WORK SESSION OF JUNE 25, 2013

Mayor Cosgrove called the meeting to order at 7:30 p.m.

PRESENT: Mayor Cosgrove, Deputy Mayors Baratta and Trawinski, Councilmembers Peluso and Swain.

ALSO PRESENT: Acting Manager Van Kruiningen, Municipal Clerk Kwasniewski and Attorney Michael Pasquale substituting for Attorney Mondello.

UNIFORM CONSTRUCTION CODE PENALTY COLLECTION:

Construction Official Bolan was present. He explained that the Building Department would be actively pursuing outstanding permits. The Uniform Construction Code gives him the authority to compel people to comply because it is really their compliance he wants and not their money. It allows for a series of administrative steps that he could take to compel them. The last resort for his department is to issue a penalty which usually has people comply. If they ignore the penalties he has the right to go to Court to get the penalty they assessed.

Construction Official Bolan noted that the fines could be astronomical. if many months go by. The fines could go up to $50,000. He wanted the governing body to know that he was just wanted people to comply and talk to him.

Construction Official Bolan said that one of the residents who received a summons came in and was told if they continue to ignore the Building Department they would face additional fines. Once the inspectors were able to do inspections, they were able to reduce the fine of $16,000 to $250 which was appropriate. It allowed them to get into the house.

Deputy Mayor Baratta questioned the time frame when someone takes out a permit and when it has to be completed. Construction Official Bolan indicated that the UCC does not give a finite time but says they should continuously work on it. If the work is abandoned after a year they would have to re-file. Deputy Mayor Baratta said that a person building a new house could take their time and work on just weekends for five or six years. Construction Code Official Bolan stated that sometimes municipalities adopt an ordinance that states if a project is going to take several years, the front of the house has to look completed within eighteen months. Under the UCC as long as they are actively working on the site, those permits do last a considerable amount of time.

Deputy Mayor Trawinski was concerned that historically the Building Department on two occasions has told people they did not get the final inspection when in

fact they did get the inspection. He urged him to be careful allow the homeowner an opportunity to respond. Construction Code Official Bolan responded that in order to get to the final inspection there are many steps they go through first. They are absolutely very sensitive to the issue.

Councilmember Swain wondered how they determine that someone is actively pursuing their construction project. Construction Code Official Bolan said he had spoken to the regulatory affairs about this because one of the problems they have always had in the Building Department is they enforce a code not a schedule. They have asked what defines an active project and was told if they put a nail in a board once a year that is an active project, although he does not necessarily agree with that. They do have mechanisms that allow him to deem a project abandoned and force the builder to re-file permits and pay the fees because the codes change. If they are doing a little bit of work on a residential property it is hard to enforce anything relative to schedule.

Deputy Mayor Baratta asked if there were any regulations about construction being done on Sundays. Construction Code Official Bolan said he would have to check the local ordinances. Municipal Clerk Kwasniewski stated that under the Borough Code it is not allowed unless it is the homeowner. Deputy Mayor Baratta said she was referring to the house that she lives next to which is not finished and does not have a front door. They only work on Sundays and now are building a deck. Construction Code Official Bolan stated he would look into this.

Acting Manager Van Kruiningen suggested that if any of the Councilmembers receive calls regarding an extravagant fine they should direct them to the Construction Code's office.

EDC REQUEST FOR GRANT FOR RADBURN STUDY:

Steve Kiel, Steve Weinstein, Stu Herrmann, Bob Landzettel, Barbara Simon and Don Smartt were present. Mayor Cosgrove stated that they met with the County and New Jersey Transit. The County has some funds that would be available to do a study of Radburn. They wanted the Borough to make a commitment of $10,000. They felt based on the current economic conditions that this would be a good thing. He knows they all saw the resolution that was forwarded to them to review.

Deputy Mayor Trawinski said that he would be recusing himself even though Attorney Mondello advised him there would be no conflict.

Deputy Mayor Baratta wondered about the County's contribution. Mayor Cosgrove said there were some unencumbered funds which he believed were over $100,000.

Councilmember Swain commented that this was important and has seen changes in the Radburn area and it is time that they put money and effort in to an area that is so important to the Borough.

Councilmember Peluso said the third part of this is New Jersey Transit and he felt they had a great group of people working on this project. He agrees there has been great work done on Broadway and River Road and would like to see great work done in Radburn as well.

There was a unanimous consensus to move forward with the Radburn Study.

REVIEW OF TENTATIVE AGENDA (7/16/13):

Municipal Clerk Kwasniewski stated the agenda is very light so far. She felt after the Work Session on July 9th additional items would be added.

Mayor Cosgrove said he would be on vacation and will not be at the meeting on July 16th.

COUNCIL LIAISON REPORTS:

Councilmember Swain began with the ARC award ceremony where an award was given to the ADA Committee. A donation in the amount of $500 was given to the ADA Committee by Mr. Scirocco, who was touched by what the committee has been doing. The ADA Committee will be starting more active fundraising for the playground.

Councilmember Swain stated that the Green Team also met last week. They are reviewing some possible recipients for the Green Awards. They are also giving them money from the funds that were raised at the walk and from the weight loss campaign. At their next meeting they will discuss where the other funds will go to. The anti idling campaign will begin in the fall.

Councilmember Peluso said that the Substance Abuse Committee will be meeting tomorrow. The Garden Committee received a delivery of mulch and asked if anyone was available to help spread mulch, it would be appreciated.

Deputy Mayor Trawinski said he attended the Open Space Committee meeting. They appointed a recording secretary because they were advised by Acting Manager Van Kruiningen that there was a shortage of personnel to prepare

minutes from the volunteer boards. Joan Goldstein volunteered for that meeting and Pam Coles has agreed to be the recording secretary. She also offered to help do the previous meetings.

Lisa Stern from the DEP has said the Borough can close on the Dube property as an at risk property. The committee is concerned that if they don't close on this property, half of the cost plus the reimbursement for the soft costs that the DEP allows the Borough to be reimbursed for in the approximate amount of $180,000 would be in jeopardy. Those funds comes out of the 2009 grant that DEP had given notice to the Borough to use or lose it. He indicated to the committee that he would place on the July Work Session a discussion about whether the Council would want to close on the Dube property at risk or not.

When he was in Trenton last time, he had met with the Commissioner of the DEP and also the person responsible for permitting. He pointed out to both of them that if the State was serious about Blue Acres acquisitions they need to change their regulations under Green Acres and the General Acquisitions Program. Many of the properties along the Passaic River, in particular, will have pollution simply by the fact that they are immediately proximate to the river and were inundated with polluted waters which then seep into the ground. They said they would take it under advisement and get back to him eventually. In the County they have 144 properties that are in that status.

He followed through on the Council's directive on the utilization on consultants on volunteer boards as they had unanimously agreed that it should only be through the liaisons. He felt that Mr. Hakim understood that.

He asked Acting Manager Van Kruiningen to place on the July agenda a discussion about a date for the dedication of the Blue Hill property. They also talked about doing something with Columbia Heights.

Deputy Mayor Trawinski noted that the Committee went through the Open Space Recreation Inventory Plan and thought they would like to focus on a number of smaller properties. There was one in particular that was pointed out on Saddle River Road which may be subdivided. They should make a concerted effort to talk to that developer. He told them he would bring it back to the Council to see whether they would have a consensus to have the Borough Attorney contact Peter Kortright in the County for the details to see if there was an interest in selling that. He suspected that based upon the value of a single family residential lot and the ability to sub-divide that into four lots, they could probably do that within the confines of the 2012 grant and Open Space Trust Fund money. He felt it was something to consider. If they were interested in doing it he would recommend that they authorize the Manager and Attorney

to confirm which piece of property it is and to get an evaluation from the Assessor.

The committee had a discussion about the Vanderbeck property. There appeared to be a substantial willingness from the developer to preserve both houses by flipping land so that Naugle, Vanderbeck and the other house would all stay and remain on 2.1 acres, the Borough would give up essentially 1.7 acres. He would give the Vanderbeck house to the Borough at no cost.

The Historic Preservation Committee is supposed to vote on the concept plan that the developer presented. After that it would go to the Council to see if they would support the developer going to the State and the DEP to do the flip since the Borough acquired the property through Green Acre funding.

Mayor Cosgrove stated he was at that meeting and the Historic Preservation Committee took a consensus that they would support it. They also wanted the Vanderbeck house to be sold to a private individual. It would help their case if they had the endorsement from the Council when they go to the State. Deputy Mayor Trawinski said the sentiment of the Open Space Committee supported it also. They felt this was the best of the bad situation.

Deputy Mayor Baratta wondered if the Naugle House would have to be moved. Deputy Mayor Trawinski said it would not. The developer has said if he has to cut trees down he would replace them. They asked if the Mayor and Council would be rezoning that area and he told them he doubted it. They would have to pursue a use variance with the Zoning Board. Mayor Cosgrove said the developer also mentioned that he would possibly renovate the Naugle House, which he had done with the Zabriskie House. Councilmember Peluso wondered if there was a plan for them to look at. Mayor Cosgrove said he would get in contact with Barrister. Councilmember Swain wondered if there was an effort to sell the house to a private person who would have to restore it to its historic significance. Deputy Mayor Trawinski said that Mrs. Vander Platt had no interest in a private sale. The heirs gave their broker express instructions to sell it to a developer.

Deputy Mayor Baratta stated that she and the Mayor attended the 501(c)3 meeting. They spoke about hiring someone to do fundraising for them for a small percentage. They talked about maintenance of the Community Center because there are some housekeeping issues. They discussed getting new members for the committee possibly people from the groups that use the facility.

Mayor Cosgrove stated the Fire Department is evaluating the two trucks that will be replaced. The trucks should be delivered sometime in October.

The Sunrise Rotary and the Fair Lawn Rotary have each contributed $750 to buy the flotation chair for Memorial Pool. Hopefully that will be put in soon. He thanked Scott Homa and the Rotary clubs.

Property Maintenance talked about the abandoned houses in need of general repairs. He would like Attorney Mondello to review the Borough's options.

LEGISLATIVE ALERT:

Acting Manager Van Kruiningen stated as directed he reached out to the Risk Manager for his opinion regarding A2756 which is Workers Compensation for Surviving Spouses and A1196 which was first responder's workers compensation presumption. He forwarded Mr. Covelli's response to the Mayor and Council.

Municipal Clerk Kwasniewski said these bills were scheduled for late April.

Acting Manager Van Kruiningen explained that both these laws would saddle Workers Compensation system with claims that could add tens of millions of dollars to premiums state wide for public entities with Police or Fire Departments. The MEL and JIF have taken a position with State legislators that through existing financial vehicles public employees and emergency service personnel already receive benefits. They also feel that if legislature deems it necessary to expand the benefits to these groups, the Workers Compensation system is not the appropriate vehicle to accomplish such action.

Mayor Cosgrove wanted to find out if the bills were voted on yet.

Councilmember Swain was curious to see how the members of the Fire Department feel about the proposals. Mayor Cosgrove stated that people who don't have insurance feel very strongly about Workers Compensation. The Borough has an insurance policy that provides coverage for accidental sickness and death. They are talking about millions and millions of dollars. Councilmember Swain said she could see both sides of this. Municipal Clerk Kwasniewski said these bills would expand the scope of what they could apply for to such an extent that it would be very difficult for the town to say that it was not a covered event. Acting Manager Van Kruiningen said under this bill any current or former public safety employee, career or volunteer who is diagnosed with cancer would be eligible for Workers Compensation. This bill places the burden of proof on the Municipality, County or State to show that the cancer was not caused by an on the job exposure.

Mayor Cosgrove suggested that Acting Manager Van Kruiningen get back to the Council via e-mail with the status of the bills.

MINI BUS SERVICE:

Acting Manager Van Kruiningen stated there were numerous proposals on the table. They feel that the current operation is not efficient. He was in favor of proposal number 7 which requires residents to phone in 24 hours in advance for a pick up and drop off in Fair Lawn only. The mini bus driver would arrange the schedule according to locations and times. He did not think it was necessary to institute a fare. Councilmember Swain said this would be door to door service.

Deputy Mayor Baratta wondered if there was a radius of where they can and can't go. Acting Manager Van Kruiningen said they want to keep it within Fair Lawn but they are also thinking about once a month or every other week to offer the opportunity to go to Garden State Plaza or Paramus Park Mall.

Deputy Mayor Trawinski appreciated his recommendation but was concerned if the driver was out one day. He wondered if they could have a back up driver or a stand by driver. If people have to call in twenty four hours in advance and the driver is out, they should have the assurance that the Borough will provide the service. He asked that it be modified slightly. Acting Manager Van Kruiningen said the driver would have to have passenger endorsement on their license. Most of the employees with CDL's do not have that endorsement. Deputy Mayor Trawinski thought that in the future one of the employees should have that endorsement as a backup. Acting Manager Van Kruiningen said they hired a part time driver recently.

Deputy Mayor Trawinski said the Council should revisit this in six months or a year. Councilmember Swain would like to see an analysis in three months.

There was a unanimous consensus to proceed with Acting Manager Van Kruiningen's recommendation and to report back to the Council in three months.

Councilmember Swain questioned how this would be promoted to the public. Acting Manager Van Kruiningen said they would put together the particulars and look for October 1 through December 31. The new mini bus will be in by then. He would then report back to the Council with the evaluation.

TOWN GARAGE SALE:

Mayor Cosgrove stated he had received several requests for a town-wide garage sale. He had spoken to the Acting Manager about this and felt they don't want to be sponsoring it and paying a lot of money for it. He felt they could declare one day a town wide garage sale and let people e-mail their

addresses and then print a map or put it on the website so people would know. He knows that other towns have done it and found it successful.

Deputy Mayor Baratta stated that this was previously discussed and they don't want to do this just one day and not let people have it on another day.

Deputy Mayor Trawinski wondered if there would be a substantial cost. Acting Manager Van Kruiningen said not if the resident is doing it on their property. He indicated adding it to the website is not difficult. A flyer could be created and sent via an e-mail blast. Deputy Mayor Baratta wondered if permits would be needed. Acting Manager Van Kruiningen said no permit would be required but they would have to be careful of where they post their signs. Mayor Cosgrove said the exposure was very limited.

Attorney Pasquale said he is the Borough Attorney in Hawthorne and they run a very successful town-wide garage sale. One day they had 100 garage sales. They put out a flyer with all the addresses and advertise it in the newspaper a week before. They allow two a year. They also time it to schedule bulk waste right after the town-wide garage sale. Mayor Cosgrove suggested Acting Manager Van Kruiningen contact Hawthorne to see how they do it.

There was a consensus to pursue this further.

Acting Manager Van Kruiningen wondered when they would want to hold it. Mayor Cosgrove thought in the fall.

PURCHASES FROM STATE CONTRACT:

Acting Manager Van Kruiningen stated that the Resolution passed on May 28th listed the State contract vendors utilized by the Borough on a day to day basis. However, when the Borough is purchasing an item or items on one specific purchase order under State contract that exceeds the bid threshold of $17,500, he felt the Council should pass a resolution for that specific purchase. They are doing a one-time purchase of five State contracted vehicles from a vendor who was not listed on the referenced resolution in the amount of $75,000. Even though it was State contract he felt there should be a resolution from the Council authorizing the purchase.

Municipal Clerk Kwasniewski pointed out that if the Council rejected the purchase they would have to go to the bidding process, which defeated the purpose of using State contract vendors. Councilmember Swain asked to see something in writing first. Acting Manager Van Kruiningen stated that the car purchase is coming up in the Special Meeting. As the Purchasing Agent for the Borough, he believed it was necessary to put such purchases on record and let

the Council approve a resolution. He clarified that the resolution would only be requested for one time purchase, on one purchasing order with a State contract vendor that exceeds the bid threshold of $17,500.

Mayor Cosgrove asked if Acting Manager Van Kruiningen was requesting this as a means of notifying the Council and making sure he was covered as Purchasing Agent. Acting Manager Van Kruiningen confirmed that. He stressed that he felt it was necessary. He felt Council should know such purchases are going through. Municipal Clerk Kwasniewski stated that the Council does know because it was approved in the budget. She asked if they would be doing a resolution for the items they have already adopted saying that they are allowed to use this vendor.

Deputy Mayor Trawinski stated that the statute required the governing body to approve a contract if it exceeds the bid threshold of $17,500. If they had a Qualified Purchasing Agent (QPA) the next threshold would be $36,000. At the County anything exceeding the QPA's authorization level, the County Council and Freeholder Council requires the approval of the Governing Body, which is the County Executive who proposes it and the Freeholders who approve it. He also felt they should do this for other purchase orders with prior approval where the cumulative effect exceeds the threshold. He felt it was advisable under the system of checks and balances.

There was unanimous consensus that the Council adopts a resolution authorizing all one time purchases with a State contract vendor that exceeds the bid threshold of $17,500.

CREDIT CARD PAYMENTS:

Acting Manager Van Kruiningen wanted to make it more convenient for residents to pay taxes, fines, fees, permit fees, licenses, registrations etc. The Finance Board has advised him that the Council must approve a resolution authorizing the local unit to accept electronic receipts such as credit, debit, e-checks and electronic transfers. He would like to implement this procedure before the end of the year, although fees have not yet been established.

He met with a vendor who charges 2.45% of the total fee for registrations, licenses, permits, etc. If the amount is less than $100, there is a convenience fee of $3.00. If an e-check is used there is a one-time convenience fee of $1.50. Currently residents can pay both taxes and water bills online. The current rate if paid by credit card is 2.45 – 2.84%. CFO Palermo concurs with his recommendation. The offices will have credit card readers to swipe cards and reports will be downloadable. He and CFO Palermo met with an employee from Finance, who seemed to understand the process.

Councilmember Swain thought the Council approved payment by credit card years ago. Deputy Mayor Baratta remembered discussing this with regards to the Municipal Court. Acting Manager Van Kruiningen explained that there is an issue with Court regarding the convenience fee charged on fines paid with credit or debit cards, which cannot be collected by Court employees. This transaction requires a further action specific to the Court only. Deputy Mayor Trawinski stated that it is permitted by State law because Assemblyman Felice was able to get the legislation changed years ago. Many Municipal Courts use this system as does Central Bergen Municipal Court. This issue is resolvable and should not block this procedure from happening. He would also like to have the ability to use electronic payments for permit processing online. Acting Manager Van Kruiningen explained this will allow residents to come to Borough Hall and use a credit card through a swipe system or pay via a link to the Borough's website to the particular department.

There was unanimous consensus to authorize Acting Manager Van Kruiningen to research vendors for payment by credit card and electronic payments.

SPECIAL MEETING:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, the Work Session was adjourned to Special Meeting at 8:30 p.m.

Mayor Cosgrove reconvened the meeting at 8:35 p.m.

MISCELLANEOUS PUBLIC COMMENTS:

Ruth Gormans, 39-37 Sycamore Drive thought it was wonderful that the Borough will be working on the mini bus schedule. She felt the bus was not advertised enough. She asked if the Freeholders still supply mini buses. Municipal Clerk Kwasniewski explained that the Freeholders never provided the bus. The Borough received a grant from the County and purchased the buses.

Ms. Gormans concluded by thanking Councilmember Swain for her comments on pedestrian safety. There is a woman who rides the mini bus that speaks Russian, Italian and English. Perhaps she could help out at the pedestrian safety meetings.

Mayor Cosgrove stated that they will market the new mini bus program to make residents aware.

Howard Mark, 12-23 Ferry Heights Place stated that the Council was making decisions on the mini bus for people they never met. He suggested they ride the bus, perhaps on a Saturday. Deputy Mayor Trawinski stated that he when he

was first elected in 1996 he rode the mini bus. Mr. Mark shouldn't make assumptions. Acting Manager Van Kruiningen explained that as part of his review of the mini bus he plans to have a Borough employee speak to the passengers who utilize the service.

Mr. Mark stated that he asked Acting Manager Van Kruiningen this morning if a pedestrian crossing sign could be placed near Ferry Heights. Acting Manager Van Kruiningen stated that he had a call in to Traffic Safety Officer Franco.

Mr. Mark concluded by stating that years ago Jane Diepeveen wanted to give the developer everything just to save the Naugle House. Mayor Cosgrove did not know what happened back then but they saved the house and now the Borough owns it.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the following closed session resolution was unanimously adopted at 8:45 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 Contract Negotiations - Supervisors; 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.

Mayor Cosgrove reconvened the Work Session at 8:50 p.m.

ADJOURNMENT

Upon motion by Councilmember Peluso and a second by Deputy Mayor Trawinski, the Work Session was adjourned at 8:50 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor John Cosgrove

Deputy Mayor Jeanne Baratta

Councilmember Kurt Peluso

Councilmember Lisa Swain

Deputy Mayor Trawinski