

WORK SESSION OF OCTOBER 18, 2016

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

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

ABSENT: Mayor Cosgrove

ALSO PRESENT: Manager Van Kruiningen, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

BROADWAY IMPROVEMENT CORP & RIVER ROAD CORP ZONING RECOMMENDATIONS

Don Smartt, Rich Noorigian, Bob Beshlian, Brian Archibald and Will Cummings were present.

Mr. Smartt noted that they came before the Council in January, 2016. Their recommendations were referred to the Planning Board, who established a sub-committee that met with him, Mr. Noorigian, Mr. Beshlian and Mark Gordon on three occasions. The sub-committee agreed with 95% of their recommendations. In May they appeared before the Planning Board, who quickly recommended three items to the Council, where they remain. He distributed copies of the recommendations to the Council and asked them for their help to move them forward. He also asked the Council to request that the Planning Board move the other items that are outstanding.

Attorney Mondello noted that the Planning Board gave consensus on three of the 15 recommendations. He asked if the Board objected to the other 12. Mr. Smartt stated they did not. They are in agreement for the most part, but the Planning Board has not been able to prioritize this. He would like the Council to act on the three highlighted recommendations and accelerate the discussion to possibly take the needed action this year to make this a permanent part of the Land Development Ordinance.

Deputy Mayor Lefkowitz suggested having Attorney Mondello review the recommendations and place this item on the next available Work Session. In the interim they could speak with the Planning Board Secretary to confirm the sub-committee's position. Attorney Mondello asked that it be reviewed by the Planner as well. Deputy Mayor Lefkowitz confirmed that the Planner had reviewed the previous recommendations from the Board. Mr. Smartt stated the issue was that the Planning Board's sub-committee did not have time to review the recommendations during the summer nor have the time to review the body of work for the prior six months with the full Board.

RIVER ROAD STRATEGIC PLAN

Mr. Smartt reviewed the strategic plan for River Road and reported that they have updated the former Master Plan from 1995. He distributed a report outlining specific recommendations for River Road. Similar to Broadway, they want to constrain properties to park in the rear if they can purchase the adjacent rear lot. They have adopted that policy for a small portion of River Road. There are other considerations that reflect market dynamics regarding parking, regarding the Sandoz/Clariant site and parking at the buildings. They have also asked everyone to consider evaluating the River Road district boundaries and they have made some specific changes along 6th Street between Bergen Avenue and Fair Lawn Avenue.

He encouraged the Council to read the report. He felt it was best for them to come back to answer any of the Council's questions before the recommendations are sent to the Planning Board. There are some policy issues that the Council may feel are larger than just land use.

There are two items they have not finished yet. They are recommending a zoning change in the I-2 zone, which includes Fair Lawn Industries and properties on River Road on the west and east side. They will be coming back to the Council to ask them to consider the unique characteristics of this industrial zones. They hope to come back before the end of the year to make some recommendations to create a new I-3 Zone on River Road. They have been working closely with Fair Lawn Industries and property owners of the environmentally impacted properties along the Passaic River that are in the I-2 zone and change it to an I-3 zone just on River Road. They also intend to return with a more comprehensive report on cooperative parking.

He concluded by stating they have endorsed this strategic plan as a Board. He would like it to follow the same route as the previous Master Plan. Attorney Mondello asked if there was any objection if the Council sent this to the Planning Board. Mr. Smartt stated no.

Deputy Mayor Lefkowitz thanked Mr. Smartt.

WATER QUALITY UPDATE

Engineer Garrison was present.

Engineer Garrison discussed the Westmoreland Treatment Facility. Fisher Scientific's consultant doing the remediation work prepared a report, which was filed with the EPA and Langan Engineering last week. He is now waiting for feedback from the State and the EPA. Once he receives their comments he will arrange a meeting with the EPA's remediation staff.

The current work plan consists of pilot programs for treatment feasibility studies to remove dioxin. At the Borough's request, he asked that they look into PFC removal, which are the PFOA's and PFOS's.

Councilmember Swain asked Engineer Garrison to explain the process. Engineer Garrison explained that Fischer Scientific, through Langan Engineering, did the remediation work at the Westmoreland Facility back in April. That is when they hit the threshold of environmental concern because the standard was lowered to 0.4 parts per billion. As a result, several well fields were shut down. Langan Engineering did further testing as part of the remediation plan and confirmed the levels of contamination were consistent with what they found three years ago.

Councilmember Peluso asked if the readings over the past three years have remained the same. Engineer Garrison stated they did their testing back in 2013 as part of the EPA's Safe Drinking Water Unregulated Containment Monitoring Act. As of today there is still no drinking water standard on dioxin. Councilmember Peluso asked if Langan tested all the well. Engineer Garrison stated that only the Westmoreland Wells were tested. All the wells were tested under UCMR and detected items were well below the acceptable level.

Councilmember Swain asked if efforts were only being focused on the Westmoreland site. Engineer Garrison stated yes for the time being. They were going to test the Cadmus Well and others, as they received a letter from the DEP explaining what laboratory methods are to be used and a list of approved laboratories. Councilmember Swain clarified that the testing that took place in 2013 was on all the wells. Engineer Garrison stated yes. The testing will take place in the next couple of weeks.

Engineer Garrison stated that the DEP came out with a statement advisory of the PFC's for PFOA's of 70 parts per trillion, which is a combination of PFOA and PFOS amounts (such as 50 and 20 parts per trillion or 35 and 35 parts). This is the enforceable standard for MCL. Their other wells are well below that level. The Westmoreland Well slightly exceeded 70, which is why they are doing further testing. The remediation is not a "one treatment fits all" process. The air stripper does not strip dioxin or PFC's, but the GAC treatment will strip the PFC's. A new advanced oxidation process that works with ultra-violet and chemicals looks promising. They will be meeting with the Safe Drinking Water people to discuss the protocol of what they need to do with their pilot study. The consultant on their report is projecting the possible designing and permitting by sometime next spring, which he feels is overly optimistic. Once they decide the technology that they think is going to work, the data will be submitted to the DEP for their approval. The construction plan gets approved by Safe Drinking Water.

Councilmember Swain asked if the pilot program will contain a treatment process. Engineer Garrison said if the advanced oxidation with titanium dioxide does not work,

they will try advanced oxidation and hydrogen peroxide. As they continue down the line the options increase in cost. They will also have a side testing facility to run some of the water through GAC to ensure that the GAC is handling anything to do with the PFC's. Initially they will probably have three separate treatment techniques: the air stripper, the advanced oxidation process and the GAC.

Councilmember Swain asked if there has been any additional testing since 2013. Engineer Garrison explained that the UCMR3 is done every five years. In 2018 they will do UCMR4, which tests for another set of contaminants. Councilmember Swain asked when the test results will be available. Engineer Garrison explained that they had the additional test results specifically for Westmoreland. Manager Van Kruingen noted that there was no increase in the readings from 2013. They are not going to spend money for a lab test that the DEP will not acknowledge. Engineer Garrison explained that the UCMR is trying to define the chemicals and their effects on the population and determine the laboratory method that is the most reliable and consistent. He has been very pleased with Fisher Scientific, who has been working well with the Borough.

Councilmember Swain asked if there are current test results that the Council to review. Manager Van Kruingen stated that he will give them a copy, but he reiterated that there has been no changes in the numbers reported in the Annual Quality Report.

Deputy Mayor Lefkowitz thanked Engineer Garrison for his presentation.

PLANNING BOARD RECOMMENDATIONS

Attorney Mondello stated that he forwarded the Planning Board's recommendations that he received in September. The Planner concurs with the recommendations. If there are no objections, he will start working on the ordinances for the Council's review.

Councilmember Swain questioned #2, the recommendation limiting the area of an accessory use at 25% of the overall property square footage and 25% of the principal building area, as it states there may be exceptions that the Borough would like to allow. She felt such exceptions should be better defined. Attorney Mondello questioned how often such a situation would occur. He could not come up with a list of exceptions. If something did not fit within the perimeter, he felt the applicant should have to go to the Zoning Board.

Councilmember Swain expressed concern about recommendation #4, ensuring that adequate parking supply continue to exist, since Mr. Smartt reported that retail is down but residential is up. Deputy Mayor Lefkowitz clarified that he was referring to Broadway. Deputy Mayor Dunay asked if the reasoning for this that there was a disproportionate amount of foot traffic coming from the train, so they would not

need the usual amount of parking spaces required by a store that was not located near the train. Councilmember Swain stated that conversely, what happens if people want to go to those businesses and the commuters have taken all the parking spaces. Attorney Mondello stated the Council did not have to approve recommendation #4. Councilmember Peluso suggested the Board provide a more detailed explanation of the rationale behind the recommendation.

There was consensus to defer recommendation #4 until they receive the explanation from the Planning Board and have Attorney Mondello begin drafting the other four ordinances.

Attorney Mondello stated that if he gets a fast response from the Planning Board secretary they may be able to discuss this before the end of the year.

REVIEW OF TENTATIVE AGENDA

Assistant Municipal Clerk Bojanowski stated she is adding a license agreement for a retaining wall and an award of bid for Water Meter Replacement. Manager Van Kruijningen explained that the first two phases replaced the largest meters in the Borough. They will now be replacing 3/4 inch and one inch meters, which are mostly residential.

Councilmember Swain asked if it was too soon to see results from the replaced meters. Manager Van Kruijningen stated they might as Nabisco/Mondelez, one of their biggest users, was one of the first replacements. He will find out.

COUNCIL LIAISON REPORTS

Councilmember Swain stated that the Arts Council's next project was a self-portrait taken in Fair Lawn. Photos have to be submitted by November 30th. The ADA Committee's Halloween dance on Friday is sponsored by Manager Van Kruijningen and Nichole Balfour. The Committee will honor Jack O'Neil at its "Salute to Veterans" dance in November. The Green Team is working on the Anti-Idling campaign.

She, Councilmember Peluso and Mayor Cosgrove attended the Board of Education meeting concerning heroin and drug abuse. The heroin epidemic is not bad in Fair Lawn High School. Councilmember Peluso stated that the bigger issue is the students returning from college and bringing it to Fair Lawn. The issue in High School is alcohol abuse, cocaine and opiates. They are training the teachers to look for signs of drug use, but the parents have to be side by side in the process. It has to be a community effort.

Councilmember Swain attended the Dance-A-Lot Anniversary celebration. The company does many community based activities, such as the street fair. She also

attended the Columbus Day Poster Contest. Deputy Mayor Lefkowitz's daughter, Hannah, was one of the winners.

Councilmember Peluso reported that the Garden Committee was gardening at the Library yesterday. They will be doing more clean ups during the week. The Pool Committee met. It was a phenomenal year at Memorial Pool. He thanked Superintendent Graff, Assistant Superintendent Homa, Rob Lado and the staff. There was a significant increase in revenue – over \$50,000 in membership - and a large decline in the number of non-swimmer badges. Enforcement was increased and people who went into the pool with a non-swimmer's badge had their badges revoked. The Committee asked about starting the scanning system next year instead of waiting two years. Superintendent Graff will research the best options. The Committee also discussed the Administration Building. The new picnic tables that they purchased with the \$100,000 grant were well utilized, and there was positive feedback about the signage and flags. A resident who attended the meeting gave some feedback on a new method whereby lifeguards continuously scan the pool.

Manager Van Kruijning explained they are looking into using online recreational software that has a specific program for scanning pool memberships. Councilmember Peluso stated that the Committee wants the data to show who is using the pool – Fair Lawn residents, Haledon residents, etc. Having members swipe in and out when they leave will tighten security.

Deputy Mayor Dunay reported that the Open Space Committee met last month. He asked the Manager to update the Council on some of the issues they discussed regarding the Dube property and the Naugle House. Manager Van Kruijning stated they were required to send the plans regarding the work at the Naugle House to the State Office of Historic Preservation, who advised the Borough that they had to conduct an archeological survey before any work can begin. The architect for the Naugle House renovations, who has worked with firms that do this, gave a preliminary proposal of \$23,000. If an archeological dig is required, it will cost more.

Councilmember Peluso asked if they could use Open Space funds to pay for the survey. Manager Van Kruijning stated that the referendum question residents voted on stipulated the funds could only be used for acquisition or demolition of property. Councilmember Peluso asked if they could change the question to allow these costs. Manager Van Kruijning stated that in order to include survey work, preparation of documents, etc. they would have to do another referendum question in the November election. Councilmember Peluso felt the Council should discuss this further as there is property they have acquired that they cannot do anything with because it costs too much money. He felt the residents would approve of the funds being used to assure that acquired property can be used in a certain manner. Deputy Mayor Lefkowitz agreed.

Manager Van Kruijning stated that they have two options regarding the Dube property at 4-50 2nd Street. Because the property requires remediation, they need to remove two feet of ground and replace it with two feet of fresh ground at a cost of over \$100,000. They will then be required to test the soil and if anything appears again, they have to remove it and replace it again. The other option, which they cannot do, is to put up a fence around the entire property with a sign stating that the property is contaminated. They will need to discuss this in the 2017 budget as this project is not funded. He reminded them that the Borough is now the responsible party. They assumed and purchased the property with the understanding of what was in the ground.

Councilmember Peluso felt they should reach out to the State for assistance. Councilmember Swain stated that the Borough purchased the property thinking that they would be reimbursed for 50% of the cost. Manager Van Kruijning stated they property is between residential properties. The reason the State is purchasing homes in other municipalities is because they are buying multiple properties without any bordering residential property. Councilmember Peluso stated nearby residents expressed interest in selling their property. Manager Van Kruijning explained that they filed applications but the homes did not meet the State's criteria for buyout, which is severe, repetitive damage. Councilmember Peluso stated that he will invite Senator Gordon and Assemblymen Eustace and Lagana to a Work Session to see if they can get any help from the State. Councilmember Swain felt the Borough Engineer should look into the benefit of keeping the Dube property as is, so that it can absorb some of the river overflow and protect the other homes.

Deputy Mayor Dunay stated that when they discuss the Open Space referendum they should include the Open Space inventory that lists the Committee's top priorities. The Vanderbeck property and Daly Field are no longer options. A more realistic priority seemed to be a River Walk, until they encountered this situation with the Dube property. He could not imagine the Council buying another property along the River unless they received help from the State.

He concluded by reporting that the Property Maintenance Committee was meeting tomorrow.

Deputy Mayor Lefkowitz reported that an Open Space Committee member expressed concerned that there was an area on Fair Lawn Avenue near the Route 208 overpass that did not have enough trees.

She attended a Community Center 501(c)3 meeting with Mayor Cosgrove. They are trying to plan a fundraiser event. The Committee is meeting quarterly. She referenced programs presented by Stephanie Dragg, who is a member of the Alliance for Substance Abuse Prevention. Ms. Dragg's agency just did the "Hide in Plain Sight" program and they have discussed getting parents involved by perhaps offering incentives. Ms. Dragg will also be doing a "Strengthening Families" presentation.

BEST PRACTICES INVENTORY

Manager Van Kruijning stated that he and CFO Palermo completed the 2016-2017 Best Practices Inventory worksheet. The Borough needed to score 22 "Yes" responses in order to avoid the withholding of aid and he was pleased to report that they were able to answer "yes" to 29 out of 30 questions for a score of 97, which is one point higher than last year. They scored the extra point because they eliminated longevity moving forward. They did not score 100 because of comp time for Department Heads. He reviewed this issue and found it to be minimal. The Department Head contract is expiring at the end of the year, so he and CFO Palermo will discuss this with them. Department Heads do not get overtime, but they do accumulate comp time on occasion, which they can use throughout the year. Best Practices says that if a Department Head receives comp time it must be used within a pay period. He does not agree with that. A DPW Superintendent might accumulate time during an extended snow storm and may not be able to use it within a pay period. Attorney Mondello did not understand the logic, as it does not cost the taxpayers more if comp time is used after the pay period. Manager Van Kruijning stated that Best Practices considers compensatory time as overtime, which is not the case.

Deputy Mayor Lefkowitz thanked Manager Van Kruijning for doing a great job.

PSE&G DIRECT INSTALL PROGRAM

Manager Van Kruijning stated the PSE&G Direct Install Program is authorized by the BPU. They did a free evaluation on the lighting inventories at Borough Hall, the Library and the Community Center and advised the Borough that they could upgrade their lighting to LED and see significant savings in all three buildings. PSE&G will pay 70% of the costs. They have the funds in their utility budget so they are paying for it in one lump sum instead of over three years. Other Borough facilities did not meet the criteria and did not qualify. The greenhouse reduction on all the lights is equivalent to the planting of 60 acres of trees and the elimination of 28 vehicles.

There was consensus to upgrade to LED lighting at Borough Hall, the Library and the Community Center.

RFQ'S FOR PROFESSIONALS

Manager Van Kruijning requested that the Labor Attorney, Auditor and Risk Manager remain the same. He wanted to have further discussions with PIA regarding Broker of Medical in 2017, as he did not feel the services were needed in 2017.

Councilmember Swain asked who the Environmental Consultant was. Manager Van Kruijning stated it was Malcolm Pirnie, although they are not used often. Deputy Mayor Dunay asked Manager Van Kruijning if he knew of any service issues. Manager Van Kruijning stated he did not. He and Attorney Mondello discussed

2015 Workers Comp Claim Management, but the issues were addressed. The Bond Counsel is very good. Attorney Mondello stated that the Borough Planner is very responsive and returns calls quickly.

NO KNOCK ORDINANCE

Councilmember Peluso questioned the penalty for soliciting after 5:00 p.m. Attorney Mondello advised it would be up to the Judge's discretion and could be up to a \$2,000 fine. He advised they could carve out certain amounts in the ordinance.

MISCELLANEOUS PUBLIC COMMENTS

Howard Mark, 0-23 Ferry Heights Place felt they should hire a certified landscape architect to design trees and parks behind Edison School and near the Naugle House when work is completed. Manager Van Kruijning stated he will look into it but landscaping for the Naugle House was years away.

Craig Miller, 5 Ramapo Terrace thanked Manager Van Kruijning for paving Ramapo Terrace. He also attended the Board of Education meeting and it was stated that they noticed drug dealing going on school grounds. There was also a heated discussion on mandated community service for students. Councilmember Peluso stated that the Board decided not to make it mandatory.

Pam Coles, 13-34 George Street commended Councilmember Peluso for the amazing job the Pool Committee has done.

She agreed with the importance of parental involvement. She is a certified substance abuse counselor. If someone uses heroin three times they are hooked for life. There needs to be a direct and personal conversation.

She was on the Open Space Committee during the purchase of the Dube property and she felt it was pushed through too quickly. They need to do their due diligence before making any future purchases.

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, the following closed session resolution was unanimously adopted at 9:18 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 - Hoffman and Personnel - Water Generation and Tax Appeals/Conflict Attorney (TD Bank case); and

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

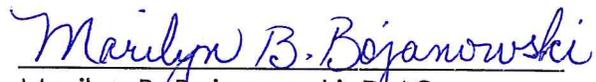
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

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 Dunay, the Work Session was adjourned at 9:45 p.m.

Respectfully submitted,


Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Absent

Mayor John Cosgrove



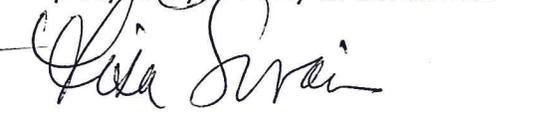
Deputy Mayor Daniel Dunay



Deputy Mayor Amy E. Lefkowitz



Councilmember Kurt Peluso



Councilmember Lisa Swain