

WORK SESSION OF FEBRUARY 9, 2016

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.

FAIR LAWN FLOOD MAP PRESENTATION

Barbara Heskins Davis, Vice President of Programs for The Land Conservancy of New Jersey, Jeremiah Bergstrom, Senior Research Project Manager for Rutgers Cooperative Extension and Adam Stroble, Division Director for the County of Bergen Division of Open Space were present.

Manager Van Kruijning had previously distributed the confidential Flood Planning program which was prepared through the Technical Assistance Grant from Bergen County. Ms. Heskins stated that Bergen County hired the Land Conservancy of New Jersey and Rutgers to aid municipalities to purchase properties that have experienced repeated flooding and have an open space benefit. They spoke to Manager Van Kruijning, OEM Coordinator Alvarez and Engineer Garrison. They identified three areas where the flooding is repetitive and the acquisition of property would have an impact on open space. Completion of the Flood Planning Program report is required for participation in the flood acquisition ground program. She explained how they helped Pequannock acquire 44 properties. Oakland is the first community in Bergen County to take advantage of the program.

Mr. Bergstrom presented maps that highlight the areas of the Borough that experience flooding. He explained that the document is a present vision and a guide.

Mayor Cosgrove stated that the Borough bought a piece of property along the Passaic River but the State has not reimbursed the Borough because the River contaminated the property. He wondered if they would have to remediate the entire banks of the river before the Borough could get any funds. Attorney Mondello added that the costs for the remediation so far have been substantial. Ms. Heskins indicated that she would call Manager Van Kruijning to see if there is anything she can do to assist with this particular problem.

Councilmember Peluso stated that he would not be willing to agree to purchase any more properties until the Borough has assurances that they will be reimbursed. Ms. Heskins replied that any acquisition would be based on the Phase I

environmental study. The advantage of this document is that it is not focused on any one area. There are three areas so the municipality can choose which will work.

Councilmember Swain wanted to know how the plan worked in Pequannock. Ms. Heskins explained that it was done through the Green Acres program. They received 50% from the State; 35% from the County and Pequannock contributed 15%. There were a number of the properties that had contamination issues but it was not from the River. The remediation costs were shared with the owner. The State of New Jersey will not reimburse the remediation costs.

Mr. Stroble indicated the goal is to look at all sources of funding for any acquisition. Ms. Heskins suggested that if they have a project they want to move forward they could send the application to Mr. Stroble before submitting it so that he can make recommendations.

Mayor Cosgrove thanked them for the presentation and asked them to work with Manager Van Kruijning.

TRUSS ORDINANCE

Construction Official Bolan, Battalion Chief Mamo and Deputy Chief Palmieri were present.

Manager Van Kruijning advised that the Fire Department and Construction Official Bolan have worked together to prepare the proposed ordinance which is modeled after Elmwood Park's ordinance. He showed the Council the reflective shield they would be using for residential homes which would be placed by the electrical box.

Mayor Cosgrove explained the rationale for the ordinance.

The consensus was to introduce the ordinance as drafted.

FUNDING A HEALTHY INITIATIVE

Manager Van Kruijning advised that they will be able to ascertain who is participating in the healthy initiative through the State Health Benefits program since receiving the gift card is a taxable item the Borough will be notified. He did not know when the reports would be issued, but when they were received they would be shared with the Council.

KEM SITE/FAIR LAWN SENIOR HOUSING

Tom Toronto, President of United Way, was present.

Mayor Cosgrove announced that he and Tom Toronto were in Trenton to discuss funding for this project. As a result of that meeting there is a new plan at a greater density.

Mr. Toronto indicated that they want to reapply for 9% tax credit financing which will be available in August. Hurricane Sandy rules no longer apply. He met with the Department of Community Affairs and the Housing Mortgage Finance Agency. The Qualified Action Plan (QAP) is based on a point system. The QAP is being redesigned. They have to renew all of the approvals. They want to increase the number of units because that will lower the cost per unit. He suggested 85 units instead of 64. The units will all have one bedroom. They will do a site plan application. The whole dwelling will be ADA compliant so that people can age in place.

Attorney Mondello thought the Borough will have to go back to Court to approve the change in the number of units.

Mr. Toronto concluded by stressing that they are committed to this project.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk/Deputy Manager Kwasniewski noted that she will be adding an ordinance to amend Schedule A of the River Road Special Improvement District. She will also be adding resolutions to approve a Change Order for the Library Restroom Renovation, authorizing the budget self-examination and awarding the RFP for Third Party Ambulance Billing.

COUNCIL LIAISON REPORTS

Councilmember Swain announced that the ADA Committee is meeting Thursday. She mentioned that the biggest problem for the disabled in the snow is the curb. She was concerned with the anticipated snow that this would be a problem and asked if the Manager could remind everyone to clear the curb cut. Manager Van Kruijning advised that a winter advisory message is e-mailed to everyone who has provided their e-mail address reminding them to clear the hydrants and the crosswalks. He will continue to put out the message. He is considering some way to acknowledge those who did shovel the hydrants.

Councilmember Swain advised that the Arts Council would like their photographs hung in the Community Center. Manager Van Kruijning advised that he will speak to the staff at the Community Center.

Councilmember Swain announced that the Green Fair will be held on March 9th at the Community Center.

Councilmember Peluso reported that he attended the opening night of the Citizens Police Academy. Two residents are participating.

Deputy Mayor Dunay reported that the Property Maintenance Committee was very excited that the Council was pursuing remedies with Clariant. Attorney Mondello advised that he sent a letter to the engineer in charge of the clean up. According to Construction Official Bolan, the structures are safe so the Borough cannot make Clariant tear them down. He will continue to write letters. Mayor Cosgrove pointed out that summonses would be issued if it was a homeowner. He thought the Construction Department should make them maintain the property. Attorney Mondello stated that he would keep after them, but they have secured the buildings so no one can get into them. He can advise them that summons will be issued if they fail to maintain the property.

Deputy Mayor Lefkowitz reported that the Planning Board had received a letter from the Broadway Improvement Corporation advising that they want to meet with the Master Plan subcommittee to look at the ordinances that affect them. She continued that Health Officer Wagner had sent out a great booklet with all the resources available for anyone struggling with mental health issues, substance abuse or alcohol abuse. Manager Van Kruijning stated that they would put it on the Borough's website.

Mayor Cosgrove advised that the Bergen Regional Medical Center Foundation donated \$500 to the Stigma Free committee. They are discussing making the Stigma Free committee a subcommittee of the Alliance Against Substance Abuse. Mayor Cosgrove concluded by stating the Fire Department Chief's dinner was rescheduled to February 20 due to the snow storm.

PATERSON SNOW REMOVAL & NJ DEP APPROVAL

Deputy Mayor Dunay expressed surprise that the request from the City of Paterson to dump snow into the Passaic River was approved by the NJ DEP. He felt that it was environmentally dangerous. Attorney Mondello advised that he spoke to the City Counsel who stated they have 21 days in which to complete the dumping. He continued that the Council has no legal authority to stop it. He suggested they speak to Senator Gordon and ask that he review the permit procedure since dumping snow in the Passaic River is an environmental hazard.

SHARED SERVICES AGREEMENT WITH ELMWOOD PARK

Manager Van Kruijning reminded the Council that toward the end of 2015 the agreement was continued month to month while Elmwood Park resolves some personnel issues. That issue has been resolved so Elmwood Park would like to extend the agreement from January 1, 2016 through December 31, 2019. They

pay the Borough \$56,000 a year. He recommended that the agreement be continued.

Several Councilmembers expressed concern about keeping the amount the same for the entire length of the agreement. After a short discussion it was agreed that the amount would remain at \$56,000 for 2016 and 2017 and then be increased by 2% in 2018 and again in 2019.

Mayor Cosgrove advised that Elmwood Park will be doing some work on their library so Mayor Mola has asked if three key employees can come to the Fair Lawn library while they are closed. Manager Van Kruiningen will speak to the library.

BUDGET REVIEW

Manager Van Kruiningen noted that at the budget meeting there was a request to submit updated budget sheets, graph sheets and final numbers from the Tax Assessor which he has provided. The increase will be \$24.47.

Councilmember Swain wanted to be sure that the budget contained sufficient funds to continue the infrastructure improvements. Manager Van Kruiningen advised that he was confident that this budget provided them the ability to do so. Councilmember Swain then wondered if it was a good idea to allocate funds for the improvements to Memorial pool. Manager Van Kruiningen noted that the surplus could be used. Mayor Cosgrove thought it would be appropriate to include funds for the pool in the 2017 capital budget. Manager Van Kruiningen added that he met with Bruno Associates and asked him to search for grants for the pool.

Councilmember Peluso noted that one of his goals was to improve their bond rating. He felt the increase was small but would accomplish their goals. Deputy Mayor Lefkowitz added that she liked moving \$100,000 from capital to the operating budget. They are maintaining the surplus so she felt it was a good budget.

The consensus was to introduce the budget at the next Council meeting.

MISCELLANEOUS PUBLIC COMMENTS

There were no comments.

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 8:45 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 Borough Manager; 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.

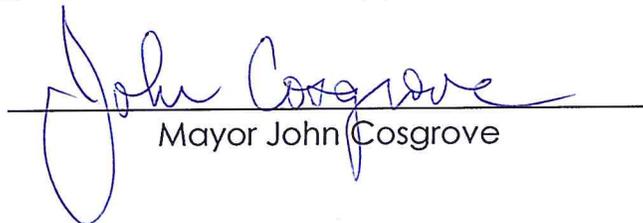
ADJOURNMENT

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, the Work Session was adjourned at 9:05 p.m.

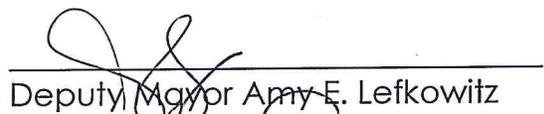
Respectfully submitted,


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

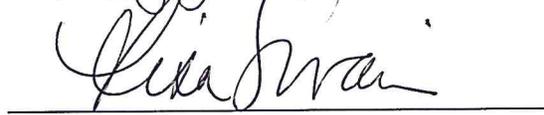
The undersigned have read and approve the foregoing minutes.


Mayor John Cosgrove


Deputy Mayor Daniel Dunay


Deputy Mayor Amy E. Lefkowitz


Councilmember Kurt Peluso


Councilmember Lisa Swain