

REGULAR MEETING OF OCTOBER 25, 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, Councilmembers Peluso and Swain.

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

PROCLAMATIONS: PANCREATIC CANCER MONTH

The Council joined Mayor Cosgrove as he presented the Pancreatic Cancer Month Proclamation to the Andrea Millstein and her family. Mayor Cosgrove welcomed the Millstein family whose husband and their father died from Pancreatic Cancer. He commented that he went to a meeting today regarding Relay for Life which Fair Lawn will hold on May 6 and 7, 2017. The Borough will be working with the American Cancer Society.

Andrea Millstein thanked the Mayor and Council for preparing a proclamation each year. Pancreatic Cancer is one of the leading causes of death. Her husband George was raised in Fair Lawn attended Lyncrest and Memorial Schools and Fair Lawn High School. He passed away in February 2011. Her team will participate in Purple Stripe New Jersey on November 13th for anyone who may be interested. She publicly thanked the Borough of Fair Lawn for allowing her to speak tonight.

COUNCIL COMMENTS:

Councilmember Peluso reminded everyone to vote on November 8th. The polls will be open from 6:00 a.m. to 8:00 p.m.

He attended a meeting at the Board of Ed with Mayor Cosgrove and Councilmember Swain to discuss a program about drugs with the students. It is comforting to hear all the work they are doing along with the Police Department. He is proud to see there is communication between the Borough and the Board of Ed.

Memorial Pool had a great season. More people joined. The Borough received a grant that enabled the Parks Department to make many new upgrades such as benches and tables. Next season they will be installing outdoor showers, water spray features and many more items. This Council at another meeting voted to build an Administrative Building. They have cracked down on the non swimmer badges going from 554 in 2015 to 244 in 2016.

He spoke about the Garden Committee needing help. The Arboretum looks great.

Councilmember Peluso spoke about the unfortunate passing of Jack O'Neill who he considered one of the best residents. Jack lead the Memorial Day Parade for many years. He was always a big supporter of the Veterans and the Boy Scouts. While visiting his family they talked about him joining Facebook in his 80's. The family thought it was his way of communicating with people. Councilmember Peluso mentioned that he always made kind remarks about some of the photos that were posted. He will be sorely missed and he was a great part of this community.

Councilmember Swain also commented about Jack O'Neill who was the liaison to the Veteran's Council with the ADA Committee. He was so kind and always made her feel good about herself. The ADA Committee will be holding a dance on November 11th as a Salute to Veterans.

Councilmember Swain mentioned that parts of New Jersey are now under a drought warning which is very serious. She asked that people turn off their sprinklers, check for leaks and conserve water.

She noted that the Halloween Trick-or-Treat and Dance Designs will hold a dance on River Road. The Arts Council's next project will be of selfies in Fair Lawn. Residents are encouraged to take selfies in Fair Lawn and submit the photos by November 30th. Mayor Cosgrove and she went to Dance Alot's anniversary celebration. She attended the opening of the Buddy Bench at Milnes School. This bench will let other children know that they can go over and sit down with the child that sits there. Councilmember Swain congratulated Barry Winston who has served Fair Lawn for many years as member of the Planning Board and CERT. He was honored this past week at his homecoming as Grand Chancellor for the Knights of Pythias.

Deputy Mayor Dunay echoed the comments previously said about Jack O'Neill. It was heartbreaking to hear the news about his passing. He was the kind of guy that made you thankful for being in public life because you get to meet someone like him. He was also very active in the Knights of Columbus. He was such a heartwarming gentleman. He never uttered a bad word. He will be missed dearly by so many.

Deputy Mayor Dunay mentioned the Millstein Family and how it was always a pleasure to see them each year. He urged residents to support the family in their walk.

He commented that this is the last meeting before the election and it is important for people to vote.

Deputy Mayor Lefkowitz felt that everyone has spoken to eloquently about Jack O'Neill. It was so sad to see the news about Jack. She sent condolences to his family and they know how much he was appreciated and will be missed.

She thanked the Millstein Family for coming every year and for committing to this cause knowing it has affected them personally.

Deputy Mayor Lefkowitz commented that Bergen County will be hosting Light Night for Recovery and other programs for families and children.

Deputy Mayor Lefkowitz congratulated the High School sports teams who are doing really well this season. She reminded everyone that Halloween was coming so be safe with their children. She also congratulated Mayor Cosgrove's son on his engagement.

Mayor Cosgrove mentioned Jack O'Neill. He was at an Eagle Scout ceremony with Jack six days before he passed away. Jack was the eighth Eagle Scout in that troop in 1945. He had become very frail and in the Court of Honor the flag is brought out and everyone rises and Jack in spite of his ailments he struggled but rose to his feet. He was a Colonel, an officer and a real gentleman. Sunrise Rotary will be holding a Service above Self awards dinner and Jack will be honored posthumously on November 2nd at the Fair Lawn Athletic Club. They will also be honoring two great teachers, Laurieanne Kuypers and Sharon Bragin. Also Saul and Gerry Rochman will be honored for their work with the ADA Committee and Saul with the Knights of Pythias. Right now Saul is working for FLTV who was filming the meeting. The Dutch House is also being honored for being so benevolent to so many charities in Fair Lawn.

Frank Smith who was a long time employee of the Borough has passed away. He was the Building Code official for seventeen years and served the Borough with distinction.

Mayor Cosgrove extended his condolences to the family of Mayor Mola who passed away. He was the only Mayor of Elmwood Park. He served forty-five years and was one of the longest serving Mayors in New Jersey history. He was elected twelve times to that position. He was a good man.

As Councilmember Peluso stated, they were at the Board of Ed meeting Fair Lawn residents and one of our employees, Cathy and Tom Tyls have donated over one hundred books entitled Life after You by a Ramsey mom. It deals with overdose deaths and what it is like. The books can be picked up for free in either the Health Department or the Mayor's office. He highly recommends that parents read this then give it to their children. He thought it was great that the Board of Ed and the Borough are working together in trying to curb this problem with Heroin.

On November 10th he is hosting an event with United Realty in Fair Lawn along with the PBA President Louie Vasquez for Makayla a six year old handicapped girl. The family needs a handicap van. There will be a tricky-tray held at the Brownstone. There have been many businesses that have donated large sums of money.

He spoke about the Buddy Bench at Milnes School. He also went to Radburn School to cut a ribbon. He concluded that tonight he signed the agreement with the County to pave Fair Lawn Avenue. He is hoping that Fair Lawn Avenue gets paved this year.

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 Councilmember Swain it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2409-2016 (RESOLUTION NO. 360-2016)

AN ORDINANCE TO AMEND ORDINANCE 2293-2012 APPROPRIATING AN ADDITIONAL \$37,000 FOR THE COUNTY ROAD PROGRAM, COUNTY-WIDE ADA RAMPS, CURBS AND SIDEWALK CONSTRUCTION CO-OPERATIVELY FUNDED FROM THE BERGEN COUNTY DEPARTMENT OF PUBLIC WORKS

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, Resolution No. 360-2016 introducing Ordinance No. 2409-2016 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. 2410-2016
(RESOLUTION NO. 361-2016)**

AN ORDINANCE FIXING THE SALARIES OF PART TIME SCHOOL TRAFFIC GUARDS 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. 361-2016 introducing Ordinance No. 2410-2016 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. 2411-2016
(RESOLUTION NO. 362-2016)**

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 II ENTITLED, "THE COUNCIL"

Upon motion by Deputy Mayor Dunay and a second by Councilmember Peluso, Resolution No. 362-2016 introducing Ordinance No. 2411-2016 was unanimously passed.

ORDINANCE ON SECOND READING:

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. 2406-2016
(RESOLUTION NO. 363-2016)**

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"

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. 363-2016 adopting Ordinance No. 2406-2016 was unanimously passed.

Upon motion by Deputy Mayor Dunay 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. 2407-2016
(RESOLUTION NO. 364-2016)**

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"

There being no comments by the public, upon motion by Councilmember Peluso 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 Deputy Mayor Dunay, Resolution No. 364-2016 adopting Ordinance No. 2407-2016 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. 2408-2016
(RESOLUTION NO. 365-2016)**

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"

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 Lefkowitz and a second by Councilmember Swain Resolution No. 365-2016 adopting Ordinance No. 2408-2016 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 Deputy Mayor Dunay the time for public comments was unanimously closed.

RESOLUTIONS BY CONSENT #14-2016

Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain Consent Agenda 14-2016 containing the following items was unanimously passed.

- a. Resol. #366-2016 – Approval of Minutes:
 - Work Session 9/6/16
 - Special Meeting 9/6/16
 - Closed Session 9/6/16
- b. Resol. #367-2016 – Authorizing Contracts for Certain Approved National Cooperative Contract Vendors Pursuant to N.J.S.A 52:34-6.2 and P.L. 2011, c139
- c. Resol. #368-2016 – Auction of Surplus Equipment
- d. Resol. #369-2016 - Refund of Overpayment of Taxes
- e. Resol. #370-2016 – Special Item of Revenue – Clean Communities Grant
- f. Resol. #371-2016 – Special Item of Revenue – OEM Grant
- g. Resol. #372-2016 – Confirming Endorsement of Community Development Project – CarePlus NJ (Fair Lawn HVAC)
- h. Resol. #373-2016 – Confirming Endorsement of Community Development Project – CarePlus NJ (Children's Services)
- i. Resol. #374-2016 – License Agreement – 40-02 Jasper Road
- j. Resol. #375-2016 - Authorizing Contract with Certain Approved State Contract Vendors – Beyer Ford
- k. Resol. #376-2016 – Award of Bid: Water & Sewage Pump Station Maintenance and Repair
- l. Resol. #377-2016 - Confirmation of Fire Board Actions
- m. Resol. #378-2016 – Authorizing Execution of Shared Services Agreement with Bergen County – Road Resurfacing Program
- n. Resol. #379-2016 - Change in Custodian of Petty Cash Fund

- o. Resol. #380-2016 - Authorizing Contract with Cranford Cooperative Pricing
- p. Resol. #381-2016 - Professional Services - Tax Appeal Conflicts Attorney - Steven D. Muhlstock, Esq.
- q. Resol. #382-2016 - Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.29
- r. Resol. #383-2016 - Award of Bid: Snow Plowing and Hauling Services
- s. Resol. #384-2016 - Tax Appeal Settlement: CK Bergen Holdings, LLC, 16-00 Route 208
- t. Resol. #385-2016 - Tax Appeal Settlement: 19-05 Nevins Road, LLC, 19-05 Nevins Road
- u. Resol. #386-2016 - Tax Appeal Settlement: HPFVI Pollitt, LLC, 15-01 Pollitt Drive, Units #1 & 4
- v. Resol. #387-2016 - License Agreement - 0-105 Bellair Avenue
- w. Resol. #388-2016 - Award of Bid: Water Meter Replacement Program Phase II
- x. Resol. #389-2016 - Authorizing the PSE&G Direct Install Program

RESOLUTION NO. 390-2016 - APPROVAL OF MINUTES
Regular Meeting 9/20/16

Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain, Resolution No. 390-2016 was adopted with Councilmember Peluso abstaining.

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.

Nick Ruffilo, 3-03 Lyons Avenue, spoke about a troubling situation about a business that opened up in Fair Lawn that is an obvious front for prostitution. It is located at 12-82 River Road located next to Carvel, the pizza place, the dance studio and other types of businesses. He did not think this was a good location for that type of business because it is a main crossing area for children from Forest School, Memorial Pool and the Fair Lawn High School.

He has learned that within one week of opening they have already had an arrest for prostitution. When they looked into the business there was no legitimate advertising. He thought the nature of the business with its proximity to so many schools as well as family establishments was not only a safety concern because the people who frequent places like that are not the most upstanding

citizens. It sends a horrible message to the children. If the Borough turns a blind eye it will tell the young boys it is alright to visit this type of business. It will tell young women that they will be complaisant when their bodies are being exploited.

Mr. Ruffilo mentioned that a petition was created with 390 signatures collected from concerned residents of Fair Lawn. The laws themselves cannot stop this because they can only arrest one person at a time. The business is not held responsible. He was asking the Mayor and to revoke the license of this business.

Mayor Cosgrove stated that he and the Council hear him and his concerns. There is a process to be followed.

Attorney Mondello assured him that no one was turning a blind eye to this. He felt the points Mr. Ruffilo made were very salient and relate to every other town in New Jersey. These businesses pop up and the law does not have teeth to actually shut them down. The Borough ordinance will be revisited to see if they can make some modifications. The State has come up with a standard for licensing the establishments and massage therapists. The educational requirement is extremely demanding.

At this point in time the Borough does not have a provision to revoke a massage establishment or massagist license. They will try to align the Borough ordinance with the State's ordinance in order to see if they can revoke the establishment and therapist licenses if they do not conform to those requirements.

Mr. Ruffilo mentioned the Trick-or-Treating that will take place on River Road and that there are businesses near that location where children will go in. These people are criminals that frequent places like that. Councilmember Swain suggested an Auxiliary Police Officer should be there. Manager Van Kruiningen added that two Fair Lawn Police Officers will be assigned there.

Mayor Cosgrove said Deputy Mayor Lefkowitz has put this topic on the next Work Session agenda. Councilmember Peluso informed him that in the past they have addressed citizens concerns. He realized the Borough ordinance wasn't tough enough.

Councilmember Swain spoke about social media and how it is a great way to bring the community together. It is inappropriate for the Mayor and Council to comment on posts.

Howard Mark, 12-23 Ferry Heights, expressed his concern that the Shade Tree Committee was doing landscape architect work without discussing it with him because he is a licensed Landscape Architect. His other concern was that the meetings are held in the afternoon but should be held at night. Mayor

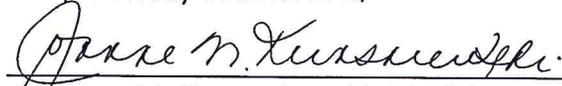
Cosgrove advised him to put his comments in a letter to be discussed at an upcoming meeting. The committee seems pretty agreeable to most things. He also felt all of the volunteers had the best interest at heart for the Borough. Mayor Cosgrove agreed that they could do some night meetings if the Committee wished to. He spoke to the Borough Attorney about adding members and decided they will not add any other members to the committee. He told Mr. Mark to put it in writing and he will forward it to Jane Spindel and Jim Vanderbeck.

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.

ADJOURNMENT:

Upon motion by Councilmember Peluso and second by Councilmember Swain the meeting was adjourned at 8:30 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



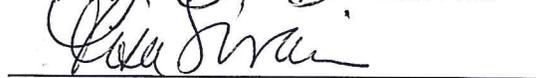
Deputy Mayor Daniel Dunay



Deputy Mayor Amy E. Lefkowitz



Councilmember Kurt Peluso



Councilmember Lisa Swain