

## WORK SESSION OF AUGUST 5, 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 Kruijning, Municipal Clerk Kwasniewski and Attorney Mooney.

### OFFICE OF EMERGENCY MANAGEMENT ACCREDITATION

Wendy Demeraski, OEM Coordinator was present.

Acting Manager Van Kruijning referenced his email dated July 31<sup>st</sup> regarding the accreditation of the Borough's Emergency Management. Councilmember Swain asked about the financial aspect of the program. OEM Coordinator Demeraski stated that the subscription to the program cost \$450 for the first year with a 5% reduction each subsequent year. When they are ready to have an accreditation assessment there is a \$2,000 fee plus the expenses for the assessors, which could cost up to \$7,000. The assessment takes place every five years, so the cost would average out to \$2,000 to \$2,500 per year.

Mayor Cosgrove inquired about the benefits of the program. OEM Coordinator Demeraski stated that all stakeholders, such as the Department of Health and DPW would be included in writing the plans so everyone knows what they are supposed to be doing. Everything is written down and outside evaluators make sure they are on the right track to meeting their goals. The State is accredited although no County or municipality is accredited.

Mayor Cosgrove asked if the program was budgeted. OEM Coordinator Demeraski stated that they were budgeted for now although it may cost more when they are ready for the assessment. It will not be completed this year as it is a lengthy process. Councilmember Peluso asked if they will receive a reduction in insurance if they are accredited. OEM Coordinator Demeraski stated that JIF does not give reductions at this time. No other municipalities are involved in this program; they would be the first town in the State to apply for this accreditation. Acting Manager Van Kruijning stated if they apply for Federal or State money, having an accredited Emergency Management looks good on the application.

Deputy Mayor Trawinski asked if the program keeps the Emergency Management Plan up to date. OEM Coordinator Demeraski stated that the

plan was incorporated. Their Emergency Operation Plan was accepted by the State, so they are good until 2017.

Councilmember Swain wondered what other towns were involved. Acting Manager Van Kruijning stated that the program is in 29 states, six counties and seven cities. OEM Coordinator Demeraski stated that although the program was new, everyone wants to be uniform so that if they crossed state borders everyone would work well together. Deputy Mayor Trawinski stated that New York's accreditation could have relevance to New Jersey since part of Indian Point Emergency Operation Plan includes usage of Bergen County facilities.

Deputy Mayor Baratta stated that she supported the plan and thanked OEM Coordinator Demeraski for bringing it to their attention. The continuity aspect of working with the County, State and across borders is very important. Councilmember Peluso asked Acting Manager Van Kruijning if he supported the plan. Acting Manager Van Kruijning stated that he did.

There was unanimous consensus to authorize OEM Coordinator Demeraski to proceed with the Emergency Management Accreditation program.

#### **OVERNIGHT PARKING HARDSHIP PERMITS**

Traffic Safety Officer Franco stated that the Police Department started a parking hardship permit process several years ago. Currently 370 residents have permits. He feels they should charge for this permit to discourage residents from obtaining one to avoid a parking ticket in case they forget and leave a car out overnight.

Currently a resident can receive permission to park overnight by phone, but he recommended setting a maximum of two nights. The Tour Commander can issue a parking permit for ten days, which they will extend for two weeks. He proposed that for each month or any part of a month after two weeks, there be a \$10 per month or \$100 per year fee. He continuously receives renewal requests and most residents welcome the fact that they can get a permit and pay to park an extra car in lieu of widening a driveway, which reduces impervious coverage.

Deputy Mayor Baratta asked if any criteria were currently used. Traffic Safety Officer Franco stated that he used to visit each house, but he no longer does that unless he does not understand the reason for the request. There are many two family houses with one driveway. He has gone from seven permit requests to almost 400. Deputy Mayor Baratta stated that they do not have on street parking because it is easier for the Police to patrol. Traffic Safety Officer Franco stated that from a safety standpoint they would be able to get emergency

apparatus without having to negotiate around parked vehicles. Most burglaries occur during the day or evening when residents are out. It is unusual to have a burglar break in when someone is home. Deputy Mayor Trawinski stated that the analysis done by Carroll Buracker in the Buracker Study showed that municipalities like Fair Lawn that prohibit off street parking have a better uniform crime report statistics, particularly with respect to burglaries and other incidents. Traffic Safety Officer Franco pointed out that the Buracker Study is 15 years old.

Councilmember Swain expressed concern about safety. She asked who would make the assessment as to whether a resident was entitled to a permit. Traffic Safety Officer Franco stated that he makes the determination. Councilmember Swain stated that when Traffic Safety Officer Franco left, someone else with less experience would be making the determination and requests may spread through word of mouth. Traffic Safety Officer Franco stated that guidelines would be written. A resident would have to demonstrate a need and park in front of their own house. A car could not be left in the street when it snows. The permits expire in December. He stressed that they are already allowing this for free. This was a win-win situation for people who have a legitimate hardship.

Deputy Mayor Trawinski asked if any of the proposals changed the policy decisions with respect to college students who are home for the summer. Traffic Safety Officer Franco stated there is no exemption for a student home from college unless they apply for a hardship permit. Deputy Mayor Trawinski asked if he was planning on changing the two consecutive days that are currently allowed. Traffic Safety Officer Franco confirmed that there would be no change. His proposal would extend the ten days of overnight parking allowed by the Tour Commander for free to two weeks. He felt a fee for other situations was overdue.

Mayor Cosgrove suggested waiting on this until the next Work Session to give the Council time to digest this. Traffic Safety Officer Franco stated that he would like to have the program in place before the beginning of the year. The fee could also be reduced to \$5 per month and \$50 per year. Deputy Mayor Baratta asked for the Acting Manager's recommendation. She also requested a written copy of the criteria for the hardship permits. Acting Manager Van Kruiningen stated that he supported having a fee, as long as the criteria are met, guidelines are being followed and if it doesn't cause any type of burden on the Police Records' staff, who will issue the permits once the approval comes through from Traffic Safety Officer Franco. If they decide to implement a fee he recommended starting on January 1<sup>st</sup>. He would like to discuss this again at the next Work Session. Traffic Safety Officer Franco will write up the criteria.

There was consensus to revisit this matter at the next Work Session.

## **CORRECTIVE ACTION PLAN**

CFO Palermo discussed the findings of the recent Audit. They did not have the calculation of the retirees' medical benefits by an Actuary, which is required because they are self-insured. The Council has authorized Aquarius Capital to perform this service by year end. The health insurance deduction was not withheld properly from seven employees. This was corrected and recalculated within the year. Deficiencies repeated from last year were the timely deposits of the Court money and the turning over funds by the 15<sup>th</sup> of the month, which were problems caused by short staffing. Although this was corrected in 2012, it had to be reported since it occurred during the year. Stale dated checks have been cancelled by resolution and all fixed assets have been capitalized once put into use.

Deputy Mayor Baratta asked CFO Palermo if she was happy with the audit process. CFO Palermo stated that she was. Acting Manager Van Kruijning indicated he would like post this information on the website tomorrow morning.

There was unanimous consensus to have Acting Manager Van Kruijning post the results of the recent audit on the Borough's website.

## **NJ DOT FY 2014 STATE AID PROGRAMS**

Acting Manager Van Kruijning stated that it was not necessary for Capital Alternatives to come in to discuss Municipal Aid Grants offered by NJDOT since Engineer Garrison has already started the grant process for 2014, and 75% to 80% of the work has been completed. Capital Alternatives would like to come in September or October to discuss upcoming additional DOT grants.

Deputy Mayor Trawinski expressed concern because they went back to Capital Alternatives because there were periods of time when grants were not being processed in a timely manner. They do not get paid unless a grant is obtained and Al Maiocchi has expertise with State grant funds. Acting Manager Van Kruijning stated that he and Marlene Casey had a lengthy discussion last week about the Municipal Aid Application. Ms. Casey explained why the Borough did not qualify for grants in 2011 and 2012 and advised him what the Borough needed to do to move forward. The corrective steps Ms. Casey suggested have been taken. He has reviewed the Sage application online to make sure the additions were there, as did Ms. Casey. She will be back to help them with the Safeway to Streets and Bike Way Grant application. Deputy Mayor Trawinski advised him that they have a lot of experience applying for a Bikeway Grant and actually received one ten years ago. The fact that they received one grant and had a Committee should give them an advantage for the next application.

There was consensus to have Capital Alternatives come to a future Work Session to discuss the Safeway to Streets and Bike Way grant process.

### **REVIEW OF TENTATIVE AGENDA**

Councilmember Swain stated that the Green Team will be making a donation from their walk and Tom Metzler's weight loss program at the August 20<sup>th</sup> Council meeting. Municipal Clerk Kwasniewski stated that she will add it to the agenda. Deputy Mayor Trawinski stated that he will be recused from all County grant items and would like those resolutions removed from the Consent Agenda.

Municipal Clerk Kwasniewski stated that Office Depot is going to be added to the NIPA State Contract for office supplies and CDWG for telephones and computers.

Deputy Mayor Trawinski asked if the purpose of Resolution No. 277 was to authorize the award of a contract with the Cranford Co-op or to allow them to participate in the system. Municipal Clerk Kwasniewski stated that they were purchasing Police cars through this contract. The resolution spells out the 2014 vehicle they are buying. Deputy Mayor Trawinski stated that he would like to see that resolution and also know where the Cranford Co-op was purchasing it from. He asked if the price was for a fully equipped vehicle. Acting Manager Van Kruijning stated that they would be installing aftermarket equipment. Municipal Clerk Kwasniewski stated that the resolution indicates that they are buying the car from Hertrich Services and lists the model and cost. Acting Manager Van Kruijning stated that the cost is less than the Ford Interceptor that is on State contract.

Deputy Mayor Trawinski wanted to be sure they are comparing apples to apples, including finished product versus the aftermarket costs. Acting Manager Van Kruijning stated that item D is for an unmarked Police vehicle, which is less on State Contract because the Cranford Co-op does not go out for pricing on group items.

### **COUNCIL LIAISON REPORTS**

Councilmember Swain stated that Memorial Pool now has an aquatic chair on wheels which allows people who need assistance to sit in the chair and go down into the water. She felt they needed to get the word out about the chair. She asked the co-chairs of the ADA Committee to send out a notice. She asked Acting Manager Van Kruijning to speak to Superintendent Graff so that the gate tenders at the pool can notify people who might need the chair about its availability and also asked that he send out an email to the residents. Mayor Cosgrove stated that Sunrise Rotary and the Fair Lawn Rotary Club both

contributed \$750 to purchase the chair and were hoping to have a photo opportunity. Councilmember Swain expressed gratitude to both organizations for the wonderful donation.

The Green Team stated that pursuant to Tom Metzler's request, the money from the Spring Walk and the Weight Loss Program will be donated to residents in Little Ferry and Moonachie, who are still feeling the effects of Hurricane Sandy. The money will go towards their food bank. The Team applied for a \$2,000 unmatched building grant, which they hope to use for a shed for the Community Garden, their anti-idling program and to purchase rain barrels for local schools.

Councilmember Peluso reported that the Garden Committee is busy mulching and watering after the heat spell. The Alliance for Substance Abuse Prevention will have a booth at National Night Out. They are attempting to get surveys completed by youth in the community. He met with the Fair Lawn Explorers, who filled out the questionnaires and gave some feedback. If anyone has connections to students 12 to 25 years of ages, please let him know. All responses are kept confidential. Surveys, which are required for continued funding, will also be available at National Night Out. They are mostly interested in High School students, but feedback from recent graduates or those in their early 20's are welcome.

Deputy Mayor Trawinski did not have anything to report.

Deputy Mayor Baratta stated that the 501(c)3 Committee met last Thursday to discuss upcoming fundraising events and general maintenance of the Center, which will be closed during the Labor Day weekend for repairs, maintenance and cleaning. Mayor Cosgrove stated that there will be a fundraiser on Tuesday, September 3<sup>rd</sup> which will allow people to turn in their old gold for cash, with the Community Center receiving 10% of all proceeds. More information will follow.

On November 21<sup>st</sup> they will sponsor an event billed as "The Hottest Educational Trivia Game Show in the Country" for children. Westmoreland School held one and the event sold out, so they will open this up to all students. Every weekend there is a great show in the theatre from groups such as Hurdy Gurdy, Skyline Theater, St. Anne's Stages and OLT. The theater is very active and everyone is looking forward to the fall season.

The Shade Tree Commission discussed putting a sign at the Arboretum, which is doing well as are the lilac bushes they planted last year. The chairperson, Jim Vanderbeck would like to take a step back and serve as a co-chair with Jane Spindel, who has agreed to accept the position.

There was unanimous consensus to have Jim Vanderbeck and Jane Spindel serve as co-chairs of the Shade Tree Commission.

He concluded by stating that last Friday there was a working house fire on Lincoln Avenue that was put out very quickly and everyone was safe. The two new trucks are still on schedule for delivery in October.

### **NAMING OF THE STREETS IN THE PROMENADE**

Mayor Cosgrove asked if there were any suggestions. Councilmember Swain suggested naming the street after Nancy Wallace, who recently passed away. Ms. Wallace was very involved in the community and was a member of the League of Women Voters and a former member of the Board of Education. She was also very active with her church. Deputy Mayor Trawinski suggested asking the Historic Preservation Commission and Jane Diepeveen as the town's historian for an appropriate name. Mayor Cosgrove suggested William Grieder who was a former Fire Chief and whose family was a founding member of Fire Company #2. They can send out something to the Historic Preservation Commission and then compile the names. Unfortunately, there is only one street naming possibility.

Acting Manager Van Kruijning stated that the developer called the Planning Board today for the name, because they are getting ready to install the signs. Deputy Mayor Trawinski pointed out that there may be some naming opportunities in the Landmark development and Kem sites. Councilmember Peluso stated that they should compile a list and then hold onto it for future use. Acting Manager Van Kruijning suggested placing this on the September 3<sup>rd</sup> Work Session agenda, and inform the developer that they will have an answer on September 4<sup>th</sup>.

There was consensus to compile a list of possible street names for the September 3<sup>rd</sup> Work Session.

### **UPDATE ON VANDERBECK PROPERTY**

Mayor Cosgrove explained that the developer met with him to discuss his proposed plan to put in an assisted living facility on the Vanderbeck property. In the meantime, another developer bought the property and wanted to do the same project. The original plan called for the Vanderbeck home to be demolished with the facility being built towards the back of the property where the house sits. They talked about a possible land swap, which involved Green Acres land more towards the front near Fair Lawn Avenue. In order to do that, they would have to go through the DEP and get Green Acres approval. The Historic Preservation Commission and the developer met twice and also

discussed the land swap. The Commission, however, voted against a land swap.

The developer, Barrister Construction met with him, Acting Manager Van Kruijning and Mr. Strobel and Mr. Abbatomarco from the County, who attended at the request of the State Green Acres representative also in attendance. They discussed what was involved in doing a land swap and the developer said he was not going to apply to the DEP or do the land swap due to the stringent requirements. The Borough does not own the land and the Vander Plaat family has entered into a contract with Barrister Construction, so they must wait for Barrister to come before one of their Boards before they can decide what they are going to do.

Some people have requested that the Borough place a moratorium on the house, but Attorney Mondello has advised them that they could not do that. The reason they were able to place a moratorium on the Naugle House was because the Borough was in contract with the developer to buy the home. The Council must now wait and see whether the developer wants to build an assisted living facility or houses or even whether he has a contract to get out of his agreement with the Vander Plaat family.

Others have said that the town was not a good steward of historic homes. In the 1970's the town saved the Garretson Forge property, which is now owned by the County and they also saved the Cadmus House, which was moved to the train station. They also saved the Naugle House. When Councilmember Swain, Deputy Mayor Trawinski and Deputy Mayor Baratta were on the Council they had former Assemblyman Nick Felice and a friend of the Vander Plaat family speak to Mrs. Vander Plaat about the possibility of the Borough buying the home with Open Space money and she said "no". When she died, the Borough Attorney called the estate's attorney and repeated their request and was told "no". The house was subsequently sold to the developer.

He would like to see the house saved. If there was something the Council could do to save the house they would do so, but the Borough does not have the money to buy the house. They also have an estimate of up to \$500,000 to restore the Naugle House. He wanted to give everyone this background information to clarify what has occurred so far.

Councilmember Swain stated that the Vanderbeck house has historic significance but does not have landmark status. Jane Diepeveen, the town historian stated that the house was on a national registry. Councilmember Swain suggested that they designate the house as a landmark site in Fair Lawn. Ms. Diepeveen stated the house is on the Master Plan as a historic site. Councilmember Swain stressed that by giving the house landmark status it might

be one more way to preserve the house. Deputy Mayor Baratta suggested they discuss that suggestion in Closed Session when Attorney Mondello returns.

She asked if the Historic Preservation Commission's vote against doing a land swap played any significance in the developer's decision not to proceed with one. Mayor Cosgrove stated that the representative from Green Acres stressed it is a hard procedure to do. If everyone was moving in the same direction and stating this was beneficial it would increase the likelihood of getting approval. After the developer heard the comments he said he would not do it. Deputy Mayor Baratta stated this was not a process the Borough was involved in but rather something the developer had to take on. Mayor Cosgrove confirmed that. The developer had offered to restore the Naugle House for free for the Borough if they did the land swap. He worked well with the Historic Committee and tried to be accommodating. Now that plan has been pulled from the table and it is a moot point.

Deputy Mayor Trawinski clarified that their efforts first started when he and Steve Weinstein were co-chairs of the Open Space Committee and they went to see Mrs. Vander Plaat regarding the Vanderbeck house, which was one of their early targets. After she said no, they asked Assemblyman Felice to try. They have never seen a plan; they only saw a concept. In the meeting that he and Mayor Cosgrove attended, the developer and his attorney asked if the Council would be willing to rezone the property for assisted living and speaking only for themselves, they advised the developer that they were not prepared to vote to rezone it and that they doubted that the sentiment would exist with the rest of the Council. When they reported back to the Council after the meeting, it was clear that they were unanimously against rezoning it.

Lastly, he asked if the developer's offer to restore the Naugle House was presented to the DEP representative because while the rule of thumb is 3:1 or 5:1 on the land, if land is not available the DEP will allow a monetary contribution to be made for acquisition and for preservation of properties elsewhere in the Borough or other historic sites to be restored if everyone is marching the same way. Mayor Cosgrove did not think that was brought up. He felt the developer decided not to move forward because of the money and the fact that it could take up to a year.

## **STRAY CATS**

Councilmember Swain stated there is a problem with stray cats. The County shelter is full as is Fair Lawn's pound. She suggested reaching out to Fair Lawn residents to see if anyone is interested in serving as a foster family to some of the rescued cats. Deputy Mayor Baratta stated that the County was doing a 2-for-1 offer because there are so many cats. Residents should be told not to feed the

cats as it increases the numbers of cats in a neighborhood. Councilmember Swain noted that it is important to neuter animals.

There was consensus to have Acting Manager Van Kruijning provide information about stray cats via Borough emails and the website.

### **FARMER'S MARKET**

Councilmember Peluso stated that last year Jane Spindel had informed the Council that it was difficult for the Committee to continue setting up and closing down the Farmers' Market. They discussed options such as having other volunteer groups help out from time to time, but they never followed up on this. The Committee wanted permission to ask other organizations if they would help out through the end of the season. Acting Manager Van Kruijning will help facilitate their request.

### **OPEN SPACE ISSUES**

#### **BERGEN COUNTY MUNICIPAL PARK IMPROVEMENT GRANT**

Deputy Mayor Trawinski stated that he would be recused on this item.

Acting Manager Van Kruijning asked for Council approval to proceed with a matching grant application in the amount of \$15,000 (\$30,000 total) for a passive park at Columbia Heights. The County only allows them to submit one complete park project. The application is due August 29<sup>th</sup> so he would need a resolution placed on the August 20<sup>th</sup> agenda.

There was consensus for Acting Manager Van Kruijning to submit a Municipal Park Improvement Grant application in the amount of \$15,000 for a passive park at Columbia Heights, with Deputy Mayor Trawinski recused.

#### **OPEN SPACE REGIONAL COMMITTEE REPRESENTATIVE**

Acting Manager Van Kruijning explained that he would like to appoint Engineer Garrison as the Open Space Regional Committee representative for the Borough, a position in which he has served in for many years.

There was unanimous consensus to approve the above appointment.

#### **BERGEN COUNTY HISTORIC PRESERVATION GRANT**

Acting Manager Van Kruijning stated that the grant application is due August 29<sup>th</sup>. He spoke with Felice Koplik, chairperson of the Historic Preservation

Commission and the recommendation is to apply for the grant for the preparation of the construction documents for the Naugle House. The documents are broken down into immediate, short term and long term and are based upon the preservationist's plan for the total restoration, which is approximately \$500,000. The Borough's responsibility would be \$25,482. The project would have to be considered in the 2014 Capital budget.

Councilmember Swain stated that this is step 2. Mayor Cosgrove confirmed that. They have already paid a little over \$18,000 for the first grant. Acting Manager Van Kruiningen stated that they have received a very detailed copy of the preservation plan from HMR Architects, who will provide them with some of the documentation to proceed with the application.

There was consensus to authorize Acting Manager Van Kruiningen to submit a Bergen County Historic Preservation Grant application for preparation of the construction documents for the Naugle House, with Deputy Mayor Trawinski recused.

#### **DISABLED VETERAN APPLICATION – BABBITS – BLOCK 4611, LOT 30**

Acting Manager Van Kruiningen stated that he received an email from Assessor Henderson on July 23<sup>rd</sup> regarding a disabled Veteran's application for Block 4611, lot 30, which he recommended granting based on the documentation supplied.

There was unanimous consensus to grant the Disabled Veteran Application referenced above.

Deputy Mayor Trawinski stated that Emerson gives full exemption to disabled veterans who have served in combat, or their spouses, as opposed to a deduction. He wondered if the Borough had such an ordinance. If not, he would like Attorney Mondello to look into this to see what the criteria are. Attorney Mooney stated that Veterans get a \$350 deduction. Veterans who apply and are deemed to be 100% disabled due to combat are allowed a credit 12 months from the date of application. Municipal Clerk Kwasniewski stated that the Borough has also used that criteria and have never given more than 12 months of credit. Acting Manager Van Kruiningen stated the last full exemption was in 2005. Deputy Mayor Trawinski stated that if the resolution is sufficient there is no need to change the process. He suggested Attorney Mondello look into it.

#### **SPECIAL MEETING**

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

Mayor Cosgrove reconvened the Work Session at 8:35 p.m.

Deputy Mayor Trawinski stated that now that they received the County Certified 2013 tax rates from CFO Palermo, he suggested Acting Manager Van Kruiningen show the additional tax monies they contribute to the Library above the minimum as either a foot note or asterisk. Historically the Borough has contributed more than the minimum requirement. He also suggested posting the entire data with the pie chart on the Borough's website, since it will show the public that 62% of their taxes go towards the schools.

There was unanimous consensus to have Acting Manager Van Kruiningen implement the above suggestions.

### **MISCELLANEOUS PUBLIC COMMENTS**

Jim Storozuk, 27-15 Urban Place stated that he read the State will be requiring periodic recertification for handicap parking permits. When the Veteran's Administration certifies someone as 100% disabled or a veteran signs up for the \$250 tax credit, they have it for as long as the person or the widow or widower owns the house. The Veterans' Council received a list of every property holder in Fair Lawn who was receiving a veteran's deduction and learned that several listings were labeled "estate of" or were being rented out but were still receiving the property tax discount.

Attorney Mooney explained that was because the property was still in the veteran's name. Mr. Storozuk felt that since people must reapply for the handicap parking permit, there should be no objection to veterans showing their discharge papers every two or three years. Some people were receiving a credit that they did not deserve. He encouraged the Council to look into it. Deputy Mayor Baratta stated that if the veteran still owned the home they were entitled to the tax credit. Mr. Storozuk felt this was meant for veterans living in their home to offset their taxes.

Mayor Cosgrove stated that with regards to the recertification for handicap parking permits, the ADA Committee has spoken at length about the abuse that occurs with these permits, such as a family continuing to use a permit belonging to a deceased relative. The regulation is overdue. A Police officer collected \$165,000 in fines at the Bridgewater mall. Another problem is cars parking over into the blue striped area in a handicap space, which is designed to provide room for people with vans to get their ramp down. They have had a lot of problems but the Police are aware. Deputy Mayor Trawinski stated that there is also an issue with motorcycles parking in that area.

Craig Miller, 5 Ramapo Terrace stated that he was concerned about overnight parking being allowed in Radburn, as it would make it difficult for emergency vehicles to get down the streets. He asked if there was a limit to the number of garage sales that residents could have. Deputy Mayor Baratta stated that a permit was not required and there was no limit. She noted that they were having a garage sale day in Fair Lawn on September 28<sup>th</sup>.

Mr. Miller concluded by stating that the left turn signal light on Plaza Road, facing Panera Bread has been covered over. Acting Manager Van Kruiningen will look into it.

Felice Koplik, 6 Reading Terrace thanked the Council for voting to proceed with the grant for the construction documents for the Naugle House. The \$500,000 cost for the preservation was for three phases of work over a period of time that will result in a historically correct restoration. The County decided it was not worth tearing down half the house to go back to the 1740 version. The architect would like to give a presentation to the Council.

The Historic Preservation Commission did not vote to oppose a concept plan; they voted not to take a position at the current time and reserve formal comment for when an application is filed. Generally the Commission supports saving both houses. The Commission also does not feel the Borough should buy the Vanderbeck property. There are private interests that have expressed an interest. Mayor Cosgrove advised Ms. Koplik that any interested buyers would have to take this up with the estate as the Borough does not own the home and it is already under contract.

Ms. Koplik asked if the Council would contact the executor of the estate again if there were another buyer. Deputy Mayor Trawinski suggested discussing that with Attorney Mondello in Closed Session, as there is a tort for civil wrong for intentional interference with contract and prospective contractual relationships. Attorney Mooney stated that they can discuss this further but neither the Borough nor the Commission should have any discussions with the estate.

Dorothy Green, 410 Squirrel Brook Road, North Haledon, president of the Jewish Historical Society of Northern New Jersey stated that the Society was very interested in possibly buying or leasing the Vanderbeck house. She wanted to put in on record that there are people who are interested in the house to keep it as it is and to preserve the historic value of the house with an historic entity.

Pam Coles, 13-34 George Street lives behind a parking lot that is frequently used as a cut through. Cars are making left turns onto River Road and accidents are occurring as a result. She understood that River Road was a County road, but she wondered if they could prohibit left turns out of the parking lot. The same

situation is occurring on Fair Lawn Avenue. Between the intersection of River Road and Fair Lawn and her block, there are nine turns which makes the area dangerous. Acting Manager Van Kruijning reported that as part of the 2013 Roadway Improvement projects, the lot is scheduled to be repaved, re-stripped and signage will be installed. He will have Traffic Safety Officer Franco look into prohibiting left turns out of the lot.

Deputy Mayor Trawinski suggested having Attorney Mondello check the Borough's site plan approval after the bank was rebuilt and the drive thru was added as well as the County's site plan approval to see if either contain a prohibition against left hand turns at either location. His recollection is that the left turn out of the driveway onto Fair Lawn Avenue was prohibited by the Planning Board.

Ms. Coles thanked Mayor Cosgrove for bringing everyone together regarding the Vanderbeck house since there was a lot of misinformation and missed communication going on. The Vanderbeck House is already listed on their historic ordinance but is not historically zoned, which could be done on the Master Plan to give the house some protection. Mayor Cosgrove stated that they will be having a discussion in two weeks when Attorney Mondello returns.

Jane Diepeveen, 14 Ryder Road asked if the Council had voted informally to support the idea of having an assisted living facility. Deputy Mayor Trawinski stated they did not. Ms. Diepeveen expressed concern about Attorney Mondello's interpretation of the moratorium. Her understanding is that if the Borough passes a resolution saying that the house is a historic interest; they can have a one year moratorium on demolition. It wasn't illegal when they put a moratorium on the Cadmus House so it should not be illegal now. Attorney Mooney stated that it does not set a precedent. They have to look at the facts on a case by case basis. Attorney Mondello must feel that based on the facts a moratorium would not be a good idea, possibly because the Borough would be on the losing side if it was challenged in court and be subject to fines.

Ms. Diepeveen asked if he meant that the ordinance was not valid. Councilmember Swain read the section regarding a moratorium of the issuance of a building permit for the period of 12 months from the date of adoption of the resolution. She reiterated that this is why she felt it should be listed as a local landmark and read the section regarding the appointment of local landmarks by the Mayor and Council. Mayor Cosgrove stated that they will be discussing this at the next Work Session under Attorney/Client privilege.

Deputy Mayor Trawinski stated that when the Council did a moratorium for the Cadmus House it was done under an agreement with the then purchase, because the Borough had asked for time to persuade the legislature to finance

the historic move and they knew it would take a year or so to get that done. So with the consent of the owner, who had no intentions of building on the property, there was a moratorium placed on the property. Since then, Attorney Lustgarten advised them in several circumstances that they could not impose unilaterally such a moratorium on a historic landmark, including Daly Field which was listed on the State and National Historic registry. The Master Plan designation of a property on the historic site does not influence under State law the designation of a moratorium. They have placed this matter on the agenda.

Jay Morgenstern, 42-00 Fox Court stated that he originally came to speak in favor of the land swap. He house is next door to the Vander Plaats property and the wooden area behind the house. If a land swap had gone through, it would have left that area wooded, which is the best situation for him and his neighbors. He spoke to the developer who seemed to be interested in doing whatever possible to appease the neighbors and Borough.

He is also a member of the North Jersey Jewish Historical Society. If the town owned the house, it would be a good idea for the Society to rent a portion of it.

#### **CLOSED SESSION RESOLUTION:**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, the following closed session resolution was unanimously adopted at 9:50 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 – Separation Agreement - Thomas Metzler; Personnel – Water Generation, Fire Prevention, Health Department and Building Department; 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.

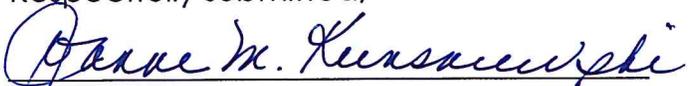
**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set

forth above are ones which permit the exclusion of the public from such discussions.

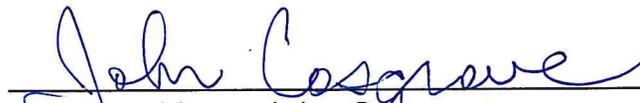
**ADJOURNMENT**

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, the Work Session was adjourned at 9:50 p.m.

Respectfully submitted,

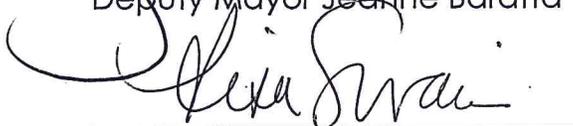
  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

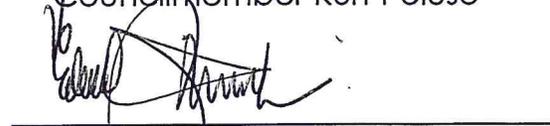
The undersigned have read and approve the foregoing minutes.

  
Mayor John Cosgrove

  
Deputy Mayor Jeanne Baratta

  
Councilmember Kurt Peluso

  
Councilmember Lisa Swain

  
Deputy Mayor Trawinski