

## REGULAR MEETING OF MARCH 22, 2016

Mayor Cosgrove called the meeting to order at 7:31 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 18, 2015. 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, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

Mayor Cosgrove asked for a moment of silence for the victims of the terror attacks in Brussels, Belgium.

### **KODY IDUN PLAYS THE NATIONAL ANTHEM**

Mayor Cosgrove stated they had a special treat with Kody Idun playing the National Anthem on his trumpet.

### **SWEARING IN OF POLICE CHAPLAIN**

Mayor Cosgrove said it was the Borough's pleasure to be able to have David Boone sworn in as Police Chaplain. He was the Police Chaplain when he served the Police Department for so many years. A position has been created where he can continue to serve as the Chaplain. He is also the Pastor at Van Riper Ellis Church.

Chief Cauwels stated it was his honor to swear in his past co-worker, friend and Chaplain who had been with the department for twenty-one years. He recently retired but the dedicated man he is has decided to stay on as Police Chaplain. It was a privilege to have a Chaplain in the department.

Mayor Cosgrove stated that he has known David Boone a long time. During the time of Police Officer Mary Ann Collura's death, all the guidance and help he rendered to so many emergency responders was immeasurable. It was his honor to swear him in tonight.

Mayor Cosgrove was joined by the Council as he swore David Boone in as Police Chaplain.

### **PROCLAMATIONS: NATIONAL WOMEN'S HISTORY MONTH**

Assistant Municipal Clerk Bojanowski read the proclamation.

### **MANAGER'S REPORT**

Manager Van Kruijning stated the monthly Manager's Report has been submitted and there were no changes. If anyone had any questions to please feel free to contact his office.

Manager Van Kruijning read the following statement:

In response to the recent articles in The Record, on-line media sites and information being transmitted and shared through social media concerning the Borough's water quality, I would like to take a few minutes to provide important information about Fair Lawn's water quality and the Borough's water generation and distribution systems.

Please understand that the Borough **is not** in violation of any regulatory standard for dioxane or PFOA, and our drinking water is safe in compliance with the Drinking Water Regulations established by the Federal Environment Protection Agency (EPA) under the Safe Drinking Water Act which is enforced by the NJ Department of Environmental Protection (NJDEP).

The reported 3.24 dioxane reading was only at one (1) of our five (5) point of water entry source test sites and readings were significantly lower at the other four (4) point of water sources test sites. Additionally, if tests were conducted at the faucet in your house, the readings will undoubtedly be even lower.

The testing for PFOA and dioxane was performed under the required EPA Unregulated Contaminate Monitoring Rule. Unregulated contaminants are those for which the EPA has not established drinking water standards. The purpose of unregulated contaminate monitoring is to assist EPA in determining the occurrence of unregulated contaminants in the drinking water and whether future regulation is warranted.

In order for a contaminate to be regulated by the EPA, the following criteria must be met:

- The contaminate may have an adverse effect on the health of persons; and
- The contaminate is known to occur or there is likelihood that the contaminant will occur in public water systems with a frequency and levels of public health concern; and
- Regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by a public water system.

Since the testing was conducted and as per the criteria just mentioned, the EPA has not mandated that either of these contaminants be regulated at this time. Our water generation and distribution systems consist of approximately 105 miles of distribution main, 1200 fire hydrants; 4 storage tanks for a combined capacity of 4.5 million gallons. There are also 4 pumping stations, having a total pumping capacity of 17.6 million gallons per day. Our system is monitored 24 hours a day/7 days a week by licensed and experienced operators.

As part of our day-to-day operation of our water system, annually, we collect more than 1000 water samples and perform more than 5000 tests in both our "raw", or untreated, water and "finished", or treated, water. This is to be sure that Fair Lawn water meets all safety standards as per the EPA and NJDEP. All the test results are on file with the NJDEP and our drinking water is in compliance. The Borough has always been aggressive in protecting our water supply and will continue to remain proactive in this regard. As we did in the 1980's when we were one of the first systems in the Country to bring Air Stripping treatment to eliminate various Volatile Organic Compound contaminates found in the water supply.

We are also one of two systems in the State that has installed a Granular Activated Carbon (GAC) treatment plant as part of a demonstration project to see how efficient this treatment is for PFOA removal as well as other currently unregulated contaminates.

The size, cost and overall treatment technologies of our water system are greatly dependent on the maximum contaminate levels established by the EPA or DEP which has yet to be determined. PFOA requires different treatment than dioxane. My staff as recent as last week requested direction from the EPA and NJDEP on when the best practices for treatment will be distributed. The Mayor and Council are also sending a letter to the EPA, NJDEP and elected officials for direction. The Borough will not invest in treatment technology until we are assured that our investment will meet or exceed the treatment standards by the EPA and NJDEP.

Our Annual Water Quality Reports dating back to 2004 are all posted on our website. These reports contain specific, detailed information on our water quality and I encourage you to read the reports.

In conclusion, our drinking water is safe and in compliance with all best practices for water quality. Please be assured that your health and safety are of utmost importance to all of us and we will continue to be vigilant and take any action, should it become necessary to insure that our residents remain protected and safe.

For additional information or any other questions, please feel free to contact my office at 201-794-5310, the Borough Engineer at 201-794-5360 or our Water Department at 201-794-5374. Thank you.

### **COUNCIL COMMENTS:**

Councilmember Peluso thanked Manager Van Kruningen for his report. The Manager brought up that there are three different sources of water. His concern was there were two high readings of PFOAS and dioxane and would like the Manager to find out if the high readings were coming from the same well. He wondered if whether it is worthwhile to continue to operate wells that have high readings above what is acceptable.

He thought this came as a shock that in the last month they have seen negative articles about Fair Lawn in the newspaper. He assured everyone that Councilmember Swain had put this subject on a Work Session agenda a few weeks ago and discussed this at great length. Councilmember Peluso felt that they need to work on the communication aspect of it. The Council should be made aware of anyone talking to a reporter ahead of time. As a Councilmember they are responsible to the residents.

He thanked former Detective David Boone for volunteering to be Police Chaplain. This is a volunteer role to serve in the community. It will go a long way for the Police Department and the community.

Councilmember Peluso thanked Koby for his performance. This was the second time he saw him and he always does a great job.

He encouraged everyone to go to the Community Center to see the Fair Lawn Arts Council's exhibit done by students in Fair Lawn.

Councilmember Swain reiterated what Councilmember Peluso said about putting it on a Work Session Agenda two weeks ago. She was disappointed to see another article about Fair Lawn's water. She would have liked to see how

Fair Lawn is leading the way against these chemicals and are doing something about it. She appreciated everything the Manager and his staff was doing but thought there were many unanswered questions. She asked that this be placed on the next Work Session Agenda. She thought there may be a way to shut off the well if it is the source of the contaminants.

She also realized that all of this information is coming from the EPA but maybe it is time to hire an independent consultant to do a water analysis. Some of the testing is a little old and things change. The fact that Fair Lawn was three times as high as the surrounding neighbors is very concerning to her.

Councilmember Swain mentioned that today was World Water Day and she would like the Council to pass a resolution in support of clean water supplies. This resolution encourages municipalities to request that the Governor and the NJDEP release an update to the New Jersey Water Supply Master Plan.

Since it is Women's History Month she usually picks some famous women to honor but tonight she decided to honor her Great Aunt Jentzie. She was born in 1911 and died at the age of 99. She emigrated from Romania, obtained two PHD's at a time when women were discouraged from advanced degrees. She was an officer in the Army and served under Howard Cosell, who was her commanding officer.

Councilmember Swain thanked the Mayor for having a moment of silence tonight. Her heart goes out to all of the families of the victims of the terrorist attack in Brussels. It is an awful reminder of what is going on in this world.

She spoke about the Weight Loss Program between Paramus, Ridgewood and Fair Lawn. A number of residents told her how excellent the exercise programs are in Fair Lawn. They are so popular that they want more time slots added. She contacted the Manager and was able to get another class.

Councilmember Swain stated the St. Patrick's Day dance was a success. The Killer Bee's basketball team will be facing off against members of the Police Department, Fire and Rescue on Saturday, April 2nd at the Community Center Gym and will be followed by a pizza lunch courtesy of the PBA.

The Municipal Building will be lit up in blue on April 2 in honor of Autism Awareness Day. The ADA Committee will also be having a booth at the Autism Awareness Day event at Van Saun Park on Sunday, April 10th. The next dance will have a luau theme on April 15th.

America Special Kids magazine recently featured a story on the Children's Therapy Center located in Fair Lawn.

Councilmember Swain thanked the teachers involved in Reading across America Day.

The Green Team and the Environmental Commission hosted the Green Fair and it was a tremendous success. Over one hundred people attended and there were many participants. She thanked all of the members and sponsors who made it a great event.

The Arts Council is holding a poetry reading on May 15th. On the Borough website you will find the flyer for the reading.

As Councilmember Peluso mentioned the Arts Festival was last night and what a fantastic display of art done by the children in the middle school and high school.

Deputy Mayor Dunay stated one of his favorite memories since becoming a Councilmember is when they toured the water facility. He thanked Councilmember Swain for putting it on the Work Session Agenda. He also thanked the Manager and Borough Engineer for letting them know what was going on with the water supply. After reading the article in the newspaper it certainly has raised a lot of questions. He felt it was encouraging to hear the facts come out and agreed that it would be very helpful to continue this examination and to understand more fully of what is going on. He would like to get some real guidance from the DEP or EPA on whether they should take more aggressive action. Deputy Mayor Dunay agreed with Councilmember Peluso that it would be more helpful to all of them if any members of the Borough staff know that an article will appear in the newspaper that the Mayor and Council be informed.

Deputy Mayor Dunay congratulated and thanked former Detective David Boone for volunteering to be the Police Chaplain. They say good preachers are not made but they are born, and David Boone is definitely that. In moments of extreme difficulty he can say things that immediately calm people and make them realize how blessed they are to have someone like him to serve in the Police Department for so long, for him to serve as a Pastor of Van Riper Ellis Church and now to volunteer to be the Chaplain for the Police Department. He thanked David Boone for his long term service to Fair Lawn.

Deputy Mayor Lefkowitz congratulated David Boone on his appointment and thanked him for all that he has done. She also thanked Koby for playing the National Anthem.

She echoed the sentiments from everyone about the water supply. They will be on top of this situation so the residents' concerns can be addressed on an

ongoing basis. Residents can rest assured that the Borough is concerned about the safety and health of our residents. Everyone has spoken so eloquently about what needs to be done. She thanked the Manager and Borough Engineer Garrison for everything they are doing on this issue.

She attended the Green Fair and thanked everyone for putting it together. She was impressed with all of the displays and learned many new things.

Deputy Mayor Lefkowitz was so privileged to be part of Read across America Day at Milnes School. She thanked Mrs. Ward's second grade class who were so cute and attentive.

She attended the fund raiser for Jackson Walsh who is the little baby that was diagnosed with cancer at two weeks old. Fortunately he is now doing well.

Mayor Cosgrove advised that the Borough's recycling collection contractor, Cali Carting, has agreed to change the yard waste collection dates for 2016 and move them to Monday, April 18th and conclude on Friday, December 16th.

He attended the Jackson Strong Fundraiser. He thanked all of the restaurants for donating food to the event. They were able to raise a lot of money. The good news is after four rounds of chemo at six months old, he is cancer free.

Also he attended Read across America Day. The thank you notes he received were great.

He and Councilmember Peluso attended the St. Patrick's Day parade at St. Anne's which was a very nice event.

Mayor Cosgrove commented that this Council will be vigilant about the water. He hopes to do some testing on these wells. Borough Engineer Ken Garrison informed him that the Borough's level is 3. In New York the level is 50 and in South Carolina the level is 70 for safe drinking water. Rest assured that this Council will continue to work on this and do more testing. He stressed that they will do whatever they need to do to make sure the water is safe for everyone.

Councilmember Swain commented that very often there are coupons to buy one get one free and suggested residents do that and donate it to the Food Pantry. They can use pasta, sauce, cereal, health and beauty supplies, deodorant and shampoo.

Mayor Cosgrove stated that the Fair Lawn Chamber of Commerce donated \$4,800 from the Taste of our Town proceeds. He thanked the Chamber of Commerce for doing that for the food pantry.

**PUBLIC HEARING ON 2016 BUDGET:**

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, the time for public hearing was opened.

Pamela Coles, 13-34 George Street, commented that she attended the budget meetings and thanked them for their vigilance, expertise, and the swiftness in which they passed the budget. The budget included road improvements, improvements to the services and equipment improvements without raising taxes. She thanked them for the work they did.

Mayor Cosgrove appreciated her comments. The Council worked very hard on this budget. He thanked Manager Van Kruijning, CFO Palermo and Borough Auditor Steve Wielkotz. This budget is almost \$900,000 under the 2% cap. They should all be very proud in this day and age that they have kept taxes stable in Fair Lawn.

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

**RESOLUTION NO. 126-2016 ADOPTION OF 2016 BUDGET**

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, Resolution No. 126-2016 was unanimously passed.

**PUBLIC HEARING ON RRIC BUDGET AND CONSIDERATION OF ASSESSMENTS IN THE RIVER ROAD IMPROVEMENT DISTRICT**

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, the time for public hearing was opened.

Rich Noorigian, President of the River Road Improvement Corp. stated that the assessments have been very successful. They are moving forward with recognizing River Road as a neighborhood destination by having local events which bring the people together in partnership with the Borough. He thanked the Borough for the support they give and also thanked Councilmember Swain and Manager Van Kruijning who attend every meeting. Twenty-five years ago they started with a depressed area between planning and zoning they have now realized economically viable properties.

Mayor Cosgrove thanked Mr. Noorigian for all the work he does.

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

**RESOLUTION NO. 127-2016 ADOPTION OF RRIC BUDGET**

Upon motion by Deputy Mayor Dunay and a second by Councilmember Peluso, Resolution No. 127-2016 was unanimously passed.

**PUBLIC HEARING ON BIC BUDGET AND CONSIDERATION OF ASSESSMENTS IN THE BROADWAY IMPROVEMENT DISTRICT**

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, the time for public hearing was opened.

Rich Noorigian, President of the River Road Improvement Corp. on behalf of Bob Beshlian who could not attend stated that Broadway's efforts for the last ten years to to turn around some economically obsolete properties and are doing so with planning and zoning. They have been involved with a Planning Board sub-committee for some fine tuning on things they have been working on. They are looking for investments in these properties to restore Broadway to where it should be.

Councilmember Peluso thanked Mr. Noorigian for speaking on behalf of the RRIC and BIC. The great thing they have been doing the past year is having joint meetings to see how they can share their resource which has been a benefit to both the improvement corporations and the community. RRIC has been holding a lot of events. Broadway is a State road and the State has not always done their work. BIC has been a great advocate in getting the lights by the railroad tunnel and bump outs. They also get it privately cleaned. He thanked Mr. Noorigian and all of the members for their efforts.

Councilmember Swain thanked Mr. Noorigian and the members of RRIC and BIC for taking time out of their day to attend meetings. He appreciates all they do.

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

**RESOLUTION NO. 128-2016 ADOPTION OF THE BIC BUDGET**

Upon motion by Deputy Mayor Dunay and a second by Councilmember Peluso, Resolution No. 128-2016 was unanimously passed.

**ORDINANCES ON FIRST 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.

**ORDINANCE NO. 2376-2016  
(RESOLUTION NO. 129-2016)**

**BOND ORDINANCE APPROPRIATING \$2,300,000, AND AUTHORIZING THE ISSUANCE OF \$2,190,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (GENERAL IMPROVEMENTS)**

Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain, Resolution No. 129-2016 introducing Ordinance No. 2376-2016 was unanimously passed.

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

**ORDINANCE NO. 2377-2016  
(RESOLUTION NO. 130-2016)**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,510,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,438,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION (ROADS).**

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 130-2016 introducing Ordinance No. 2377-2016 was unanimously passed.

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

**ORDINANCE NO. 2378-2016  
(RESOLUTION NO. 131-2016)**

**BOND ORDINANCE APPROPRIATING \$1,140,000, AND AUTHORIZING THE ISSUANCE OF \$1,085,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (WATER UTILITY).**

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 131-2016 introducing Ordinance No. 2378-2016 was unanimously passed.

**ORDINANCE ON SECOND READING:**

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

**ORDINANCE NO. 2374-2016  
(RESOLUTION NO. 132-2016)**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) CALENDAR YEAR 2016**

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

Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain, Resolution No. 132-2016 adopting Ordinance No. 2374-2016 was unanimously passed.

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. 2375-2016  
(RESOLUTION NO. 133-2016)**

**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 (NAUGLE-VANDERBECK HOUSE)**

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

Upon motion by Deputy Mayor Dunay and a second by Councilmember Peluso, Resolution No. 133-2016 adopting Ordinance No. 2375-2016 was unanimously passed.

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. 2379-2016  
(RESOLUTION NO. 134-2016)**

**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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF ADMINISTRATION AND FINANCE COMMUNITY DEVELOPMENT DIVISION THEREFORE (ROAD RESURFACING)**

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 Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 134-2016 adopting Ordinance No. 2379-2016 was unanimously passed.

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. 2380-2016  
(RESOLUTION NO. 135-2016)**

**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 FROM THE COUNTY OF BERGEN, DEPARTMENT OF ADMINISTRATION AND FINANCE DIVISION OF COMMUNITY DEVELOPMENT THEREFORE (SENIOR CENTER ROOM DIVIDER)**

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

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 135-2016 adopting Ordinance No. 2380-2016 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. 2381-2016  
(RESOLUTION NO. 136-2016)**

**AN ORDINANCE TO AMEND ORDINANCE NO. 1687-97 ENTITLED "AN ORDINANCE CREATING THE RIVER ROAD SPECIAL IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF FAIR LAWN AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION", AMENDING SCHEDULE A**

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 Dunay and a second by Councilmember Swain, Resolution No. 136-2016 adopting Ordinance No. 2381-2016 was unanimously passed.

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

**ORDINANCE NO. 2382-2016  
(RESOLUTION NO. 137-2016)**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 13 ENTITLED "FIRE DEPARTMENT" BY ADDING ARTICLE XIX "ENTITLED REFLECTIVE SYMBOL ON STRUCTURES USING ENGINEERED LUMBER"**

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

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, Resolution No. 137-2016 adopting Ordinance No. 2382-2016 was discussed.

Mayor Cosgrove commented that these stickers are to protect the fire fighters when buildings have truss roofs of engineered lumber. Several years ago five Hackensack fire fighters died in a fire with a truss roof. After that fire there was a requirement to put a triangle sign on the building but this goes even further in regard to engineered wood.

There being no further discussion, Resolution No. 137-2016 adopting Ordinance No. 2382-2016 was unanimously passed.

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

Upon motion by Councilmember Peluso and a second by Councilmember Swain, 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 Deputy Mayor Dunay, the time for public comments was unanimously closed.

#### **RESOLUTIONS BY CONSENT #5-2016**

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, Consent Agenda #5-2016 containing the following items was unanimously passed.

- a. Resol. #138-2016 – Approval of Minutes:
  - Regular Meeting 1/26/16
  - Budget Meeting 2/2/16
  - Work Session 2/9/16
  - Closed Session 2/9/16
  - Regular Meeting 2/16/16
- b. Resol. #139-2016 – Transfer of Funds
- c. Resol. #140-2016 – Interlocal Agreement - Bergen County Law Enforcement Mutual Aid
- d. Resol. #141-2016 – Change Order #1 – 2245 Installation of Emergency Generators at Various Emergency Services Facilities
- e. Resol. #142-2016 - Authorizing Issuance of Requests for Proposals for Private Collection Agency of Municipal Court Debt
- f. Resol. #143-2016 – Refund of Overpayment of Taxes
- g. Resol. #144-2016 – Cancel & Refund Year 2016 Property Tax Due to Property Tax Classification Change from Taxable to Exempt

- h. Resol. #145-2016 - Cancel Year 2016 Property Tax Due to Property Tax Classification Change from Taxable to Exempt
- i. Resol. #146-2016 - Authorizing Licensing of Massage Establishment License: Sunshine Spa of Fair Lawn Inc.
- j. Resol. #147-2016 - Award of Bid: Project 2256 Scada System Maintenance and Improvements
- k. Resol. #148-2016 – Authorizing Execution of Memorandum of Understanding for Public Health Case Management for Childhood Lead Poisoning
- l. Resol. #149-2016 - Authorizing Procurement of the Concession Stand of Memorial Pool by Informal Quotes
- m. Resol. #150-2016 – Appointment to the Green Team Advisory Committee
- n. Resol. #151-2016 – Professional Services: Animal Control Services
- o. Resol. #152-2016 – Amending the Fair Lawn Affordable Housing Project Agreement
- p. Resol. #153-2016 – Appointments to the Zoning Board of Adjustment
- q. Resol. #154-2016 – Flood Planning Program Report
- r. Resol. #155-2016 – Tax Appeal Settlement: Health Resources of Fair Lawn, LLC – 12-15 Saddle River Road
- s. Resol. #156-2016 – Tax Appeal Settlement: Robert & Helen Rubinstein – 15-31 Landzettel Way
- t. Resol. #157-2016 – Tax Appeal Settlement: Thomas Sartoga – 14-16 Broadway
- u. Resol. #158-2016 – Tax Appeal Settlement: V. Stillman / McDonald's Real Estate – 37-01 Broadway
- v. Resol. #159-2016 – Tax Appeal Settlement: Pollitt Realty, LLC – 15-01 Pollitt Drive, Unit 9
- w. Resol. #160-2016 – Award of Bid: Project #2205 Fair Lawn Avenue Improvements (Various Intersections)
- x. Resol. #161-2016 – Confirmation of Fire Board Actions

**RESOLUTION NO. 162-2016 - APPROVAL OF MINUTES**

Budget Meeting 1/19/16

Upon motion by Councilmember Peluso and a second by Deputy Mayor Lefkowitz, Resolution No. 162-2016 was passed with Deputy Mayor Dunay abstaining.

**PUBLIC COMMENTS**

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

Peter Pantina, 3-06 32nd Street, stated he was concerned about the article he read about the water particularly the levels compared to the neighboring towns. If in fact there is a solution for instance closing one well that is something they should be done sooner than later. He was surprised there was not a large turnout tonight.

Mayor Cosgrove stated that between now and the Work Session he was sure the Manager and Engineer will be working on this problem.

Mr. Pantina commented that this is the time of the year when people think about selling their homes and don't think that this will not play on people's minds when looking at a house in Fair Lawn. If the levels are something to worry about then they should address this publicly.

Mayor Cosgrove stated they will pursue this and take every corrective measure and get experts in to make sure that the water is safe for the residents to drink.

Manager Van Kruijning stated when the reporter spoke to the Engineer regarding this incident, the Engineer explained what the Borough was doing and asked that the information be put in to the article but it was not put in the article. Unfortunately they cannot predict what a reporter will put in an article.

Mayor Cosgrove commented that The Record printed some type of retraction on the article but hasn't seen it.

Councilmember Peluso thought the public relations aspect on the Borough's part will be something they should look at. This will be on the next Work Session to look at possible wells and the possibility of having an independent study. Once they get the reports and if The Record doesn't cover it, the Council should put something in the editorial relaying what has really happened.

Councilmember Swain stated she was confident that by the Work Session they will have some information on whether they can switch up the flow of the water.

Pam Coles, 13-34 George Street, stated she has been hearing a lot about the water article. She was not hearing that the Borough Engineer was at the last Work Session and gave an in-depth report on how Fair Lawn does do their testing and how far in front of the curve the Borough is. The measurements are done in parts per trillion. The Borough Engineer had said he was waiting for the guidelines from the EPA on how to do the testing going forward. She noted that

the information provided by the Borough Engineer was not noted in the article or in what was discussed. After attending the Work Session and listening to the Borough Engineer, she feels completely comfortable with the drinking the water. Manager Van Kruijning advised that the Borough Engineer will be at the next Work Session.

Ms. Coles spoke about River Road Improvement Corp. and the vacant store fronts. She also commented that a number of trees have been cut down. For the beautification of River Road they were planning on planting new trees. The trees add so much ethically and do slow the traffic down. Also the noise is ridiculous. She lives near Fair Lawn Avenue and River Road where people beep their horn constantly. She thought these topics should be revisited with RRIC.

Councilmember Peluso commented to Manager Van Kruijning whether Shade Tree Division had any trees that would be acceptable to that area. Mayor Cosgrove stated a discussion was held at the Shade Tree meeting regarding planting trees that will not grown too high and interfere with the wires.

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 – PERSONNEL**

Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 8:50 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 Personnel – Grievance No. 2016-01; 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.

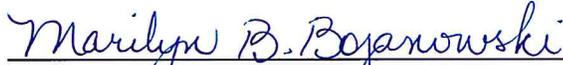
**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set

forth above are ones which permit the exclusion of the public from such discussions.

**ADJOURNMENT:**

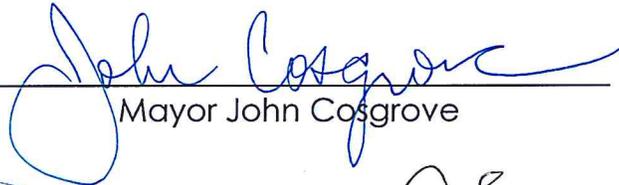
Upon motion by Councilmember Swain and second by Deputy Mayor Dunay the meeting was adjourned at 9:01 p.m.

Respectfully submitted,



Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.



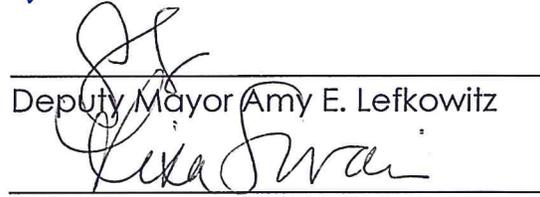
Mayor John Cosgrove



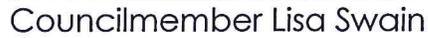
Deputy Mayor Daniel Dunay



Councilmember Kurt Peluso



Deputy Mayor Amy E. Lefkowitz



Councilmember Lisa Swain