

## WORK SESSION JUNE 23, 2009

Mayor Weinstein called the meeting to order at 9:14 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:** Mayor Weinstein, Deputy Mayors Swain and Tedeschi and Councilmembers Baratta and Trawinski

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

### **Closed Session:**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta the following Closed Session resolution was unanimously adopted at 7:30 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 Pending Litigation Landmark, Yirce and Contract Negotiations – PBA/SOA

**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.

Mayor Weinstein reconvened the Work Session at 9:14 p.m.

### **Grant Program**

Deputy Mayor Tedeschi reported on an extraordinarily good meeting with Capital Alternatives where many good ideas were exchanged, including a bike way for Daly Field and the Passaic River Walk. Councilmember Trawinski said that municipal aid could be possible through the Transportation Trust Fund and they should also focus on the Federal Stimulus Program. He suggested a consolidated report of applications, requests, grants and ongoing projects so that the Council and the grants firm would be aware of what is

going on. He said that the Council would welcome everyone's input regarding this list. At the meeting, they learned that there were grants that no one was aware of, such as a grant for fire house construction that is part of the stimulus bill.

Marlene Casey, of Capital Alternatives stated that under the terms of the AFG fire grant, the footprint of the building cannot be changed. The portion used for the grant application refers to construction going up along with providing additional services and equipment that the Fire Department doesn't have at the moment. Ms. Casey indicated they would be willing to assist the Fire Department with the narrative.

They discussed the Broadway Improvement Program Master Plan and they will see if any of these projects were eligible. Councilmember Tedeschi reported that he had a meeting with Mayor Mola, who seemed to be quite receptive to the idea of a joint project. He added that the deadline for the Municipal Aid Grant was June 12<sup>th</sup>

Ms. Casey said that she has known Ken Garrison for a long time and he is a good engineer; however, he is probably not aware of all of the changes that have taken place regarding grants. She stated that all DOT applications are scored using a number system and each question asked and answer given is assigned a numbered value ranging from 0 to 10. They try to point the municipal engineers toward the higher number scores and many times even the way a question is answered makes the difference between 0 and 10. A municipality has to score 67 or higher to get on the list for money. Because Mr. Miachi created the applications when he worked at DOT, he is extremely familiar with the scoring system. Capital Alternatives completed for the Daly Field bike way and one under the Safe Streets to Transit, both of which she feels these will score quite high.

Deputy Mayor Swain asked for details on what the traffic calming devices would consist of if the application is successful. Ms. Casey said that these would be bump outs or concrete which narrow the pavement by taking out the corners at the sidewalks. If the Borough receives the grant money, it can do anything it wants to such as landscaping.

Councilmember Trawinski said that additional money for Daly Field through the Open Space Trust Fund was also discussed. Ms. Casey said that in this case, \$4 million, which represents the highest and best use, would have to be paid for the property. There should be an application with Bergen County Open Space for the percentage of the value of the property that would be used for open space. Ms. Casey said that the Borough has 16 months from the date when it would close on the property to go back to Open Space which means that the Borough could go to the County for funding for two additional cycles. The Open Space Acquisition Fund is not a matching fund and the Borough can ask for a 100% reimbursement of its cost. Capital Alternatives has successfully done this for Garfield and New Milford, among others, and Ms. Casey said it is all a matter of strategy and how the application is sold. She stated that, in her experience things like passive parks, anything for seniors, bird watching and water features seems to sell these applications. She added that this is a way to repay and replenish the Borough's own open space funds.

Councilmember Trawinski stated that the Rescue Squad expansion was also discussed. Ms. Casey explained that this falls under the Police Grants, however, the round for this year took place in February. Plans need to be in order soon if they are planning any kind

of expansion. Councilmember Trawinski stated that they need to discuss this with the Shared Services Committee in September. Acting Manager Kwasniewski said that the Board of Education would have to be convinced to do the vacation but they had specifically requested information on the traffic flow and other related items.

Councilmember Trawinski suggested that there be a focal point in the Borough for entities such as the Board of Education and Department Heads to deal directly with. He discussed this with Deputy Mayor Tedeschi and they agreed that Jim Van Kruiningen would be the ideal choice, but this would ultimately be up to the Acting Manager. Acting Manager Kwasniewski said that a grant record tracking form has been put together which was sent to the Department Heads who are beginning to submit the information. She added that there was always information in the Manager's Annual Report detailing the grants that were applied for and the grants that were successfully obtained. Occasionally, the Chief Financial Officer has been left out of the loop, which is a problem in the case of a matching grant. Also from time to time the Municipal Clerk's office did not receive notification of the awarding of the grant because it would go straight to the Borough Attorney or the Department Head. Acting Manager Kwasniewski said that this new system will alleviate these types of problems.

Deputy Mayor Tedeschi reported that timelines were discussed. Mr. Carney said that Capital Alternatives had provided the Borough with a tutorial that should be given to the Department Heads. He will distribute this again because they don't want to do the majority of the small applications that could be done in-house. Everyone agreed that Capital Alternatives should only be used for the difficult grants. Acting Manager Kwasniewski reiterated that they need help with the grant application for the large projects and Capital Alternatives should also help by making the Borough aware of grants that are available.

Mr. Carney said that Capital Alternatives' specialty is infrastructure. Deputy Mayor Tedeschi said that sewers and paving in the Berdan Avenue was specifically discussed. There was a strategic question of whether they should hold off a year in order to get the grants. He added that there is a five year capital plan and a five year grant plan should be established. Ms. Casey said that a good example of this is that they will be submitting a discretionary application for Berdan Avenue paving that the Borough will hear about at the end of this year or the beginning of next year. The Borough will have 18 months to spend this funding which brings the Borough into the road paving timetable in the summer months.

Mayor Weinstein referred to the County Open Space grant and he noted that Green Acres money has been received. Ms. Casey said in this case the County money becomes the matching funds for Green Acres. Deputy Mayor Tedeschi pointed out that the cash flow that goes into the amortization of any bonds issued to acquire property relies on Open Space tax money. Ms. Casey said that Green Acres grants require matching funds from the municipality and there is nothing that says Open Space funding and Green Acres funding can't be matched one against the other. She referred to this as multi-sourcing and these two sources are the match for one another.

At this time, Mr. Carney distributed material for review by Councilmembers.

Councilmember Baratta said that a group in the Borough wants to start an arboretum on wetlands property and they are looking to acquire trees. She asked if there would be grants available for trees and Ms. Casey indicated that there are grants available in November from the New Jersey Department of Forestry. There are up to 1000 free trees available each year that can be picked up by the DPW and must be planted on Borough property.

Councilmember Trawinski said that the Borough is acquiring the George Street Park and the Council will probably want to add a small level of amenities to make it a pocket park. Ms. Casey said that they could make an application this year because the Borough wouldn't have to use the money until next year. She advised the Open Space Committee to make a recommendation and Capital Alternates will do a concept plan and make the application by July 31<sup>st</sup>. Acting Manager Kwasniewski stated that the Borough is submitting an application for the skate park and Ms. Casey said that the Borough can't compete with itself. Therefore, she advised that the George Street Park be part of the next cycle.

After more discussion, Mayor Weinstein recommended that they wait to get information on grants from the two remaining departments and forward the information to Capital Alternatives who can then correctly complete the chart. The chart can then be forwarded to the Mayor and Council.

### **Review of Tentative Agenda**

Acting Manager Kwasniewski stated that she wanted to add a resolution for the Cranford Police Cooperative System to tonight's agenda.

### **Council Liaison Reports**

Councilmember Baratta reported that the Legislators Appropriation bill that was posted earlier yesterday has returned JCADA to the Department of the Treasury.

Councilmember Baratta referred to an island landscape project on 26<sup>th</sup> Avenue and Plaza Road. The Garden Committee would like to do something with that property.

Acting Manager Kwasniewski reported that under their neighborhood programs, DOT does this type of project while passing maintenance to the municipality. They were contacting her to make sure that this area would be maintained by the Garden Club or that the municipality is prepared to do the maintenance. Acting Manager Kwasniewski said that while this project is likely to get on the list, but the Garden Club shouldn't deal directly with the DOT. Mayor Weinstein agreed stating that they should contact the Manager first.

Mayor Weinstein said that in order to prevent this type of thing from happening again a memo needs to go out to the various committees that items of this nature needs to be handled through the Manager's office. Councilmember Baratta said that she wasn't aware of this until she received an email. Councilmember Trawinski agreed that this needs to be coordinated through the Manager's office and he added that the people doing the planting in this area will need to have police protection due to traffic safety concerns. He asked

Councilmember Baratta, the Committee liaison, to tell the Garden Committee that they shouldn't do the work without police protection.

Councilmember Baratta asked who was responsible for the Croucher property on Route 208. She said that years ago the Chamber of Commerce worked with Mr. Croucher to fix it up. He is now leaving Fair Lawn. Mayor Weinstein suggested that Mr. Croucher donate the property back to the Borough. Councilmember Trawinski said that he thought that the State gave Mr. Croucher some sort of rights after the overpass project was completed and they need to look into this.

Councilmember Trawinski reported on the Open Space Committee meeting that took place last night. He said that Fair Lawn received a \$7,000 NJEC grant. Acting Manager Kwasniewski indicated that they had applied for a \$10,000 grant and she stated that the Borough would make up the difference.

Deputy Mayor Tedeschi asked if the letter received from the EPA Superfund dated June 12<sup>th</sup> had been forwarded to the Environmental Commission. Acting Manager Kwasniewski said that she will forward the letter to the Environmental Commission.

Mayor Weinstein reported that the Fire Department is celebrating its 100<sup>th</sup> anniversary in 2011 and they are hoping to get some money from the Borough. They are looking for \$15,000 and Mayor Weinstein asked that this will be placed on the next Work Session agenda for discussion. Deputy Mayor Tedeschi said that this should be done as part of the 2010 and 2011 budget.

Councilmember Trawinski stated again that he had met with Mayor Mola of Elmwood Park along with Don Smartt, their Planning Board Chairman, and the Administrator/Clerk Keith Kazmark. The Broadway Improvement Commission (BIC) will be appearing before their Planning Board on July 8<sup>th</sup> to review the BIC study. They were willing to go through the detailed list of improvements which impact Broadway and Elmwood Park. With the exception of allowing parking in front of K Mart and the mall that includes Walgreens, the items will be prioritized. Councilmember Trawinski advised that they were receptive to listening and they want to dovetail on the Borough's letters to Trenton and the DOT.

### **Opposing the Governor's Budget Plan re EMT Training Fund**

Councilmember Trawinski said that the Governor is proposing to cut funding for the training of Emergency Medical Technicians (EMTs). The Governor wants the individuals to pay for their own training. Councilmember Trawinski said that this is absurd and the Council should support drafting a resolution in opposition.

### **Traffic Calming Devices**

Acting Manager Kwasniewski recalled that Mrs. DiNardo had raised the issue of traffic calming devices interfering with bike riders. She sent out a member of the Engineering Office who has removed one of the devices so bikes are now able to pass through safely.

Deputy Mayor Tedeschi stated that there are 52 traffic calming devices in front of Edison School with two pedestrian signs in the middle, which he felt was overkill. Councilmember Trawinski said that a report was supposed to be done on this two years ago. Acting Manager Kwasniewski said that although these things are ugly and some people don't like them, they do work. If the grant on Abbott Road is successful, they will continue to apply for grants to do other bump outs in order to get rid of the traffic calming devices

Mayor Weinstein said that some of these devices were removed from Radburn Road because the fire truck couldn't maneuver around them. Ken Garrison indicated that he was going to look into "cross walk change of surface" which changes the texture or feeling of the road surface and cause people to slow down. Mayor Weinstein said that this has been done on the bridge and the surface is coming up and cracking. The County needs to be informed of this.

Deputy Mayor Tedeschi proposed that no more of these traffic calming devices are to be put up until a report is received from the Engineering and Traffic Safety Departments. Councilmember Baratta said that she would be interested in reports on these devices in the Radburn Road area and the vicinity of the Post Office at Fair Lawn Avenue and Abbott Road. The traffic merges in this area and if someone is turning left to go to the Post Office they get stuck behind these sticks. Deputy Mayor Tedeschi repeated that this is overkill. Councilmember Baratta said it is like an obstacle course. Mayor Weinstein again asked for a report and Councilmembers agreed.

### **Investigation into Fair Lawn TV**

Councilmember Trawinski said that his primary concern was whether or not the Borough computers, used by the individual involved, had been investigated. He has been assured by Acting Manager Kwasniewski that there were no issues with these computers. He said that they must make sure that this doesn't happen again; however, he said that no matter what had been done this couldn't have been prevented because there was no prior history.

Deputy Mayor Tedeschi said that this opens up the issue of background checks on volunteers. Mayor Weinstein stated that All Sports is now doing fingerprinting at a charge of \$26 per individual. Deputy Mayor Tedeschi stated that the Council has an obligation to ensure that they have done everything possible to make sure that all of the residents are as safe as possible. Councilmember Trawinski said that he is not trying to spend money but he is concerned about crossing guards. Deputy Mayor Tedeschi stated that the Board of Education hires 100 to 150 people every summer and these individuals, 18 or over, are required to pay for a finger printing service themselves. The cost is \$78 and this can be claimed when filing income tax. .

Mayor Weinstein asked Acting Manager Kwasniewski to come back with a recommendation as to which employees or volunteers should require finger printing and background checks. She could check with Jack Susser about how this is done and whether a package price could be negotiated. Councilmembers agreed to move forward on this.

**Chase Parking Lot**

Attorney Rosenberg stated that the agreement with Chase Bank has been perfected but it hasn't been signed. Deputy Mayor Tedeschi reported that he has observed reserved spaces as well as four handicapped parking spaces with Chase signs.

Attorney Rosenberg reported that he has been working with the attorney for Chase Bank and the problem is that they are a huge organization. Councilmember Trawinski suggested that Attorney Rosenberg inform the attorney that the Council is very concerned about their lack of response to this problem.

Acting Manager Kwasniewski said that the signs put up by Chase Bank comply word for word with the agreement. She indicated that Chase Bank may have added some signs that are not consistent with the agreement.

Mayor Weinstein noted that the Borough owns some of the parking spots in this lot. He said that the problem is that some of the employees of these businesses are parking all day in those spots and he asked why parking couldn't be restricted to two hours. Deputy Mayor Tedeschi said that the sign reads "reserved for employees of 702 Fair Lawn Avenue" and the other sign says "reserved for people of blank, blank River Road". Acting Manager Kwasniewski said that she will see if the signs have been changed and added that the Borough can do what they want by ordinance for the spaces that it owns. The spaces owned by Fair Lawn are specifically delineated in the agreement and there was also a provision for the permit parking overnight but previous Council decided not to forward with that provision of the ordinance.

**Disposal of Fluorescent Bulbs**

Acting Manager Kwasniewski referred to her report of May 8<sup>th</sup> where she had recommended that the Borough not get involved since Fair Lawn residents can go to Hazardous Waste Days. The Borough has made arrangements with the Board of Education to use their bulb crusher for light bulbs used in the Municipal Building.

Councilmember Trawinski said he would like to expand this by asking Capital Alternatives to see if there is any money available for environmental recovery through the Federal Stimulus Program. If so, the Borough could look into buying the equipment. He asked the Acting Manager to research the disposal costs so residents would have the ability to dispose of these light bulbs in the Borough which is similar to what is done with batteries. Acting Manager Kwasniewski advised that people have the option to take their bulbs to Ikea or Home Depot for disposal.

Deputy Mayor Swain said that this would be a useful service for the residents. Councilmember Trawinski stated that the machine costs approximately \$4,000; however, it is the disposal that is expensive. Councilmembers supported the idea that the Acting Manager explore disposal costs.

### **Performance Guaranty Monitoring – Creation of Policy for Council & Administrative Oversight and Reporting**

Councilmember Trawinski stated that he agreed with what Acting Manager Kwasniewski had distributed.

### **Revised Fee Ordinance**

Acting Manager Kwasniewski reported that the Police Department had been notified by the State that they can only charge a \$5 for copies of a police DVD, CD, or VHS. The Police have been charging \$25 and the Municipal Clerk's Office has been charging \$1. The charge at the Clerk's office will be increased to \$5 and the police would have to decrease their charge by \$20. Councilmembers agreed that because this is a State requirement the ordinance has to be changed.

### **Interview Schedule for CFO**

Acting Manager Kwasniewski reported that she and CFO Eccleston have reviewed the resumes that have been received for the position of CFO. They are recommending three or four candidates to be interviewed. She asked Councilmembers for some dates when they would be available. Acting Manager Kwasniewski will forward the resumes of the candidates to the Council for their review.

### **Summer Meeting Schedule**

Acting Manager Kwasniewski advised that the July meetings are scheduled for the 14<sup>th</sup> and 21<sup>st</sup>. August meetings are scheduled for the 11<sup>th</sup> and 18<sup>th</sup>. Attorney Rosenberg will be at the two meetings in July and Mayor Weinstein recommended scheduling two interviews each for those dates. Acting Manager Kwasniewski suggested the first interview be held at 6:30 P.M., followed by the second at 7:15 P.M. during Closed Session so that the candidates aren't coming at 10 P.M. The Work Session can begin at 8:00 P.M. Councilmembers agreed to the same schedule for July 21<sup>st</sup> with the Regular Meeting beginning at 8 P.M.

### **Cranford Police Cooperative Pricing System**

Acting Manager Kwasniewski said that the approved budget included mobile data systems for police cars and the police were putting together specs. Lt. Cauwels, who is in charge of cars, found that Cranford has a Police Cooperative Pricing System which is \$6,000 less than what the vendor quoted when they were here recently demonstrating the product. There is no charge to join their co-op and they have an extensive list of items. A resolution is needed to join this co-op, which Councilmembers unanimously supported.

Acting Manager Kwasniewski mentioned that the Council must decide on a salary for the new CFO Eccleston, and Councilmember Trawinski asked for a recommendation from the Acting Manager.

**Special Meeting**

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta, the Work Session was adjourned to Special Meeting at 10:31 p.m.

Mayor Weinstein reconvened the meeting at 10:32 p.m.

**Public Comments**

Craig Miller, 5 Ramapo Terrace, referred to Chase Bank and said that there must have been a resolution when the Borough took over of the property. Acting Manager Kwasniewski said that the Borough has a written agreement with Chase Bank which has expired. Chase has not signed the new agreement.

Mr. Miller said he was confused about the County Open Space Fund. Mayor Weinstein said that the County Open Space Fund allows for the acquisition, development and historic preservation of the park and this grant is for improvements in connection with a passive park. Mr. Miller asked about the possibility of a permanent band shell on the property Councilmember Trawinski said that he thought that would be impossible because this is a flood zone.

Mr. Miller spoke about the traffic calming devices and asked why the color had been changed from orange to white. Acting Manager Kwasniewski said that the white color is what is presently available. She added that the Engineering Department marks the spots for the sticks and the DPW does the installation.

**Closed Session:**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain the following Closed Session resolution was unanimously adopted at 10:48 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 Personnel – Grievance, Garden Club; Attorney/Client Privilege – Maple Avenue/River Road Condemnation Naugle House; and, Investigation into the Release of Closed Session Information under N.J.S.A. 40:69A-91.

**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 and seconded by Councilmember Baratta, the meeting was adjourned 11:30 P.M.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

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Mayor Steven Weinstein

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Councilmember Jeanne Baratta

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Deputy Mayor Lisa Swain

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Deputy Mayor Joseph Tedeschi

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Councilmember Ed Trawinski