

WORK SESSION OF MARCH 17, 2009

Mayor Weinstein called the meeting to order at 6:30 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 16, 2008. 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: Deputy Mayor Swain, Deputy Mayor Tedeschi and Councilmembers Baratta and Trawinski (late).

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

Budget Review

Library:

Mayor Weinstein introduced Tim Murphy, Library Director. Mr. Murphy reported that the Library had their biggest year ever with a 406,000 circulation. He has asked for funding representing a 5.5% increase in appropriation. They were able to get salaries in at 3.4% even though there was a 4% contract. Costs increased dramatically for utilities as well as for pensions and Blue Cross Blue Shield. Mr. Murphy said that State Aid goes towards salaries and the book budget as well as supplementing some of the line items such as office supplies and building maintenance.

Mr. Murphy stated that the true expenditure for office supplies was a little over \$25,000. The additional cost of building maintenance and heat, light and power amounted to \$13,000 more than what had been budgeted for. CFO Eccleston said that money collected from fines and fees is dedicated by rider into a fund that the Library then charges against. Councilmember Tedeschi asked that a middle column be added reflecting the actual expense which would clearly demonstrate the budget shortfall.

Deputy Mayor Swain asked how much money is left at the end of the year. Mr. Murphy said they spend the bulk of the money collected through fines and fees on books but they historically under spend the book budget due to contingencies such as PSE&G payments and various repairs. Mayor Weinstein said that this is why an additional column is needed so that the Council can get the full story on exactly what the expenditures are. Deputy Mayor Tedeschi said he would rather have the Borough cover the cost of utilities and use the money collected from fines and fees for library

related material. CFO Eccleston confirmed that the State Aid will remain the same for the Library.

Regarding capital projects, CFO Eccleston stated that the library is asking for money for DVD cases. Deputy Mayor Swain asked if BCCLS is helping to get group discounts for items such as this. Mr. Murphy said that this not the kind of thing they would supply. Mr. Murphy said they hope to purchase a computer for the children's section.

Phyllis Weglein, 18 Ramsey Terrace, who is a member of the Library Board, pointed out that DVD cases are quite expensive but necessary to prevent theft. Mr. Murphy stated that audio visual is approaching 40% of the Library's business.

MISCELLANEOUS ITEMS:

Acting Manager Kwasniewski stated that the newsletter should be going out in the near future and it would normally contain information on fireworks. There was previous discussion regarding the elimination of fireworks and she asked for guidance on whether or not to put information regarding fireworks in the newsletter. Mayor Weinstein said that they need to do fundraising to supplement the net amount of \$19,000 and he recommended moving forward with the fireworks. Acting Manager Kwasniewski confirmed that the full amount is budgeted and the Council agreed to move forward.

On a different topic, Acting Manager Kwasniewski referred to the Cops Grant which is scheduled to be discussed on April 14th, however, that is the date that the actual application is due. The Department needs time to put the grant application together. The grant goes towards salaries and benefits only. Councilmember Baratta said that she thought they were discussing one of two applications, the first of which would go to the schools. CFO Eccleston said that the grants do not have to be accepted. Mayor Weinstein asked how long the process would take and Acting Manager Kwasniewski said that they would know sometime in June. CFO Eccleston said that if the deadline for training is missed in July the Borough would have to wait until January for the next training session.

Deputy Mayor Swain indicated that they should move forward with a grant application for one additional officer. Deputy Mayor Tedeschi indicated that he would only support the hiring of one officer. CFO Eccleston indicated that they need to be cautious about using this program since he doesn't see the CAP law changing, and that may be a problem when the grant expires. Deputy Mayor Tedeschi asked if there was a real need for additional police and Acting Manager Kwasniewski said that she recalled that several years ago the Council committing to the addition of two police officers a year. She added that this couldn't go on forever.

Mayor Weinstein said that if the Board of Education had the ability they would have liked to hire another police officer, therefore, he recommended applying for one officer. Councilmember Trawinski said he would support hiring another police officer for the

schools. Deputy Mayor Swain questioned what would happen to this officer at the end of three years. Acting Manager Kwasniewski said that the officer would be kept on or laid off. CFO Eccleston pointed out that the grant does not cover any overtime compensation.

There was a consensus to submit the application for the COPS grant for one officer.

OEM

Deputy Mayor Tedeschi questioned what is covered under medical services and OEM Coordinator Marks explained that this would cover the cost of items such as psychiatric exams at \$425 each.

Regarding capital for OEM, Deputy Mayor Swain noted the request for the rescue vehicle at a cost of \$400,000. This request is not for this year and Rescue Chief Eric Van Kruinungen stated that this request is a replacement for the 1993 Hazmat Response. This vehicle seats two people and includes a command area in the rear. He explained that it would be advantageous for the Rescue Squad to purchase a smaller vehicle to move hazmat equipment. The emergency response part of the vehicle would house the day to day hazmat requests to respond to items such as fluid spills and odors in buildings. Mr. Van Kruinungen indicated that there have been no major problems with the existing vehicle which basically stores equipment. He reiterated that the problem is space and the truck can't be used for certain things because it only has two seats. In the past, members used to drive to the scene in their own vehicles. This isn't the case anymore because it is safer for everyone to come to the building. A new truck would have bench seating and would seat six to eight members and would be similar to the tactical truck used for the boat.

Fire Department

Mayor Weinstein referred to a meeting last week regarding rip and run and the possible installation of a second phone line for the fax machine. Fire Chief Tom Carney said they are working to get the VPN up and running and they need to network with the Fire Prevention Bureau and the Police Department. The Fire Department needs to know what they may be encountering when responding to calls. Fire Marshall Bender inputs information into the computer regarding inspections he has made but that is information posted on the buildings he has visited. Chief Carney said that it would be a good idea to have the police and fire department share this information and resources. They will be meeting with Spillman by the end of the month and will ask for their recommendations on interfacing the different systems.

Regarding capital, Chief Carney stated that he wanted to forego the hydrant markers and increase the amount of money for gear. The NFPA recently issued a standard outlining the need for structural fire fighting ensembles to be replaced every 10 years. The department currently has 42 sets of gear which are over ten years old. He stated that \$45,000 would buy 22 sets of gear. He would cover this cost by reducing the department's request for equipment from \$20,000 to \$10,000. The department will

receive the same funding but it will be disbursed differently. Acting Manager Kwasniewski agreed.

Chief Carney said that they would like to donate the boat motor to Passaic because they are one of the last remaining departments in the area that keeps a boat.

Deputy Mayor Tedeschi recalled that Chief Carney said that \$22,000 would buy 22 sets of gear. There are 120 fire fighters with one-third having gear that is out of date. If the gear is constantly getting wet it exacerbates an already dangerous situation. Chief Carney said it would be wonderful to get more gear and he added that next year they will be asking for a new fire truck to replace Engine 5, which is 24 years old. Chief Carney reiterated that \$45,000 will buy 22 sets of gear and he noted that the gear is tailored to fit the individual fire fighter. It would cost \$90,000 to replace the gear of the entire department.

Chief Carney said that NFPA continually comes out with standards that should be looked at but he doesn't think the town needs to jump on this. It was noted that if 100% of the gear is replaced now it will all have to be replaced at the same time again and if there should be any manufacturing defects the entire department will be affected. .

Acting Manager Kwasniewski stated that the Department is getting quotes for the Fire Department dinner and they need some direction. Mayor Weinstein said that this has been resolved with Chief Carney and there will be a cash bar throughout the evening which will save money. Councilmember Trawinski said he would be in favor of providing for the cocktail hour which they have done in the past. Mr. Cicharella said that the number of people stays constant but the prices continue to rise.

Chief Carney said that two additional chiefs were added this year and there are only two chief cars. There is a police car presently at the DPW that is going to be auctioned off and they would like to bring this car to the fire department for one of the chiefs. He said that last year they responded to over 800 calls and showing up in a personal car can be dangerous and confusing. The car should be equipped with a defibrillator and a portable radio. He strongly recommended using one of the police cars that will be going out of service to benefit the fire department.

Councilmember Trawinski said that when these positions were created last year he recalled being told that they would not require a car. Chief Carney said that in the past each chief would respond using their personal car but at the moment the chief is responding to the scene rather than to the firehouse. Acting Manager Kwasniewski commented that this is a tight budget year and a car with high mileage would have to be replaced at some point in time. Chief Carney said that the two vehicles that have to be replaced in 2010 and 2011 will be handed down to the Junior Chiefs.

Deputy Mayor Swain asked what the cost would be to get these two cars fitted with the necessary equipment. Chief Carney said it would take time and they would have to look for fund raising dollars. Mr. Cicharella pointed out that a lot of the equipment they need

is scattered around the various fire houses and there is an old auxiliary police car that is ready to go.

Deputy Mayor Tedeschi noted that the car is one thing, however, the operating expenses and maintenance for that car is another. He asked for the number and location of the vehicles they already have. Councilmember Trawinski indicated he was willing to look at this request.

Ambulance

Councilmember Trawinski said that the whole area at the Ambulance Corp building looks great and everyone is looking forward to the May 15th grand opening. Deputy Mayor Swain asked for a description of the process when an ambulance call is issued to the police. On a personal note, she said that it took the ambulance 24 minutes to show up at her father-in-law's house. Ambulance President Furphy said that he would have to review the circumstances to find out why it took this long for a response. Normally, a 911 call is placed to the police desk and they dispatch the ambulance. If they find that no one is on duty at the time, they issue a general dispatch several times with two to three minutes in between. If they are unsuccessful they are supposed to contact MICOM which is a central dispatch area in Bergen County who will dispatch the closest ambulance. This response time will vary based on availability. A call that goes out to Fair Lawn volunteers two or three times will take close to 10 minutes; it takes another 5 minutes to get to the building and from the building to the address is another 5 minutes. This results in a total of about 20 minutes to get to an average call.

Mr. Furphy said that he does follow up on calls when he receives a complaint. Most complaints are internal issues and he explained that not all dispatchers are consistently applying policies. Fair Lawn Ambulance has issues with specific dispatchers. Deputy Mayor Tedeschi stated it was his understanding that all dispatchers had to complete a class. Mr. Furphy said that this is the case and there are specific protocols to Fair Lawns policies regarding a volunteer service vs. a paid service.

Deputy Mayor Swain said they need to improve the service for the citizens of Fair Lawn. Deputy Mayor Tedeschi asked about the established protocol and Mr. Furphy said that they are not regulated by any entity that says they need a procedure. A member will report to him about any problems they are having and he will discuss the issue with the Police Chief in the hopes of reaching an understanding and figuring out how to deal with the situation. Mr. Furphy said he has a good rapport with the Police Chief and they will remedy any situations that will surface.

Mr. Furphy said that by the time he learned about the event mentioned by Deputy Mayor Swain the recordings were gone. He added that the response to ambulance calls has greatly increased. The lead at Hackensack Ambulance who gets the majority of the calls has also recognized that Fair Lawn has been responding to an increased number of calls.

Regarding capital, more jackets are needed due to increased membership. Mr. Furphy said that they are now required to have certain jackets of specific colors and reflective materials. The jackets they have now do not conform to current government regulations.

Council Liaison Reports

Mayor Weinstein was pleased to note that the Borough has received a second award from Green Acres in the amount of \$750,000. He thanked Michael Hakim for the great job he did. Mayor Weinstein distributed the Economic Resource Symposium brochure which was done by James Van Kruiningen. The EDC, Chamber of Commerce, the BIC and RRIC will be co-sponsors. Councilmember Trawinski said that he is the moderator of a similar program in Morris County and he encouraged everyone to attend. Acting Manager Kwasniewski reported that the Chamber is excited about this program and the EDC indicated that they will also attend to talk about the grant program. Mayor Weinstein pointed out that as a result of the Stimulus Package the Small Business Administration will now guarantee 90% of loans and he hoped that this would spur lending by the banks.

Mayor Weinstein said that he and Deputy Mayor Tedeschi attended Congressman Rothman's breakfast concerning grant opportunities. They need to consider the possibility of a grant writer for the Borough. Congressman Rothman asked everyone to submit their "wish lists" to him and he will see if he can offer some assistance.

Mayor Weinstein reported on a meeting at the County concerning the flooding on Arcadia Road. Although they have the permits for the property where the water is being held back, they must talk to the owner about the need to dig out the silt which is contaminated. Until the silt is aerated it has to stay there because it cannot be taken anywhere else. The County indicated that the process of cleaning out the silt will take about seven days and when the owner gives the County permission to go ahead the County can move immediately. Acting Manager Kwasniewski stated that the Mayor of Saddle Brook offered to contact the old property owner and set up a meeting, however, this property was sold before obtaining the DEP permits. The new property owner needs to agree to keep the dirt on his property during the aeration process.

Deputy Mayor Swain reported that the Planning Board met on March 9th. This meeting included a conceptual plan for 14-01 Broadway which is the former Highway Theatre that is being converted into medical offices. There is a new title insurance business on Lincoln Avenue and Reiner also discussed renovations and improvements to their site.

Councilmember Baratta described a poster contest for fourth grade students in the Borough regarding property maintenance and keeping the community beautiful. The Property Maintenance Committee wants to have the contest approved by the Board of Education; however, they are encountering difficulty. She has advised the Property Maintenance Committee to write a letter outlining the contest to the principal or attend one of the meetings. Deputy Mayor Tedeschi said that typically organizations submit

requests to the Superintendent but Councilmember Baratta indicated that she had been told that he is too busy with the budget at this time.

Councilmember Baratta said that she and Mayor Weinstein attended the River Regatta meeting last week and everything is running smoothly. They need to have a consensus on the date which is tentatively scheduled for June 6th or 13th. The Alliance for Substance Prevention will provide breakfast.

Councilmember Baratta said that she attended last night's Zoning Board Meeting which included an application for an ice cream store on Broadway and 30th Street. Don Smart advocated for this business, however, this area is zoned office/business (OBS). The Broadway plan includes re-zoning of the area because potential businesses are being adversely impacted in this area. Councilmember Baratta asked that the Council look into rezoning this area quickly. Mayor Weinstein said the whole theory of the Master Plan is to help businesses.

Councilmember Trawinski stated that he and Acting Manager Kwasniewski attended the Broadway Improvement District Meeting. The Acting Manager will be placing low hanging fruit items on upcoming work sessions. Mayor Weinstein said that they have been waiting to move forward with the pedestrian walkway at the train station since last summer. Councilmember Trawinski said that they are not going to wait for Elmwood Park because the DOT and NJ Transit have committed \$75,000 and wants Fair Lawn to move forward on this. Councilmember Trawinski said that there seems to be agreement on the implementation with the BIC concerning implementation of some of the items contained in the Master Plan. He also reported that the ADA Committee Meeting has been postponed until the first Thursday in April.

Deputy Mayor Tedeschi stated that the River Road Improvement Corporation is meeting on April 2nd. During the February meeting, there was some discussion on the Borough assisting with grant writing but they haven't had a response. Mayor Weinstein said that there are volunteers who help with facades and signs; however, the bank determines who is eligible for the loans. He added that there is money available through Community Development that needs to be used. Acting Manager Kwasniewski said they are going to have to take the initiative and change the terms of the agreement. Deputy Mayor Tedeschi said that the RRIC has just begun preliminary work on a coupon program with Columbia Bank which will allow people to purchase a coupon for \$5 and redeem it in the amount of \$10 at a River Road store in the hopes of stimulating business in Fair Lawn.

Sustainable Jersey Municipal Certification Program Registration

Deputy Mayor Swain said that this program has just been launched by the State to certify municipalities in a variety of things including energy efficiency, health and wellness, waste reduction, innovative demonstration projects among many others. Every time a municipality achieves something it is awarded points and 100 points are needed to become certified. Acting Manager Kwasniewski said that they want to do the

energy audit. A representative of the BPU will attend the April 22nd work session to begin the process. She added that the Mayor's Wellness Campaign has already been started and there are other things that can be expanded upon. There are grants for a program sponsored by Wal-Mart in the amount of \$10,000. Acting Manager Kwasniewski advised that the first step is to pass a resolution in order to apply for the grants.

Councilmember Trawinski said that he is happy they are finally moving ahead to apply for these grants. Mayor Weinstein asked that the resolution be put on next week's agenda.

Deputy Mayor Tedeschi asked that the Borough have someone attend a grant writing program. Acting Manager Kwasniewski recalled that only one company responded to an earlier Request for Proposal (RFP) for a grant writer. Mayor Weinstein said they should do an RFP and an RFQ (Request for Qualifications) similar to what was done for the bond counsel. There was a consensus among Councilmembers to move forward on this.

Obsolete Computer Parts

Acting Manager Kwasniewski explained that the computers that were purchased in 2003 began to be replaced in 2008. These computers aren't being used and Paramus has asked if the Borough would be willing to donate the computers to them. Deputy Mayor Tedeschi said he supports the idea of helping Paramus. Acting Manager Kwasniewski pointed out that Fair Lawn purchased ten of the twenty computers and the others were donated. There was a consensus by Councilmembers to donate the computers to Paramus.

Mayor Weinstein explained that the Fire Department has a used boat motor that is not being used and they would like to donate it to the Passaic Fire Department. There was also a consensus on this by the Councilmembers.

Professional Services:

Police Chief's Defense

Acting Manager Kwasniewski said that Bill Hunt was appointed as defense attorney for Chief Rose. This needs to be done again because the case hasn't been resolved and Councilmembers agreed.

Veterinary Services

Acting Manager Kwasniewski said that the Borough has used the same veterinarian for many years; however, he is not interested in continuing. Health Officer Carol Wagner, the Health Officer, is recommending Valley Brook Veterinary Hospital in Fair Lawn.

After some negotiations, she did get the veterinarian to reduce the price to \$1,500 per month from \$6,200. It will be necessary to get pay to play on this item.

Councilmember Trawinski questioned whether or not this item should go out to bid. Acting Manager Kwasniewski stated that Carol Wagner has contacted many veterinarians in the area and most aren't interested.

There was a unanimous consensus to use Valley Brook Veterinary Hospital.

Fair Lawn Promenade Traffic / Kodak Site Report on Environmental Conditions

Councilmember Trawinski recused himself from these two items. Acting Manager Kwasniewski said that this is a carry over project that isn't finished and they have to do a purchase orders. Attorney Rosenberg advised these were coming from escrow accounts.

There was a consensus to authorize professional service resolutions for both projects with Councilmember Trawinski recusing himself.

Light Duty

Acting Manager Kwasniewski stated that light duty has always been difficult for the police department; however, there are things that can be done at the desk. A proposed policy was distributed to Councilmembers. Qual Care and JIF support this idea which gets people back to work and helps to speed recovery. She noted that everyone will not qualify for light duty but they feel there will be enough to make the program worthwhile.

Deputy Mayor Tedeschi asked when JIF changed its policy on light duty and Acting Manager Kwasniewski said this occurred a couple of years ago due to rising costs. Deputy Mayor Tedeschi said that this makes sense. Mayor Weinstein asked if this needs to be incorporated into the police contract. Acting Manager Kwasniewski said she didn't think that was the case. Attorney Rosenberg said he would check into this but it wasn't done in the past due to the fear of re-injury and it was not supported by JIF.

Councilmember Trawinski agreed with setting this up as a one year trial period so the Council will be forced to re-evaluate this in a year. The consensus was to accept the policy as drafted.

Historic Preservation Commission Presentation

Mayor Weinstein said that there was a celebration last week by the Historic Preservation Commission which is being followed by a symposium lecture on April 1st. Felice Koplik thanked the Council for their support and extended an invitation to hear Robin Brown, Administrator of the Bergen County Historic Preservation Trust Fund; Ron Emrich., Executive Director of Preservation New Jersey; and, Dorothy Guzzo, Executive Director of the New Jersey Historic Trust. The agenda will include discussions and a

question and answer period. Topics will include how to keep historical properties economically viable along with the exploration of various funding sources. The Heritage Partnership Program, historic grants and other programs in New Jersey offer assistance to towns with their historic properties and this will also be discussed. There will be an opportunity for the various towns attending to communicate with each other and share information.

Ms. Koplik said that this idea began at their November meeting which was attended by some people from the County. Mayor Weinstein suggested that Ms. Koplik invite the Mayors and Councils from other town who might be interested in learning about the various programs. Maureen Moriarity said that the towns that don't have Historic Preservation Commission were not invited. Ms. Moriarity encouraged Councilmembers to attend the meeting on April 1st to meet the speakers. Ms. Moriarity said that due to the economic situation it is difficult to get financial support. She thanked the Councilmembers for their continuing support of preservation efforts.

Public Comments

Harvey Rubenstein, 28 Rutgers Terrace referred to Chief Carney's request for cars for the Junior Chiefs. He said he would support Chief Carney and it would probably only cost the Borough a minimum amount of money.

Mr. Rubenstein suggested that the sewer system that has been causing back ups for the past two years be put on the wish list that Steve Rothman asked for.

Mr. Rubenstein recalled that the Highway Theater had received approval for medical offices by the Zoning Board two or three months ago. Deputy Mayor Swain said that she must have been confused because the application before the Planning Board is for another existing medical facility on Broadway that is buying a building next door and reconfiguring the parking.

Closed Session:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 8:50 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 Attorney Client Privilege – Landmark, Williams Street and Personnel – ADA Committee;

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 matter as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT:

Upon motion by Councilmember Baratta and second by Councilmember Trawinski the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski