WORK SESSION OF OCTOBER 6, 2015

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

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

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 Pending Litigation - Timmons vs. Borough of Fair Lawn; and

WHEREAS; this matter is one 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 8:00 p.m.

VARIOUS TRAFFIC ISSUES

Traffic Safety Officer Franco was present.

No Stopping or Standing at Broadway Railroad Tracks (Westbound)

Traffic Safety Officer Franco advised the Council that he contacted the Department of Transportation (DOT) and is waiting for them to address their concerns in a different manner. He would like to place the No Stopping or Standing restriction on hold.

No Turn on Red at Intersection of Fair Lawn Avenue and Pollitt Drive and Fair Lawn Avenue and Orchard Street

Traffic Safety Officer Franco stated that he would like to make the No Turn on Red restriction at both intersections from 7:00 a.m. to 8:00 p.m., as he felt the County would be more likely to approve those hours.

Councilmember Swain asked if he would be monitoring the intersections as she was concerned that people would begin using alternate routes. Traffic Safety Officer Franco stated they monitor the situation every time they make a change to make sure there is no adverse effect. It is important to restrict traffic on Pollitt Drive because of the heavy volume of pedestrian traffic. He has asked management at Fair Lawn Commons to make an application to close the back end of Croucher Lane, which is a private road, so cars do not cut through but they are reluctant to do so.

Deputy Mayor Dunay stated that the major concern at Pollitt Drive is between 5:00 p.m. and 7:00 p.m. when commuters are exiting the train. People sit at the traffic light for a long time, but traffic keeps flowing because cars are allowed to make a right turn on red. He worried about what will occur at 5:30 p.m. when people exit a train and 100 cars come out of the lot on Pollitt Drive and cannot turn right on red. There could be a line of cars a mile long. Traffic Safety Officer Franco stated that if vehicular back up occurs they may end up removing the restriction. Mayor Cosgrove confirmed that people leaving the Industrial Park at 5:00 p.m. use Croucher Lane as a cut through. Traffic Safety Officer Franco stated that Fair Lawn Commons could install a gate that only opens to their residents.

Traffic Safety Officer Franco continued that they need to make a decision so he can approach the County. The signal is part of the railroad pre-emption, so they must also approach NJ Transit. If they say no they cannot proceed.

There was consensus that Traffic Safety Officer Franco hold off implementing the No Stopping or Standing restriction on Broadway pending a response by the DOT, and that he discuss adding No Turn on Red from 7:00 a.m. to 8:00 p.m. at the intersections of Fair Lawn Avenue and Pollitt Drive and Fair Lawn Avenue and Orchard Street with the County.

Municipal Clerk/Deputy Manager Kwasniewski asked if they would be doing an ordinance. Traffic Safety Officer Franco stated yes.

Mayor Cosgrove asked the Council's permission to have Peter Kortright speak.

Peter Kortright, 16-24 Ellis Avenue felt very strongly that parking in the shoulder at the Broadway Train Station should be allowed. It was not safe to make people walk late at night because drivers can no longer park there to pick up a

commuter. Additionally, the Planning Board made recommendations to rezone the area for pedestrian activity and connectivity with different stations, so having that parking is an asset that should be supported, not taken away. Several years ago they almost lost that station because ridership had dropped; they do not want that to happen.

Mayor Cosgrove stated that they will revisit this issue once they receive the recommendation from the DOT.

Councilmember Peluso stated that the BIC looked at the studies that have been done since 2011, when NJ Transit was thinking of closing down the station. Currently ridership has increased to the 300's. He agreed that the train station was an asset to the community.

REQUEST FOR A REDUCTION IN FIRE PERMIT FEES FOR RETAIL FIREPLACE ESTABLISHMENT

Manager Van Kruiningen introduced John Susnosky, owner of a building located at 97 Lincoln Avenue. Mr. Susnosky is relocating his retail fire place store from Paramus. He informed the Construction Official and Plumbing Inspector that he will have fire places on display for retail purposes, but since there is nothing in place concerning retail fire place permits and the Borough only issues permits to install residential fire places, Mr. Susnosky's permit fees totaled $11,400. He is asking for a reduction since the fireplaces are needed for his business showroom. Construction Official Bolan felt $1,800 would be a legitimate permit fee. Manager Van Kruiningen concurred with that recommendation.

There was consensus to reduce the permit fees to $1,800 as per the Construction Official's recommendation.

John Susnosky, 11 Bellaview Drive, Montclair stated that he has been in Fair Lawn for several years with the retail aspect, but will now be combining his retail and showroom space in one location. He appreciated Construction Official Bolan bringing this issue to his attention so it could be addressed tonight. He also appreciated the reduction in permit fees, as he will be spending $250,000 setting up the new showroom.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk/Deputy Manager Kwasniewski stated that she is adding resolutions authorizing the awarding of contracts and the Cranford Cooperative Pricing for Police vehicles.

Rebuilding Together of Bergen County is requesting endorsement of their CDBG application in the amount of $13,000. They will be doing fire prevention activities

with the Fire Prevention Department and expect to spend between $5,000 and $7,000 in Fair Lawn improving the homes of those in need by installing free smoke detectors and carbon monoxide detectors.

There was consensus to endorse Rebuilding Together of Bergen County's CDBG grant application.

Municipal Clerk/Deputy Manager Kwasniewski concluded by stating she was sending home the minutes from the September 29th Council Meeting, which will be on the non-consent agenda.

COUNCIL LIAISON REPORTS

Councilmember Swain reported that she, Councilmember Peluso and Mayor Cosgrove attended the Bergen Rocks Stigma Free event last Wednesday at the Community Center. Proceeds will benefit the Stigma Free Programs in Paramus and Fair Lawn. It was a fun event. The ADA Committee will be meeting Thursday night. She was unable to attend the Green Team due to a conflict.

She concluded by stating that she attended the awards presentation sponsored by Children's Aid and Family Services event this evening. The Borough was presented with the Building Futures award for the work they have done on the inclusionary playground and ADA dances. Mayor Cosgrove noted that Children's Aid also has a group home in Fair Lawn.

Councilmember Peluso reported that the Garden Committee will be holding a plant swap at the Arboretum on Sunday from 10:00 a.m. to 12:00 p.m. He suggested residents stop by the Arboretum and then visit the Street Fair on River Road.

He concluded by asking Manager Van Kruiningen to have DPW check out pot holes on Lake Street.

Deputy Mayor Lefkowitz arrived at 8:15 p.m.

Deputy Mayor Dunay reported that the Property Maintenance Committee met last week. They are continuing with their poster contest and have added an essay writing contest for eight graders on why the environment is important to them. Awards will be given during the Beautification Award's presentation on November 24th. The Committee also expressed ongoing concerns about the Naugle House cleanup. The Environmental Commission is meeting tomorrow.

He concluded by reporting that Ed Trawinski has resigned from the Open Space Committee. Municipal Clerk/Deputy Manager Kwasniewski asked if he wanted to wait until the Reorganizational meeting or fill the vacancy now. Mayor Cosgrove

suggested sending out an email notice to the residents to see if anyone is interested. Municipal Clerk/Deputy Manager Kwasniewski stated that they also need an alternate tenant member for the Rent Leveling Board.

There was consensus to advertise the vacancy on the Open Space Committee and Rent Leveling Board.

Deputy Mayor Lefkowitz reported that Mayor Cosgrove attended the Alliance for Substance Abuse Prevention meeting on her behalf. The Board is still looking for a liaison from the Board of Education. The Open Space Committee will be meeting in November.

Mayor Cosgrove suggested asking for a Board of Education representative for the Alliance for Substance Abuse Prevention Committee at the next Shared Services Meeting.

He continued by reporting that the Fire Department will be meeting with Manager Van Kruiningen to discuss the Fire Board Secretary position, as Chris Hoitsma resigned.

The Shade Tree Committee will also be involved in the plant swap. Mr. Paek has offered to donate seven Sequoia trees to the Arboretum, but the Committee wants to meet with him first to discuss drought restrictions and determine where the trees will be planted. They discussed using gator bags and having water lines installed next year to prevent losing hundreds of dollars' worth of trees due to drought conditions.

The Stigma Free Dance was a great event. He thanked the Council for allowing Bergen Regional to hold the event at the Community Center.

ESTIMATE FROM PLANNER REGARDING REZONING REQUEST BY BARRISTER

Municipal Clerk/Deputy Manager Kwasniewski reported that she received an estimate from Peter Van den Kooy in the amount of $3,350 to review the plan. If the Council decides to proceed with rezoning, he will charge $1,600 to prepare the ordinance and resolutions.

Deputy Mayor Lefkowitz stated that she listened to a recording of the last Work Session meeting since she was absent. She is against spot zoning, but she thought they should get guidance from their professionals. They can discuss this further once they obtain professional advice. It is money well spent.

She was at the Planning Board meeting when the Board unanimously voted to recommend rezoning and the Historic Preservation Commission Chairperson who is

also a member of the Planning Board, was in favor of doing so. She reiterated that they needed to send this to the Planner in order to make a well informed decision.

Councilmember Peluso stated that residents already complain about the traffic on Fair Lawn Avenue. They do not need a Planner to tell them traffic will increase if they add 22 townhouses. More students will also come into district between this development and the development at Daly Field, making it necessary to reopen and expand Edison School. Borough Department Heads have stated they are already strained because of the Promenade.

Deputy Mayor Lefkowitz stated that she was not voting to allow the townhouses; she was voting to have the Planner review the plan and give his recommendation. Councilmember Peluso stated that Chief Cauwels already expressed concern that they do not have adequate manpower for all these developments. If they can't say the development isn't going to cause more traffic, isn't going to cost taxpayers more money and isn't going to put a strain on Department Heads, they should not be spending $3,000 to have a Planner to tell them that.

Deputy Mayor Lefkowitz asked Councilmember Peluso if he was prepared to tell everyone who has worked so hard to preserve the Vanderbeck House that it will be torn down because he is not willing to spend $3,350 to see what the Planner recommends. She would rather have some representation that the Vanderbeck House is going to be saved and spend a small amount of money to see what happens.

Attorney Mondello stated that Mr. Milanese just indicated to him that the townhouses were for 55 and over. Councilmember Peluso stated this was new information. Councilmember Swain also indicated that. Until this moment, she has never heard about an age restriction. She would like to know if there were meetings that she was not included in. Mayor Cosgrove stated that he did not know of any such meetings.

Councilmember Swain stated that either way the house is not going to be preserved. If the development proceeds the house will become a club house, which is not the way people want it preserved. The neighbors in the area who would be directly impacted by the development feel this type of development would adversely affect the quality of their life. Those residents pay taxes and deserve to be heard.

Councilmember Peluso pointed out that the Manager just indicated this was the first time he heard of this development being for 55 and over. He thanked Mr. Milanese for bringing that to his attention as that changes his view somewhat.

Municipal Clerk/Deputy Manager Kwasniewski took a roll call. Councilmember Swain stated that she needed more time to think about this now that she had this

new information. It seems others had this information and have had the time to think about it. Had she known this project was going to be for seniors, she may feel differently.

Attorney Mondello stated that the Council can continue with the vote or they could table it for another time and give Councilmember Swain an opportunity to review what appears to be new information regarding an age restriction. Councilmember Swain stated that she would like to know the plan and if the number of units changed. Deputy Mayor Dunay suggested they continue with the vote to hire the planner. Councilmember Swain stated that she will vote against that because she cannot make an informed decision if she doesn't have all the information.

There was consensus to hire a Planner to review Barrister's request to rezone the property, with Councilmember Swain dissenting.

PLANNING BOARD REPORT REGARDING ZONING BOARD RECOMMENDATIONS

Attorney Mondello suggested that they go through the Planning Board's recommendations. Unless the Council had an objection, he would like to include both the Planning Board and Zoning Board issues. Manager Van Kruiningen thought they were discussing the memo dated September 28th from the Planning Board concerning the Zoning Board's recommendation. He felt they could hold a discussion at another time regarding the Master Plan recommendations. During that discussion River Road Improvement Corp and Broadway Improvement Corp wanted to be present.

Attorney Mondello advised the Planning Board they felt that none of the four items were in the best interest of the Borough.

Municipal Clerk / Deputy Manager wondered if they wanted to schedule the review of the Master Plan recommendations for another date. Manager Van Kruiningen said the meeting on October 20th.

There was a unanimous consensus to inform the Zoning Board that the Planning Board recommended not making changes.

BEST PRACTICES

Manager Van Kruiningen spoke about the correspondence he had e-mailed with the Best Practices worksheet attached for the year. The Borough's overall score increased from 88% in 2014 to 96% in 2015. Again there will be no loss of State aid. If the Mayor and Council approve the Municipal Clerk will certify it and send it out accordingly.

Mayor Cosgrove thanked Manager Van Kruiningen, CFO Palermo and all the employees for doing a great job. Manager Van Kruiningen added that they were trying to get to 100%.

Councilmember Swain thanked him because this was an improvement over the year.

Deputy Mayor Dunay stated it was really good but questioned the two items that were negative. On longevity he knows they are working in that direction and also on Worker's Comp. Manager Van Kruiningen explained that Worker's Comp is a negotiated item thorough the bargaining agreements which he is aggressively looking into at the recommendation of the Borough Attorney.

2016 MEETING DATES

Manager Van Kruiningen spoke about the proposed meeting schedule that he and the Deputy Manager prepared. The only difference between the schedules is that one meeting has been eliminated in February, March and April. The budget meetings have already been included on Tuesday evenings in January and February. He anticipated that the budget could be completed in those two meetings. He recommended that they go with Schedule B but would like their input.

Mayor Cosgrove asked Municipal Clerk / Deputy Manager Kwasniewski if the dates worked with the Municipal Clerk's office. She said it did.

Manager Van Kruiningen explained that it would be the elimination of one meeting per month in March, April and May. Municipal Clerk / Deputy Manager Kwasniewski said that they already lose one meeting in June with the Primary Election. Manager Van Kruiningen further explained that in other months they normally have fewer meetings due to the summer, Jewish holidays, the League Conference and holidays. He and Municipal Clerk / Deputy Manager Kwasniewski have noted that the practice of two monthly meeting has run very smoothly. The agendas have not been massive and the work has been getting done. Councilmember Swain felt that when things come up they should meet, for instance, when they had a water leak the repair was delayed because they did not meet. Manager Van Kruiningen stated he had no objection to calling for those types of meetings. Attorney Mondello advised they just need a forty-eight notice.

Manager Van Kruiningen stated that he made the recommendation of going with Schedule B which is always subject to change. Mayor Cosgrove stated he liked being able to have emergency meetings. Municipal Clerk / Deputy Manager Kwasniewski stated if there was something they needed to approve it could be done at a Special Meeting during a Work Session.

There was a unanimous to approve Schedule B meeting dates.

MISCELLANEOUS PUBLIC COMMENTS

Craig Miller, 5 Ramapo Terrace, expressed concern that an Ambulance was not present at the High School Football games but there wasn't one this past weekend. Manager Van Kruiningen stated he would be meeting with the Ambulance Chief and would speak to her about it. Mayor Cosgrove stated it was always standard practice so there may be a possibility they had numerous calls at that time.

Mr. Miller wondered what was happening on Ramapo Terrace with the markings. Manager Van Kruiningen stated he would find out. If there are pink markings they were made by the staff for work that needs to be done.

Pam Coles, 13-34 George Street, stated that a few weeks ago she recommended that the January 1st 5k run be named in honor of Mary Ann Collura. Mayor Cosgrove stated they have not had a meeting yet and that Deputy Mayor Dunay was the Chairman.

Ms. Coles wondered if there was an update on River Road. She had noticed more trees down especially on the north side. The trees really do add a buffer. Councilmember Swain said she did not bring that matter up to RRIC but she knew she wanted to attend the meetings. Ms. Coles corrected her by saying she could not attend their meetings because they are during the day. She thought they should hold a meeting once or twice a year when residents could attend. Manager Van Kruiningen stated the original trees that were planted along River Road where the wrong trees because they grew too big. The trees that have been removed have either caused damage to vehicles parked there or at the request the business owners who complained that the branches were blocking the name of their business. Mayor Cosgrove wondered if the Borough planted the trees. Manager Van Kruiningen informed him that RRIC planted them. The Shade Tree Supervisor has said they were the wrong trees for that location. There are other trees that will look just as nice and will make a recommendation. He and Councilmember Swain will make that recommendation at the next RRIC meeting.

Ms. Coles wondered about the funding the Borough had put in for open space for the property that was purchased on 2nd Street. She realized it went back and forth because of the environmental testing. Mayor Cosgrove said the Borough has not been reimbursed from Blue Acres.

Councilmember Swain spoke about the Vanderbeck House and how the Borough should save historical houses. In this new development Barrister has stated they would preserve the house.

Robert Milanese, 406 Highland Avenue, Wyckoff, explained that his company would be restoring the left side of the house which is the historic side and renovating the other side. Ms. Coles stated if it became a club house that would be an awesome use of a historic site. During his initial presentation she recalled that the units would be for 55 and older.

Councilmember Peluso stated that he never heard a confirmation of the units being for 55 and older. He did not think anyone else on the Council heard that either. He was thrilled that it was going in that direction.

Ms. Coles said he did bring it up but might not have confirmed it. Councilmember Peluso said at the last meeting when he voted against going to the planner he would have considered it if it was going in that direction.

Mark Colyer, 39-08 Van Duren Avenue, spoke in regard to the Barrister proposal. He is for preserving the house and land as it is today. The Master Plan from 2014 suggested that the Borough buy the house and land and preserve it. Currently is zoned single family housing. He did not understand why they had to spend money to go against what the Master Plan says. He thought Mr. Milanese should present their plans to the Zoning Board.

He spoke about the Ambulance Corps and the number of responses they make. Mr. Colyer felt it was tough to get people to volunteer.

Peter Kortright, 16-24 Ellis Avenue, stated he has been going to the Promenade very often and likes it a lot. When he was a Planning Board member one of the conditions was having three access points, one on Route 208, one on Pollitt Drive extension and the third was on Croucher Lane. He wondered why it was blocked off now since it was part of the approvals. Mayor Cosgrove asked Manager Van Kruiningen to look into this.

Attorney Mondello advised that the Mayor and Council do not have enforcement authority to make sure an applicant complies with the conditions that are in a resolution. However, the Manager can mention it to the head of the Building Department to find out what is going on.

CLOSED SESSION RESOLUTION

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, 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 Health Benefits; 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 Lefkowitz, the Work Session was adjourned at 9:30 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