

## REGULAR MEETING OF SEPTEMBER 20, 2016

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 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, Councilmember Swain.

**ABSENT:** Councilmember Peluso.

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

### **SWEARING IN OF POLICE OFFICERS:**

Chief Cauwels stated he has been in his position for over four years and has had the great pleasure swearing in 14 different Police Officers. He felt it showed how young the department was but they are very professional and they are lucky to have them.

He commented that Justin DiGuglielmo graduated from Fair Lawn High School in 2006 and Montclair State University. He served as a Police Officer with the New Jersey Institute of Technology Police in Newark over the past year.

Mayor Cosgrove swore Justin DiGuglielmo in as Police Officer.

Thomas Spear is also a Fair Lawn High School graduate and has worked for many years in the Department of Public Works. He's also a member and ex-captain with Fair Lawn Heavy Rescue and was a Borough Auxiliary Police Lieutenant before this appointment.

Mayor Cosgrove swore Thomas Spear in as Police Officer.

### **PRESENTATION OF POLICE RE-ACCREDITATION CERTIFICATION**

Harry Delgado, from the New Jersey Association of Chief of Police and the New Jersey Law Enforcement Commission was present. He explained that

accreditation requires agencies to comply with best practice standards in five basic areas: administrative, personnel, operations, investigative and arrestee/detainee. This is the second time Fair Lawn Police Department has achieved this high award.

Chief Cauwels congratulated Captain Patterson and Lt. LaRosa along with the rest of the Police Department on this re-accreditation. He thanked Lt. LaRosa for all the work he has done. He is very proud of the department and this achievement.

Mayor Cosgrove thanked Chief Cauwels, the leadership team, Captain Kneer, Captain Patterson and Lt. LaRosa who went for this recertification. Only 8% of the State's Police Departments have this accreditation. Fair Lawn Police is one of the best departments in the State.

### **POLICE AWARDS PRESENTATION:**

Chief Cauwells presented service awards to the following officers.

On November 23, 2015 officers were dispatched to Berkshire Road on a report of a house fire. Officer Rovetto was the first on the scene and reported the house was fully engulfed. Officers Rovetto and Rodriguez entered the home and assisted an elderly woman out to safety. They heard screaming from a woman trapped on the second-floor. By propping a wooden bed frame against the house and using it as a ladder they were able to rescue her. Officer Juan Rodriguez received a life-saving medal and Officers John Rovetto, Edward Egan and Luis Vasquez received citations from the Bergen County Chief's Association.

Officer Stephen Buskiewicz received a life-saving medal and Officers Michael Franco and Sgt. Kenneth Cavanagh received citations for helping revive the wife of Officer Robert Manning, Jackie, at their home on April 10, 2015. What these officers did was amazing. Their training was essential in saving her. She was present in the audience.

Officer Nicholas Snyder received an honorable service medal and Detective Anthony Lugo a citation for chasing down a suspect following a burglary at an Elmwood Park business on July 18, 2015. This person was a career criminal and is someone they have been dealing with for the past twenty years.

On May 22, 2015 Officer Brian Rypkema made a motor vehicle stop and ended up solving three break-ins in Fair Lawn and Saddle Brook. Exceptional work was done by Officer Rypkema in solving those burglaries. For his actions Officer Rypkema received an honorable service medal.

Chief Cauwels stated these were just a few examples of what the officers do every day. Officers make impacts on people's lives almost every day. It doesn't matter if you stand for the flag or not, they don't take that in to consideration. They just do their job. This community is lucky to have these officers. They care about the community. They come to work every day and do their jobs and are here to serve the Borough. He thanked the Police force because they do a great job and he is very proud of what they do.

Mayor Cosgrove congratulated the Police Department. In this community they have their support and are behind them 100% day in and day out.

### **PROCLAMATIONS:**

#### **FAIR LAWN AMATEUR RADIO CLUB'S 60TH ANNIVERSARY MONTH**

Mayor Cosgrove read the proclamation. He stated that the Fair Lawn Amateur Radio Club is celebrating their 60th Anniversary which was quite incredible. It is a great volunteer organization that helps the Police Department, the emergency responders and provides support during events.

#### **GOLD STAR MOTHERS' DAY/PARENTS OF FALLEN MILITARY SONS AND DAUGHTERS**

Municipal Clerk / Deputy Manager Kwasniewski read the proclamation.

Mayor Cosgrove thanked all of the parents of the fallen military men and women who made the ultimate sacrifice for our Country.

#### **NATIONAL BREAST CANCER AWARENESS MONTH**

Municipal Clerk / Deputy Manager Kwasniewski read the proclamation.

Mayor Cosgrove urged everyone to get tested. It has affected his family recently and he hoped that someday it could be eliminated.

### **COUNCIL COMMENTS:**

Councilmember Swain congratulated the two new Police Officers and thanked them for joining the Fair Lawn Police Department. She also congratulated the Police Department and Chief Cauwels for their accreditation and now their re-accreditation.

She noted that her heart goes out to the Gold Star Mothers and parents whose children have made the ultimate sacrifice. Councilmember Swain thanked the Amateur Radio Club for their 60 years of service. She encouraged everyone to

attend an expo they hold at Memorial Pool where they set up an area and talk to other radio operators from around the world. She commented that the food pantry was still looking for donations. The Arts Council is doing a puppetry workshop and will hold a performance next Sunday.

The Stigma Free Committee met. There will be a legislative breakfast at Seasons on October 19th. Over eight thousand people in Bergen County may be affected by the elimination of funding. She suggested residents contact their legislators. The ADA Committee held a dance sponsored by Mike and Rachel Fingeroth. The Fair Lawn High School Marathon generously donated \$500. St. Anne's Knights of Columbus donated \$2,700 plus an additional donation of \$500 to sponsor a dance. The Disability Awareness Day at Van Saun Park will be held on September 25th.

Councilmember Swain noted that it is the political season and everyone has a different opinion but it is very important to respect their opinions and private property. She brought it up because a number of signs have been stolen and it is continuing in a negative way. She reminded everyone that they have freedom of speech in this county.

Deputy Mayor Dunay felt it was so heartening to come to a meeting like this to see this outpouring of Police Officers and new Police Officers. It makes you feel so much more comfortable and at peace knowing they have such a strong police force and strong leadership.

The same could be said about the Gold Star Mothers Military Soldiers because the bombing events that took place in New Jersey and New York this past weekend reminds them of how important it is to continue to progress America's mission in the world. It is so important to remember those that have made the ultimate sacrifice.

He recognized the Amateur Radio Club as the back up to the back up so that if ever there was a natural disaster and all of the communications went down, they would depend on the Amateur Radio Club. It is nice to know they are watching out for everyone.

Deputy Mayor Lefkowitz echoed the sentiments of both Deputy Mayor Dunay and Councilmember Swain on everything they acknowledged tonight. She noted that the Chief said it before in some of his speeches. They are so proud of the officers and so thankful. They have all of them in their thoughts and prayers. Words cannot express the appreciation they have for what the officers are doing.

Deputy Mayor Lefkowitz announced various programs being presented by the County including Reflections for Teens'; Peer Leading Certification for adults in terms of taking care of their health; the Wellness Conference connecting eight dimensions of wellness and a session called Hidden in Plain Sight which is a program for parents, care takers, educators, and community members to learn what may be drug use or alcohol abuse in the home.

Deputy Mayor Lefkowitz congratulated the Cutters Football team for two wins in a row.

Mayor Cosgrove echoed the sentiments since he was a former Cutters Football player. He congratulated the team and new coach for their two wins.

The Fair Lawn Sunrise Rotary will be holding an Ice Cream Social for seniors at the Community Center. There will be music for dancing. The Fair Lawn Sunrise Rotary Club will be holding a Service above Self Awards on November 2nd. They will be honoring some great Fair Lawn residents, Geri and Saul Rochman, Jack O'Neill who is the Veterans Council Commander and two teachers from the middle schools. Also the Dutch House Tavern will be recognized for their contributions they have made over the years to Fair Lawn.

There is a young girl, Makayla, who is a Fair Lawn resident that will need care for the rest of her life. The family needs a wheel chair accessible van. They are holding a Tricky Tray at The Brownstone on November 10th to raise money to purchase the van.

Mayor Cosgrove thanked Manager Van Kruijning for the 9-11 ceremony. It was the 15th Anniversary of the event. They recognized the three people who died, Susan Huey, Jennifer Lynn Kane and Richard Rosenthal. Also every year they recognize Frank Connor who died in the first act of terrorism in 1975 at Fraunces Tavern.

The handicap curbs have been started and the bump outs will begin on Fair Lawn Avenue in the next few weeks. Unfortunately the paving of Fair Lawn Avenue that was supposed to be done this year is on hold because it is a County road and they are using money from the Transportation Trust Fund and until the impasse in Trenton is resolved no work will be done.

#### **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.

**ORDINANCES ON FIRST READING:**

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. 2406-2016  
(RESOLUTION NO. 327-2016)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, SPECIFICALLY CHAPTER 62 "ANIMALS" TO ADD ARTICLE V ENTITLED, "BANNING THE SALE OF DOGS AND CATS FROM PET SHOPS"**

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, Resolution No. 327-2016 introducing Ordinance No. 2406-2016 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. 2407-2016  
(RESOLUTION NO. 328-2016)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC", MORE PARTICULARLY ARTICLE VIII ENTITLED "TRAFFIC", SUBSECTION 232-50 ENTITLED "BUS STOPS"**

Upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Swain, Resolution No. 328-2016 introducing Ordinance No. 2407-2016 was 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.

**ORDINANCE NO. 2408-2016  
(RESOLUTION NO. 329-2016)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, "SCHEDULE OF FEES"**

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 329-2016 introducing Ordinance No. 2408-2016 was unanimously passed.

**ORDINANCE 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. 2401-2016  
(RESOLUTION NO. 330-2016)**

**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)**

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. 330-2016 adopting 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 and open the time for public comments.

**ORDINANCE NO. 2402-2016  
(RESOLUTION NO. 331-2016)**

**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 Councilmember Swain, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, Resolution No. 331-2016 adopting Ordinance No. 2402-2016 was discussed.

Mayor Cosgrove commented that the Manager had informed him that they will be able to accept these funds but the State of New Jersey has advised them that the Borough will have to have an archeological survey done. They will begin to see what that entails.

There being no further discussion, Resolution No. 331-2016 adopting Ordinance No. 2402-2016 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. 2403-2016  
(RESOLUTION NO. 332-2016)**

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

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 and a second by Resolution No. 332-2016 adopting Ordinance No. 2403-2016 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 and open the time for public comments.

**ORDINANCE NO. 2404-2016  
(RESOLUTION NO. 333-2016)**

**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**

Toni Samuel, 1-11 Lyons Avenue, noted that the language in the ordinance does not state that dogs are not allowed within the fenced area. It just says beach. People walk in the grassy area that is within the fenced area. She felt that dogs do not belong in that area at all. She owns three dogs and follows the rules. When she sees dogs in the park, she tells them they are not allowed. She also mentioned that the trees need to be trimmed by the sign at the entrance by Berdan Avenue.

Mayor Cosgrove stated that the Manager will take care of getting the trees trimmed. Attorney Mondello advised that the ordinance basically permits dogs in the park. Not in the beach area but in the park. Ms. Samuel asked if they were not allowed in the fenced in area. Attorney Mondello said the Manager indicated that was correct. Dog owners are allowed to walk their dogs in the park as long as they follow strict rules. They must be on a leash that is no longer than six feet in length. There are other strict restrictions in regard to clean up.

Councilmember Swain understood the question was within the fenced in area where the pool actually is then the sand then the grass. The confusion may be that during the pool season dogs are not allowed in there. However, when the pool season is over then the people with dogs are free to walk in that area. She asked the Borough Attorney if they need language to make that clear. Attorney Mondello advised that it sounds that way.

Ms. Samuel stated that was not what she asked. Nothing in the ordinance says that about the pool season. Attorney Mondello thought it may be more proficient to have a sign installed stating that dogs are not permitted during the summer season. Attorney Mondello stated they would be allowed to walk their dogs in that area during non season but not during the pool season. He felt a small sign would be adequate. Ms. Samuel stated it did not say that in the ordinance.

Councilmember Swain thought that it would be good if the Council agrees to add the language to make it crystal clear so that people understand when dogs are allowed in the area.

There was a unanimous consensus to have the Borough Attorney redraft this ordinance.

Municipal Clerk / Deputy Manager stated they could introduce the redrafted ordinance in October and adopt in November.

Carl Frank, 12-23 Burbank Street, agreed with the wording in the redraft and agreed with Attorney Mondello about the signs. He felt a small sign should be installed stating no dogs beyond this point.

Municipal Clerk / Deputy Manager asked if this ordinance was going to be adopted. Attorney Mondello advised that it should be adopted and amend at a later date.

Mayor Cosgrove stated that he would like Municipal Clerk Kwasniewski to send a letter to Ms. Samuel telling her the ordinance was adopted and would be amended.

There being no further 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 Swain, Resolution No. 333-2016 adopting 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 and open the time for public comments.

**ORDINANCE NO. 2405-2016  
(RESOLUTION NO. 334-2016)**

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

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 Deputy Mayor Lefkowitz, Resolution No. 334-2016 adopting Ordinance No. 2405-2016 was unanimously passed.

**PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

Upon motion by Councilmember Swain 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 # 13-2016**

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, Consent Agenda 13-2016 containing the following items were unanimously passed.

- a. Resol. #335-2016 – Authorizing Contracts with Certain  
Approved Cooperative Contract Vendors  
Pursuant to N.J.S.A. 40A:11-1

- b. Resol. #336-2016 – Climate Control
- c. Resol. #337-2016 – Appointment of Fire Official
- d. Resol. #338-2016 - Refund of Overpayment of Taxes
- e. Resol. #339-2016 – Confirming Endorsement of Community Development Project – Alliance Against Homelessness of Bergen County, Inc.
- f. Resol. #340-2016 – Confirmation of Fire Board Actions
- g. Resol. #341-2016 – Authorizing Contracts with Certain Approved Vendors – GTBM Inc.
- h. Resol. #342-2016 – Authorizing Extension of Temporary Construction Easement – PSE&G
- i. Resol. #343-2016 - Award of Bid: Disposal of Solid Waste
- j. Resol. #344-2016 – Renewal of Membership in the Bergen County Municipal Joint Insurance Fund
- k. Resol. #345-2016 - Approval of Minutes:
  - Work Session 8/16/16
  - Closed Session 8/16/16
  - Regular Meeting 8/16/16
- l. Resol. #346-2016 – Authorizing Execution of Bergen County Community Development Grant Application - Roadway Improvements
- m. Resol. #347-2016 – Authorizing Execution of Bergen County Community Development Grant Application - Senior Center Various Improvements
- n. Resol. #348-2016 – Authorizing Execution of Bergen County Community Development Grant Application – Barrier Free Ramps
- o. Resol. #349-2016 – Special Item of Revenue – NJACCHO Grant
- p. Resol. #350-2016 – Special Item of Revenue – OEM Grant
- q. Resol. #351-2016 - Approving Concept Plan for Special Needs Housing to be Developed by Bergen County's United Way and Establishing Planning for Future Approvals
- r. Resol. #352-2016 - Authorizing Approval of Massage Establishment - Sunshine Spa and Massagist License - Guozhen Hou
- s. Resol. #353-2016 - Renewal of Leaf Composting Agreement– Downes Tree Service, Inc.
- t. Resol. #354-2016 - Authorizing Application for Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Grant - Memorial Pool Playground Improvements

- u. Resol. #355-2016 - Tax Appeal Settlement: Pollitt Drive Enterprises – 15-01 Pollitt Drive, Unit 8A
- v. Resol. #356-2016 - Tax Appeal Settlement: Ace Investment, LLC – 40-18 & 40-40 Broadway
- w. Resol. #357-2016 - Tax Appeal Settlement: Cox H&E c/o CVS Pharmacies – 29-00 Broadway
- x. Resol. #358-2016 - Tax Appeal Settlement: Space Station Fair Lawn, LLC – 16-01 McBride Avenue

**RESOLUTION NO. 359-2016 - AUTHORIZING EXECUTION OF MAINTENANCE AGREEMENT WITH THE RADBURN ASSOCIATION**

Upon motion by Councilmember Swain and a second by Mayor Cosgrove, Resolution No. 359-2016 was discussed.

Mayor Cosgrove stated that this is a long time agreement with the Radburn Association that has been memorialized.

There being no further comment, Resolution No. 359-2016 was passed with Deputy Mayor Dunay and Deputy Mayor Lefkowitz recused.

**PUBLIC COMMENTS:**

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

Craig Miller, 5 Ramapo Terrace felt that the signs would be blind signs because people will not read them. They may have to put up very large signs.

Mayor Cosgrove stated this came about because a group of residents went to the Council meeting asking to walk their dogs in the park. The Council came up with a solution that the dogs can be walked in the park but not in certain areas.

Mr. Miller said he understood that but adding another sign saying dogs can go here and not there would be ignored.

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.

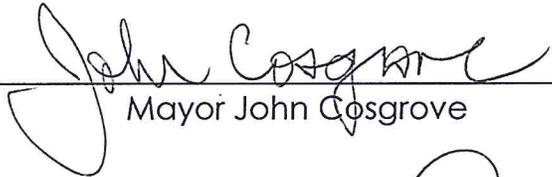
**ADJOURNMENT:**

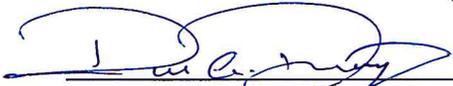
Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

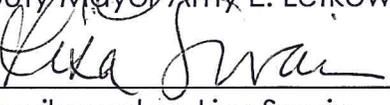
  
\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/MMC  
Municipal Clerk/Deputy Manager

The undersigned have read and approve the foregoing minutes.

  
\_\_\_\_\_  
Mayor John Cosgrove

  
\_\_\_\_\_  
Deputy Mayor Daniel Dunay

\_\_\_\_\_  
Absent  
\_\_\_\_\_  
Councilmember Kurt Peluso

  
\_\_\_\_\_  
Deputy Mayor Amy E. Lefkowitz  
  
\_\_\_\_\_  
Councilmember Lisa Swain

