REGULAR MEETING OF AUGUST 16, 2016

Mayor Cosgrove called the meeting to order at 8:05 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 Kruiningen, Municipal Clerk/Deputy Manager Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

COUNCIL COMMENTS:

Councilmember Peluso congratulated the Junior Police Academy Graduates. He attended the graduation with Mayor Cosgrove and Councilmember Swain. He thanked the Police Department for putting it together. It is a great program and the kids learn a lot.

He thanked the Recreation Department and Police Department for National Night Out for doing a great job. The move to the new location at the softball field was great.

Councilmember Peluso congratulated Fair Lawn resident Tracey Eisser who competed in the Olympics in Rio. He had the pleasure of coaching Tracey when she was in High School as a high jumper for a few years. He was not surprised she went that far. She excelled in both academics and sports.

Councilmember Peluso announced that the Moody rating went from Aa2 rating to an Aa1 rating. He thanked Auditor Steven Wielkotz, CFO Palermo and Manager Van Kruiningen for their hard work. One of the goals of the Finance Committee was to improve the rating.

Councilmember Swain congratulated Tracey Eisser and her family. It was so exciting to have one of Fair Lawn's finest competing in the Olympics.

National Night Out was great. She thought everyone appreciated the new location. She thanked CERT, the Police Department and to all of the volunteers who made the evening so special.

Last week in New England she noticed that when you cross the street drivers automatically stop as you approach the crosswalk. She wondered if this could be achieved in the Borough. As pedestrians they also have to be responsible. When they come to a crosswalk and a car stops they should not be looking at a cell phone or carrying on a conversation with someone, they should just cross the street.

Deputy Mayor Dunay spoke about his experience while in college in Massachusetts. He noticed the same thing. He agreed with Councilmember Swain.

He spoke about the Moody's Debt Rating. He explained that in Paterson they are facing a massive shortfall in their budget and are looking at layoffs of 250 employees and a dozen furlough days. They are trying to issue more tickets to fund their budget shortfall. That is the situation that the Borough could fall in to if long range financial planning was not done seriously. Fair Lawn's debt is being upgraded which will save the Borough tens of thousands of dollars. He explained that a resolution would be passed tonight stating that the Borough would keep a certain minimum surplus to make sure there is enough savings set aside to maintain the fiscal responsibility. He thanked Manager Van Kruiningen, CFO Palermo, Auditor Steve Wielkotz and the entire Borough staff for working hard to save money in the budget. This is a tremendous outcome for the Borough.

Deputy Mayor Lefkowitz echoed the comments of Councilmember Peluso and Councilmember Swain regarding the amazing accomplishments of Tracey Eisser. She was very proud to live in a Borough where they know someone personally who was in the Olympics.

National Night Out was a fantastic event. The location was great. So many people came up to her to tell her how happy they were with the new location. The band was great.

Deputy Mayor Lefkowitz mentioned the Family to Family Education program sponsored by the National Alliance on Mental Illness which is a twelve week program for anyone that is dealing with a family member who has serious mental illness. It is being offered at Bergen's Promise in Hackensack at no charge.

She was so proud of the Borough, Manager Van Kruiningen, CFO Palermo and Auditor Steve Wielkotz and the Finance Committee especially Deputy Mayor Dunay and Councilmember Peluso who worked very hard at long range planning and to get this upgrade in Bond rating.

Mayor Cosgrove stated he was saddened to hear of the passing of former Manager George Pellack who died on July 30th. Mr. Pellack first came to the Borough in 1958 and then became the Borough Manager holding that position for 17 years. During his tenure the Borough completed many mayor projects including this building, the Library and many water and sewer projects. He knew George personally and will remember him as someone who loved and served this community with great distinction. On behalf of the Borough he extended his sympathies to his wife Rita, and children, Geraldine, Virginia and Richard and thanked them for Mr. Pellack's dedication during his tenure in Fair Lawn.

He had a great night at National Night Out with everyone. He felt people in the Borough liked the change of venue. He thanked the Recreation Department and the Police Department for another great evening in Fair Lawn.

Mayor Cosgrove spoke about a pedestrian who was hit on Fair Lawn Avenue by Plaza Road. The person was getting off the train and was not in the crosswalk. He urged everyone to cross in a crosswalk. When the train comes into Radburn and the people disburse all over it creates a traffic and pedestrian nightmare. He suggested that people wear light colored clothing and reflective glow bands so they are easily visible.

Mayor Cosgrove attended the Fair Lawn Jewish Center Day Camp and spent time with the children. The children seemed to be having a great summer over there.

He attended the Junior Police Academy Graduation with Councilmembers Peluso and Swain. He thanked the Community Police Officers that are out there every day. They do coffee with a cop, Sushi with a cop, the Junior Police Academy and the Civilian Police Academy. Those programs are what is needed today to show people that Police Officers are their friends and are there to help them.

He attended the Law Enforcement Show of Strength with Chief Cauwels honoring Bergen County residents that serve in the National Guard and the Reserves. It was a great ceremony held at Teaneck Armory.

Finally he thanked the Management team that put together a plan that got the Borough this high rating for the bonds. He personally thanked Manager Van Kruiningen, CFO Palermo, Auditor Steve Wielkotz and Deputy Manager

Kwasniewski for putting together this plan. He also thanked the entire Council because without them staying with the plan they would not have achieved this rating. This upgrade is a very good thing for the people of Fair Lawn.

MANAGER'S REPORT:

Manager Van Kruiningen 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.

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. 2401-2016
(RESOLUTION NO. 291-2016)

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 (MINIATURE GOLF COURSE)

Upon motion by Deputy Mayor Dunay and a second by Councilmember Peluso, Resolution No. 291-2016 introducing Ordinance No. 2401-2016 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. 2402-2016
(RESOLUTION NO. 292-2016)

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)

Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain, Resolution No. 292-2016 introducing Ordinance No. 2402-2016 was unanimously passed.

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

ORDINANCE NO. 2403-2016
(RESOLUTION NO. 293-2016)

AN ORDINANCE FIXING THE SALARIES OF PART TIME EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

Upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Swain, Resolution No. 293-2016 introducing Ordinance No. 2403-2016 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.

ORDINANCE NO. 2404-2016
(RESOLUTION NO. 294-2016)

AN ORDINANCE TO AMEND CHAPTER 160 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "PARKS AND RECREATION AREAS" TO ALLOW DOGS IN THE PARK UNDER CERTAIN CRITERIA

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, Resolution No. 294-2016 introducing Ordinance No. 2404-2016 was discussed.

Councilmember Swain commented that several residents have contacted the Mayor and Council about this particular issue. Just as in the past, all dogs must be on leashes and people must pick up after their dogs. Dogs are not allowed near children, playgrounds or sporting events. If someone is not obeying these rules the Police should be contacted.

There being no further discussion, Resolution No. 294-2016 introducing Ordinance No. 2404 - 2016 was unanimously passed.

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

ORDINANCE NO. 2405-2016
(RESOLUTION NO. 295-2016)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT"

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, Resolution No. 295-2016 introducing Ordinance No. 2405-2016 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. 2392-2016
(RESOLUTION NO. 296-2016)

AN ORDINANCE FIXING THE SALARIES OF SUPERVISORS ASSOCIATION OF FAIR LAWN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

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 Peluso, Resolution No. 296-2016 adopting Ordinance No. 2392-2016 unanimously passed.

Upon motion by Deputy Mayor Dunay 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. 2393-2016
(RESOLUTION NO. 297-2016)

AN ORDINANCE FIXING THE SALARIES OF FULL TIME BLUE AND WHITE BARGAINING UNIT EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

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 Peluso, Resolution No. 297-2016 adopting Ordinance No. 2393-2016 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. 2394-2016
(RESOLUTION NO. 298-2016)

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (PBA/SOA)

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 Councilmember Swain, Resolution No. 298-2016 adopting Ordinance No. 2394-2016 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. 2395-2016
(RESOLUTION NO. 299-2016)

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (STIPENDS)

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 Deputy Mayor Lefkowitz, Resolution No. 299-2016 adopting Ordinance No. 2395-2016 unanimously passed.

Upon motion by Councilmember Swain 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. 2396-2016
(RESOLUTION NO. 300-2016)

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "POLICE DEPARTMENT" TO

ADD ARTICLE XV ENTITLED, "SPECIAL LAW ENFORCEMENT OFFICER – CLASS ONE"

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 Councilmember Peluso and a second by Deputy Mayor Lefkowitz, Resolution No. 300-2016 adopting Ordinance No. 2396-2016 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. 2397-2016
(RESOLUTION NO. 301-2016)

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" TO AMEND ARTICLE XIIIA ENTITLED, "DEPARTMENT OF EMERGENCY SERVICES"

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. 301-2016 adopting Ordinance No. 2397-2016 unanimously passed.

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. 2398-2016
(RESOLUTION NO. 302-2016)

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "LENGTH OF SERVICE AWARDS PROGRAM" TO AMEND SUBSECTION 24-3 ENTITLED, "CRITERIA FOR ELIGIBILITY"

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 Lefkowitz and a second by Councilmember Swain, Resolution No. 302-2016 adopting Ordinance No. 2398-2016 unanimously passed.

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. 2399-2016
(RESOLUTION NO. 303-2016)

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE AMENDED AND RESTATED 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.

Pamela Coles, 13-34 George Street, wondered if this ordinance had to do with the Vanderbeck property. Mayor Cosgrove informed her it had to do with the Kem property and affordable senior citizen housing. Some amendments had to be made to make it more attractive for the Division of Housing to provide the funding.

There being no further 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 Lefkowitz and a second by Councilmember Peluso, Resolution No. 303-2016 adopting Ordinance No. 2399-2016 unanimously passed.

Upon motion by Councilmember Swain 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. 2400-2016
(RESOLUTION NO. 304-2016)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 125 "ZONING" AND CHAPTER 49 "AFFORDABLE HOUSING" PERTAINING TO INCLUDING THE NEWLY ESTABLISHED OVERLAY DISTRICT ENTITLED, "R-7 AGE-RESTRICTED AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT," WITHIN CODE SECTION 125-9, "ZONES ESTABLISHED," DEPICTING THIS NEWLY ESTABLISHED OVERLAY DISTRICT ON THE BOROUGH'S ZONING MAP, WHICH IS INCORPORATED BY REFERENCE THROUGH CODE SECTION 125-10 "OFFICIAL ZONING MAP," AND INCLUDING A NEW SECTION IN CHAPTER 49 ENTITLED "49-14.1 R-7 AGE-RESTRICTED AFFORDABLE MULTIFAMILY RESIDENTIAL OVERLAY DISTRICT," WHICH INCORPORATES THE ASSOCIATED REDEVELOPMENT PLAN INTO THE CODE BY REFERENCE.

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 Councilmember Peluso and a second by Councilmember Swain, Resolution No. 304-2016 adopting Ordinance No. 2400-2016 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 Councilmember Swain and a second by Deputy Mayor Lefkowitz the time for public comments was unanimously closed.

RESOLUTIONS BY CONSENT # 11-2016

Upon motion by Councilmember Peluso and a second by Deputy Mayor Dunay Consent Agenda #11-2016 containing the following items was unanimously passed.

a. Resol. #305-2016 - Extension of Contract: Printed Supplies
b. Resol. #306-2016 - Debt Management & Fund Balance
c. Resol. #307-2016 - Award of Bid: Curb and Sidewalk Replacement
d. Resol. #308-2016 - Traffic Regulation Kenneth Avenue

e. Resol. #309-2016 - Extension of Contract: Generator Repair & Maintenance
f. Resol. #310-2016 – Traffic Regulation Howard Avenue
g. Resol. #311-2016 - Authorizing Execution of Grant Agreement with Bergen County Open Space Trust Fund Municipal Program – Naugle-Vanderbeck House, Phase II
h. Resol. #312-2016 - Authorizing Lease for Public Property for Borough Composting Site by Informal Quotes
i. Resol. #313-2016 - Authorizing the Issuance of Not Exceeding $5,065,000 Bond Anticipation Notes
j. Resol. #314-2016 - Providing for the Combination of Certain Issues of Bond into a Single Issue of General Bonds Aggregating $13,820,000 in Principal Amount
k. Resol. #315-2016 - Providing for the Combination of Certain Issues of Bond into a Single Issue of Water Bonds Aggregating $5,065,000 in Principal Amount
l. Resol. #316-2016 – Determining the Form and other Details of $13,820,000 General Bonds of 2016 and $5,065,000 Water Bonds of 2016
m. Resol. #317-2016 - Amending the Contract with Valley Nursing to Include Adult Immunizations
n. Resol. #318-2016 – Authorizing Rite Aid to Provide Immunizations for Borough Employees and Emergency Personnel
o. Resol. #319-2016 – Interlocal Agreement for Child Immunizations
p. Resol. #320-2016 – Authorizing Contracts with Certain Approved Vendors – GTBM Inc.
q. Resol. #321-2016 - Authorizing Waiver of Outstanding Water Utility Charge
r. Resol. #322-2016 –Authorizing Awarding of Contract with P & L Custom Body & Equipment Co., Inc. (Rescue Vehicle)
s. Resol. #323-2016 – Award of Bid: Single Turner Valve Maintenance
t. Resol. #324-2016 - Approval of Minutes:
Work Session 7/19/16
Closed Session 7/19/16
Regular Meeting 7/19/16

PUBLIC COMMENTS:

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

Pamela Coles, 13-34 George Street, congratulated the Council on the work that they did regarding the Moody's rating. Five years ago the Borough had only

two million dollars in the surplus. In the past five years they have gone to work and were able to do this with a 2% cap with no furloughs. She offered congratulations to Manager Van Kruiningen and CFO Palermo for the work they have done.

She mentioned that it is state law that requires drivers to stop for pedestrians. There have been times when she had a green light and had to stop on a dime because someone was crossing the street. There is no regard for signals in the Radburn area. She asked if an initiative could be done to issue tickets to both pedestrians and drivers. She also wondered if they could funnel the train traffic to either Plaza Road or Pollitt Drive instead of crossing in the middle of the street. Mayor Cosgrove said that Manager Van Kruiningen has been in discussions with the Police Chief about pedestrian safety. It is a problem that all of the Council is concerned about. He felt the drivers have to stop for pedestrians and the pedestrians have to cross in the crosswalks.

Ms. Coles mentioned the Senior Housing at the Kem Property wondering where they were in the process. Mayor Cosgrove stated they were still trying to acquire the funds through the State that are needed for United Way. The first few rounds of funds went to Superstorm Sandy and now this year the funds went to Atlantic City. Ms. Coles thought they should look at other ways besides United Way. Mayor Cosgrove stated the Borough may have to look at others. They are going through another funding round in January and that is why they made the changes.

V. Ben-Sadigit, 11-05 4th Street, explained that her son lost his pool tag. She found it unbelievable that there is a $60 fee for a lost tag especially when it has only happened once. A child losing a tag is not very uncommon. She called several people who told her that it was in the Borough ordinance. When she spoke to the Borough Manager he told her that other people say they lost the tag and actually give it to someone else. She felt the fee they pay is for the right to use the pool not just for the tag. Her son was unable to enter the pool and she would like a refund. She would like to see this discussed the fee for lost tags reduced. There must be a system to handle lost tags. She asked the Mayor and Council to change their policy and for her to get a refund. Mayor Cosgrove stated they can look into this for next year. Unfortunately they as a Council cannot grant refunds.

Attorney Mondello advised if the Council wanted to waive the fee, they could. Mayor Cosgrove stated they will put this on a Work Session Agenda and see if they can find out from the department heads where they stand on it.

Councilmember Swain wondered how the tag was lost since she cannot get it off her bathing suit. Ms. Ben-Sadigit said the tag was on her child who jumps up

and down in the water. To tell her that her son cannot enter the pool when in fact she paid for the membership and the right to use the pool just because she did not have a tag is ridiculous. She felt if she could not enter the pool, she would like a refund. Mayor Cosgrove stated they will look into it and have the Manager talk to the Department Head and get back to her.

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

ADJOURNMENT:

Upon motion by Councilmember Swain and second by Deputy Mayor Dunay, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor John Cosgrove

Deputy Mayor Daniel Dunay

Deputy Mayor Amy E. Lefkowitz

Councilmember Kurt Peluso

Councilmember Lisa Swain