

WORK SESSION OF SEPTEMBER 8, 2015

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

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

ABSENT: Deputy Mayor Lefkowitz

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

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, the following closed session resolution was unanimously adopted at 7:35 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 - Police Department and Water Distribution; 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.

Mayor Cosgrove reconvened the meeting at 7:45 p.m.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk/Deputy Manager Kwasniewski stated that she is adding a resolution for refunds for overpayment of taxes. Since the next meeting is not until September 29th, she will add routine items that come along during the next few weeks. If there is any emergency item, the Council will be notified by email.

Manager Van Kruiningen stated that Ordinance No. 2365-2015 pertains to non-resident commuter parking fees, which will be increased from \$3.00 per day to \$4.00 per day and \$30 per month to \$40 per month, effective January 1, 2016.

COUNCIL LIAISON REPORTS

Councilmember Swain asked why the leaking valve on Plaza Road has not been resolved. Manager Van Kruijning explained they are awarding the bid tonight for valve replacement. Borough employees cannot make the repair because of the location and the underground infrastructure involved including fiber optic lines and communication lines for NJ Transit. Once the resolution is adopted, the company will repair the valve as soon as possible. Councilmember Swain asked why the repair was not done on an emergency basis rather than letting the valve leak for two weeks. Manager Van Kruijning stated that since it was a bid that must be approved by the Council they would have had to call an emergency meeting. They added a Special Meeting tonight rather than wait until September 29th.

Councilmember Swain reiterated her concern about the amount of water that was wasted and the fact that they have scheduled emergency meetings for other issues.

Councilmember Swain stated that she attended the fundraiser at New Song Church for the Veterans Affairs Department. Manager Van Kruijning stated that \$1,200 was raised.

Councilmember Swain reported that the Green Team has an anti-idling display inside the Library. The ADA Committee is meeting Thursday night. She and Manager Van Kruijning will be attending the RRIC meeting on Thursday and the Pet Walk is scheduled for Saturday on River Road. The Arts Council provided the photographs for the 2016 Borough calendar.

She continued by following up on a request from a resident about the noise ordinance. Attorney Mondello stated the resident, who had expressed concern about noise from construction and demolition impacting residential areas, suggested removing a line in the Ordinance so contractors could do work in an industrial or commercial property as long as it did not impact neighboring residents. He felt it was a good suggestion as it would only eliminate weekends and legal holidays if the noise impacted a residential area.

Councilmember Swain concluded by stating that she was present for the closing of the pool, which is always a little sad. People were so happy to be there and the pool was very crowded. Manager Van Kruijning stated that it was a record year for attendance. Councilmember Swain suggested the Borough hold a pre-season Open House so that residents can come and see what a great facility it is.

Councilmember Peluso reported that the Broadway Improvement Corp. is meeting Thursday at 7:00 p.m. in the Community Center Card Room. On Thursday at 10:00 a.m. he and Manager Van Kruijning will be visiting Jordan Creek concerning

complaints from residents about water backing up due to a downed tree and an increased amount of mosquitoes.

Deputy Mayor Dunay reported the Environmental Commission met last week. The Association of New Jersey Environmental Commission (ANJEC) is holding an Environmental Congress on October 9th at Raritan Valley Community College. A representative from the Environmental Commission will be attending, but members of the Council are also welcome. The Commission is excited about partnering with the Green Team next year, particularly for the Green Fair.

He concluded by reporting that Property Maintenance Committee will be meeting tomorrow.

Mayor Cosgrove reported that he received a letter from the County, who approved CDBG funding in the amount of \$183,900 for road resurfacing and \$21,400 for a room divider at the Senior Center. Unfortunately, they did not approve their application for the handicap curb ramps. Manager Van Kruijning stated that the barrier free ramps will be included in the Borough's road resurfacing plan in the Capital budget.

Mayor Cosgrove reminded the Council that the Borough of Fair Lawn is being honored on Tuesday, October 6th at the Building Futures Awards Dinner, which is sponsored by Children's Aid and Family Services.

There was a four alarm fire on Friday at the Broadway Adult Daycare and Spa. He and Manager Van Kruijning visited the scene. The fire was similar to a previous fire, but the damage was less severe. Firefighters from nearby communities assisted.

The Shade Tree Commission met last week. They are planting trees that cost \$300 to \$500 but there is no water in the arboretum. He asked if the Borough could install a water spout, so they can fill gator bags. He reported that Mr. Paek announced at a Sunrise Rotary meeting that he will be donating seven trees to the arboretum. He advised the Manager that the sprinkler system at Recycling is broken. Manager Van Kruijning stated that repairs are scheduled.

Mayor Cosgrove continued that the Commission has asked that the Borough use green permits for tree removals to differentiate from a yellow Building permit. The Commission also suggested that the "No Dogs in Park" signs at Borough parks be turned perpendicular so residents can see them.

He concluded by inquiring about insurance requirements for vendors who participate in the Earth Day program at the arboretum. Manager Van Kruijning stated that vendors have to provide a certificate of insurance as they are not covered by the Borough.

Councilmember Swain noted that on September 27th the Bergen County Zoo is having free admission for families of children with disabilities. Municipal Clerk/Deputy Manager Kwasniewski stated that the flyer is posted on the Borough's bulletin board.

SOLAR POWERED CROSSWALK SIGN

Manager Van Kruijningen stated that he received an email from Traffic Safety Officer Franco requesting additional time to complete his report. Since this is a new product he is having difficulty finding data on its effectiveness. He has requested information from a group that compiles such data and he anticipates having more information for the first Work Session in October.

SIDEWALKS SADDLE RIVER ROAD

Manager Van Kruijningen reported that the Traffic Department and Engineering Department have prioritized 8 areas that do not have sidewalks. The sidewalks requested on Saddle River Road are 12th through 18th on the list. The two priorities are First Street between Berdan Avenue and Avenue of Heroes, located in front of Memorial School and Howard Avenue along Radburn School. The estimated cost for First Street is just under \$14,000 and the cost for Howard Avenue sidewalk is over \$38,000. This project is not included in the 2015 Roadway Improvement, but will be discussed during 2016 budget preparation.

Councilmember Peluso felt they could take care of a few projects each year. Manager Van Kruijningen stated that they will include additional feet of sidewalk when they go out to bid. The top five priorities entail 2,000 feet of sidewalk.

There was consensus to discuss the sidewalk projects on First Street and Howard Avenue during the 2016 budget review.

ESTIMATE FROM PLANNER REGARDING REZONING REQUEST BY BARRISTER

Municipal Clerk/Deputy Manager Kwasniewski stated she received an estimate from Peter Van den Kooy of Matrix New World for \$3,350 to review the plan and \$1,600 to prepare the ordinance.

Attorney Mondello suggested that if the Planner evaluates the request and feels they should rezone the area and the Council decides to do that, there would be no conflict asking Mr. Milanese to pay for the Planner to draft the ordinance.

Deputy Mayor Dunay stated he did not like spot zoning; however, this was an opportunity to potentially save the Vanderbeck House. He felt they should have the Planner prepare a report that they can evaluate. If they decide to proceed, the developer should pay for the cost of preparing the ordinance.

Councilmember Swain stated that she would like to see a plan where they could preserve the house, but she was not in favor of rezoning that area. For her it is not about the house, it's about the quality of life for the neighbors. She didn't think they should be spending taxpayers' money on this project. She has spoken to the neighbors and they are not in favor of a high density development and increased traffic. It was zoned residential for single family homes and she doesn't think now was the time to change it.

Councilmember Peluso expressed concern that developments were starting to put a strain on some of the services they offer. He did not think town homes were necessary. Instead they should be developing housing for senior citizens as that is what the residents want. He did not feel they needed town houses and he was against spending the money for the Planner.

Mayor Cosgrove stated that the attorney for Barrister has stated that if the Borough doesn't change the use, the house will be demolished. Attorney Mondello stated that they would be sending a message to the developer that they do not intend to take a look at whether or not they want to rezone the property. Mr. Milanese has no intention of going back to the Zoning Board, so most likely he will knock down the house and possibly build single family homes.

Councilmember Swain stated that this is about quality of life. She did not feel the developer was really preserving the house the way that they would like it to be preserved. It will be a club house in a town house development. Because she is in favor of keeping the Zoning as is doesn't mean that she is in favor of taking down the house. It just means that she don't want to rezone that area. She did not feel it was the best use of that area or the best use of the space.

Mayor Cosgrove stated that he would like to see what the Planner recommends. The Planning Board, which includes the chairperson of the Historic Preservation Commission, voted unanimously to move forward. He was not saying he was in favor of the plan, but he would like to at least see what the Planner recommends. Attorney Mondello stated that the Planner may come back and say it doesn't match with the Master Plan and they shouldn't do it. Councilmember Swain stated that she does not want to spend any more taxpayer money on it.

Municipal Clerk/Deputy Manager Kwasniewski stated that she cannot issue a purchase order without a majority consensus. She wasn't sure if this warranted an emergency meeting. They can either discuss this again at the next Work Session on October 6th or they can add a short Work Session after the September 29th Council Meeting. She suggested waiting until October 6th to make sure they have a full Council. The Council concurred.

TOWN-WIDE GARAGE SALE

Councilmember Swain stated that several residents have asked if the Borough will be having a town-wide garage sale. Mayor Cosgrove stated he has also received inquiries.

Manager Van Kruijning stated that the Borough has held a town wide garage for two consecutive years. He discussed some of the issues they encountered such as sign pollution from the many leftover signs that took the Recycling Department three days to remove. His office received complaints about residents moving signs out of the way or placing signs in front of another one. There were also complaints from residents who registered but did not have anyone stop at their house. The community wide garage sales held in other municipalities are in towns that charge to hold a garage sale, but then waive the fee for a specific weekend. Since the Borough does not limit garage sales nor charge for a garage sale permit, he did not feel it was necessary to have a community wide sale. If the Council wanted him to hold one, he would announce the date but he will not be involved with taking registrations.

Councilmember Swain stated that after hearing the issues, she will report back to the residents that they are welcome to hold sales on their own but there will not be a community wide garage sale.

There was consensus that the Borough should not hold a community wide garage sale.

COMMUNITY GARDEN

Councilmember Swain stated that she visited the Community Garden a week ago. It is a great garden and the gardeners have wonderful produce. However, they need a fence to keep out the animals. Some people have placed small fences around their individual plot, but ground hogs are knocking them down.

Manager Van Kruijning stated they installed a fence seven and half feet by 330 feet with a gate in May or June, 2013. The fence was installed two feet into the ground to keep out animals, so it was only five feet high. The fence has a 15 year life expectancy and cost \$988. Councilmember Swain said there were only a few sections remaining. She will check with the Committee and report back. She asked if DPW could take a look as well. Manager Van Kruijning stated that he will look at it on Thursday when he is with Councilmember Peluso at Jordan Brook.

AMENDMENT TO PET SHOP ORDINANCE AND FEE

Manager Van Kruijning stated they need to make a minor amendment to their ordinance to meet the State's definition of a pet shop.

There was consensus to amend the ordinance to meet the State's definition of a pet shop.

Manager Van Kruijning stated that Health Officer Wagner has suggested creating a \$100 fee to conduct a pet shop review when a new pet shop opens. Since they have experienced some issues regarding the pet shop on Broadway that has required action by Health Officer Wagner and Tyco Animal Control, Health Officer Wagner is also recommending they charge a \$100 fee to conduct an annual pet shop inspection by the Health Department staff, with the assistance of Tyco if necessary. Other municipalities are charging similar fees.

There was consensus to establish a \$100 fee to conduct a review of any new pet shops opening up in the Borough and establish a \$100 fee to conduct an annual inspection of existing pet shops.

ENDORSEMENT OF CDBG APPLICATION – CAREPLUS NEW JERSEY

Municipal Clerk/Deputy Manager Kwasniewski stated that CarePlus New Jersey is submitting an application in the amount of \$101,871 for delivery of services for children. The State has changed some of the requirements as to how the services are delivered as well as qualifications for their staff. The application has no effect on the Borough, there is no cost to the Borough and it has no effect on the Borough's CDBG applications. A Municipal endorsement is required.

There was consensus to endorse the CDBG application being submitted by CarePlus New Jersey.

SPECIAL MEETING

Upon motion by Councilmember Peluso and second by Councilmember Swain, the Work Session was recessed to the Special Meeting at 8:30 p.m.

Mayor Cosgrove reconvened the Work Session at 8:40 p.m.

MISCELLANEOUS PUBLIC COMMENTS

Marc Colyer, 39-08 Van Duren Avenue stated it would be good to have a water connection at the arboretum. He has a tank on his truck that he could use to fill the gator bags.

They need to repair the sprinklers at the Library as the plantings are in desperate need of water. Manager Van Kruijning stated that the Borough staff does not maintain those sprinklers. Mr. Colyer stated that with regards to the No Dogs Allowed sign at the arboretum, it was felt the sign should face people as they walk into the park.

He was not in favor of rezoning the property near the Vanderbeck House. When Mr. Milanese first proposed the Assisted Living facility, he said he would pay to move the Vanderbeck House and that would be their only chance to save it. Now town houses are being incorporated into the plan and he is again saying this is the only chance to save the house. He felt this was the developer's way of saying he either gets what he wants or he will destroy the house. He did not think resident would object if the Council were to have a one-time tax to raise funds to purchase the property.

He strongly believes that any development behind the Naugle House would compromise the structure. Both houses are fragile as they are held together with clay, not cement. Any change in the moisture of the ground or run off will alter the structure.

Robert Morse, 17 New Street, Bloomfield, stated he is a representative of the New Jersey Sierra Club. A zoning variance is a means to a different end than a zoning change. He is not hearing justification based on planning for this change. All he is hearing is that the property owner wants the change. Attorney Mondello stated that is why the Council discussed having the Planner give his opinion on whether it was good or bad. Mr. Morse stated that if the Planner found it was okay, they should secure a permanent easement from Mr. Milanese to prevent him or another successor from knocking down the house in the future.

Walter Tuers, 17 Ridgewood Avenue, Ridgewood expressed concerns that this matter was dragging on. He was afraid the developer would get impatient and just knock the house down. He disagreed with Mr. Colyer and felt he was playing a dangerous game in thinking he was going to outfox the builder. He has spoken to the builder and if he does not get to build the townhouses he is going to tear down the Vanderbeck House.

He had the impression that the Vanderbeck House would be for sale like the other units and that he would be able to purchase it since was built by his grandfather. He wanted to preserve its heritage. It didn't make sense to put off proceeding with the Planner for another month.

Craig Miller, 5 Ramapo Terrace recalled Traffic Safety Officer Franco stating that the no turn on red restrictions at both Pollitt Drive and Orchard Street would follow what they currently had at Fair Lawn Avenue and Plaza Road. If they have the restriction 24/7 drivers will get impatient waiting for the light to turn and will cut through the gas station at the corner of Pollitt Drive and Fair Lawn Avenue.

He stated the light they had at the outdoor movies was pointed at the screen and dulled the picture. Manager Van Kruijning stated they could shut the light off. Mr. Miller noted that it was very dark in the parking lot. Mayor Cosgrove stated he

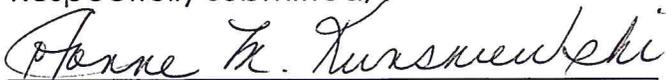
heard the same comment for the Cameo concert. He discussed having the Rescue Squad use there tower light while residents walk to their cars.

Councilmember Peluso stated that he discussed this with Superintendent Graff. This is was their third outdoor meeting and each time they tweak it. It was very well attended.

ADJOURNMENT

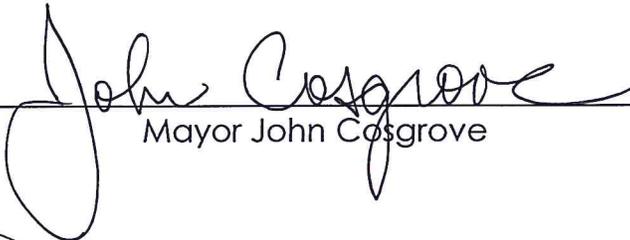
Upon motion by Councilmember Peluso and a second by Councilmember Swain, the Work Session was adjourned at 8:55 p.m.

Respectfully submitted,



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

The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove

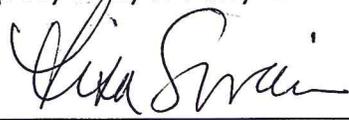


Deputy Mayor Daniel Dunay



Councilmember Kurt Peluso

Absent
Deputy Mayor Amy E. Lefkowitz



Councilmember Lisa Swain

