

REGULAR MEETING OF NOVEMBER 22, 2016

Mayor Cosgrove called the meeting to order at 7:32 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.

PRESENTATION "AROUND THE COUNTY - HISTORIC PRIDE" BY BERGEN COUNTY CLERK JOHN S. HOGAN

Mayor Cosgrove announced that Bergen County Clerk Hogan has rescheduled this presentation FOR the December 13th meeting.

PROCLAMATION: FAIR LAWN JUNIOR TRACK TEAM

Mayor Cosgrove read the proclamation. The Mayor and Council presented the proclamations to the track team.

Mayor Cosgrove added that they were proud of all of the members of the track team and all the coaches that have dedicated their time. Their program has come a long way over the years thanks to people from Fair Lawn All Sports and the coaches that have worked so hard.

COUNCIL COMMENTS

Councilmember Peluso congratulated the Junior Track Team. He had the privilege of coaching this year and they were a great group of athletes and coaches. He was glad they brought back a lot of medals to Fair Lawn.

With the cold fast approaching the Garden Committee has slowed down. Deputy Mayor Dunay, Manager Van Kruijning and he met with the Shared Service Committee to discuss some possible new ventures between the Borough and the Board of Education. The ideas will be brought back to the Council at a later date.

Councilmember Swain spoke about the drought warning and encouraged everyone to do what they could to reduce the use of water. She mentioned that Mayor Cosgrove, Councilmember Peluso and she were at Temple Beth Shalom for the special service they had honoring Veterans. They had a presentation about World War II. She thanked the Veterans for their service.

She attended the Service above Self Awards dinner hosted by the Sunrise Rotary along with Deputy Mayor Lefkowitz and Mayor Cosgrove which honored Geri and Saul Rochman, Jack O'Neill who recently passed away, Laurie Ann Kupers and Sharon Bragin and the Drahouzal family. The lunch time Rotary honored the Veterans which was a great opportunity to thank some of the very special Veterans.

On November 3rd she attended a great forum sponsored by the Fair Lawn Police Department. There were members of the Prosecutor's office including the Prosecutor present. It was a worthwhile program as it was another way for the residents to see what the Police go through regarding their training and experiences. She thanked the Police Department for organizing it.

She announced that the Arts Council was still accepting Selfies in Fair Lawn photos. The ADA Committee held their dance in salute to the Veterans and was sponsored by the Fair Lawn Veterans Council. Their new liaison is Jack Delaney.

Last week she attended the League of Municipalities conference that was held in Atlantic City. One of the seminars she attended was about storm water management and where she met with someone that might have some funding opportunities for the Borough.

Councilmember Swain mentioned an app called PedSafe which gives a bright light so that pedestrians can be seen.

Since this is the first meeting after the election, many people are fearful now. She suggested they all have to look out for each other. Fair Lawn is a town of inclusion. They have to be there for each other. Councilmember Swain emphasized if you see something, say something, and let the Police know.

Councilmember Swain wished everyone a very Happy Thanksgiving.

Deputy Mayor Dunay congratulated the Junior Track Team. It is always fun to see such an enthusiastic group of kids and parents. It is amazing the commitment so many have to the different sports.

He too felt the Shared Service meeting was good. He complimented the Borough Manager, the staff, employees and the Board of Education staff for the

effort they made in the progress that has taken place to be opened minded and deal with the challenges.

He hoped that everyone has a truly wondrous Thanksgiving that is warm with many family members nearby. Deputy Mayor Dunay reminded everyone that the Food Pantry can always use donations.

Deputy Mayor Lefkowitz announced events coming up. The Municipal Alliance County Workshop will be held on Tuesday, December 6 dealing with drug overdoses and the hot spots within the County. She received information that the Surgeon General released a report on Substance Abuse, Addiction and Health which is full of detailed information.

Deputy Mayor Lefkowitz congratulated the Junior Track Team. It is not only the children they should be so proud of but also the volunteers that make the program work and the parents who dedicate themselves to make sure their children attend practices, games and competitions.

Deputy Mayor Lefkowitz attended the Night for Makayla which the Mayor helped to chair for a special girl that needs a handicapped van. It was a wonderfully successful event. This community is just so generous and giving. She wished everyone a safe, peaceful and Happy Thanksgiving. She hoped they were all grateful for what they have.

Mayor Cosgrove mentioned the Night for Makayla and once again he saw the generosity of the residents of Fair Lawn, five hundred people attended. He thanked the PBA and Officer Vasquez who helped out tremendously. He acknowledged United Reality who had almost 30 people from their company working on this event. He thanked Anthony Laurita, Todd Bailey and Jeff Bailey the principles of that company for helping out. He also thanked Kuiken Brothers who donated \$10,000 to the event. It looks like Makayla will be able to get the van.

He thanked the Veterans Council in particular Jack Delaney for their great ceremony they held at the Municipal Building on Veterans Day. He also thanked Manager Van Kruijning and his fiancée, Nichole Chrysler-Balfour because they do a lot of work behind the scene.

On December 17th the "Wreaths across America" ceremony will be held. This year they will pay tribute to Jack O'Neill and also the 75th Anniversary of Pearl Harbor.

He continued this may be the first time in history that the Fair Lawn Football Association is going to the Super Bowl in all three levels - Pee Wee's, the Juniors and the Seniors. These games will be held this Sunday in Glen Rock. He

congratulated the kids and the coaches and he hoped they have a great outcome.

He extended his wishes for a Happy Thanksgiving. There is a lot to be thankful for here in Fair Lawn. Diversity is their strength. He was thankful for all those that serve our County and asked everyone to keep all of the volunteers in their thoughts for a safe and Happy Thanksgiving.

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. 2412-2016 (RESOLUTION NO. 391-2016)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC"

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz Resolution No. 391-2016 introducing Ordinance No. 2412-2016 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.

ORDINANCE NO. 2413-2016 (RESOLUTION NO. 392-2016)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER 144, ENTITLED "MASSAGE ESTABLISHMENTS"

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz Resolution No. 392-2016 introducing Ordinance No. 2413-2016 was discussed.

Mayor Cosgrove commented that this ordinance is a result of some concerned residents letting them know that part of the current ordinance relating to the establishments left something to be desired.

Deputy Mayor Dunay thanked the Borough Attorney for his efforts. The Council was concerned that they would get an ordinance that would just overburden a lot of businesses with bureaucracy. He thought it was an interesting approach that would allow the Council to shut down businesses that they know is in violation of the licensing procedures and rules.

There being no further discussion, Resolution No. 2413-2016 introducing Ordinance No. 2413-2016 was unanimously passed.

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

**ORDINANCE NO. 2414-2016
(RESOLUTION NO. 393-2016)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND
SUPPLEMENTING CHAPTER 162 ENTITLED "PEDDLING AND
SOLICITING" REGARDING "NO SOLICITATION SIGNS"**

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz Resolution No. 393-2016 introducing Ordinance No. 2414-2016 was discussed.

Councilmember Swain stated she was not voting in favor of this ordinance because she felt it was an overreaching piece of government. There already is an ordinance that any business that wants to solicit must get a permit from the Police Department before they can go door to door. There is also a noise ordinance that does not allow soliciting after 5:00 p.m. This ordinance could be misinterpreted and subject the Borough to a lawsuit. Residents are free to put up signs on their doors saying "no solicitors" but she didn't feel they need an ordinance to back that up. If they see someone that does not have a license they should contact the Police. She felt the ordinance was unnecessary.

Deputy Mayor Lefkowitz while she completely understands and sees Councilmember Swain's point, she thought this ordinance stems from a lot of thought and a lot of discussion. Residents have expressed concerns especially in this day and age about their doors being knocked on when they did not want it. This ordinance is different than the ones Councilmember Swain spoke about, because it allows you to display a sign in your window that says I don't want businesses solicitation knocking on my door. Residents would know that the Borough supports their decision to not have solicitors. They worked very hard

with the Borough Attorney to find language that would ensure they were not in violation of anyone's civil rights. The way it has been drafted with the assistance of the Borough Attorney meets the needs of the residents but still balances the concerns that everyone else has.

Councilmember Swain said that she also did a lot of research on this ordinance and spoke to constitutional attorneys who advised against this ordinance.

There being no further discussion, Resolution No. 393-2016 introducing Ordinance No. 2414-2016 was passed with Councilmember Swain dissenting.

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. 2415-2016
(RESOLUTION NO. 394-2016)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER
160 ENTITLED "PARKS AND RECREATION AREAS" REGARDING
DOGS IN THE PARK**

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay Resolution No. 394-2016 introducing Ordinance No. 2415-2016 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. 2409-2016
(RESOLUTION NO. 395-2016)**

**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**

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. 395-2016 adopting Ordinance No. 2409-2016 was unanimously passed.

Upon motion by Councilmember Swain 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. 2410-2016
(RESOLUTION NO. 396-2016)**

**AN ORDINANCE FIXING THE SALARIES OF PART TIME SCHOOL
TRAFFIC GUARDS 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 Councilmember Peluso and a second by Deputy Mayor Lefkowitz, Resolution No. 396-2016 adopting Ordinance No. 2410-2016 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. 2411-2016
(RESOLUTION NO. 397-2016)**

**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"**

There being no comments by the public, upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, 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. 397-2016 adopting Ordinance No. 2411-2016 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Peluso 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 #15-2016

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, Consent Agenda #15-2016 containing the following items was unanimously passed.

- a. Resol. #398-2016 – Authorizing Contracts with Certain Approved State Contract Vendors Pursuant to N.J.S.A. 40A: 11-12a
- b. Resol. #399-2016 – Authoring Contracts for Certain Approved National Cooperative Contract Vendors Pursuant to P.L. 2011, c139
- c. Resol. #400-2016 – Authoring Contracts for Certain Approved Bergen County Cooperative Contract Vendors Pursuant to N.J.S.A. 40A:11-11(5)
- d. Resol. #401-2016 - Authoring Contracts for Certain Approved Passaic County Pricing System Contract Vendors Pursuant to N.J.S.A. 40A:11-11(5)
- e. Resol. #402-2016 – Interlocal Agreement with Northwest Bergen County Utilities Authority for Sanitary Sewer Jetting for 2017 and 2018
- f. Resol. #403-2016 – Interlocal Agreement with Northwest Bergen County Utilities Authority for TV Inspection of the Sanitary Sewer System for 2017 and 2018
- g. Resol. #404-2016 – Authorizing Execution of Bergen County Community Development Grant Application - Road Resurfacing at Various Locations
- h. Resol. #405-2016 – Cancelling Resolution No. 343-2016 – Award of Bid: Disposal of Solid Waste
- i. Resol. #406-2016 – Authorizing Contracts with Certain Approved Bergen County Cooperative Contract Vendors - North Jersey Wastewater Cooperative Pricing System - Pumping Services Inc.

- j. Resol. #407-2016 – Award of Bid: Disposal of Solid Waste
- k. Resol. #408-2016 – Transfer of Funds
- l. Resol. #409-2016 - Urging the Adoption of S-2663 and A-4234 - JIF Investing
- m. Resol. #410-2016 - Special Item of Revenue - New Jersey Division of Criminal Justice 2016 State Body Replacement Fund Program
- n. Resol. #411-2016 - Approval of Minutes:
Regular Meeting 10/25/16
- o. Resol. #412-2016 - Authorizing Multiyear Contract: Software Service
- p. Resol. #413-2016 - Award of Contract: Electronics Recyclables
- q. Resol. #414-2016 - Authorizing Execution of the Department Head Association's Agreement

RESOLUTION NO. 415-2016 - APPROVAL OF MINUTES**Work Session 10/18/16****Closed Session 10/18/16**

Upon motion by Councilmember Swain and a second by Councilmember Swain, Resolution No. 415-2016 was adopted with Mayor Cosgrove 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.

Toni Samuels, 1-11 Lyons Avenue thanked the Mayor and Council for reconsidering the dogs in the park ordinance. She questioned if the dogs were allowed on the sidewalk in the enclosed pool area. Attorney Mondello advised they would not be allowed anywhere in the fenced in area.

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.

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 8:25 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 02-2016; and

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

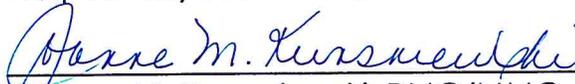
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

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:

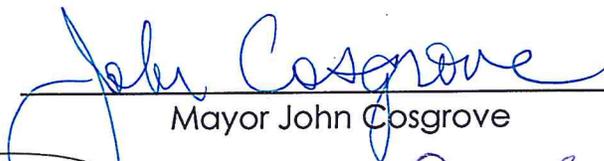
Upon motion by Councilmember Swain and second by Deputy Mayor Dunay the meeting was adjourned at 8:47 p.m.

Respectfully submitted,



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

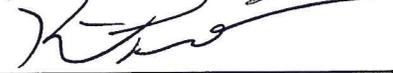
The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



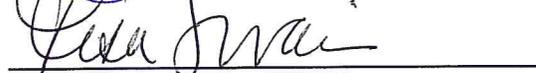
Deputy Mayor Daniel Dunay



Councilmember Kurt Peluso



Deputy Mayor Amy E. Lefkowitz



Councilmember Lisa Swain