

WORK SESSION OF MAY 3, 2016

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

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

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

ABSENT: Mayor Cosgrove

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 - COAH; 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.

Deputy Mayor Lefkowitz reconvened the meeting at 7:50 p.m.

WATER QUALITY:

Engineer Garrison was present.

Councilmember Peluso stated that many residents were concerned that the water reading from the well was the same reading for their tap water. He

wondered if they could list the readings for the water that was going out to residents, after the water had gone through the filtration system. Engineer Garrison stated that the readings would be the same.

He explained that the initial tests were done in 2013 at the point of entry. The EPA develops a list of contaminants that they want to look at. They also develop an Unregulated Contaminants Monitoring Report that takes a number of those chemicals and decides to analyze twenty-five to thirty every five years. There are a range of contaminants that not only include chemicals but also bacterial and radiological containments. The testing has to be somewhat economical to perform so it is all part of a big picture.

Engineer Garrison explained that once these containments get in to the system they get blended with all of the other water. Right now there is no DEP standard for portable water use. The EPA developed an advisory level that is 200 parts per billion for drinking water and Fair Lawn is at 2 or 3 parts per billion. Neighboring states have drinking water standards set at much higher rates than what Fair Lawn has.

Councilmember Swain wondered if the water that comes out of the tap had been tested. Engineer Garrison replied that it has not been tested. The EPA does not have certified labs to perform any testing on drinking water. There are only seven or eight labs that are certified to test for dioxin.

Councilmember Peluso questioned how the system operated. Engineer Garrison explained that at the Cadmus Pump Station they treat nine wells. It does not get mixed with anything else because the nine wells come together at that point. All of those wells have shown problems in the past and that is why they bring it to the air stripper.

Councilmember Swain understands that there are no standards but there are guidelines that are followed. Engineer Garrison stated that there are no guidelines for dioxin. Councilmember Swain read that there are guidelines that may become standard. Engineer Garrison replied that what she read was about ground water remediation standards which are different than public water supply standards.

Councilmember Swain thought she read that some of the wells with the dioxin are above the guidelines. Engineer Garrison explained that dealt with remediation. Groundwater water quality standards are a different set of standards than public water consumption. What happens with remediation is they test the well water supply and he was just informed that the remediation company will be filing an Immediate Environmental Concerns statement with the DEP. Then they have to come up with an initial response plan within a short timeframe. The Borough is fortunate to be listed as part of the super fund site

because the funding should be made available for the Borough. He has advised the Assistant Director of Bureau Sanctions and Water Supply that he was going to shut down two wells right now on a temporary basis. Both wells are in Westmoreland.

Manager Van Kruijningen felt that once again the Borough of Fair Lawn is being proactive in their response. They are taking the initiative and again that might trigger the State to move quicker. They will continue to be proactive.

Deputy Mayor Lefkowitz clarified that they were not shutting down the wells because they were unsafe. The wells are being shut down because they want to know more and need direction. Engineer Garrison stated that he needed to have more direction because no advisory has been issued. Deputy Mayor Lefkowitz thought it was great for the Borough to have Engineer Garrison employed with so much expertise, experience and knowledge in this field. She felt they were being vigilant. She wanted everyone to feel safe to drink the water. The Borough is taking a stand to be ahead of everyone else.

Councilmember Peluso wondered if they could get a sample of the blended water. Engineer Garrison stated he did not have a lab to send the sample to.

Councilmember Swain felt this information was done at lightning speed for government from the time she raised this issue on March 8 to now. She applauded Engineer Garrison for what he has done. She was concerned about this matter and was pleased that he was being proactive and doing the necessary work to make sure the Borough was doing the right thing and the residents are drinking safe water.

PROPOSED SIDEWALK ORDINANCE:

Attorney Mondello stated that the most important thing this Ordinance does is memorializes what the Borough has been doing for years and years. Manager Van Kruijningen stated it was a cooperative effort between Engineer Garrison, DPW Superintendent Neggia, Construction Code Official Bolan and himself because every department has dealt with sidewalks.

Attorney Mondello advised that the ordinance will be introduced in the latest version they received.

NON-SWIMMER BADGES:

Superintendent Graff and Assistant Superintendent Homa were present. Manager Van Kruijningen had previously asked to table this discussion because there were questions regarding the current non-swimmer badges. Currently the

ordinance is that the non-swimmer badge is \$5.00. After speaking to Superintendent Graff and Assistant Superintendent Homa they want to amend that to say no cost for non swimmer badges 62 and older. Anyone else under the age of 62 would have to meet any of the other criteria. There has been absolute abuse of the non swimmer badge.

Superintendent Graff stated that Assistant Superintendent Homa did research of surrounding towns and there are no free memberships. They would like to give the seniors the opportunity to get in for free but if they decide to go in the pool they pay \$25.00.

Councilmember Swain mentioned that there already is a senior rate which is the \$25.00. Manager Van Kruijning stated that was if they were going in the pool. Councilmember Swain thought they should just use the senior membership rate and not have a non swimmer badge. It would be difficult to police.

Assistant Superintendent Homa stated then they would be charged \$25.00 instead of being free. People come in with their chairs and sit in the shade area and do not go in the pool. Manager Van Kruijning stated they do not experience the seniors going in the water. Superintendent Graff commented that the number of people trying to beat the system by getting non swimmer badges has risen over the years.

Councilmember Swain wondered about the grandparents that bring their grandkids. Assistant Superintendent Homa stated they could sponsor the children for \$25.00.

Municipal Clerk / Deputy Manager Kwasniewski stated that she would change the language to read "any person who is a Fair Lawn resident and is 62 years or older who will not be wading, standing or swimming in the swimming pool must obtain a non swimmer membership badge which must be worn at all times". Deputy Mayor Lefkowitz thought it should read "entering the pool". She stated it should read "no entry including but not limited to wading, standing or swimming in the swimming pool".

Councilmember Peluso stated that the Pool Committee would like to review this at the end of the season.

There was a unanimous consensus to proceed with changing the ordinance.

PLANS FOR POOL ADMINISTRATION BUILDING:

Councilmember Peluso stated that Superintendent Graff has brought to the Pool Committee's attention that the biggest need in the pool area is the

administration building. For the past ten years they have used trailers that were supposed to be a temporary fix. The Pool Committee wants to start looking at it but they need a commitment from the Council since it would be a capital project. They were looking for a consensus from the Council that they want to invest in this for the future.

There was a unanimous consensus to commit to building a new administration building at the pool.

Councilmember Swain commented that she and Engineer Garrison had met years ago and plans were made at that time.

BANNING THE SALE OF TOBACCO PRODUCTS:

Attorney Mondello stated he had incorporated the changes that were made by Health Officer Wagner. Councilmember Swain thanked him for making the changes and thought it covered the interest in banning the sales of tobacco to those under 21. She felt this would keep the young people healthier. Municipal Clerk / Deputy Manager Kwasniewski will add this to the May 17th agenda.

REVIEW OF TENTATIVE AGENDA:

Municipal Clerk / Deputy Manager Kwasniewski stated she had a few items to add. AAH of Bergen County will be filing a CDBG application for rehab to the house that was destroyed by a fire on Berkshire Road. The Mayor and Council will just have to do an endorsing resolution. This application will not affect any applications the Borough may have submitted. The informal quote for Soft Drink and Food Concession and the bid for Chlorine - Accu-tab Calcium Hypochlorite Tablets will also be awarded.

COUNCIL LIAISON REPORTS:

Councilmember Swain commented that the Arts Council's Poetry Reading is on May 15th. The Green Team is supporting the Walk or Bike to School initiative which is tomorrow. The Green Team is continuing to move ahead with anti-idling campaign, looking at signs and education fliers. The ADA Committee will hold a dance on May 20th with a prom theme sponsored by the Knights of Pythias and Jeff Klein from the Board of Ed.

Councilmember Peluso mentioned that the Garden Committee has rescheduled Arboretum Day to Sunday, May 8th. The EDC met last week discussing plans to bring to the Council.

Deputy Mayor Dunay stated at the Environmental Commission meeting they commented about enforcement of runoff at construction sites. The Commission hoped enforcement was being monitored.

The Environmental Commission had concerns about the uses on some of the properties for example the Tanis property. They also wanted to know if the water was tested for lead at the schools.

He attended the Open Space Committee meeting with Deputy Mayor Lefkowitz. There was an extended discussion on the Borough's approach to open space and perhaps they should consider trying to increase revenue around the trust fund and be more aggressive in regard to open space planning. There is approximately \$1.1 million available in the Open Space Trust Fund. No monies have been spent in the last year or two.

Deputy Mayor Lefkowitz stated the Planning Board is meeting next week and the Alliance for Substance Abuse is meeting in two weeks.

She attended the carnival at TJ Middle School where that had a cake to celebrate their 20th year.

REVIEW OF ANNUAL ZONING REPORT:

Councilmember Swain stated that every year the Zoning Board makes recommendations to the Council for changes that will streamline the process. She thought some of the suggestions in the report will alleviate hardships for residents because they will not have to get a variance for every little thing. She felt they should adopt most of their recommendations.

Attorney Mondello suggested it be sent to the Planning Board for their recommendations.

MISCELLANEOUS PUBLIC COMMENTS:

Marc Colyer, 39-08 Van Duren Avenue, felt it would have been nice if Engineer Garrison stayed longer because he had some questions to ask. He understands where two wells are but thought it would be nice to know where the other one was that was shut down. Manager Van Kruijning stated all of the wells are located in the 11th Street and Henderson Avenue area. Mr. Colyer wanted to know why the wells were being shut down. Manager Van Kruijning stated for dioxin. There are four wells there, two have been shut down for decades and now the other two will be shut down.

He spoke about his concerns about his drinking water and how he could get it tested. Manager Van Kruningen advised him to check the website for Suez Water and Passaic Valley.

Mr. Colyer expressed concern about too many cigarette butts around the Cadmus house. Manager Van Kruningen said he will add this to the litter clean up list.

Howard Mark, 12-23 Ferry Heights felt the pool administration building should not be built because they already have offices in the Community Center. Councilmember Peluso said the building will be for the life guards, first aid station and will not be used for offices for the Recreation Department.

He wondered what legal instrument was in place for the ordinance that will rezone the Vanderbeck property. Attorney Mondello advised that there was no legal instrument in place but the Planning Board will be requiring, as a reasonable condition, that the deed spells out that the developer will try to restore the house. It will not be completely historic because that will cost millions but he will restore it and make it available to the public during reasonable hours. There will be some sort of deed restriction. Mr. Mark spoke about a Preservation Historical Easement. Attorney Mondello advised that if the Planning Board approves this it will make mention that the developer has voluntarily agreed to make sure that this portion of the house is preserved and available to the public. Furthermore, the developer could knock the house down if he wanted to but has agreed not to do that. The Borough's planner did an independent study indicating that the area should be rezoned. There were no conflicts with the Master Plan so he drafted the ordinance rezoning that area.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Dunay and a second by Councilmember Swain, 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 Personnel - Environmental Commission, Zoning Board of Adjustment, Borough Manager's office 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 Councilmember Peluso and a second by Deputy Mayor Dunay, the Work Session was adjourned at 9:25 p.m.

Respectfully submitted,


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

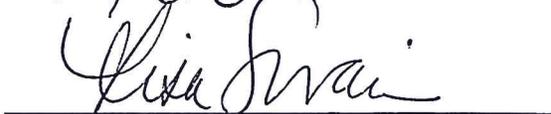
The undersigned have read and approve the foregoing minutes.

Absent
Mayor John Cosgrove


Deputy Mayor Daniel Dunay


Deputy Mayor Amy E. Lefkowitz


Councilmember Kurt Peluso


Councilmember Lisa Swain