

WORK SESSION OF JANUARY 13, 2015

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

PRESENT: Mayor Cosgrove, Deputy Mayors Dunay and Lefkowitz, Councilmembers Peluso and Swain.

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

NO PARKING ANY TIME ON POLLITT DRIVE EXTENSION

Traffic Safety Officer Franco was present.

Pollitt Drive Extension is a 300 foot long municipal roadway in the Fair Lawn Industrial Park. It used to dead end into a parking lot for several businesses until Croucher Lane came about. It is not needed for parking because everyone in the area has a parking lot. The road is only 26 feet wide and very narrow, so he recommends that parking be restricted on both sides to allow safer passage for trucks and other vehicles accessing the businesses. He asked if the Council would pass a resolution so he could enact the restriction immediately for 90 days until the ordinance is prepared.

Councilmember Swain asked if Traffic Safety Officer Franco was being proactive or there have been complaints. Traffic Safety Officer Franco stated that when a vehicle parks on that road it interferes with traffic.

Attorney Mondello suggested Mayor Cosgrove recuse himself since he lived in close proximity to the area.

There was consensus to do a three month trial restriction prohibiting parking on both sides of Pollitt Drive extension, with Mayor Cosgrove recused.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk/Deputy Manager Kwasniewski stated that she is adding a proclamation for National Wear Red Day, which is February 6th, and renewal of several massagist licenses.

Councilmember Swain stated that she and Manager Van Kruijning met with Sabrina Osso, who will be doing a 15 minute presentation at the next Council meeting.

Municipal Clerk/Deputy Manager Kwasniewski asked if the memorializing resolution to outsource animal control should be moved to the consent agenda. Attorney

Mondello suggested leaving it as a separate item as potential speakers may not see the resolution under Consent Agenda. Municipal Clerk/Deputy Manager Kwasniewski stated comments would be after the resolution, unless the Mayor uses his discretion to open the floor for comments after the reading. Mayor Cosgrove suggested having discussion before the Council votes. Attorney Mondello will advise the audience that the Council cannot comment on this item since they are in litigation.

COUNCIL LIAISON REPORTS

Councilmember Swain reported that at its December meeting, the River Road Improvement Corp (RIC) mentioned a leaning pole on the west side of River Road near Perfect Pita. Municipal Clerk/Deputy Manager Kwasniewski stated that Superintendent Neggia had already called in the pole number to PSE&G.

Mayor Cosgrove reported that Dave Hollenbeck of PSE&G stopped by Borough Hall today to introduce Rosalie Serapiglia, who will be the Public Affairs Manager for towns north of Route 4.

Councilmember Swain reported that RRIC asked for an update on the Maple Avenue intersection and Clariant site. Mayor Cosgrove spoke to Peter Kortright, who advised him that the Maple Avenue project is bouncing back and forth between County Engineers. He suggested the Mayor send a letter to County Executive Tedesco and ask him to get involved. Attorney Mondello stated that he sent out the easement agreement to the property owners, who will have their attorneys review it before signing.

Councilmember Swain stated that the RRIC's Master Plan sub-committee has been meeting to provide guidance in implementing portions of the plan relevant to River Road. They will include what has been done over the past 15 years. They will make their contribution to the EDC.

The ADA Committee received a \$2,000 donation from Sunrise Rotary for the playground. Once the sign is installed in the spring the playground will be complete. The Committee discussed the email regarding the Stephen Komninos Law, S896 and A1109, which protects developmentally disabled residents in group homes. The resident who sent the email hoped Fair Lawn would pass a resolution supporting the legislation similar to the resolution passed in Wayne. The ADA Committee asked if the Council would support the legislation. Mayor Cosgrove stated that he would forward the copy of the resolution from Wayne for the Council to review.

Councilmember Swain asked to have the Campbell Road Property placed on the next Work Session agenda, as the ADA Committee has been researching the location for special needs housing. There are two types of possible housing that

could be built: individual units for four to five adults or a group home. Attorney Mondello asked if they wanted to rent the property from the Borough. Councilmember Swain stated that the Committee was asking to have the property donated. Mayor Cosgrove explained they discussed this last year. The Borough tried to sell the property twice with no results.

Attorney Mondello asked who would own the property. Councilmember Swain stated that the property would be donated to a non-profit such as Bergen County United Way, who would then build the housing. Mayor Cosgrove stated that Mr. Toronto has already done some drawings and has been very successful in towns such as Allendale and Tenafly.

Councilmember Swain stated that the Green Team and Environmental Commission have been meeting jointly to plan a Green Fair on March 4th from 6:00 p.m. to 9:00 p.m. in the Community Center. There will be many exhibitors who will discuss recycling, sustainability, etc. Whole Foods is donating door prizes and Ridgewood's Environmental Committee will be attending. The High School students want to have a poster contest. There will also be a demonstration by the young man who builds electric cars.

Councilmember Peluso stated that none of his committees have met. The Pool Committee will be meeting shortly to discuss the upcoming season. He, Deputy Mayor Dunay and Manager Van Kruijning are trying to get something on the agenda for the Shared Services Committee with the Board of Education. Mayor Cosgrove stated that Care Plus asked to meet with him, as they may be moving out of the building in Fair Lawn. He notified Superintendent Watson in case the Board of Education needed the property.

Deputy Mayor Dunay stated that the Property Maintenance Committee was meeting tomorrow, and the Financial Planning Committee will be meeting prior to next Tuesday's Council meeting. The Open Space meeting is coming up.

Deputy Mayor Lefkowitz stated that the Planning Board had its Reorganization meeting last night. She, Mayor Cosgrove, Mr. Kortright, Mr. Furphy and Mr. Hughes were sworn in. Brent Pohlman was elected Chairman and Joe Mele was elected Vice Chairman. Chairman Pohlman established an Ordinance Recommendation sub-committee, whose goal is to take the Master Plan and find the areas that need ordinance changes. The sub-committee is comprised of Vice Chairman Mele, Peter Kortright, Oliver Wilhelm and Amy Hummerstone. Recommendations will be sent to the Council so that the Master Plan is fully implemented.

The Alliance for Substance Abuse Prevention discussed having a poster contest, with the winners coming to a Council meeting. There was consensus to have the winners of the Alliance for Substance Abuse Prevention poster contest attend a Council Meeting.

Mayor Cosgrove reported that NJ Transit received their check so the study of the Radburn corridor should be starting soon. He asked if Jane Spindel had contacted Municipal Clerk/Deputy Manager Kwasniewski regarding the sign for the arboretum. Municipal Clerk/Deputy Manager Kwasniewski stated that she read the Work Session minutes to Ms. Spindel, which indicated the Council was purchasing a sign identifying the various types of trees.

Mayor Cosgrove stated that the Fire Department meets tomorrow night. He received an email about possible dates for the next Stigma Free meeting.

MINIBUS

Manager Van Kruijning asked the Council whether he should move forward with his proposed plan to continue mini bus service as it has been since June, 2014 and eliminate the fulltime bus driver.

There was consensus for Manager Van Kruijning to continue the mini bus service as is and eliminate the fulltime bus driver.

CHANGE IN MEETING DATES

Manager Van Kruijning suggested reducing the number of meetings during June, July and August, similar to last year. The June 9th Work Session would remain as is, the June 23rd Work Session would be moved to 7:00 p.m. on June 30th, followed by a Council meeting at 8:00 p.m. The July Work Session would be moved to July 21st from 7:00 to 8:00 p.m., with a Council meeting at 8:00 p.m., and the August Work Session would be moved to August 18th at 7:00 p.m. followed by the Council meeting at 8:00 p.m. Council liaison reports can be given during Council Comments in the regular meetings, giving them extra time for agenda items.

Municipal Clerk/Deputy Manager Kwasniewski stated that if they have one meeting, they would need to be careful planning vacations to ensure there are at least three Councilmembers present. She noted that if there are items they cannot get to in the Work Session they can always come back into a Work Session after the Council Meeting.

Councilmember Swain was comfortable with having reduced meetings in July and August, but felt June is sometimes a busy month.

There was consensus to keep the June meeting dates as is, but have one combined meeting in July and August as suggested by Manager Van Kruijning.

RESOLUTION SUPPORTING FAIR LAWN POLICE OFFICERS

Councilmember Peluso distributed an edited copy of a resolution he received from Pequannock. Fair Lawn Auxiliary Police was added, as they provide a great service to the community, and they also included the French Police in recognition of the recent tragedy that occurred in France. He felt it was important to put actions behind their words. Deputy Mayor Dunay and Deputy Mayor Lefkowitz agreed.

Councilmember Swain wondered if they should include all Police Departments, as there have been incidents all over the Country. Mayor Cosgrove suggested adding "and Police Departments all over the world". Manager Van Kruijning will make the change and forward the resolution to Municipal Clerk/Deputy Manager Kwasniewski.

There was consensus to pass a resolution supporting the Fair Lawn Police Department as discussed above.

NEW POLICY ON OPEN SPACE PURCHASES

Councilmember Swain stated that when a previous Council agreed to purchase the Dube property, they made the decision without having all the information. They are still waiting to find out whether or not the Borough will be reimbursed. She suggested establishing a policy so there is a clear understanding of what their fiscal responsibilities are before making any purchases. Attorney Mondello stated that a policy is already in place. This was an anomaly.

He stated the Council is supposed to first get the appraisal and environmental study completed and make sure the survey is in place. Once they get Green Acres approval they can make a purchase. They did not do that with the Dube property. There was a vote to purchase the property irrespective of what might or might not occur at the State level. He asked Councilmember Swain what other information she wanted added to the long list already in place. Councilmember Swain stated that if Attorney Mondello felt all the mechanisms were in place that was fine. She wanted to make sure they did not obligate the residents for something the Borough cannot afford or didn't really agree to.

Mayor Cosgrove stated that they discussed with Senator Gordon the need to change things. Because the river polluted the property, the State will not allow them to use Open Space money for its purchase. The flooding has eliminated the possibility of purchasing any property near the river.

Manager Van Kruijning clarified that this was a Green Acres purchase not a Blue Acres purchase, which would have followed the same criteria of any victim affected by Super Storm Sandy, along the river bank, being purchased and

bought out. With Green Acres, the contamination factor is strong. Reimbursement from the State may never happen.

Deputy Mayor Dunay felt Councilmember Swain made some good points. It would be helpful to see the current policies and requirements regarding Open Space purchases. There is a risk of being swept away in an emotional moment. It is difficult to bind future Councils, but perhaps they could put conditions on the Open Space trust fund so that certain threshold items are first cleared before the Council can approve spending. There could be value in passing an affirmative policy that stipulates the sort of things the Council is looking for in acquiring open space properties.

At the Open Space meeting he hears every possible excuse for purchasing a property, while he feels they should be looking to preserve land that will have some public benefit. He felt there was value in thinking about the Council's criteria as it perhaps would have given the prior Council pause with regards to the Dube house.

Mayor Cosgrove suggested Manager Van Kruijning and Attorney Mondello come back with criteria for the Council to review. Attorney Mondello will circulate the criteria for reimbursement from the State.

SUBSTITUTES FOR BOROUGH LIAISONS

Councilmember Swain stated that in the past if a Council liaison could not attend a committee meeting, they would see if another Councilmember could attend in their place. It was a good practice because the Council got to attend a different committee meeting and there was a liaison present to report back to the Council. She asked if the Council wanted to institute this policy again.

There was consensus that Councilmembers try to arrange coverage when they are unable to attend a committee meeting.

COMMUNITY CENTER FEES

Manager Van Kruijning discussed his email of January 9th, which referenced proposed increases of hourly and daily rates for the use of specific rooms at the Community Center. The day rate will increase \$15 in 2015 and \$10 in 2016. The theater fee will increase \$50 this year and \$50 next year. There will be a \$5 hourly increase in 2015 and again in 2016.

Councilmember Swain noted the resident rate for the Art Room is more expensive than the rental rate of the theater. Mayor Cosgrove did not think the room will ever be rented out because it is now filled with art supplies. Councilmember Swain asked if the art room could be rented out for art classes. Manager Van Kruijning

stated that the opportunity exists but he did not believe it was likely as all the supplies would have to be removed.

Councilmember Peluso asked about fees for using the gym. Municipal Clerk/Deputy Manager Kwasniewski stated that the gym fee for a resident is \$200 per hour for a minimum of two hours. There is no day rate.

Manager Van Kruijning stated that for Borough sponsored events the current rate is \$400 plus 20% over 75 tickets sold. The vendors indicated they were fine with the \$400 fee, but they asked to have the 20% fee apply to over 90 tickets. They are already booking events for 2016. Mayor Cosgrove stated that Robin Schamach was doing a good job. Municipal Clerk/Deputy Manager Kwasniewski stated that Ms. Schamach had indicated that revenue was \$75,000. Councilmember Peluso asked to see a breakdown of revenue versus expenses. Manager Van Kruijning will provide that information.

Deputy Mayor Dunay asked how many seats there were in the theater. Mayor Cosgrove stated 170. Councilmember Swain stated that someone could not rent the theater without paying for the sound and light crew. Manager Van Kruijning stated that was not true. There have been events for small groups have plugged in their own projector. The renter cannot use the sound booth. If someone requires sound, there is a minimum of one sound technician.

There was consensus to increase the fees at the Community Center as discussed above.

REQUEST FOR FENCE EASEMENTS

1 Reading Terrace

Manager Van Kruijning stated this has been reviewed by Engineer Garrison, whose only concern was this is a corner property with no sidewalks and sight line issues. If approved, Engineer Garrison recommended the fence be installed four feet from the curb to allow for the buffer area, the sight line and any snow plowing operations.

There was consensus to approve the installation of a fence at 1 Reading Terrace, provided the conditions set by Engineer Garrison are followed.

1 Randolph Terrace

Manager Van Kruijning stated that this is a corner property with similar layout. Engineer Garrison has recommended the fence be installed four feet from the curb.

There was consensus to approve the installation of a fence at 1 Randolph Terrace, provided the conditions set by Engineer Garrison are followed.

MUNICIPAL BUILDING WALL OF HONOR

Manager Van Kruijning stated that the Veterans Council would like to extend the paved walkway near the Wall of Honor from the flag pole towards the sidewalk near Fair Lawn Avenue. He distributed the proposal from the Veterans Council.

There was consensus to allow the Veterans Council to extend the paved walkway near the Wall of Honor.

12-47 5TH STREET

Manager Van Kruijning explained that the house sustained serious damage from a fire that took place on January 2nd. Construction Official Bolan inspected the property and deemed it to be an extreme safety hazard that must be demolished. They can serve notice on the homeowners that they must take action; if not, the Borough has the right to demolish the house. A lien would be placed on the property in the amount of the costs incurred by the Borough.

Mayor Cosgrove felt that based on the condition of the home and the safety of the residents, they should move forward. Manager Van Kruijning stated that Construction Official Bolan would serve notice on the owners and interested parties, including the mortgage company, that the debris must be removed within 15 days. If they do not comply at all, they would move forward with full demolition and removal to clear the lot. The cost will range between \$14,000 and \$17,000.

Councilmember Swain asked who will maintain the safety of the individuals going into the home to remove debris. Attorney Mondello stated that the property owners are entering the building at their own risk. If a contractor is hired, then the company assumes the risk. Manager Van Kruijning stated they are using the company that demolished the Dube house and they have insurance. Councilmember Swain asked if there is a barricade. Manager Van Kruijning stated that there was orange security fencing around the entire property. The contractor came in the next day and demolished the house within itself, shut off the utilities, shut off the water, etc. The Police secured the house because the owners returned.

Deputy Mayor Dunay asked about the financial situation of the house. Manager Van Kruijning stated that the deceased owner left the house to her daughter. There is a reverse mortgage on the home but they have fallen behind and are on the verge of foreclosure. They do not have insurance but the mortgage company does. Construction Official Bolan is working with both the homeowner and Wells Fargo.

There was consensus to demolish the home and place a lien on the property to recover the costs incurred by the Borough.

2014 POLICE DEPARTMENT BUDGET EXPENDITURES

Manager Van Kruijning stated that at the last budget meeting Chief Cauwels reported that the radar message mini boards have been successful. There is leftover funding in the 2014 Operating Budget that Chief Cauwels would like to use to purchase a second message board. The cost is approximately \$6,300.

Chief Cauwels also has \$6,000 in unused funding from the line item for network upgrading and evaluation of computers. He would like to give it back to the General Fund to be used for some computer upgrades.

There was consensus to approve the use remaining funds from the 2014 Police Department's Operating Budget to purchase a second radar message mini board.

There was consensus to approve the transfer of the unused funding in the Police Department's network upgrading and computer line item to the General Fund for the purchase of four computers.

FLBOE REQUEST FOR ADDITIONAL PARKING AT WESTMORELAND SCHOOL

Manager Van Kruijning stated that due to the expansion at Westmoreland School, the Board of Education is seeking six parking spaces contiguous to their current parking lot and four additional spaces near the well house. Engineer Garrison advised him that there are large 16" and 20" valves and water mains running through the area so he did not recommend having a space that close to the well house. He did not have an issue with the other six spaces.

Mayor Cosgrove asked if the residents on Parmelee Avenue were notified about the Board of Education's plan. Manager Van Kruijning did not think so, since the Board of Education came to the Borough first to see if they were even willing to give them the property. He felt the Board would notify the residents once it was approved.

Deputy Mayor Dunay asked if Engineer Garrison agreed this location was the most optimal place to add parking. Manager Van Kruijning stated that Engineer Garrison did not have any issues with the location. Councilmember Swain asked if the Board needed to install any handicap parking spaces. Manager Van Kruijning will find out. Municipal Clerk/Deputy Manager Kwasniewski stated that they have one space, but might need to add more.

Deputy Mayor Dunay expressed concern about surrounding the neighbor with a macadam up to their fence. There should be some sort of buffer of trees or shrubs to insulate the resident from the cars. Mayor Cosgrove expressed concern about

headlights shining into the house at night. Councilmember Swain noted that the spaces were encroaching on the resident's property. Councilmember Peluso suggested eliminating the first parking spot closest to the house and shifting the parking spaces over. Mayor Cosgrove agreed there should be a buffer of trees or shrubs. Attorney Mondello stated that a parked car is not a permanent structure, but he agreed that it made sense to eliminate the first parking spot.

There was consensus that Manager Van Kruijning advise the Board of Education they have approval to build additional parking spaces at Westmoreland School, with the stipulation that the Board move the first space closest to the residential property to the opposite end and provide a buffer of shrubs or trees.

Councilmember Swain wanted to be sure the homeowners are aware of what is happening. Manager Van Kruijning will make sure of it.

MISCELLANEOUS PUBLIC COMMENTS

Bernice Katz, 3-22 Saddle River Road stated that she had some recommendations for ordinances regarding impervious coverage and traffic as a result of the Master Plan. Attorney Mondello explained that it is the Planning Board that creates the Master Plan and adopts it, not the Council. The Council may decide not to follow the Board's recommendation if they don't feel it is in the best interest of the Borough. Her comments should be brought before the Planning Board.

Ms. Katz requested signage to limit Oceanos' customers from parking on Brookside Avenue and Northern Drive in the event their expansion takes place. Mayor Cosgrove stated that if something does change in her neighborhood Manager Van Kruijning will have Traffic Safety Officer Franco look into it. Municipal Clerk/Deputy Manager Kwasniewski noted that all the residents on the block must sign a petition asking for parking restrictions.

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 9:00 p.m.

WHEREAS; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel - Appointments: Planning Board Class II Member, Zoning Board Regular Member, Health Advisory Board Regular Member and Alternate II, Volunteer Economic Development Administrator, Fair Lawn Recreation Facility Review Committee, Open Space/Green Acres Planner, Conflict Counsel and

Police Department; Contract Negotiations - PBA/SOA and Personnel - Borough Manager; and

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

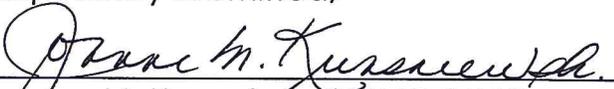
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, the Work Session was adjourned at 9:45 p.m.

Respectfully submitted,


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

The undersigned have read and approve the foregoing minutes.


Mayor John Cosgrove


Deputy Mayor Daniel Dunay


Deputy Mayor Amy E. Lefkowitz


Councilmember Kurt Peluso


Councilmember Lisa Swain

