

## WORK SESSION OF SEPTEMBER 3, 2013

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

**PRESENT:** Mayor Cosgrove, Deputy Mayors Baratta and Trawinski (late), Councilmembers Peluso and Swain.

**ALSO PRESENT:** Acting Manager Van Kruiningen, Municipal Clerk Kwasniewski and Attorney Mondello.

### **CENTRAL BERGEN MUTUAL AID RADIO REPEATER WATER TOWER**

Acting Manager Van Kruiningen stated that Sergeant Mergler from the Fair Lawn Police Department and Lou Cicchella an active member of Co. #3 and a former Fire Chief were present.

Lou Cicchella stated he was there as President of the Central Bergen Mutual Aid which is one of the two mutual aid groups that fire and rescue belong to. Currently they have a radio repeater on a high rise in Hackensack. The repeater has outlived its usefulness and needs to be replaced. Their relationship with the building owner has not been good because of management changes. It is also outside of the mutual aid jurisdiction. With the approval of the Mayor and Council, they would like to install a repeater on top of the water tower. He introduced Stuart Blank and Robert Bashian who are on the radio committee for Central Bergen.

Stuart Blank stated he was the Fire Chief for Paramus in 2002. He is currently a Police Lieutenant in Mahwah and also the Mahwah Township Communications Officer. They have looked at a number of sites for the repeater including a tower in Rochelle Park, a tower in Paramus and the water tower in Fair Lawn. Fair Lawn is the highest elevation in this area. It really is a backup system for all of the other towns in Central Bergen to utilize this radio system. They would like to install an antenna with a cable and the repeater box. They would do a study to see if there is interference with the Police or Fire Department and if there was they would bear the cost of whatever they had to do to filter them out so as not to interfere with Fair Lawn's equipment. This is a standalone piece of equipment so there are no phone lines tied to it. They were basically looking for a spot to put a radio cabinet no bigger than a two drawer file cabinet with a cable running up the tower and a six to eight foot antenna on top of the antenna crown co-joining with the other antennas.

Sergeant Mergler said that the water tower is at full max and according to his installer no more antennas could go on it. Central Bergen would have to either weld a secondary plate or somehow re-enforce it. Also the electrical outlets are

at full capacity. They would also have to run a separate circuit from the circuit breaker shelter to run their equipment.

Mr. Blank wondered if there was room in the panel to add another circuit. Sgt. Mergler said they would have to ask the Borough Electrician. Mr. Blank said they would have to look at the situation to see what the antenna crown could hold. This will depend on the restoration project that would be going on.

Councilmember Peluso asked if Sgt. Mergler's concerns were met would he be in agreement with this request. Sgt. Mergler said he would be.

Mr. Blank stated that the frequency they have is available to all of the towns that belong to mutual aid group. He gave an example if there was a large scale event they could use that frequency as a secondary frequency so the radio traffic isn't tied up on the regular frequency. Sgt. Mergler asked if it could be connected to their console. Mr. Blank assured him it could be done either by cable or wireless.

Mayor Cosgrove thought it would be beneficial to all of the parties involved and to all of the members of the mutual aid.

Deputy Mayor Baratta wondered what was on the tower now. Sgt. Mergler said they have Police, Fire and Ambulance. Deputy Mayor Baratta said the questions from the public would be about health issues. Mr. Blank said in Mahwah not only do they have the emergency responders but also seven cell providers on the towers. They are renegotiating now because the cell towers now are putting in dishes. They are realizing that they need it for data and not for voice. Within the next two years when the cell phone companies come in they will change the space they now lease to a smaller space but will need more of them. It is a fallacy that it affects the water. Deputy Mayor Baratta wanted it on the record.

Mayor Cosgrove asked for a consensus to give them permission to put the repeater on the tower.

Acting Manager Van Kruijning stated he would like to work with Municipal Clerk Kwasniewski to prepare a resolution that would explain everything in detail.

There was a unanimous consensus to allow Central Bergen to move forward with their analysis and give them permission to put the repeater on the water tower.

**SELF STORAGE/U-HAUL FACILITY BEHIND ARCADIA ROAD HOMES:**

Mayor Cosgrove stated that Mr. Tartaglia has brought to his attention that a self storage facility is going to be built next to the Quick Chek in Saddle Brook. He knows it is not the Council's jurisdiction but possibly the Council could send a letter to Saddle Brook stating that Fair Lawn has flooding issues on Arcadia Road and hope they consider Fair Lawn's residents if they allow this facility to be built.

Deputy Mayor Trawinski thought they could do more than that and appear as a concerned adjacent municipality before their hearing. They could authorize the Borough Attorney and Borough Engineer to appear for the Borough to articulate their concerns.

With the consent of the Council, Mr. Tartaglia joined them at the table.

Ed Tartaglia, 22-17 Arcadia Road, presented a notice that was sent to his home last June from the Township of Saddle Brook regarding the construction of a self storage facility behind the Quick Chek which will be four stories tall and covering the entire property. Currently it is zoned residential but they want to rezone it commercial. They want it 8 1/2 feet from the rear of the property. They will be installing a water collection pond behind the facility. There is no access for the fire department on any of these corners because of the railroad tracks, collection pond and the houses on Arcadia Road. On the opposite side would be trees and grass. The only access area is in the front. He was concerned if there was a fire they would be pushing it right into their house.

Mr. Tartaglia presented photos from Google Maps that showed the tallest house on Arcadia Road was twenty-eight feet. He drew a rough picture of how that facility would be twelve feet taller than the tallest house in the neighborhood. He goggled the industrial areas in Saddle Brook and found one that was already zoned for what the facility needs. There will also be a U-Haul facility in the front with all of their trucks. He did not know if there was anything that can be done but Saddle Brook has not approved it yet. The next meeting is on September 9th.

Councilmember Swain thought she saw an e-mail that he appeared before the Saddle Brook Planning Board. Mr. Tartaglia said the issue was that every time they appear there they have postponed the meeting. It has been postponed for four months.

Deputy Mayor Trawinski thought there was more the Borough could do. The applicant is looking for three use variances and seven bulk variances and probably for the permitted parking spaces. This adversely impacts the property values in Fair Lawn.

Attorney Mondello advised that he is Special Legal Counsel for Saddle Brook and represents several commissioners. Deputy Mayor Trawinski thought they should authorize Bruce Rosenberg to handle this for the Zoning Board. He also thought that Cheryl Bergailo should appear with him. The point that they have another site within Saddle Brook that is appropriately zoned for this project is a valid one.

Councilmember Swain wondered if they knew who the actual owner of the property was. Deputy Mayor Trawinski said Storage Assets LLC is the applicant. If they don't have the consent of the property owner their application would be defective.

Mayor Cosgrove would like a consensus for Attorney Mondello to contact Bruce Rosenberg and to work on this with him.

Councilmember Peluso he would also like the Mayor and Council to write a letter to the Saddle Brook Planning Board opposing this development.

Councilmember Swain said that she would like to be kept informed of the expenses incurred during this process. Deputy Mayor Trawinski reminded her they have to balance the expenses against the tax appeals that will follow from the neighbors whose properties have diminished in value if this project gets built.

There was unanimous consensus to authorize Attorney Mondello to work with Bruce Rosenberg on this matter.

#### **COUNCIL LIAISON REPORTS:**

Councilmember Swain stated that ADA Committee Co-Chairs met at Berdan Grove where they are going to be building the ADA Inclusionary Playground. Hopefully they can begin the project in the spring.

Next week the Arts Council will be starting their photo expo. She reminded them to submit their photos with photos taken during the week of September 8th.

Councilmember Swain wished everyone who celebrates Rosh Hashanah a very happy new year!

Councilmember Peluso said the Substance Abuse Prevention Committee for August was cancelled. The Garden Committee is prepping for the fall season.

Deputy Mayor Trawinski said that none of his boards met.

Deputy Mayor Baratta stated that she won't be present at next week's meeting because she was going on vacation. Deputy Mayor Trawinski added that he also would not be at the next meeting.

Mayor Cosgrove stated that the Community Center was running a fund raiser where people bring in their old gold and a percentage of that went to the center.

The Fire Department has secured the two new pieces of apparatus last week. They are being stored in the Borough garage so that the members can be trained on it for the next two or three weeks before they are put in service. He has seen both of them and they are very nice pieces equipment. The wet down will be held next year in the spring. The Fire Department had a consultant come in to look at the two pieces of apparatus that are left and has decided to keep Engine One and then they will be selling Engine Four.

Municipal Clerk Kwasniewski mentioned that she hopes to hold the auction in September or possibly in October. Acting Manager Van Kruiningen said that vehicles that were expected in September were pushed to October. Those cars that are being replaced will be going to auction.

Deputy Mayor Trawinski said that he had a request from a resident and would like to put it on the next Work Session. Rich Safer who lives on 2nd Street has two abandoned houses on his block plus his own house which floods.

It was agreed to invite Mr. Safe to a Work Session to tell the Council what he wants. Municipal Clerk Kwasniewski will put this item on the October 1st agenda.

Mayor Cosgrove said that one of the houses was the Dube property. It goes back to what they discussed at the beginning of the year, how far they can stretch the property maintenance ordinance. The house next to the Dube house has overgrown trees etc. Construction Code Official Bolan said it is structurally sound. Attorney Mondello said the general consensus was if it was a life safety or the grass and leaves are extremely high, the Borough could place a lien on the house.

Deputy Mayor Baratta said not only are the shrubs and grass unsightly, they bring varmints into the neighborhood because she had that when the house next door to hers grass was very high. Mayor Cosgrove said the house is near the river and the chimney is falling off the house, the weeds are higher than the fence in the backyard. Deputy Mayor Trawinski wondered if they had explored the notion that under life safety it is an attractive nuisance also. It would be a place for kids to go and possibly get injured. Attorney Mondello said it is on the list to be taken care by the Borough.

Mayor Cosgrove reported that Cornell Christianson proposed that a Shade Tree Walking Committee be formed. The Shade Tree Committee had numerous concerns which he would like to discuss at a future Work Session. Municipal Clerk Kwasniewski will put this item on the October 1st agenda.

#### **REVIEW OF TENTATIVE AGENDA:**

Municipal Clerk Kwasniewski stated that they had acquired the Mac Property but never cancelled the taxes on it. Municipal Clerk Kwasniewski said that apparently the taxes are still being charged to these properties. Attorney Mondello found it hard to believe that the taxes were still being paid. Municipal Clerk Kwasniewski stated they did not pay the taxes they would just be cancelled.

Acting Manager Van Kruiningen reminded them about the 9-11 ceremony at 7 p.m. before the Council Meeting next week. He anticipates it to be about twenty minutes.

Attorney Mondello added that in respect to the three month moratorium, he has secured a letter from the developer's attorney indicating that the three months was acceptable.

Deputy Mayor Trawinski wondered if they do it specifically for the victims of September 11 or for the victim of terrorism which would include the victim from Fraunces Tavern bombing. Acting Manager Van Kruiningen said he is acknowledged every year.

Councilmember Swain questioned the agreement with Glen Rock. Acting Manager Van Kruiningen explained Glen Rock had a study done with regard to the drop out in their communications. It is a much smaller project than what was talked about earlier. They will cover all of the costs so the only cost the Borough would have a very minimal electric charge.

Deputy Mayor Trawinski stated that he wanted the minutes to reflect that he remains concerned about the fact that in the post September 11 world, after the Kane Commission report, there are currently in use in Bergen County, 840 different radio frequencies. Interoperability which was the single most important recommendation from the report does not exist.

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

Mayor Cosgrove said he knows that Mary Anne Collura's name has been added to this discussion but the PBA has come to him and asking instead of naming the street after her, they would like to name the Pistol Range after her.

Mayor Cosgrove said the person he recommended, Bill Grieder, lived three houses from the passive park which is also the site of where Fire Co. #2 was founded and he served for many years. The members of Co. #2, they thought naming the passive park as Grieder Park would be a fitting tribute. Those two names can come off the list of what they have for streets.

There was a unanimous consensus to name the Pistol Range after Mary Anne Collura and the passive park on Heights Avenue after Bill Grieder.

Acting Manager Van Kruiningen read the following names, DeMaria Drive, Borgow Place, Nicholas Felice, Mary Burdick, Jacob Vanderbeck, Dirk Riderson, and Blender Place. Mayor Cosgrove added Albie Palmeri and Mary Wallace and Joe Hibow. Acting Manager Van Kruiningen stated that Jane Diepieveen named Felice, Burdick, Vanderbeck and Riderson.

Councilmember Peluso wondered about Ken Marks from All Sports. Mayor Cosgrove thought the field was named after him. Deputy Mayor Baratta thought there was something named after Felice. Deputy Mayor Trawinski said it was the commuter parking lot.

Acting Manager Van Kruiningen said there are a lot of names but suggested they make a decision because the Promenade has now established addresses for the entire project.

Mayor Cosgrove thought the Blenders were the first farmer and the Lazowitz to be the first Jewish family in Fair Lawn. The DeMaria's are here for four generations. Then there is Albie Palmeri who did everything for the Veterans. Mary Burdick was a Mayor. Joe Hibow is a little league coach.

Councilmember Swain felt that it should be named after someone that has passed away which would be a way to honor someone. Deputy Mayor Baratta agreed. Deputy Mayor Trawinski said that would be a change in the Borough's precedent and policy because the Dobrow Complex was named after Flossie when she was alive. Deputy Mayor Baratta said she was not suggesting changing the policy just for this naming.

Mayor Cosgrove stated Nancy Wallace, Albie Palmeri, Jacob Vanderbeck, the DeMaria's and Blenders still have relatives living here. He personally thought that Albie Palmeri was a power advocate for the servicemen that came home now that they would never be treated the way he was treated when he returned from Vietnam. He spoke passionately about that. Deputy Mayor Baratta said she agreed with that recommendation. She thought his family would be honored. Councilmember Peluso agreed but would like to see Wallace on the next one.

There was consensus to name the street in the Promenade Albie Palmeri Place with the caveat that the next street would be named after Nancy Wallace.

#### **DOG PARK:**

Mayor Cosgrove stated that he brought this back up but thought Acting Manager Van Kruiningen should discuss it. The Fair Lawn Afternoon Rotary has come forward and said they are looking for a big project. They will raise funds to build the park. Deputy Mayor Trawinski said the maintenance was the costly part.

Acting Manager Van Kruiningen stated he spoke to Engineer Garrison who recommended placing it behind Schmidt Field along the Passaic River behind the hockey courts. It is in a flood zone area but according to Engineer Garrison if it does not have any permanent structure placed there and as long as they put a chain link fence so that water can flow through it appropriately there would be no problem putting it back there. The approximate start up cost is \$20,000. Then the Borough would be responsible for maintaining it.

Councilmember Swain remembered it would cost about \$20,000 every couple of years for maintenance. Acting Manager Van Kruiningen said they looked into this back in 2009.

Deputy Mayor Baratta said there are a lot of things to take into consideration when putting a dog park in. It is a big liability for the Borough. They would need to have separate areas for big dogs and for small dogs. The people that go to a dog park are experienced and there would have to be a certain type of bedding there. There can't be a way to dig from one area to the other. They will be looking for a water supply and benches. People would want to know if they could keep their toys there. There are a lot of things to consider. People would be coming from all over so parking would be needed.

Deputy Mayor Trawinski stated that invariably the complaints will come from dog owners or people using Memorial. It may be a dog running loose or a dog interfering with another dog, etc. He felt they would be layering on costs upon cost each year beyond the cost of maintaining the facility.

Councilmember Swain thought that it was a heavily used area by kids. She applauds anyone who comes up with an idea that is positive however there are other projects that need to be addressed. She gave an example of the playground that is needed at Radburn School.

Deputy Mayor Baratta stated she was not ready to go forward with this. There are too many other pressing issues especially in this economy. They shouldn't be

adding to the burden. Deputy Mayor Trawinski stated he also was not in favor of it. Councilmember Swain added that there are other dog parks in the County. Deputy Mayor Baratta said there was a new one in Van Saun Park. Councilmember Peluso felt not only would they need funding to build it, they would also need at least five years of maintenance costs. Those costs are pretty steep.

Mayor Cosgrove noted it was the consensus of the Council not to go forward with a dog park.

#### **RIGHTS OF WAY USE AGREEMENT - SUNESYS, LLC:**

Attorney Mondello stated that the agreement pertained to the location at Heights Avenue and Wagaraw Road. The company has always paid their annual \$250 fee and forwards a check for \$1,500 to obtain the right to attach a Fiber Optic telecommunication cable to existing telephone poles, which are used for T1 lines. He did not anticipate the Borough having any problems.

There was consensus to approve the Right of Way Use Agreement with Sunesys, LLC.

#### **REVIEW OF SOLID WASTER COLLECTION BID RESULTS:**

Acting Manager Van Kruiningen stated they received three bids for solid waste collection, with the lowest responsible bid coming from their current carrier, Cali Carting. The current contract expires on December 31, 2013 and they have 60 days from July 30 to award the bid. A five year contract extension with Cali represents an increase of \$197,000 over the life of the contact or \$39,400 per year. After meeting with Superintendent Conte, CFO Palermo and the Assistant Purchasing Agent, the recommendation is that Cali Carting be awarded the contract.

Deputy Mayor Trawinski asked if there were any chronic issues under the current contract. Acting Manager Van Kruiningen stated that there have been no chronic issue and minor issues were handled immediately. John Cali, Jr. is the Regional representative for this area and he answers calls 24/7. The contract includes a second garbage pickup in the summer. Councilmember Swain stated that before she saw the results she was going to suggest cancelling the second pick up in the summer to save costs, but she no longer felt that was necessary. Acting Manager Van Kruiningen stated that Mr. Cali already had the schedule and personnel set for the second pick up in the summer and that is why he included it. He recommended moving forward with the contract.

There was consensus to approve a five year contract with Cali Carting with all solid waste options.

**RENEWAL OF JOINT INSURANCE FUND MEMBERSHIP:**

Acting Manager Van Kruijning stated that the Borough's membership with the Municipal JIF expires at the end of the year. He received a renewal resolution and agreement for a three year period ending December, 2016. He recommended continuing their membership.

There was consensus to renew the Borough's membership to the Joint Insurance Fund.

**CENTRAL BERGEN BICYCLE & PEDESTRIAN PLAN:**

Acting Manager Van Kruijning discussed the letter received by Robert Garrison, Director of Bergen County Department of Planning, who received a Federal grant through North Jersey Transportation Planning Authority to prepare a bicycle/pedestrian plan for the central area of Bergen County.

Deputy Mayor Trawinski stated that he was recused.

Acting Manager Van Kruijning explained that the plan, which includes Elmwood Park, Fair Lawn, Glen Rock, Maywood, Paramus, Ridgewood, Rochelle Park and Saddle Brook, will determine the appropriate corridors for bicycle and pedestrian travel from the pathway through the area along County and municipal roadways to nearby local destinations. The County is seeking a letter from the Borough expressing support and interest in participating as a partner in this effort and has asked that the Borough designate a contact person to serve on the Community Advisory Committee.

Deputy Mayor Baratta asked if they will only be committing to participating and not to installing paths. Acting Manager Van Kruijning stated that was correct. Mayor Cosgrove suggested sending someone from the Police Department to serve on the Committee. Councilmember Swain stated that she would be interested.

There was consensus for the Borough to participate in the Central Bergen Bicycle and Pedestrian Plan.

There was consensus for Councilmember Swain to serve on the Community Advisory Committee.

**CHANGE ORDER - PROJECT #17 ROOF REPLACEMENT LIBRARY & CADMUS WATER GARAGE:**

Acting Manager Van Kruijning stated that Engineer Garrison reported that once the roof was removed at the Library and the Cadmus Water Garage, they discovered that additional wood decking needed to be replaced a cost of \$3,024.00 or 2% of the project's cost. He recommended proceeding with the additional work.

There was consensus to approve the change order for the above project.

**MISCELLANEOUS PUBLIC COMMENTS:**

There were no comments from the public.

**CLOSED SESSION RESOLUTION:**

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain the following closed session resolution was unanimously adopted at 8:30 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 Pending Litigation - Messina, Leonard Miller, Attorney/Client Privilege - Edison Park Playground Equipment Fire Damage, Estate of Frank Gehrig, Personnel - Fair Lawn Borough Gardens Committee; 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.

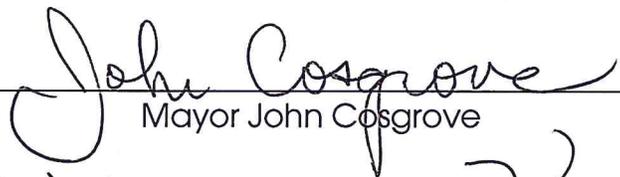
**ADJOURNMENT:**

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the Work Session was adjourned at 8:45 p.m.

Respectfully submitted,

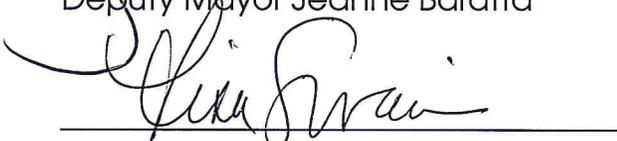
  
\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

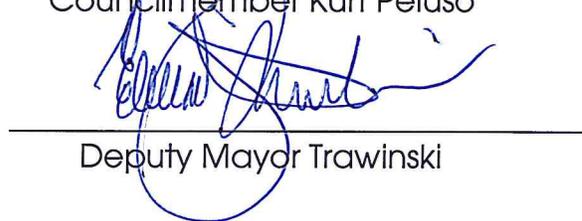
The undersigned have read and approve the foregoing minutes.

  
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Mayor John Cosgrove

  
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Deputy Mayor Jeanne Baratta

  
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Councilmember Kurt Peluso

  
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Councilmember Lisa Swain

  
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Deputy Mayor Trawinski