organized the initial meeting then set out and had meetings with the general population from the areas that surround the County Park. There should be another meeting in September to put a plan in place. One of the things that may be seen is the bike share road signs that are now on Midland Avenue in Glen Rock. They are looking at ways to improve the safety on 9W. She and the Manager have had discussions about what they can do in Fair Lawn on the bike route on Berdan. Ms. Coles stated she enjoys riding her bike. New York City has shared bike lanes. Councilmember Swain informed her that she placed it on the September 2nd Work Session.

Ms. Coles thanked them for their courageousness in discussing fracking which will be open for a healthy debate.

She hoped that Fair Lawn would be proactive in halting the use of drugs. Mayor Cosgrove stated that the Borough had moved forward with the stigma free zone. Fair Lawn was the second town in Bergen County to do that. He knows from his work at Bergen Regional that a lot of people who end up on drugs possibly started from mental illness. Drugs are not only an epidemic in Bergen County they are an epidemic throughout the Country. On October 2nd at Bergen Regional there will be a forum with three highly qualified speakers who deal with substance abuse. It will be for not only individuals who suffer from substance abuse but also families that want to know how to deal with it.

Mayor Cosgrove stated there will be a Stigma Free meeting after Labor Day and they will emulate a lot of things that Paramus did that made it so successful such as school dances and literature getting to young children in the school. He knows that Councilmember Peluso and Deputy Mayor Lefkowitz have both served on the Alliance for Substance Abuse Prevention.

Councilmember Peluso mentioned the Alliance for Substance Abuse Prevention works with the Police Department. He suggested she attend one of their meetings.

Deputy Mayor Lefkowitz invited Ms. Coles to the Alliance for Substance Abuse meeting which is very informative.

Howard Mark, 12-23 Ferry Heights wondered why signs were not put up by his street since someone was killed there a few years ago. Mayor Cosgrove stated that the Manager and Traffic Safety Officer will look in to it.

Mr. Mark objected to Open Space Funds being used locally for flood areas since he that was not what it was intended for and people did not vote for it to be used in that way. Mayor Cosgrove informed him that was not was being done.

Mr. Mark mentioned that when the power goes out he received no help. Mayor Cosgrove asked the Manager to talk to OEM about this and put him on the list to be helped in case of an emergency.

Mr. Mark expressed concern about the condition of the Community Center. Manager Van Kruijning stated that they are aware of the situation and it will be addressed in the 2015 budget.

There being no further comments, upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the time for public comments was unanimously closed.

**CLOSED SESSION RESOLUTION: ANTICIPATED LITIGATION - BOROUGH VS.  
HARRAKA FRIVOLOUS LAWSUIT, RIVER ROAD AND  
MORLOT AVENUE LAWSUIT**

Upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 8:49 p.m.

**WHEREAS;** the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

**WHEREAS;** the Mayor and Council of the Borough of Fair Lawn desire to discuss Anticipated Litigation - Borough vs. Harraka Frivolous Lawsuit and River Road and Morlot Avenue Lawsuit; and

**WHEREAS;** these matters are ones which permit the exclusion of the public from such discussions; and

**WHEREAS;** minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

**ADJOURNMENT:**

Upon motion by Councilmember Peluso and second by Councilmember Swain the meeting was adjourned at 9:14 p.m.

Respectfully submitted,

Marilyn B. Bojanowski

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk Bojanowski

The undersigned have read and approve the foregoing minutes.

John Cosgrove  
Mayor John Cosgrove

Daniel Dunay  
Deputy Mayor Daniel Dunay

Amy E. Lefkowitz  
Deputy Mayor Amy E. Lefkowitz

Kurt Peluso  
Councilmember Kurt Peluso

Lisa Swain  
Councilmember Lisa Swain

