

## REGULAR MEETING OF MAY 26, 2015

Mayor Cosgrove called the meeting to order at 7:30 p.m.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 19, 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. The annual notice identified the meeting location and the time of Council Meetings and Work Sessions.

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

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

### PROCLAMATIONS:

#### TOURETTE SYNDROME AWARENESS DAY

Mayor Cosgrove read a proclamation for Tourette Syndrome Awareness Day, which he presented to Bruce and Bettina Kaplan.

#### GIRLS HIGH SCHOOL TRACK TEAM

Mayor Cosgrove reported that the Girls High School Spring Track Team won the 2015 Big North Conference Independence Division League Championship for the first time since 1994. Fourteen athletes received All League Honors – Big North Independence All Conference Team. Seven athletes made First Team, five made Second Team and two were Honorable Mentions. Head Coach John Van Soest was named Big North Independence Division Coach of the Year. They are delighted to have the Cutters here tonight and are very proud of their accomplishments.

The Mayor presented certificates to the Coaches and athletes. He congratulated the girls and their parents, who provide their support.

### COUNCIL COMMENTS

Councilmember Peluso congratulated the Fair Lawn High School Girls Track Team, who had a phenomenal year. The team also attended State Sectionals this past week and 11 girls qualified for State groups.

The weekend was busy with Memorial Day events remembering our fallen soldiers. He, Mayor Cosgrove and Councilmember Swain attended the ceremony at Fair Lawn Cemetery on Sunday. He thanked Jack O'Neil and the Veterans Council for organizing the events. It is a great way for them to pay tribute to the veterans who made the ultimate sacrifice. On Monday, the Council attended the Memorial Day Parade, which was another great way to remember those they lost.

He, Mayor Cosgrove and Councilmember Swain just returned from the fundraiser concert for Nepal earthquake victims that took place at Thomas Jefferson Middle School. Whenever there is a national disaster, someone from Fair Lawn steps to raise funds for those in need. He was proud that Thomas Jefferson Middle School took that leadership role.

Councilmember Swain stated that Fair Lawn is such a wonderful community. Everything that occurred from this past weekend up until tonight makes her realize how inclusionary the community is.

She congratulated the girls track team for doing a phenomenal job. She thanked Councilmember Peluso for helping with the track team over the years. She hoped the girls will be role models for younger girls, as running and being active in sports is a good way to build self-confidence.

Several Councilmembers attended Memorial Day services over the weekend. She stressed they must remember the fallen soldiers so they can celebrate the life they have around us. She thanked Jack O'Neil for doing a fantastic job with the weekend ceremonies. The parade was a wonderful experience, with the community out celebrating Memorial Day and remembering our fallen heroes, which is what the day is about.

The ADA Dance on Friday is being sponsored by the Fair Lawn High School Girls Softball Team, who will be baking 150 cupcakes and cookies as well as helping out at the event.

She concluded by wishing everyone a wonderful and safe summer. It was an honor to attend the concert at Thomas Jefferson benefitting the victims of the earthquake in Nepal. The auditorium was packed with children and parents raising funds for people far across the globe.

Deputy Mayor Dunay acknowledged the Memorial Day festivities over the weekend, particularly the parade. Colonel Jack O'Neil does such a wonderful job every year calling out the groups as they walk by and leading the wreath laying ceremony. He thanked first-time Officer of the Day Nick Magarelli, who is also the Borough's Veterans' Liaison and assistant to the Manager.

He thanked the Borough staff who helped with the parade and the events over the weekend, particularly Manager Van Kruijning who always does such a great job. He thanked Superintendent Graff and his staff. They are very lucky to have them. While in the reviewing stand he spoke to Freeholder Ganz, who noticed there has been a significant drop in parade attendance. He encouraged people to come next year to see the various marchers and bands and most importantly, remember those who made the ultimate sacrifice to protect our freedom. He thanked those who attended the parade, as it shows their commitment to Fair Lawn and their commitment to those who have made a substantial and tremendous sacrifice for all of us who live here today.

Deputy Mayor Lefkowitz congratulated the girls track team - they should be very proud of themselves. She reported that Fair Lawn will be participating in the Stigma Free initiative. Fair Lawn is truly a stigma-free town and everyone should feel comfortable living here.

She also participated in the Memorial Day activities. She thanked everyone who helped make these events so successful. She was happy to see that the majority of posts on social media over the weekend had the true meaning of Memorial Day, with some acknowledging their own family's sacrifices and the sacrifices of others.

The Alliance for Substance Abuse Prevention's medicine drop box yielded 90 lbs. of medication in three to four months. It has been a complete success.

She concluded by encouraging residents to attend the Radburn street fair on Sunday, which takes place from 11:00 a.m. to 5:00 p.m.

Mayor Cosgrove reported that he and Councilmember Swain attended the Citizens Police Academy Graduation at the Senior Center. Residents interested in attending the next class should visit the Police Department's website for more information. It is a rewarding experience and the participants learned a lot.

The Memorial Day events were wonderful. He thanked David Break, a former math teacher at Fair Lawn High School, for his service to the Country and for serving as Officer of the Day for many years. Mr. Break will be moving to Texas to be closer to his family. At the Sunday service at Fair Lawn Cemetery there were three Officers of the Day: Mr. Magarelli, Mr. Break and Mr. Lomauro, who looked wonderful in his uniform at age 87.

The Fair Lawn High School Marathon begins Friday at 2:40 p.m. He will stop by to throw out the first pitch. He encouraged everyone to support this annual event which raises money for good causes. He congratulated the seniors who are involved.

Fair Lawn has been selected by Children's Aid and Family Services as Municipality of the Year. In September the Mayor and Council will be accepting the award, which is such an honor.

He and Engineer Garrison met with the County's engineers to discuss the traffic light at Saddle River Road and Fair Lawn Avenue. It will take about two months for them to draw up a plan, which will be reviewed by both parties.

He, Councilmember Peluso and Councilmember Swain attended the ribbon cutting ceremony for the new traffic light on Broadway, which will improve pedestrian safety. Senator Gordon, Mayor Mola from Elmwood Park and Broadway Improvement Corporation representatives Bob Beshlian and Don Smartt were also present. He thanked everyone who helped make this project a reality. The State has promised to install four bump-outs in the fall, which will further improve pedestrian safety.

He concluded by stating that Sunrise Rotary had a project scheduled to help build a school in Nepal. However, they diverted those funds towards the earthquake tragedy. A Sunrise Rotary member who is from Nepal spoke at this morning's meeting about the aftershocks and horrific mudslides. People are still suffering. He is glad that the students and faculty at Thomas Jefferson are helping Nepal.

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

Manager Van Kruijning stated that there were no changes to the Manager's Report. Residents with questions can contact his office.

Mayor Cosgrove acknowledged a special resident, Germaine Baron. Two years ago he attended her 100<sup>th</sup> birthday and she will turn 102 on May 30<sup>th</sup>. He wished her a happy birthday.

#### **ORDINANCES ON FIRST READING:**

Upon motion by Councilmember Peluso and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title.

#### **ORDINANCE NO. 2355-2015 (RESOLUTION NO. 259-2015)**

**AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT  
IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT,  
ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE (FEMA)**

There being no discussion, upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Swain, Resolution No. 259-2015 introducing Ordinance No. 2355-2015 was unanimously passed.

**ORDINANCES ON SECOND READING:**

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2352-2015  
(RESOLUTION NO. 260-2015)**

**AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 5834, LOT 1.02 IN THE BOROUGH IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.**

There being no comments by the public, upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Peluso and a second by Deputy Mayor Lefkowitz, Resolution No. 260-2015 adopting Ordinance No. 2352-2015 was discussed.

There being no discussion, Resolution No. 260-2015 adopting Ordinance No. 2352 – 2015 was unanimously passed.

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

**ORDINANCE NO. 2353-2015  
(RESOLUTION NO. 261-2015)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY TO AMEND CHAPTER 163 ENTITLED "PEDDLING AND SOLICITING", MORE PARTICULARLY SECTION 163-9 ENTITLED "PROHIBITED ACTS"**

There being no comments by the public, upon motion by Deputy Mayor Dunay and a second by Councilmember Swain, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Swain, Resolution No. 261-2015 adopting Ordinance No. 2353-2015 was discussed.

Mayor Cosgrove stated the amended ordinance is a direct result of residents coming to the Council, who felt the residents had a legitimate problem with solicitors knocking on doors at night. As a result they are changing the time in the ordinance to prevent solicitors from going door to door after 5:00 p.m.

There being no further discussion, Resolution No. 261-2015 adopting Ordinance No. 2353 – 2015 was unanimously passed.

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

Upon motion by Councilmember Peluso and a second by Deputy Mayor Lefkowitz, the time for public comments on Agenda items only was opened.

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

#### **RESOLUTIONS BY CONSENT #13-2015**

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, Consent Agenda 13-2015 containing the following items was unanimously passed.

- a. Resol. #262-2015 - Approval of Minutes:  
Regular Meeting 4/28/15
- b. Resol. #263-2015 - Interlocal Agreement with the Borough of Elmwood Park for the Use of Memorial Pool
- c. Resol. #264-2015 - Extension of Temporary Easement with PSE&G - Banta Place
- d. Resol. #265-2015 - Refund of Overpayment of Taxes
- e. Resol. #266-2015 - Rescinding Resolution No. 256-2015 and Awarding the Bid for Water Main, Sanitary Sewer, Storm Water Facility Repairs
- f. Resol. #267-2015 - Issuance of Estimated Tax Bills for Third Quarter 2015

- g. Resol. #268-2015 - Licensing Agreement: 26-02 Berdan Avenue
- h. Resol. #269-2015 - Approving Change Order #1- Security Surveillance System
- i. Resol. #270-2015 - Appointment of Community Development Representatives
- j. Resol. #271-2015 Appointment to Zoning Board

**RESOLUTION NO. 272-2015 - APPROVAL OF MINUTES:****Work Session 4/21/15****Closed Session 4/21/15**

Mayor Cosgrove stated that he will be abstaining as he was not present on April 21<sup>st</sup>.

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, Resolution No. 272-2015 was passed, with Mayor Cosgrove abstaining.

**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.

Jack O'Neil, 11-06 3<sup>rd</sup> Street reported on the overwhelming success of the Memorial Day weekend. He thanked Mayor Cosgrove, the Council, the Borough employees, the Parks & Recreation Department, the Police, Fire Department and Ambulance Corps. He gave special thanks to the Manager's office, specifically Nick Magarelli, for the new look on the Fair Lawn Avenue Bridge. He also thanked Petty Officer Magarelli, Jr. for his participation in the parade and gave a salute to reservists and veterans who make this great nation. They must never forget the sacrifice of the 47 Fair Lawn residents who laid down their lives defending our Country.

Rich Siebel, 33-07 Halsey Road stated that he noticed the flag in front of the Cadmus House was distressed and brought it to the attention of the museum curator. On behalf of himself and Jack O'Neil he presented a flag in the design of the first flag, also known as the Betsy Ross flag, to the Council for the Cadmus House. The seal of the U.S. Department of Veterans Affairs depicts the Betsy Ross flag in an eagle's claw, representing the service of all veterans from the revolutionary war to the present.

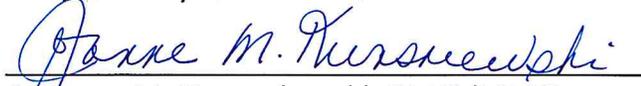
Mayor Cosgrove thanked the Mr. Siebel and Mr. O'Neil for donating the flag. Since the Cadmus House was run by volunteers, he was sure they will be happy to see the Betsy Ross flag. Manager Van Kruijning said that he will have the flag posted tomorrow.

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

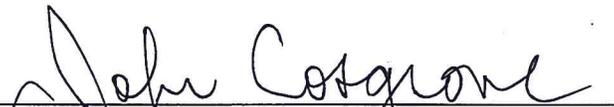
**ADJOURNMENT:**

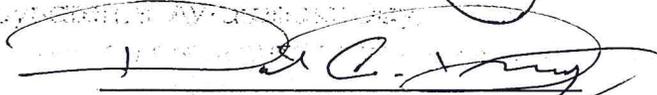
Upon motion by Deputy Mayor Dunay and second by Councilmember Peluso, the meeting was adjourned at 8:06 p.m.

Respectfully submitted,

  
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Joanne M. Kwasniewski, RMC/MMC  
Municipal Clerk/Deputy Manager

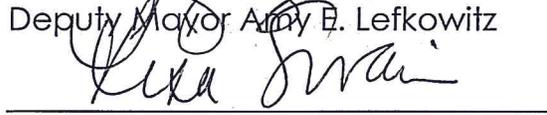
The undersigned have read and approve the foregoing minutes.

  
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Mayor John Cosgrove

  
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Deputy Mayor Daniel Dunay

  
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Councilmember Kurt Peluso

  
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Deputy Mayor Amy E. Lefkowitz

  
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Councilmember Lisa Swain