

## WORK SESSION OF MAY 19, 2015

Mayor Cosgrove called the meeting to order at 7:31 p.m.

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

**ALSO PRESENT:** Manager Van Kruijning, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

### **CAPITAL ALTERNATIVES:**

Mayor Cosgrove explained that Capital Alternatives had to cancel. They have rescheduled for the June 23, 2015 Work Session.

### **LONG TERM FINANCIAL PLANNING:**

Manager Van Kruijning updated three particular items.

Retirement Incentive for Employees - Manager Van Kruijning stated his office and the Auditor had reached out to the State and unfortunately at this time, the State is only entertaining retirement incentive packages when municipalities enter in to either interlocal agreements or shared service agreements in which employees are reduced on the municipality level. Keeping in mind that Fair Lawn is a larger municipality and is providing shared services to other municipalities, the question was where are the benefits to the larger municipalities that provide services to other towns. At this time the State is not even acknowledging it or looking in to it. He asked for the authority to contact Senator Gordon to explain to him what they are trying to do and the fact that they have been unsuccessful.

There was unanimous consensus to authorize Manager Van Kruijning to reach out to Senator Gordon.

Long Term Debt - Manager Van Kruijning circulated a memo from Borough Auditor Steve Wielkotz. He explained that they had asked the Auditor to do an analysis. Manager Van Kruijning and CFO Palermo thought they would do a bond sale in 2015 for 2016 but the Auditor recommended that they do it in 2016 for 2017.

CFO Palermo explained that the Auditor recommended postponing any bond sale until 2016 when it would have a minimum budget impact. He was taking advantage of the decrease of \$1 million. He estimated that if the Borough went out for \$9.5 million it would cost the Borough \$832,000 a year, which would bring

the debt service to \$2,827,544. It would still give the Borough a \$500,000 decrease in debt service for the 2017 budget. They have tried to keep debt steady. CFO Palermo stated they will revisit this next year.

There was a unanimous consensus to postpone the bond sale at this time.

2016 Budget - Manager Van Kruijning stated he and CFO Palermo have started preparing the 2016 budget. They are already looking at alternate ways to deliver services to the Borough. He will present a plan to the Council with his, CFO Palermo and the Committee's recommendations at the July Work Session. They believe there could be significant savings to be made. No services will be cut. He would like to put the plan into effect January 1, 2016.

Councilmember Swain asked for updates to the parking at the train station, animal control, Ambulance Service, and any other programs they had put into place. Manager Van Kruijning said he would give them the changes they have already implemented. He informed them that it is the final year for the current third party biller and if they want to continue the service they will have to go for RFP's.

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

Councilmember Swain reported that the Art's Council had their poetry in motion exhibit which was not well attended but there was a lot of activity going on in the Atrium at the Community Center since Little Mermaid was being played. She mentioned that some of the lights on the track in the Art Room were missing or have been out for some time now. Mayor Cosgrove stated they have a lift that might fit in that room and that is how they replace the theater lights. Manager Van Kruijning will look into it.

Councilmember Swain stated Splash and Dash will be held this year on July 19th with a rain date of July 26th. She mentioned that it will be held at Memorial Pool for kids to do a swim and then a run around the pool. It is something the Green Team had thought about at least a year ago. She asked Councilmember Peluso to promote it in the Pool Committee. She thought it would be good for children to learn about exercise and being healthy.

Councilmember Swain indicated that she had attended the CDBG meeting in Hackensack and wanted to make sure that everyone knew that the money they had anticipated getting from HUD was reduced by a million dollars. They were still able to get the allocation for the paving and the improvements to the Senior Center. She reiterated that next year she thought they should just go in with two projects.

Councilmember Swain stated that she and the Mayor were at the Police Academy graduation. It was great to see so many people volunteer and go through the process.

Councilmember Swain reminded them about the RRIC Car Show on Thursday May 21st in the parking lot of the bank.

Councilmember Peluso asked about the time for the splash and dash. Manager Van Kruiningen said it would be prior to when the pool opens. Councilmember Peluso suggested giving flyers out to everyone who joins the swim team. Councilmember Swain felt flyers should be given to anyone who registers to get their badges for the swim club. Councilmember Peluso stated that the only committee that met was the Long Term Financial Planning and Manager Van Kruiningen just covered everything.

Deputy Mayor Dunay stated that the Environmental Committee and the school board shared service meetings were cancelled. Mayor Cosgrove stated that the Board of Ed called asking the Borough if they could have a vehicle to use in the parade.

Deputy Mayor Dunay said that Property Maintenance Committee did meet and were concerned that there were only 24 requests for tree plantings. They wanted to put a note in The Shopper that trees are available for planting. They also spoke about putting a request link on the Borough's website. Many people are not happy about planting a tree in the right of way for various reasons. They wondered if there was any chance for the Mayor and Council to revisit the policy prohibiting planting on private property. Attorney Mondello felt they already have enough liability with the trees that are in the right of way. Deputy Mayor Dunay wondered if other municipalities had a different policy that has a more liberal view.

Deputy Mayor Dunay stated they felt the light on Broadway was not timed properly and stops traffic unnecessarily. Mayor Cosgrove stated that Traffic Safety Officer Franco noticed something already which they are going to talk to the State about. He felt if it will save lives people may have to wait a little longer. Manager Van Kruiningen stated there is a no turn on red at 55th Street, the cars get to the light, the sensors kick in and it stops all traffic east and west bound for one car to make a right turn. Traffic Safety Officer Franco would like to eliminate the no turn on red. He has already reached out to the State who has probably seen it.

Deputy Mayor Lefkowitz stated the Alliance will be meeting the next day. The Planning Board will be discussed later.

Mayor Cosgrove indicated that the Shade Tree Commission is aware of the fact that the Borough is not planting as many trees. The problem stems from Irene and Sandy that damaged many trees in the Borough. Many people are fearful that the Borough will plant trees near the wires. Walter Neill from Shade Tree told the commission that he gets many requests from residents to cut down healthy trees because they don't want them near the wires and because they think that was the reason they lost their power. Mayor Cosgrove suggested putting information in the newspapers and e-mails. The arboretum is coming along very nicely.

Mayor Cosgrove attended a meeting at the County with the County Engineers and Borough Engineer Garrison regarding Fair Lawn Avenue and Saddle River Road. They settled on the format for the drawings. The conceptual plan will take about two months. The telephone poles have to be moved. The County Executive told him he would do anything he could to expedite it but there is a lot of engineering involved. Manager Van Kruningen stated that on June 30th he will have the reports from the Police Department for the implementation of the no turn on red and the pedestrian countdown signals. It will show the amount of accidents since January 1. He had a brief conversation with Traffic Safety Officer Franco who informed him there has been a reduction of accidents at that intersection. Mayor Cosgrove explained that they would have to take a fair amount of property from all four corners. Unfortunately on the side of Fair Lawn Avenue where the fences are there is not much room. They have to remember there has to be room to have a sidewalk, telephone pole and fire hydrants. Each month Engineer Garrison will keep them informed of the progress.

Councilmember Swain stated that she exits from the park on to Fair Lawn Avenue and felt that people have slowed down and stop and observe the no right on red.

Mayor Cosgrove stated the County told him realistically they are looking at a year or two before this intersection is implemented. Councilmember Swain stated that once they get the plans they should get all of the property owners involved right from the beginning.

Mayor Cosgrove commented that the Citizen Police Academy Graduation was a great event. The Police do a great thing for the department and for the residents of Fair Lawn who come to realize that the Police are their friends. The Junior Police Academy will be held in the summer.

Mayor Cosgrove stated there will be a field meeting next Friday to review the fields. The dedication of the light on Broadway is this Friday.

**REVIEW OF TENTATIVE AGENDA:**

Manager Van Kruningen mentioned that there was a tabulation error on the Water, Sewer and Stormwater Repairs bid and the contract was awarded in the wrong order. He has spoken to both Engineer Garrison and DPW Superintendent Neggia about communicating more clearly so that it does not happen again. There will be a resolution on next week's agenda. Assistant Purchasing Agent Tyls has reached out to all of the vendors indicating the change is coming; he does not anticipate any issues.

There will be a resolution from CFO Palermo authorizing the issuance of estimated tax bills because they did not receive a rate from the County and did not receive state aid.

**SIDEWALK'S - SADDLE RIVER ROAD:**

Manager Van Kruningen stated that last time he spoke to them was about the one particular home on the north end of Saddle River Road and the six or seven homes on the south end towards Broadway that do not have sidewalks. He had Traffic Safety Officer Franco do an evaluation, which was forwarded to the Mayor and Council. He did not strictly talk about Saddle River Road. He mentioned other areas that he was extremely concerned about. Traffic Safety Officer Franco would like to work with Engineering to prioritize the list. He felt that Saddle River Road was not a priority but in front of Memorial School on First Street and the nursery school on Maple Avenue were. Over the summer with the road resurfacing they can look over more areas and come up with a list. He would like to come back to the Mayor and Council at the end of the summer so they can review it and make determinations.

Councilmember Swain stated that since Oceano's project is moving forward it should be looked at. There is a sidewalk but it is set back and not in line with the other sidewalks.

There was a unanimous consensus to authorize Traffic Safety Officer Franco and Engineering to prioritize a list of areas that need sidewalks.

**TENANTS' RIGHTS ON MAINTENANCE IN SINGLE & TWO-FAMILY HOMES:**

Mayor Cosgrove stated he has received complaints from renters in single or two family homes regarding issues such as water in the basement that is not removed. He asked Attorney Mondello if there was an avenue through which they could help the renters. Attorney Mondello explained that issues regarding single or two family residences were covered under the Rent Control Ordinance.

The Council allowed comments from members of the audience.

Arlene Glassman, 14-15 Chandler Drive stated that the Rent Control Ordinance pertains to the payment of rent. She felt there needs to be a separate Maintenance ordinance. Attorney Mondello read a section of the ordinance that stated "the landlord shall maintain the same standards of service, maintenance, furniture, furnishings and equipment in the housing space, dwelling or complex as he/she provided or was required to provide by law or by lease or by any other agreement at the date of the lease or other agreement entered into by the landlord and tenant. Failure to do so shall constitute grounds for the tenant to apply to the Rent Leveling Board for authorization to pay a lower rent than the rent the landlord intended in the earlier agreement".

Ms. Glassman agreed that cases have come before the Rent Leveling Board when services were reduced. However, violations such as leaking pipes and chipped wall paint belong under a maintenance code comparable to the regulations set forth in the State code for maintenance of multiple dwellings. Fort Lee has adopted the State Housing Code, which covers single and two family houses. She felt Fair Lawn should adopt that Maintenance Code for devastating issues other than reduction in service.

Mayor Cosgrove suggested Attorney Mondello review the Fort Lee ordinance and make recommendations to the Council. There was excessive water in the basement in a rental home, but the Construction Official felt it was outside his jurisdiction and that the tenant must appear before the Rent Leveling Board. Attorney Mondello clarified that the tenant could appear before the Rent Board or go before the Court. He spoke to Charles Tregidgo, the Rent Board Attorney, who confirmed such violations were covered. A tenant could also take care of the problem themselves, deduct it from the rent and deal with it when the landlord takes them to court. He will review the Fort Lee ordinance.

Councilmember Swain thought some tenants may be cautious about going to court because they cannot afford an attorney. Attorney Mondello stated that a tenant could withhold his rent. When the landlord takes the tenant to court and pictures of the water-filled basement are shown, the judge will make the landlord deduct that expense from the rent. Councilmember Swain stated that it appears that what they have in place is sufficient, but residents need to know to keep records, take pictures, etc. They may not even know they can go to the Rent Leveling Board. Mayor Cosgrove agreed. The tenants need to be informed of the steps they can take.

Ms. Glassman stated that a tenant could appear before the Rent Leveling Board and be granted a rent reduction, but that doesn't mean the landlord is going to fix the burst pipe that caused the flooding. The tenant could be told

they have to hire a plumber. She felt there are some situations that require a landlord being issued a violation.

Mayor Cosgrove stated that Attorney Mondello will review the Fort Lee Ordinance and report back to the Council with recommendations. He thanked Ms. Glassman for her comments.

#### **MASTER PLAN RECOMMENDATIONS FROM PLANNING BOARD:**

Deputy Mayor Lefkowitz discussed the memo from the Planning Board secretary regarding the Master Plan recommendations. The sub-committee recommended adoption of various ordinance revisions and implementation of recommendations within the new master plan. She reviewed the seven recommendations and changes to the ordinances and found that all seven were contained within the two different ordinances.

Attorney Mondello stated that he will also review the recommendations. He asked if the Planning Board received the recommendations from the Zoning Board. Deputy Mayor Lefkowitz believed they did. Mayor Cosgrove asked Manager Van Kruijning to have Planning Board Secretary Hochkeppel and Assistant Zoning Officer Peck make sure everything was received. The Council can review this again at a future Work Session.

There was consensus to have Attorney Mondello review the Master Plan recommendations submitted by the Planning Board and report back to the Council.

#### **ORDINANCE APPROVING SUSTAINABILITY REQUIREMENTS:**

Councilmember Swain stated that she spoke at a CLE Course on Sustainability and Implementing Legislation. There was an ordinance from Camden about an environmental impact study that would be in their Master Plan, which she wanted the Planning Board to review. There could be a positive impact if the Borough adopted a similar ordinance within the Master Plan.

Attorney Mondello stated that he sent an email with a link to the Borough Code that requires environmental impact study. It is a very comprehensive environmental impact study that the Planning Board requires. The ordinance would add some things to the check list, but it will only supplement what is already there. Councilmember Swain stated that she wanted to make sure they have included everything that might make an impact on Fair Lawn.

Mayor Cosgrove stated that if the Council wants to send the ordinance to the Planning Board, he felt the Manager should pick out specific departments such as Engineering to review it and make recommendations.

There was consensus to have the Planning Board and Engineering review the ordinance from Camden.

#### **REQUEST FOR FENCE EASEMENT - 26-02 BERDAN AVENUE:**

Manager Van Kruijning stated that the resident's request to install a fence was forwarded to Engineer Garrison, who has no objection provided they enter into the usual agreement.

There was consensus to approve the request for a fence easement at 26-02 Berdan Avenue.

#### **CHANGE ORDER - SECURITY SURVEILLANCE SYSTEM:**

Manager Van Kruijning stated that Chief Cauwels has requested a change order on the Security Surveillance System that was installed. The 3% increase would add updated software for the camera stations, which came with a basic package. The Police officers and Dispatchers reviewed it and recommended upgrading the software package so they could view multiple cameras at multiple angles at multiple times. The cost includes software packages for the Communication Center and the Supervisor's Section, which is the current radio room. The \$4,998.00 includes support, software and installation.

They also wanted to make a stationary, stand-alone camera in the Courtroom/Council Chambers bullet resistant and have the ability to zoom in and pan tilt. The cost is \$2,800. The total cost of the change order is \$7,798.00, which is within the project's budget. He recommended approval of the change order.

Councilmember Swain asked if the camera could be shared with Fair Lawn TV. Manager Van Kruijning stated the camera was strictly for surveillance. On Monday, the Police installed a camera across the street on a telephone pole on Parmelee Avenue so they could look up and down Fair Lawn Avenue.

There was consensus to approve the change order for the Security Surveillance System.

**REVISIONS TO BOROUGH CODE - PARKS & RECREATION:**

Manager Van Kruijning discussed two emails from residents requesting permission to play soccer on the Street Hockey Courts at Memorial Park. He informed the residents that he needed to research this further and to speak with Superintendent Graff. After speaking with the Street Hockey Association, Superintendent Graff recommended they do not allow soccer to be played on the Street Hockey courts due to damage in the past from soccer balls being kicked off the wall boards surrounding the court. He also checked with the Police Department and in the past five years there have been 25 complaints about soccer players, skateboarders and other unauthorized activities on the courts.

The ordinance the Police Department enforces is RGO 231-81, which is vague in defining what can and cannot be played on the tennis or street hockey courts. He spoke to Superintendent Graff, who recommends separating the ordinance into two parts and stating the following: "that no player or person shall operate any motor vehicle, bicycle or scooter on the street hockey courts and there shall be no soccer playing on the street hockey courts". A separate section would state "no player shall operate any bicycles, skate boards, scooters or roller blade on the tennis courts and there shall be no baseball, soccer or any other sport activity on the tennis courts". The Borough has ample number of fields where soccer could be played.

There was consensus to approve the additions to the ordinance as outlined above by the Manager.

**APPOINTMENT OF COMMUNITY DEVELOPMENT REPRESENTATIVES:**

Manager Van Kruijning reported that Councilmember Swain's appointment as the Community Development Program representative and Mayor Cosgrove's appointment as alternate will expire on June 30, 2015. The new term will begin July 1<sup>st</sup>.

There was consensus to reappoint Councilmember Swain and Mayor Cosgrove as Community Development representatives.

**FARMER'S MARKET ON SUNDAYS:**

Manager Van Kruijning stated he looked into having an additional Farmers' Market day at the Radburn train station. They could use the secondary lot across from the station at Pollitt Drive, which is Borough property. Currently the farmer pays an \$850 flat rate to have the market at New Song Church. They would need to decide whether to charge an additional \$150 to have the

market on a Sunday. Mayor Cosgrove felt they should only charge the one fee as it is a service to the residents. Manager Van Kruiningen noted that the vendor would have to supply a new certificate of insurance naming the Borough as additional insured for that location.

Councilmember Peluso asked if there was any expense to the Borough. Manager Van Kruiningen stated that the vendor offered to set up cones at the lot. On Friday afternoon, the Parks or Road Department would drop off some barricades and garbage cans. When the vendor came on Sunday morning he would close the road. There is ample parking for customers across the street in the train lot. Councilmember Swain will talk to Jane Spindel and get back to the Manager.

#### **EXPENDITURES BY COMMITTEE:**

Manager Van Kruiningen advised the Councilmembers serving as liaisons to committees or boards receiving Borough funding that certain procedures must be followed when utilizing such funds. Items over \$1,000 require three price quotes; the Committees cannot arbitrarily pick and use a specific vendor. Committee members with questions should contact the Manager's office or Cathy Tyls. Mayor Cosgrove suggesting sending a notice to Committee chairs.

#### **MISCELLANEOUS PUBLIC COMMENTS:**

Mark Colyer, 39-08 Van Duren Avenue stated that according to the Master Plan they are lacking open space. The Open Space Committee listing on the Borough website states they should have between 193 and 317 acres of open space, yet currently they only have 126 acres. There are 2.9 acres of land that could be added to their open space list.

The Master Plan speaks of preserving open space and parkland for recreation and the environment and also states the Borough needs to do more to acquire open space for flood plain and wetland functions. The property near the Naugle House is both. He believes it is imperative to save the property from development.

In 2011 the State passed Farmland Preservation Funding, which allocates \$90 million dollars. The property was historically farmland. There is also \$23 million in grants available in the Municipal Planning Incentive Grants to buy and preserve farmland. Senate Bill 1496 authorizes the State to use eminent domain power to acquire lands for recreation and conservation purposes, provided lands are protected drinking water resources. The Borough could take the land because according to the DEP it is a well headed protected area and a drinking water

protected area. These are two ways they can get the land without spending a penny.

Mayor Cosgrove stated that the Council respected Mr. Colyer's passion, but they tried twice to purchase the property with open space money and twice the owner declined to sell it to them. Attorney Mondello stated that when they put a moratorium on the property they were skating on thin ice, but fortunately the owner voluntarily agreed to it. Eminent domain is very difficult to do and it is not free.

Mr. Colyer said the market value of the property is \$650,000. Mayor Cosgrove stressed the tax map may say \$650,000 but the contractor bought the property for \$2.2 million. Mr. Colyer suggested having the Historic Preservation Corporation that runs the museum apply for Open Space Grants through their 501(c)3. Mayor Cosgrove pointed out that the grants require matching funds. Mr. Colyer felt residents were willing to spend money to preserve this property.

Councilmember Peluso thanked Mr. Colyer for his research. Should he find any non-matching grants or other funding opportunities that do not impact the taxpayers, the Council would be glad to review them.

Mr. Colyer noted that Paramus's Shade Tree Policy is stricter than Fair Lawn's. He will give the Manager a copy.

#### **CLOSED SESSION RESOLUTION**

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 8:43 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 - Zoning Board; and

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

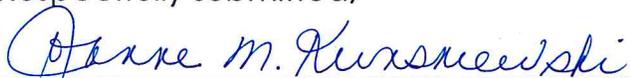
**WHEREAS;** minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

**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**

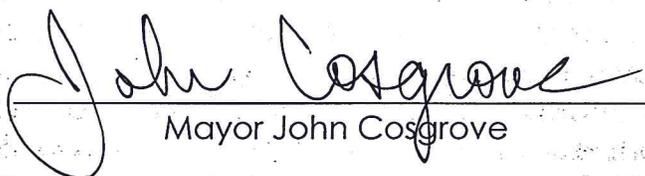
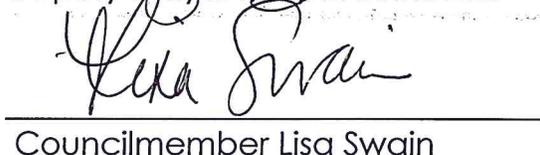
Upon motion by Councilmember Peluso and a second by Councilmember Swain, the Work Session was adjourned at 8:54 p.m.

Respectfully submitted,



Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

  
Mayor John Cosgrove  
Deputy Mayor Daniel Dundy  
Deputy Mayor Amy E. Lefkowitz  
Councilmember Kurt Peluso  
Councilmember Lisa Swain