

WORK SESSION OF DECEMBER 15, 2015

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

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

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

Municipal Clerk/Deputy Manager Kwasniewski stated the Closed Session is being moved to the end of the meeting because Chief Cauwels could not be present.

RIVER ROAD COOPERATIVE PARKING LOT

Manager Van Kruijning explained this was a Council carryover from the November 24th Council Meeting.

Mayor Cosgrove stated a resident spoke at the last meeting about a problem in the cooperative parking lot that the Borough is supposed to maintain. People were parking there illegally and garbage and other items were left in the lot.

Manager Van Kruijning stated the Police Department was notified. They have stepped up maintenance in the lot to twice a week. He notified the Police about the other activity that is taking place.

Gail Menist, 13-40 George Street wanted to know if there was any solution to this problem, although she realized it was a public lot and they cannot stop people from using it. Whenever she contacted the Police Department they would tell her it is a private lot. Manager Van Kruijning stated that the Borough owns the corner of George Street and Fair Lawn Avenue, but the lot between the bank and the condominiums is the bank's parking lot and is technically not the Borough's responsibility. Chase Bank has been notified.

Ms. Menist stated they have installed more lighting to the backyard. She wondered if surveillance cameras could be installed. She has seen the Police patrol the lot but it is not enough. The incident that happened by her garage was at 7:30 p.m. not in the middle of the night. Mayor Cosgrove asked Manager Van Kruijning to send Chase Bank a letter asking if they would consider installing a surveillance camera.

Robert Menist, 13-40 George Street mentioned the bank side of the lot once had a row of hedges that the Borough ripped out. The Borough has been back twice installing new bushes which continue to die. He thought landscape

maintenance was extremely important in that lot. He showed them photos of the garbage in the lot. He complained about the level of the noise, people driving up to the ATM in the middle of the night with the radio blasting and the tenants from the three story apartment building that went up behind him.

Attorney Mondello stated that the Borough has many property maintenance code laws but due to scarce resources, it is the policy of the Borough to act when there is a complaint.

Councilmember Swain wondered if the Garden Committee could take a look at the area to see if it could be enhanced.

Mayor Cosgrove stated that Manager Van Kruiningen is aware of the situation and will follow up. They will ask Chase about installing a security camera and once the Manager gets more information he will get back to them.

COUNCIL LIAISON REPORTS:

Councilmember Swain spoke about River Road's end of the year meeting and presented their budget for the Council's review. They want to hold a new event on a Saturday in June to honor the emergency workers. The green banners should be up along River Road. The benches have either been repaired or replaced. There are now 29 benches at a cost of \$5,800 per bench. They will be updating their Master Plan as it is 15 years old and has out some outdated issues that were pointed out by the Planning Board.

The Arts Council will be holding a poetry event in April because it is poetry month.

The Green Fair will be held on March 9, 2016 and the Environmental Commission and the Green Team will be working on this event together.

Mayor Cosgrove stated that the Environmental Commission asked if they could have a joint meeting with the Green Team, Garden Committee and Shade Tree Committee. He said he will discuss it and have the committee liaisons report it back to the members. He suggested meeting in the Community Center.

Councilmember Peluso stated that the Garden Committee has been working through December because of the warm weather.

Deputy Mayor Dunay stated he had no updates at this time.

Deputy Mayor Lefkowitz said the Planning Board did not meet. The Alliance will be meeting the next day to discuss appropriations.

Mayor Cosgrove stated that the new Fire Chief is Tim Yuskaitis, who is also the Town Crier. The Assistant Chief is Ralph Rinaldo, the Deputy Chief is Marc Palmeri and the Battalion Chief is Jake Mamo.

He attended the Bergen County Stigma Free Breakfast, along with members from Fair Lawn's Stigma Free Task Force Committee. The County is Stigma Free and 25 additional towns have also signed on. The goal is to be Stigma Free in all 70 Bergen County towns.

He concluded by stating that the Shade Tree Commission is meeting this week.

PLANNING REPORT VANDER PLAAT PROPERTY

Municipal Clerk/Deputy Manager Kwasniewski stated that the Council has received a copy of Mr. Van den Koy's report. She received an email from him today inquiring about the status and she informed him she would get back to him once the Council has made a decision.

Mayor Cosgrove stated they looked into doing this as a result of Barrister Construction's request for a change of use so that they can build townhouses for people 55 and over on this site. The Planning Board unanimously recommended changing the use as has the Planner.

Deputy Mayor Lefkowitz acknowledged this was a difficult situation because there is no perfect scenario and no way to save the Vanderbeck house in its full capacity. However, since the Borough does not own the property there is the potential risk that the property might be demolished. It speaks volumes that the Historic Preservation Commission chairperson fully supports the change of use, since the Commission is in the forefront of seeing that the house is preserved.

Deputy Mayor Dunay stated the Vanderbeck House was in bad shape two years ago and most likely it has deteriorated even more. If they do not do this to preserve the House, its days are numbered. This path does preserve the house and he wanted that as a condition to the zone change. As to whether this is an appropriate use of the Council's authority, he felt it was the Planner feels is appropriate for the area. The Planning Board must approve any application.

Attorney Mondello stated that if Deputy Mayor Dunay is worried about any spot zoning issues the Planner has recommended that they consult the Master Plan before going down that road.

Councilmember Swain stated that on October 7th it was stated that 22 units were being proposed. She asked if the number of units is remaining the same

and if the units were definitely for ages 55 and over. She also inquired if all the units would be at market rate or were there any affordable units.

Robert Milanese, 406 Highland Avenue, Wyckoff, New Jersey stated that the number of units would depend on the zoning. They requested seven units per acre or 24 units, although he would need to do preliminary sketches first to determine if all 24 units would fit. It depends on the affordable housing element. There are four different multiple housing zones but R5-1 seemed to be the closest multi-family.

Attorney Mondello stated that if there is an affordable component and if it is on the inventory list, he would have to apply to Superior Court for permission and there probably would be some type of affordable housing component. In that case, Mr. Milanese would most likely be permitted to increase the density. Mr. Milanese confirmed that the housing units will be for 55 and over.

Deputy Mayor Dunay asked Attorney Mondello what their capability was to build in protection around the Vanderbeck house and around the age limit. Attorney Mondello stated that the developer would have to agree to it and it would have to be put in a deed restriction. Mr. Milanese said it would also be in the Developer's Agreement and also be in the condo association's by-laws.

Councilmember Swain stated there was discussion that the part of the house be preserved for use as a possible Club House. She wondered if it would be open for tours. Mr. Milanese said that his letter indicated he would be willing to open it to the public and have something in the Developer's agreement or deed that would run with the land so the Historical Commission could make use of it on occasion or open it to the public on occasion. Mr. Milanese stated that they were going to preserve the front look of the house exactly and the left side, but the right side will become a unit with a small addition.

Mayor Cosgrove asked Municipal Clerk/Deputy Manager Kwasniewski to take a roll call to change the use of the Vanderbeck property. Deputy Mayor Dunay, Deputy Mayor Lefkowitz, Councilmember Peluso, Councilmember Swain and Mayor Cosgrove all voted in favor.

PUBLIC SAFETY TELECOMMUNICATORS' WORK SCHEDULE

Manager Van Kruijning stated that in June they entered into a Memorandum of Agreement with the Borough's five fulltime public safety Telecommunicators to try a 12 hour trial work schedule June through December. The MOA required that a report be submitted at the conclusion of the time period. He received a letter from the Supervising Communications Operator indicating that the dispatchers prefer this schedule. Morale is better. All five fulltime Public Safety

Telecommunicators would like to make the 12 hour shift permanent. Overtime was reduced.

He continued that the employees will continue with the current schedule through February. He would like to enter into a two year agreement beginning March, 2016 and continuing through December, 2017.

Mayor Cosgrove noted that Manager Van Kruijning had experience in Dispatch. He asked if he recommended the change. Manager Van Kruijning stated that he personally did not like 12 hour shifts, but the current dispatchers say they feel like they have more time off by working three days and then having three days off. There were no negative comments in the update. They did ask, however, to work permanent 12 hour shifts instead of working some eight hour shifts. He suggested re-evaluating this at the end of 2017.

Councilmember Swain asked how many hours the Dispatchers work. Manager Van Kruijning stated they work 40 hours per week so they work three 12 hour days and pick up four hours during the course of the seven day work week. Councilmember Swain asked if there were any issues with fatigue. Manager Van Kruijning stated there were not.

There was consensus to authorize Manager Van Kruijning to extend the MOA regarding 12 hours work days with the Telecommunicators through December, 2017.

2016 ITEMS:

- INVOCATION AND BENEDICTION

Mayor Cosgrove stated that he will give the names of the people doing the Invocation and Benediction to Municipal Clerk/Deputy Manager Kwasniewski this week.

- VOCAL PERFORMANCE

Municipal Clerk/Deputy Manager Kwasniewski stated that she reached out to a resident whose daughter was a singer, but she did not reply. Mayor Cosgrove thought the family was away. If they do not come up with another singer they can do without a vocal performance.

- TOWN CRIER

Mayor Cosgrove stated that he spoke to Tim Yuskaitis, who will attend.

ANTI-NEPOTISM ORDINANCE

Councilmember Peluso stated that he has been following what was happening in Saddle Brook, who tried to pass an anti-nepotism ordinance. He and Manager Van Kruijning reviewed Beach Haven's Ordinance and made some changes.

The Ordinance would only apply to Councilmembers and Department Heads, who would not be allowed to hire a son, daughter or relative to work in their own department. The relative could, however, be hired to work in another department. Councilmembers' children or relatives would not be allowed to work within the Borough. Family members currently working in the Borough previously would not be affected and would be grandfathered. The Ordinance applies only to fulltime employees. He thought this would be a great step forward for Fair Lawn.

Manager Van Kruijning stated that every year the Personnel and Policies Procedures Manual is evaluated so he had been looking at adding this to the policy. However he felt doing it by ordinance would actually be better.

Mayor Cosgrove concurred that it was a good move and shows that Fair Lawn is addressing those types of issues.

Deputy Mayor Lefkowitz also thought it was a great idea. She wondered whether they need to clarify the applicability paragraph where it stated that it does not pertain to the boards, commissions and committees. Attorney Mondello advised that the ordinance would apply prospectively and never be applied retroactively.

Councilmember Swain thanked Councilmember Peluso and Manager Van Kruijning for bringing this forward. In the past previous Council's had tried to implement this plan but were unsuccessful.

Deputy Mayor Dunay questioned how this would apply to the Borough Manager. Attorney Mondello advised that he would be considered a Department Head so he would not be able to hire anyone for his department. Mayor Cosgrove suggested adding the Borough Manager to the ordinance.

There was a unanimous consensus to introduce the anti-nepotism ordinance.

RECOMMENDED CHANGE IN SITE PLAN REQUIREMENTS INDUSTRIAL ZONE

Manager Van Kruijning spoke about a very minor language change that the Planning Board had unanimously voted in favor of. Attorney Mondello stated he the Planning Board had often a business came in asking for a decrease in

parking and the answer was never. He thought about the work that would have to be done by Municipal Clerk's office noticing everyone in the zone and two hundred feet outside the zone. If it happened often it would be different. Attorney Mondello advised it was the Council's decision.

Councilmember Swain stated she wanted to change the wording not the context. Manager Van Kruiningen commented that it is exactly the language currently in the ordinance. Attorney Mondello stated he was not concerned with the language but whether the Council wanted to effect the change that would require that everyone in the zone be notified.

There was a unanimous consensus if they decrease the parking they do not have to appear before the Planning Board.

Deputy Mayor Lefkowitz wanted to know the cost of noticing everyone before they do the ordinance. Attorney Mondello wondered what the Council's answer would be if everyone had to be noticed. Mayor Cosgrove stated he was in favor of moving forward if they did not have to send notices out but if they do have to send notices out he was not certain because there was only one application that came before the Planning Board.

There was a unanimous consensus to introduce the change in the zone if notices did not have to go out.

SPECIAL MEETING

Upon motion by Councilmember Peluso and a second by Deputy Mayor Dunay, the Work Session was recessed to Special Meeting at 8:20 p.m.

Mayor Cosgrove reconvened the Work Session at 8:25 p.m.

MISCELLANEOUS PUBLIC COMMENTS

Ruth Gormans, 39-37 Sycamore Drive thanked the Council and Manager for the new mini bus service. She has been told by residents that at times the driver will go to a destination that had been cancelled but was never notified of the cancellation. There should also be a longer time period between pickups. She also felt there should be a monitor on the bus to answer the phone for the driver and assist the passengers. Mayor Cosgrove stated the Manager will discuss her issues with the Health Department.

Councilmember Swain thought that a list should be kept of the people who cancel more than two or three times so they could be weeded out. She asked Mrs. Gormans to convey to the riders that the Borough offers the mini bus as a

free service for the residents who should be grateful for this service. Mrs. Gormans stated that people have acknowledged the improvement in the service and have sent letters.

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 9:35 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 Contract Negotiations – PBA/SOA and Personnel – Appointment of Professionals: Broker of Record Medical/Dental, Borough Attorney, Open Space Planner; Appointments to Various Boards, Commissions, Committees: Fair Lawn Arts Council, Green Team, Historic Preservation Commission; Pending Litigation - Mecionis and Personnel - Police Department; 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 9:35 p.m.

Respectfully submitted,

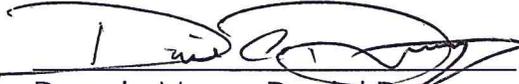


Joanne M. Kwasniewski, RMC/MMC
Municipal Clerk/Deputy Manager

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

