

WORK SESSION MARCH 16, 2010

Mayor Tedeschi called the meeting to order at 8:01 P.M.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in the Record issues of December 18, 2009. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and work sessions.

PRESENT: Mayor Tedeschi, Deputy Mayor Swain and Councilmembers Baratta and Trawinski.

ABSENT: Deputy Mayor Weinstein

ALSO PRESENT: Acting Manager Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

Review of Tentative Agenda – 3/9/10

Acting Manager Kwasniewski said that there are minutes that need to be added to the agenda as well as Closed Session items including Tax Appeals and an update on Landmark.

Acting Manager Kwasniewski said that added to this evening's agenda are Dates for Interviews and Volunteer Appreciation.

Council Liaison Reports

Councilmember Trawinski reported that the alternate side of the street parking signs are not in place on Grunauer Street.

Councilmember Trawinski said that the Broadway Improvement Corp. would like to present more information on the parking standards as part of the Master Plan process. He said that the annual report from the Zoning Board did not analyze the variances that were granted and the nature of the variances. There was no information on the number of parking variances granted or how the standards tied into square footage and use. The BIC will hire a local college intern to review the resolutions of approval and the plans because they have a feeling that the parking standards do not concur with what is taking place on Broadway. They feel that the re-examination of the Master Plan would be the appropriate time to bring parking standards to the business district.

Mayor Tedeschi asked if there is a standard format for an annual report from the Zoning Board. Councilmember Trawinski replied that there isn't, however, in this instance the Zoning Board combined the past three years into one report. Mayor Tedeschi questioned whether the Council could request an annual report with specific information. Attorney Rosenberg said that the Council could request this and Acting Manager Kwasniewski suggested that this request be made now so the Board can assemble this information as variances applications are heard.

Mayor Tedeschi said that the Board needs to be aware of what the Council is looking for in their report. Attorney Rosenberg indicated that he would communicate this request to the Board Attorney.

Acting Manager Kwasniewski suggested that the Council give the Board a list of what they are looking for and Mayor Tedeschi said that the Council should indicate to the Board that what they are doing that is right and suggest things that could be done better in the future. Councilmember Baratta asked if there was a template and Councilmember Trawinski said that this type of report had been done in the past when he and Mayor Tedeschi served on the Council. Acting Manager Kwasniewski recalled that the report was done when Scott Levy was on the Board and he made presentations to the Council as well.

Councilmember Trawinski said that the Board communicates about impervious coverage for swimming pool modification and they are concerned about the encroachment of cellular providers into residential zones. They have suggested that the Council revisit the ordinance and allow antennas on all towers including the Morlot Avenue water tower. Councilmember Trawinski said that this item should go back on the agenda after they finish the budget.

Councilmember Trawinski stated that the vacancy rate on River Road and Broadway is under 2%. The vacancy rate is 9% throughout business districts. In Bergen County. One Ridgewood business is moving to River Road because they like what is happening in Fair Lawn. The BIC questioned whether plan approval for the Zap Lube site included fencing and removal of the pylon signs and, if so, this needs to be enforced. Acting Manager Kwasniewski will look into this and she said that there is nothing in the resolution on Zap Lube that would prohibit them from doing things at their own pace. She added that she will also find out if they are operating with a temporary Certificate of Occupancy and report back in two weeks.

Deputy Mayor Swain reported that Michael Hakim attended the Planning Board meeting on March 8th as part of the Environmental Commission. He spoke about the recently completed Environmental Resource inventory and said that the list was last compiled in 1996. Deputy Mayor Swain suggested that a copy of the report be kept in the Library for public viewing. Acting Manager Kwasniewski stated that Mr. Hakim's proposal for the report did not include binding and printing, which they will do. The report will be posted on the Borough website.

Deputy Mayor Swain stated that the Planning Board discussed Ordinance 2173-2010 regarding Clariant. Clariant wants to increase the height of the building to a 40 ft. height maximum and make other minor changes including the use of existing curb cuts to situate the entrance on 3rd Avenue and Bergen Avenue. Attorney Rosenberg wasn't aware of these changes, however, they do not affect the Affordable Housing aspect and the additional height is a de minimis change.

Deputy Mayor Swain stated that the Green Team met on March 11th. The guest speaker, Peter Kortwright, highlighted things that are going on in the County, including solar lights. The Green Team is working on the anti-idling campaign. The next meeting is scheduled for Earth Day which is April 22nd. The shredding day is May 1st from 10 a.m. to 2 p.m.

Councilmember Baratta attended the Environmental Commission meeting in place of Mayor Tedeschi. She reported on the second meeting of the Community Garden which included a speaker from Denville where there is an established Community Garden. The speaker described the inception of the garden and the applicable rules and regulations. This helped the group to understand why the Community Garden will not be able to begin this year due to requirements such as soil testing, etc. They group agreed that if this is going to be done it must be done right. They have decided to locate the Community Garden in the Sanford area where it is sunny and close to the apartments. Councilmember Baratta indicated that she has passed the information on from Eco Earth to Jane Spindell. Ms. Spindell has indicated that she wants to plan the layout of the garden.

Councilmember Baratta said that she met with the residents on Hartley Street regarding the property with the airplane in the rear yard. The owner has received summonses concerning this property and she has learned that the property may be for sale. Mayor Tedeschi asked if there was a lien on the property and Councilmember Baratta indicated that the Borough would be paid back upon sale of the house.

Councilmember Baratta reported that there seems to be more cooperation with the business owners concerning snow clean up during the recent storms. The Property Maintenance group had hoped the Morlot/River Rd. traffic box would be repaired in January but it has been delayed due to all the bad weather. Acting Manager Kwasniewski said that Mr. Garrison has been talking to the County about this and she will ask him if he has a date.

Councilmember Baratta stated that they had a long discussion on the clean up of the Broadway and the other business areas. She explained to the Property Maintenance group that the snow is lying on top of garbage and they can't expect the garbage to be cleaned up the minute the snow melts. Acting Manager Kwasniewski stated that BIC will begin their clean up on April 1st.

Mayor Tedeschi stated that there were many favorable comments concerning the snow removal at a recent Chamber of Commerce meeting he attended. Councilmember Baratta reported that there was a decent attendance at the Cameos appearance at the Community Center despite the stormy conditions.

Shared Services

Mayor Tedeschi stated that he didn't think enough has been done to facilitate shared services with the surrounding communities and this becomes more important with the loss of funding from the State. He has spoken to Mayor D'Arminio of Saddle Brook in the hopes of convincing him that the two towns should do fireworks together in the County park. Although, it is probably too late for this year, Mayor D'Arminio agreed to further discussion going forward. Mayor Tedeschi noted that fireworks in Saddle Brook are free which could motivate people to travel a little further.

Mayor Tedeschi said that the Council needs to consider shared services with the Board of Education. He is looking forward to the Joint Shared Services Meeting to be held in April because there is the potential for substantial cost savings. Councilmember Trawinski agreed

and pointed out that there is excess capacity in the reverse 911 which could be offered to surrounding municipalities. He pointed out that Fair Lawn has a lot to offer being the fourth largest town in Bergen County.

Councilmember Trawinski stated that Fair Lawn does loan out some of their equipment and gets paid back using the FEMA rate. Acting Manager Kwasniewski said that they are discussing the washing station with the County because DEP regulations have made it impossible for towns to wash their own trucks. She told the County that Fair Lawn could provide the room and would head up this operation if the County would pay for the equipment and Fair Lawn could collect fees from the other towns. The County is provides a hot roller machine located at the other end of the County and it doesn't make sense for vehicles from Fair Lawn to drive that distance. The same situation exists with the brine which Fair Lawn could share with Glen Rock and also Hawthorne. Superintendent Conte has indicated that a tank to mix the brine will be donated. The trucks will have to be retrofitted; however, towns that use this material have indicated that they get an hour and a half more of blacktop and it costs less than salt.

Mayor Tedeschi asked how they could gain more support for these proposals and Councilwoman Baratta suggested that the Competitization Committee should review and prepare a report on the feasibility of these items. Deputy Mayor Swain suggested opening Memorial Pool to the surrounding communities. Acting Manager Kwasniewski said that they have only allowed people from other towns to attend Walsh Pool and not Memorial Pool. Deputy Mayor Swain stated that Memorial Pool is an under utilized facility and Councilmembers agreed. There was a discussion regarding a cement bottom pool and Mayor Tedeschi stated that 70 million gallons of drinking water are wasted every year at Memorial Pool. Councilmember Baratta recommended looking at this now and Mayor Tedeschi pointed out that the 70 million gallons of water cost approximately \$140,000 to \$150,000. He stated that they need to know how much everything costs and a number must be put on everything. Councilmember Trawinski stated that in addition to the wasted water they are also putting large amounts of chlorine into a section of the Passaic River.

Deputy Mayor Swain said that Mr. Garrison was supposed to provide information regarding the best location for the pool if it needs to be shifted. Councilmember Trawinski said that Mr. Garrison had this information in 1996 when this was first discussed although it may have changed due to new DEP regulations.

Status of Employee Agreements for Senior Management

Attorney Rosenberg said that he will have these agreements ready for Council review on April 6th.

Status of RFP – Insurance Broker

Acting Manager Kwasniewski stated that Attorney Rosenberg has put together the RFPs for the Insurance Broker. Attorney Rosenberg stated that the Council must decide on the scope and the nature to be included in the RFP. The language was based on the potential direction

of the Council and the RFP could be modified to include everything in terms of dental, medical, etc. Councilmember Trawinski recommended picking the duties under the existing contract but Acting Manager Kwasniewski said that the duties are not listed. Attorney Rosenberg indicated that there is a list for evaluation purposes and he said that he reviewed the current contract which is rather broad. Acting Manager Kwasniewski reminded everyone that they don't pay the broker directly.

Mayor Tedeschi stated that the fee is negotiable. Attorney Rosenberg said that the JIF fee is not negotiable and Acting Manager Kwasniewski said that they haven't done anything on the Risk Manager. Regarding JIF, Mayor Tedeschi recalled that there were problems with reports being provided, attendance at meetings, etc. and these things would have to be included in an RFP for Risk Manager.

Mayor Tedeschi asked if two separate brokers were required and Attorney Rosenberg advised that the RFQ could be bifurcated or the RFQ could ask for separate proposals for the Insurance Broker and the Risk Manager.

Mayor Tedeschi said that the Council will look at the proposal and come back with suggestions.

Status of Court Collection Fines Bid

Attorney Rosenberg stated that he has reviewed the Statute on Court Collection Fines and found that it does require competitive bidding. He recommended that an RFP be drawn up and he suggested that the council look for a firm that has been in business for some time, have worked for municipalities and comply with the Fair Debt Collections Act. A resolution authorizing the RFP must be adopted and this could be put on next week's public meeting agenda.

Upon questioning by Councilmember Trawinski, Attorney Rosenberg stated that he had used the scope of services description in the solicitation received by the Borough to draw up the RFP. Councilmember Trawinski recommended that the Judge and the Court Administrator should review the RFP and Mayor Tedeschi agreed that they should look it over. Acting Manager Kwasniewski said that she would anticipate receiving many bids because this is a new law. She added that she would anticipate complaints from residents who haven't paid their fines.

Attorney Rosenberg added that he was surprised that the bonding is low and he questioned the need to amend the regulations. After a short discussion, Councilmembers agreed that this will be put on next weeks agenda. Acting Manager Kwasniewski said that she will also ask the Court Administrator about on line payment of fines.

"Ask the Mayor and Council"

Mayor Tedeschi proposed a weekly column to the Editor of the Community News which would be titled "Ask the Mayor and Council". People would submit questions and the Councilmembers would take turns responding to the questions. Councilmembers agreed unanimously that this was a good idea.

Westmoreland Wellfield Site

Councilmember Baratta recalled that the EPA and Langan Engineering made a presentation about a year ago regarding the Superfund site on the other side of Route 208. Because of the aquifer, contaminants were flowing across Route 208 into the "E" Street neighborhoods. Water flows down from these "E" streets to the Westmoreland well fields. Testing was done and problems were found in several homes. Reports were sent with information that was redacted which means that they don't know which homes have a problem.

Councilmember Baratta referred to a letter stating that the DEP would provide V1 testing for residents whose homes are located in close proximity to these wells. Environmental data identified the following areas in question which include: Edison Court, Long Road, Westmoreland, Parmalee Avenue, Forest, Cedar, Chester, Ontario, Henderson and Nottingham. The DEP is asking to move forward with testing on these streets.

Councilmember Trawinski stated that there are a number of implications to be considered before moving forward. People selling their homes would have to make disclosures about possible contamination under their real estate contracts. He suggested that the Council obtain the results of the monthly well testing that is done at the Westmoreland Well Fields. They could find out if there is any VOC contamination in any of these well fields first in order to have a clear understanding of the location of the VOCs on the other side of 208. People may be exposed to disclosure obligations when there are no issues and this needs to be done in a logical and progressive manner.

Councilmember Baratta said that they are picking certain houses on this street to be tested and not the entire street. Councilmember Trawinski said that it is impossible to determine the flow of shallow and deep ground water from looking at the surface map and the topography. He suggested involving Engineer Garrison who can get back to the Environmental Commission on what the data shows for the Westmoreland Wellfield and this could then be compared to what the EPA testing shows that is up gradient.

Councilmember Trawinski said that in the case of Radburn, Anderson Mulholland was more receptive and didn't take that same attitude that the DEP is taking on this site. Councilmember Baratta stated that the EPA is responsible for the groundwater contamination of the site and the NJDEP is overseeing the clean up.

Councilmember Trawinski supported the concept of looking into this further. Councilmember Baratta said that the information sent to Health Officer Wagner should be public record and she reiterated that the information concerning the houses where remediation was taking place was blacked out.

The Council discussed voluntary testing and Attorney Rosenberg didn't think that there was any harm in putting a notice on the website offering this service to residents. Mayor Tedeschi stated that the volunteers must be informed of the possible repercussions; however, Attorney Rosenberg didn't think it was the Borough's responsibility to offer a disclaimer on the website. Councilmember Trawinski said that the same voluntary testing was offered in Pompton Lakes

regarding the DuPont Super Fund site and he asked Attorney Rosenberg to find out how this was handled. If the disclosure is made, Councilmember Trawinski recommended advising the volunteer to confer with an attorney or an environmental consultant.

Deputy Mayor Swain said that because this information is on the Borough website people may assume that the information is from and endorsed by the Borough. Councilmember Baratta stated that Environmental Commission would like to start with a handful of addresses and work their way through the area similar to the way the similar situation was handled in Radburn. Councilmember Trawinski said that he would agree to do this on a voluntary basis if Attorney Rosenberg determines that this is the appropriate way to handle it. He also recommended that Mr. Garrison discuss with Malcolm Pirnie whether or not this action is appropriate. Councilmember Baratta said that the Environmental Commission is prepared to speak to the Mayor and Council if necessary.

Acting Manager Kwasniewski will provide the Engineering Department with details so that they can make recommendations. Councilmember Trawinski favored moving quickly on this because if people discover that they have vapor intrusion they will want to put the remediation systems in place. He asked for a report in two weeks.

Budgetary Not for Profits – Deferred

Deputy Mayor Weinstein was absent and the Council agreed to defer this item for two weeks.

Alternative Fuel

Councilmember Baratta spoke to Ray Hern of Westwood who invited Fair Lawn's DPW to come and see exactly how the Westwood DPW is using grease from restaurants as alternative fuels. Councilwoman Baratta said that perhaps this could be done as a Shared Services item since Westwood has the equipment.

Solicitation of Contributions for Fireworks Display

Acting Manager Kwasniewski stated that Deputy Mayor Weinstein continues to work on obtaining contributions for the fireworks. He has reached out to the various volunteer organizations such as the River Road Improvement Committee (RRIC) and the Broadway Improvement Committee (BIC) but has heard nothing back to date. Councilmember Trawinski said that the BIC has agreed to commit to the amount that Deputy Mayor Weinstein had requested. Mayor Tedeschi commented that the VFW is sponsoring the fireworks in Saddle Brook this year

Acting Manager Kwasniewski said that the Council needs to make a decision by the end of the month concerning fireworks in Fair Lawn because they have to secure a vendor. Councilmember Trawinski suggested putting this on the budget meeting agenda on March 27th for discussion.

Dates for Interviews - Borough Manager Candidates

Mayor Tedeschi said that interviews were scheduled for this evening; however, they were cancelled because Deputy Mayor Weinstein couldn't attend. Councilmember Trawinski is unable to attend the interview scheduled for March 31st which was subsequently cancelled. Mayor Tedeschi stated that this would be the last cancellation and Deputy Mayor Swain said that several candidates for the position will be brought back for a second round of interviews. Acting Manager Kwasniewski asked for more dates and she added that a Borough Manager candidate will be scheduled for Saturday, March 27th because he is unable to come on Tuesdays. Acting Manager Kwasniewski will speak to Deputy Mayor Weinstein to find out which days are convenient for him and if he can commit to March 31st and, if so, interviews will be scheduled for that date. Councilmembers agreed that interviews could not be held if more than one council person was absent.

After discussion Councilmembers agreed that three interviews be scheduled for March 23rd beginning at 6 p.m., two interviews be scheduled for Saturday, March 27th, three interviews be scheduled for March 31st beginning at 6:30; and two interviews be scheduled for April 6th at 6:30 and 7:00 followed by the budget meeting at 7:30 p.m. Councilmember Trawinski suggested that further scheduling take place on March 23rd when Deputy Mayor Weinstein is present.

Mayor Tedeschi asked whether Department Heads have been asked to attend budget meetings because he has asked for a lot of information on expenses. Acting Manager Kwasniewski confirmed that the CFO will be at all of the budget meetings but she would be unable to attend a meeting on Saturday, April 24th. Dates for Interviews and Budget Dates will be added to the March 23rd agenda.

Supporting Speed Reduction on Broadway

Acting Manager Kwasniewski said the DOT is willing to reduce the speed limit from 40 mph to 35 mph on Broadway from Florence Place to Banta Street. A resolution of concurrence is needed from both Fair Lawn and Elmwood Park and when this is received the DOT will move ahead. Councilmember Trawinski indicated that the Mayor and Council in Elmwood Park is scheduled to pass a resolution on Thursday night.

Acting Manager Kwasniewski stated that bump outs can be installed once the speed limit is reduced. She is hoping to obtain grant money for the bump outs.

Volunteer Appreciation

Acting Manager Kwasniewski said that in the past they have held a luncheon for Meals on Wheels volunteers, however, in an effort to save money Health Officer Wagner suggested a proclamation for each volunteer to be read on April 27th at 7:30 p.m. The volunteers would also be invited for light hors d'orves from 6:30 p.m. to 7:30. This will save a considerable amount of money and the volunteers will still be recognized at this meeting which will be televised.

Acting Manager Kwasniewski stated that a good way to begin saving is to start with this \$5,000. She commented that no idea is too small and Mayor Tedeschi pointed out that most of the Borough's expenses are tied into salary and benefits. Acting Manager Kwasniewski said that the League has mentioned that Governor Christie has to give mandate relief which will help municipalities get to the 2.5%. Councilmember Trawinski added that the other component is a change to the arbitration process which must include longevity, health benefits, increases and steps. The Governor is talking about no exceptions to the cap. Acting Manager Kwasniewski said that when this started Fair Lawn had a healthy surplus, however, the recession has resulted in lower revenues in every area.

Miscellaneous Public Comments

Craig Miller, 5 Ramapo Terrace, said that he attended the Zoning Board meeting last night. Application 2010-12 concerned an addition involving the removal of a mature tree. The applicant received permission to remove the tree. Councilmember Baratta said that the applicant did not receive the five affirmative votes necessary for a D variance. Mr. Miller said that he understood that the tree could come down if the addition was in the way of the tree.

Mr. Miller commented that attorneys are starting to say that residents "would like to stay in Fair Lawn" and using it as a threat meaning that if a variance is not granted the applicant is likely to move to another town. Councilmember Trawinski said that attorneys frequently use this kind of language; however, it is not a basis for an approval or a denial of the variance.

Pam Coles, 1334 George Street, said she attended the Open Space meeting several weeks ago. She learned that Bergen County has been able to save over 530 acres through this program. She stated that Michael Hakim was a wonderful speaker and she is very proud of all the Historic Committee. She commented that the Fair Lawn Board of Education was the recipient of some funding, however, no one was there on behalf of the Board.

Acting Manager Kwasniewski stated that no one from the Board of Education had to attend. She explained that a representative is required to attend if that entity is meeting with a committee. Mayor Tedeschi asked if there was a discussion of reduction in the Open Space tax at the County level. Ms. Coles said there was no mention of this tax. Councilmember Baratta stated that this subject was brought up after that meeting and Ms. Coles indicated that people are watching what is being done with the tax. Ms. Coles said that it would be wonderful to have more of a turn out from the Open Space and Preservation Committee members. Councilmember Trawinski said that the turn out is bigger for work done at the Committee level and he added that the freeholders have never rejected the recommendation of the Open Space Committee.

Closed Session:

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, the following Closed Session resolution was unanimously adopted at 9:42 P.M.

WHEREAS; the Open Public Meetings 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 for Supervisors; and, Blue and White; PBA/SOA; Anticipated Litigation – Discussion of PBA letter received; and, KEM Property Maple Avenue; and Attorney/Client Privilege – PVSC;

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 Swain, seconded by Councilmember Trawinski, the meeting was adjourned at 10:43 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Joseph Tedeschi

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Absent
Deputy Mayor Steven Weinstein

Councilmember Ed Trawinski