

WORK SESSION OF JUNE 23, 2015

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

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

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

PRESENTATION BY BARRISTER:

Mayor Cosgrove explained that Barrister had asked to come before the Council to present their new proposal.

Robert Milanese and Russell Huntington, Esq. were present. Mr. Huntington stated he was the attorney for Barrister who is the contract purchaser of the site that contains the Vanderbeck House. They were not able to obtain approval for their application before the Zoning Board. They would like to rezone it for townhouse project. With townhouse zoning they would be able to arrange the buildings as the site conditions allow. They have the economic means and the physical space to preserve the Vanderbeck House where it sits and in the setting that its proponents had hoped for. Frankly, he thought it was a good ratable and an appropriate use of a tough piece of property. He thought realistically this may be the last opportunity for the town to save the Vanderbeck House.

Mr. Milanese explained that they would have dual emergency access past the Naugle House and the main entrance. He presented a preliminary sketch. He did not think they would be able to build 24 units and it would more likely be about 20. They proposed to preserve and restore the left side of the Vanderbeck House and the right side they may use as a unit. Currently it is zoned for single family use but it does not make economic sense to build them because the site work required is prohibitive.

Mr. Huntington stated if the municipality were to rezone the property, there would be a hearing before the Governing Body. If the rezoning gets approved the applicant would still have to go before the Planning Board for site plan review. The plan they had was only a conceptual plan so that the Council could visualize what was being contemplated.

Deputy Mayor Dunay arrived at 7:40 p.m.

Mr. Milanese advised that the height of the assisted living was a problem. Mayor Cosgrove wondered what the height of these buildings would be. Mr. Huntington stated it would be two and a half stories and 26 feet to the ridge.

Mayor Cosgrove questioned whether the Council could change the use. Attorney Mondello advised that right now the use is prohibited so they would have to appear before the Zoning Board. If Mr. Huntington presented reasons why this property should be rezoned the Mayor and Council could consider it.

Mr. Huntington stated their request was that the Mayor and Council consider rezoning it. They just spent a great deal of time and money pursuing a concept for the site that they thought would be welcomed. A use variance application is something that is filled with risk. He does not know if they would undertake it again. They had hoped the town would change the zoning classification. Mr. Milanese added that under no circumstances would he apply for a use variance.

Mr. Milanese stated that he would like to keep it to no more than four units per building. He thought they would be below 24 units in seven buildings. He did not think they could reach the maximum which is seven units per acre without asking for variances.

Mayor Cosgrove wondered about the Vanderbeck House and it being split in half using one side as a common area. Mr. Milanese stated there would be a common road and a common area for meetings, etc. It would be the left side of the building which is the older section. They would try to restore it to its historic appearance.

Mayor Cosgrove thought the Council would like to open the time for public comments on this subject. There was a unanimous consensus to open the time for public comments.

Jay Morgenstern, 42-00 Fox Court, stated that when he and his wife bought their house twenty one years ago, they knew that Mrs. Vanderbeck lived next door and at some point she would pass away and the property would be sold. They knew that it would be a development because of the size of the property. The assisted living project was too big for the property. He always thought a townhouse or condo project would be best for that location. He expressed that he and some of his neighbors would be interested in purchasing something in this development. He would like some single floor units. Mr. Morgenstern felt this is a project that should be considered.

Walter Tuers, 17 Richmond Avenue, Ridgewood, stated he was a descendent of Jacob Vanderbeck. Mr. Tuers thought the house should be saved. Mr. Milanese

explained that he would save as much as he could. Mr. Tuers viewed one of Mr. Milanese's properties and found it to be beautiful.

Pam Coles, 13-34 George Street complimented Mr. Milanese's efforts to rework the site and also the efforts to save the Vanderbeck house. She knows that many people will be grateful for that. She would like to see how this development would impact the neighborhood. Attorney Mondello advised there would be a public hearing either before the Planning Board or the Zoning Board. Ms. Coles was delighted with the workability of this project and that the Vanderbeck House would be saved.

Ray Richter, 19-15 Jordon Road, questioned the easement on the Naugle property. He wondered if they were planning that road to be a primary one or just an emergency only. Mr. Milanese thought it would be up the County Planning Board but felt they would not need both roads. It may be just an emergency gated exit.

Mayor Cosgrove suggested they forward this to the Board and get their comments and based on their comments they can schedule it on another Work Session Agenda.

There was a unanimous consensus to forward this plan to the Planning Board for their comments and schedule it for another Work Session.

LONG TERM TAX EXEMPTION APPLICATION (FAIR LAWN SENIOR HOUSING)

Mr. Lou Flora and Mr. Tom Toronto were present. Mr. Toronto explained that they had submitted a tax credit application that had 100 points and felt that they were in great shape to be awarded the construction financing. There was a bit of turmoil around the distribution of Sandy aid. In the midst of all that controversy suddenly the 100 point application became a 63 point application because they were not located in Little Ferry or Moonachie area. They are going to submit another tax credit application to the Housing Mortgaging Financing Agency. They have revised the necessary documents. They do believe they have a significant point total. While the funding process is a competitive process, they feel encouraged that they will be treated fairly.

Mr. Flora stated the QAP was actually rewritten before they submitted their application last summer. They have worked to get the most points that they can under the application perimeters. In order for these projects to work, they depend on certain tax incentives. Some of these incentives do not have to be repaid. When they spend \$17 million dollars to build it and then it will be rented out to sixty four people in the amount of \$800 dollars a month so there is no way to fund the payment for the debt. The Borough working with the developers

was able to get a payment in lieu of \$5 million dollars which was used to purchase the property. Bergen County's United Way contributed another \$200,000. This project will be built without using any taxpayer's money. It is funded totally by its sponsors, the developer and the Affordable Housing Trust Fund monies. He knows there are no other long term tax exemption programs in the Borough. There will be an affordable housing restriction for the life of the project. The deed the Borough is giving is to the not for profit corporation and if it is not used for affordable housing the property would automatically revert to the Borough. He felt it would be a good project for the Borough and one that would pay for itself. The long term tax exemption turns into a service fee instead of taxes.

Mayor Cosgrove wondered about the timeframe. Mr. Flora explained it would probably be around December when they could anticipate getting something started. Mr. Toronto stated soon after they close they can begin site work. Mr. Toronto explained that depending on the weather the project could be complete in 13 - 15 months.

Mr. Flora explained they need to pass an ordinance and three resolutions. Municipal Clerk / Deputy Manager will put them on the July 21st agenda.

CAPITAL ALTERNATIVES

Marlene Casey and Len Casey were present. Mayor Cosgrove stated that they had asked Capital Alternative come in and go over the various grant opportunities that are available.

Ms. Casey stated that on July 1st the Department of Transportation will put out a request for applications for the last round of the DOT Transportation Trust Fund. It will be very competitive and every one will be asking for their favorite project. After this round the pot will be empty. Until the legislature finds a way to finance it there will not be any more yearly applications.

Ms. Casey explained later there will be the final round of the Federal program formally known as ISTEAs which is now called MAP. If they have any thought of doing any beautification projects this would be the place to put the application.

Len Casey commented that 17% of all the money in the State they had gotten for their clients was for school safety and the 23% they had gotten for streetscapes.

Ms. Casey explained there was another part of the program called Safe Routes to School for sidewalks and any other types of safety improvements on the way to a school where children walk. It has to be K through 8th grade school. It would also include safety devices that are solar operated to slow the traffic.

Councilmember Swain spoke about the solar powered signs that could just be touched and turned on. Ms. Casey said the regular municipal aid application is where an application can be made for those signs. Municipal Aid has more categories to qualify under. Councilmember Swain stated that the Traffic Safety Officer Franco is reviewing sidewalks. Ms. Casey stated if there are several areas that can be listed on the application. Mayor Cosgrove stated once they get the report back from Traffic Safety Officer Franco she can work with the Manager on it. Ms. Casey stated that Engineer Garrison was probably gearing up to do a grant for the road resurfacing. There was also discretionary aid that would not interfere with the road application. She would like to take a look at what Engineer Garrison was doing. Mayor Cosgrove suggested she work with the Manager and Engineer to see if there is a discretionary application and get pedestrian safety involved as he was sure the Council would be in favor of it.

Lastly Ms. Casey stated they were in the application process already for Bergen County Open Space. It was announced two weeks ago that the deadline was September 2nd. She was not aware if the Borough was doing anything for that.

PRESCRIPTION BENEFITS PLAN CONSULTANT PRESENTATION

Risk Manager Covelli presented an overview on prescription benefit costs.

Post 65 retirees were moved to a Medicare Advantage program, saving a significant amount of money. However, they must now deal with active employees and pre-65 retirees.

He distributed a spread sheet detailing prescription costs since they switched to self-insurance in 2010 that also included estimates for 2015. Currently they are using Medco. He included an analysis on United Labor Benefits and Cigna, two alternate prescription management companies, based on drugs utilized by the plan the previous year. Had they used United Labor Benefits last year the cost would have been \$71,000 less than Medco and \$103,000 less if they had used Cigna.

He distributed a report detailing the findings of a consultant who specializes in reviewing contracts and oversight of Prescription Benefit Management (PBM) companies.

The consultant from Pensa Health Management can review prescription contract reimbursement, arrangements made with manufacturers and any rebates to determine how the language can be tightened. They could retain Pensa to prepare a Request for Quotation (RFQ) from PBM's and have them review the proposals to determine where costs could be reduced. Another option would be to hire Pensa to audit claims, contracts and arrangements made with manufacturers of prescription drugs to pinpoint savings. He suggested having Pensa prepare an RFQ, although it will most likely be a six month process. In the meantime Cigna's proposal would save \$173,000 or 13% and could be implemented in a 30 to 60 day period. Once Cigna is in place Pensa can perform an audit to see if they need to consider alternative language or go out to RFQ.

Mayor Cosgrove asked how much the consultant would cost. Risk Manager Covelli stated that Pensa submitted a proposal for \$9,600 to prepare the RFQ and secure the contract with the PBM. He will obtain a proposal for auditing services.

Councilmember Swain noted a decrease from 2012 to 2013 when the post retirees were switched to another plan but an increase in costs in 2014 and 2015. Risk Manager Covelli explained the increase was due to the drugs being utilized by the participants. Councilmember Swain stressed the need to implement a wellness plan to improve the health of the employees and bring down costs. Risk Manager Covelli stated that the Affordable Care Act provided some wellness tools. Preventative care is now provided at 100% coverage so there are no co-pays or deductibles. Two health catastrophes were avoided because of symptoms picked up during visits to the Wellness Bus.

Mayor Cosgrove stated that the Council will review the information and have Risk Manager Covelli return at a later date.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk/Deputy Manager Kwasniewski stated that in addition to several items they discussed today she is adding three salary ordinances: Supervisor of Water for Water Distribution, Assistant Water Treatment Plant Operator and Sewer Water Treatment Plant Operator. A resolution cancelling a 2015 property tax due to classification change to tax exempt and three resolutions from Mr. Flor and one ordinance relating to Senior Housing will be added.

COUNCIL LIAISON REPORTS

Councilmember Swain reported that she and Mayor Cosgrove attended the Weight Loss Challenge last night at Graydon Pool. It was exciting for the

participants who made it through the full challenge. The program started with 200 people but ended with just under 100. The total collective weight loss was 852 lbs. with the highest weight loss being 25 lbs. Shop Rite from Fair Lawn provided healthy snacks and Bloom Yoga provided a free yoga class.

She concluded by stating she received a few calls from new residents regarding animal control. Some residents call the Police because they do not know where to call. She wants new residents to feel welcomed, be treated respectfully and not made to feel uncomfortable because they are asking questions about Borough policies they are unsure of. Residents are entitled to receive answers in a friendly manner.

Councilmember Peluso reported that none of his committees met. He has heard from residents that there is an overabundance of trash in the parking lot by Care Plus since the students started parking there. He emailed the Shared Services Committee, but asked if Manager Van Kruijning could put in more garbage receptacles.

Deputy Mayor Dunay reported that the Property Maintenance Committee met a few weeks ago. They will hold their essay contest on the most beautiful sight in Fair Lawn and the most important environmental issue facing youth today. Winners will be honored along with the poster contest winners and the beautiful home award recipients. The Committee wondered about using the prisoner program to clean some Borough properties. Manager Van Kruijning stated that he has not received a response to his request.

Deputy Mayor Lefkowitz reported that the Alliance for Substance Abuse Prevention reviewed potential items for the 2015 budget. The Stigma Free Zone signs and tee shirts have been delivered. Residents wanting a sign should contact Health Officer Wagner. Mayor Cosgrove suggested having a sign in front of every school.

Mayor Cosgrove reported that he attended a ribbon cutting for Children's Aid and Family Services, which is located on Route 208 in Fair Lawn. The director told him that the Alliance was welcome to have a meeting there at their facility. They have a large amount of literature regarding family crisis matters.

He reported that the EDC met with the Planner hired by NJ Transit. He voiced their displeasure that the meeting took place on such short notice. Another meeting will be scheduled within the week and a public meeting will be held in early August. Stakeholders from several Radburn businesses who attended expressed their frustration regarding parking and pedestrian safety. The expert who was present talked about what could be done. As they begin their study they will be going out in the community to talk to people. They expanded the study to include the Promenade. The Landmark developers, who were also in

attendance, said that they will probably be starting their project on Daly Field this summer. The Planner will come back with some concepts, which they will discuss with the EDC. A report is expected to be ready by mid-November.

BERGEN COUNTY MUNICIPAL PARK IMPROVEMENT GRANT

Manager Van Kruijningen reminded the Council that the Bergen County Municipal Park Improvement Grant is due September 3rd. There was a suggestion for a dog park or an additional field and walking track. An employee suggested building an 18-hole miniature golf course, which would be open May to September and generate revenue for the Borough. The golf course, which would be staffed by Memorial Pool and Recreation Department employees, would fit perfectly on the Walsh Pool property. He felt the revenue generated over time would help cover the capital costs. He recommended submitting the application to the County.

Mayor Cosgrove felt he and Councilmember Peluso, as liaison to the Recreation Facilities Committee should meet with the Manager, Superintendent Graff, All Sports and the Fair Lawn Football Association. He recalled All Sports stating that they would like to redevelop the complex with their own funds. Manager Van Kruijningen stated that the updated report from All Sports no longer indicates their contribution towards the project.

Councilmember Swain suggested doing a survey to determine the popularity of miniature golf. Manager Van Kruijningen stated the course in Paramus is always packed. He felt it was something different rather than adding another field. All Sports' plan refers to an initial phase that would build a small walking track, a baseball and a soccer field, although the County no longer accepts projects in phases. Since there is a snack bar, restroom, a building to house the supplies and lighting, most of the needed infrastructure was already in place for the miniature golf. It will not impact the playground or basketball courts. He asked Municipal Clerk/Deputy Manager Kwasniewski to add this to the July Work Session agenda.

RECYCLING CANS AND GARBAGE CANS

Mayor Cosgrove stated he has been receiving complaints from residents that the Borough no longer replaces the recycling containers. Manager Van Kruijningen stated that the program was discontinued for budgetary reasons in 2010. Since 2010, 610 inquiries have been made to obtain a container. They now issue a sticker for residents to place on their own container. Since 2010 they have issued 1,000 barrels to residents to replace containers that were damaged, stolen or discarded.

The Recycling Coordinator felt they would need an initial purchase of 2,000 32-gallon barrels with serial numbers and lid, for a cost of \$38,700. They would need to replace 2,000 barrels for six consecutive years for a total cost of almost \$250,000. Currently no other towns are issuing barrels.

Councilmember Swain asked if new residents are told they can pick up the decal. Manager Van Kruijning stated that when residents call a decal is mailed to them free of charge. They are also advised not to purchase a barrel larger than 32 gallons.

There was consensus not to reinstate the distribution of recycling containers to residents.

Mayor Cosgrove noted that 60 gallon garbage cans are not allowed as per Borough ordinance. Manager Van Kruijning confirmed that. Mayor Cosgrove stated that several residents were angry because they purchased larger cans at Home Depot and are now being told they cannot use them. Manager Van Kruijning stated that he will mention this in the Borough newsletter. He explained that they received complaints from employees in both the Recycling Department and Cali Carting about the weight of some containers.

NON-RESIDENT PARKING FEES

Mayor Cosgrove stated the parking fee charged to non-residents is lower than other communities. Manager Van Kruijning quoted the non-resident rates for several nearby municipalities: Ramsey - \$4.00 per day or \$60 per month; Allendale - \$4.00 per day; Waldwick - \$2.00 per day; Ridgewood - \$0.50 per hour or \$125 per month; Glen Rock - \$4.00 per day; Hackensack - \$4.00 per day; Paterson - \$7.00 per day or \$140 per month; Woodridge - \$3.00 per day or \$40 per month; Wayne - \$2.00 per day or \$25 per month; Rutherford - \$0.50 per hour or \$100 per month; Hillsdale - \$3.00 per day or \$30 per month and Montclair - \$5.00 per day or \$50.00 per month. The Borough is currently charging \$3.00 per day or \$30 per month. He asked that any increase take effect on January 1, 2016. Nick Magarelli has the email addresses of all registered commuters, who could be informed of any updates via email.

Deputy Mayor Dunay asked if the commuter lot was filled since they implemented the new procedure. Manager Van Kruijning confirmed that it was. Deputy Mayor Dunay suggested increasing the daily rate to \$4.00 and the monthly rate to \$60. Manager Van Kruijning stated he did not know if the monthly rates in other towns guaranteed a parking space for the commuter. Councilmember Swain thought an increase from \$30 to \$60 was a large increase. Manager Van Kruijning suggested increasing the rates for non-residents to \$4.00 per day or \$40 per month. He will begin notifying the non-residents in August. Councilmember Swain suggested notifying Fair Lawn

commuters that their rates will remain the same.

There was consensus to increase the parking fees for non-residents to \$4 per day or \$40 per month.

MISCELLANEOUS PUBLIC COMMENTS

There were no comments from the public.

CLOSED SESSION RESOLUTION

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 9:15 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 - Building Department, Finance Department and Personnel Health Benefit; and

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

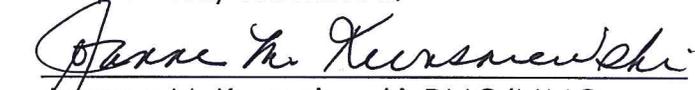
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

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.

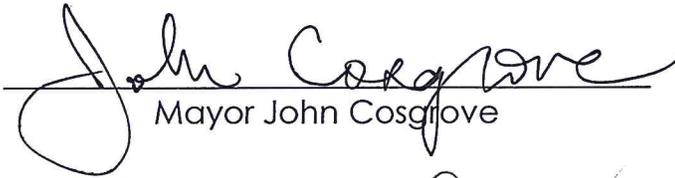
ADJOURNMENT

Upon motion by Councilmember Swain and a second by Councilmember Peluso, 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

