

WORK SESSION SEPTEMBER 1, 2009

Mayor Weinstein called the meeting to order at 7:30 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: 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 Baratta and a second by Councilmember Trawinski the following Closed Session resolution was unanimously adopted at 7:31 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 – Yirce Litigation.

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 meeting at 8:30 p.m.

Review of Tentative Agenda

Councilmember Trawinski stated that there may be a resolution added that cannot be placed on the Consent Agenda. Acting Manager Kwasniewski said that she needs to add a request from the 50(c)3 to tonight's agenda.

Council Liaison Reports

Deputy Mayor Swain reported that she had attended a Jewish War Veterans luncheon on Sunday. She commented that attending these types of events makes you proud to be an American and everyone should be grateful to the veterans.

Councilmember Baratta discussed information she had received from the last LEPC meeting regarding the H1N1 flu. She is happy to report that the Borough is moving ahead with flu shots earlier in the season since they are not sure what they will be dealing with in the future. Two vaccinations will be necessary with the H1N1 flu vaccine and the Borough would be responsible for vaccinating residents along with people who work in the Borough. She noted that even people passing through the town have the right to stop and get a flu shot. If the Governor declares this a health emergency, the Borough will be allowed to use volunteers to administer vaccinations.

Councilmember Baratta was concerned that the Borough Health Department might be under staffed. Acting Manager Kwasniewski pointed out that there is a Valley Hospital nurse on call who could step in. There has also been talk of school nurses being allowed to administer the vaccine.

Regarding the 501(c)3, Councilmember Baratta stated that Councilmember Trawinski attended the meeting in her absence and she has learned that Mr. Shevchuk was not at the meeting. Apparently, he is not happy with the two badminton courts and the way this is proceeding and there were some rather unpleasant emails that went to Mr. Cosgrove. Acting Manager Kwasniewski said that the 501(c)3 group has been working diligently with him to work this out.

Councilmember Trawinski stated that there will be an ADA meeting on September 24th at 2:15 P.M. in the Municipal Building. Acting Manager Kwasniewski has scheduled a Shared Services meeting with the Board of Education for October 8th. Councilmember Trawinski asked if Councilmember Baratta or Deputy Mayor Swain could attend in his place.

Councilmember Tedeschi stated that River Road is meeting Thursday September 3rd in the morning and the Environmental Committee will meet at 7:30 P.M.

Mayor Weinstein announced that flu shots will be available to Borough employees on Wednesday, September 16th from 10 A.M. to noon and 2 P.M. to 3 P.M.

Mayor Weinstein commented that he had been vacationing in Washington, D.C. recently and it was a unique time to be there with the passing of Senator Ted Kennedy.

PODS

Mayor Weinstein said that he would like to hear comments from the residents in attendance regarding the POD ordinance.

Louis Vicola, 44 Garwood Road, stated that they are remodeling their home and in order to do this and occupy the house at the same time they needed to remove furniture and store it in a storage unit on their property. They obtained the necessary construction permits from the town but were not aware of the ordinance regarding the placement of PODS on private property. Mr. Vicola said that many of their friends had worked on their homes and had PODS on the property for the duration of the project and no one mentioned any restrictions regarding the units. If they had known that this was part of the process, he would have factored this into their plan. Mr. Vicola said that the ordinance refers to a maximum size of 18 ft., however, PODS start at a 20 ft. minimum. The ordinance allows a POD to be on the property for 14 days and then the homeowner has to apply for permission to keep the POD for an additional 14 days, which is unrealistic because a major project can't be completed that quickly.

Mr. Vicola understands that the container is an eyesore, however, he pointed out that the neighborhood would be improved when their project is complete. He asked that residents be allowed to keep a storage unit on their property for the duration of a renovation project.

Deputy Mayor Swain asked how Mr. Vicola would have factored the ordinance on PODS into his project. Mr. Vicola said they would have taken into account the cost of putting their furniture into storage and moving it there. Deputy Mayor Swain questioned the cost of a public storage unit versus the cost of a POD.

Melissa Vicola, 44 Garwood Road, stated that it would cost \$275 to bring a trailer up to their home and \$75 a month to rent. The cost for a POD was more for delivery and over \$100 a month to rent. Mr. Vicola said that to move furniture into a storage facility was going to cost \$1500.

Leo Kramer, 1727 Eherlin Drive, stated that his house has almost been completely demolished in order to be renovated. Before he began the work, he spoke with his neighbor who is a policeman and had a container on his property for six months when he had work done on his home. He ordered a container to be delivered three weeks before work was to begin to give him enough time to move the furniture from his three bedroom home into the container. The price to rent the container is \$75 per month as opposed to \$220 or \$230 to drop off the container and store it offsite. He received a quote of \$5,000 to move the contents of the entire house one way.

Mr. Vicola stated that a major renovation is a once in a lifetime project that can be overwhelming and learning about the container from his neighbor was the best advice he received. He suggested that the restrictions on the size of the container should be based on the size of the house and the length of time for construction should be six months.

Harvey Rubenstein, 17-38 Chandler Drive, stated that information should have been included in a check list that is given to residents doing construction.

Councilmember Baratta stated that many times contractors, and not the residents, are not picking up the permits and perhaps not advising the residents. Mayor Weinstein stated that Mr. Kolano will begin putting a sticker on the permit. Acting Manager Kwasniewski stated that the sticker will be on the back of the placard that is placed in the window so it

will be in clear view of the homeowner. She said that there has also been information in the newsletter concerning these containers.

Councilmember Trawinski stated that information on these containers, including the ordinance, should be handed out as part of the building permit information packet and the ordinance should be amended to reflect this. He said that there have only been complaints from these two homeowners in the last two years. Councilmember Trawinski agreed that the ordinance needs work in the area of tying the time into the construction time along with correcting the size of the container. He said that the container cannot be used as an unlawful addition to the house and it must be related to the size and duration of a legitimate construction project. The Building Official has to use some common sense and discretion because one size will not fit all and he asked the Borough Attorney to fashion the appropriate language.

Councilmember Trawinski pointed out that the ordinance requires the unit to be situated in the driveway or an approved parking area. Due to off street parking requirements, parking is limited and he didn't see why the containers couldn't be allowed on the lawn.

Deputy Mayor Tedeschi questioned the size of the container on Mr. and Mrs. Vicola's property and Mrs. Vicola said it is 8 ft. tall, 8 ft. wide and 20 ft. long. It holds three rooms of furniture and there is a hitch on one side and wheels on the other. Deputy Mayor Tedeschi said that this would take up an entire driveway. He noted that these home renovations improve the town and allow for additional tax revenue and the town should make this process as easy as possible for homeowners.

Mayor Weinstein stated that when this first came up it was a quality of life issue for people living in the area. He said that people see work that is ongoing and understand the need for a dumpster; however, a POD that is there for a long time is not fair to the neighbors.

Councilmember Trawinski said that the restrictions for a POD or container should be tied in with the permit and the length of the construction. Any extension of the construction period should warrant notification of the Building Inspector. Acting Manager Kwasniewski stated that a building permit is good for two years and the length of time to keep a POD cannot be two years.

Attorney Rosenberg said that an outside date is needed beyond which the building code official has to make a discretionary decision involving the location of the POD on the property and its effect on the neighborhood and whether or not the time to keep it should be extended. Mayor Weinstein said that they also need to be cognizant of situations such as flooding or the builder disappearing. Councilmember Trawinski said that these situations are examples of items that would fall within the discretion of the Building Official.

The Council discussed the length of time that a container could remain on the property. The Building Official has suggested a time limit of 90 days and Mayor Weinstein agreed that this was a good starting point.

Mr. Vicola said that with all of the inspections involved in a major renovation, there is ample opportunity for a Building Inspector to make an assessment of the project and what

is realistic. Mr. Kramer commented that it is impossible to complete a project of his size within 90 days.

Councilmember Trawinski said that he would recommend getting an extension from the Building Department with discretion beyond that, however, he suggested that the trailer be prohibited from remaining on the property in excess of a one year. Mayor Weinstein and Councilmember Trawinski agreed that an "Act of God" type situation could possibly be the exception to the one year period and treated differently.

Mayor Weinstein stated that everyone seems to agree that the trailer or POD doesn't have to be located in the driveway and could be located on the lawn. He suggested further consideration by the Building Department and Attorney Rosenberg on the size of the unit.

Craig Miller, 5 Ramapo Terrace, said that there is a POD on Radburn Road by the school. He suggested that a town official could warn people with PODS that they have exceeded the allowable time limit. Councilmember Trawinski said that a letter would bring this to the attention of a homeowner. He added that it is not realistic to have an employee canvass the town looking for these containers because there aren't enough Borough employees.

Mayor Weinstein recommended drafting a new ordinance. Attorney Rosenberg will speak to the Building Department and let them know that the Council is going to move forward with a new ordinance. The ordinance will have to go to the Planning Board for review. It can be introduced at next week's Council meeting.

Financial Statements

Deputy Mayor Swain said that she has questions on the audit. Mayor Weinstein indicated that they originally discussed having a post engagement meeting which is especially appropriate considering the transition. Acting Manager Kwasniewski said that this can be put on the agenda for September 15th and will include the CFO and Mr. Wilcox. She said that it is necessary for the Council to adopt the resolution accepting the recommendations at this time. The resolution will only state that the recommendations have been read. The CFO must present a corrective action plan that the Council adopts by resolution. The Council will move ahead with the resolution stating that the Council has read the recommendations and publish that in the paper. The corrective action plan will follow after the meeting with Mr. Wilcox.

Arcadia Road Flooding

Mayor Weinstein said that he had called David Ganz, who was on vacation, and left word for his assistant David Lau. He said that the work has been done on the private property in Saddle Brook and the issue now is that the two pipes on Midland Avenue and Arcadia Road haven't been tied in.

Councilmember Trawinski said that the County promised to bid this work two years ago at a Freeholders Meeting. Acting Manager Kwasniewski pointed out that the pipe has to be run down the side of Midland Avenue and the County hasn't gone out to bid for that.

Mayor Weinstein suggested another meeting with the County to try to push this forward and he will continue to follow up with Bob Lau.

Future use of the Former Deaf Center

Deputy Mayor Tedeschi stated that this building has been empty for over a year. The building is approximately 1,700 square feet, is air conditioned and had been remodeled at a cost of \$150,000 by means of a Community Development Grant. Mayor Weinstein said that he will bring this to everyone's attention at the Shared Services meeting.

Deputy Mayor Tedeschi said that the building is a wonderful meeting place for organizations without one organization being the sole owner of the property. There are two small meeting size offices, one larger office, a large conference room that would accommodate 40 people and another large area. He suggested this as a gathering place for the Auxiliary Police, Rescue, the Library for special meeting classes or for people who want to have a meeting outside of the community center.

Acting Manager Kwasniewski stated that the Auxiliary Police and the PBA will be moving there temporarily. She said that Buildings and Grounds will be there next week to clean the building out and paint the inside.

Deputy Mayor Tedeschi stated that the Office of Emergency Management (OEM) has applied for a grant to make this building their operational control center. Acting Manager Kwasniewski said that she understands that this building would not be exclusively used by the OEM and would be integrated with other uses. OEM would use the larger room and other uses would be located around the perimeter. She told the PBA representative that they could use one of the offices and the Auxiliary Police could use the other one but they have been told that if the grant is successful the building will be shared. Acting Manager Kwasniewski said she could see a problem with parking because the driveway is long. If everyone were to leave a meeting at the same time there would be a problem and there may be some reluctance to park in the other lots. Deputy Mayor Tedeschi stressed that the key is that the building is not part of anyone's empire and is available for people who want to use it.

Councilmember Trawinski was concerned about protecting against a past practice. He didn't want the PBA to think they were specifically entitled to this facility and that it is the Borough's obligation to provide them with a space. Acting Manager Kwasniewski noted that the contract states that if the Borough needs the space it can be taken.

On a different subject, Councilmember Trawinski pointed out that the PBA President is on record in the newspaper as saying that he doesn't want to talk to him. He stated that the PBA President has never spoken to him and to his knowledge has never reached out to this Council. Mayor Weinstein said that he did meet with him several months ago. Councilmember Trawinski asked the Acting Manager to invite the PBA President to a Council Meeting for discussions on anything other than labor negotiations. Acting Manager Kwasniewski commented that labor negotiations is the only thing he wants to talk about and Councilmember Trawinski said that the PBA is aware that labor negotiations

cannot be conducted in open or public meetings. He reiterated that he would like the Acting Manager to invite the PBA President to an upcoming Council Meeting.

Deputy Mayor Tedeschi said that this was a great idea but it must be made clear that they would not discuss labor negotiations. Deputy Mayor Swain agreed but returned back to discussion on the building and said that she has concerns about a specific group's equipment in a room being used by another group. The building will not be protected and she has seen what has happened at the Seniors Center. Mayor Weinstein said that valuable equipment could be locked up when not in use and Deputy Mayor Tedeschi said that one of the back offices could be used as a storage room.

Councilmember Trawinski expressed concern about cars backing out onto Fair Lawn Avenue and he said that the parking should be reconfigured if there is going to be a greater use of the parking lot especially in the winter. Deputy Mayor Tedeschi recalled that they looked into a horseshoe shaped driveway when the building housed the Deaf Center, however, the County didn't want a second means of egress or another curb cut on Fair Lawn Avenue. After more discussion, Councilmembers concluded that parking was available on Fair Lawn Avenue or at the Senior Center.

Councilmembers directed Acting Manager Kwasniewski to send a letter to the PBA President

Inclusion in Urban County Entitlement Program through Community Development

Acting Manager Kwasniewski stated that these programs had expired on June 30th and if the Borough doesn't join they run the risk of not getting any money. The standard resolution is needed which the County was supposed to forward, however, it has not been received to date. She advised that the Council could do the resolution on Tuesday and Councilmembers were in agreement.

Sunrise Rotary 5K Run

Acting Manager Kwasniewski reported that she met with Honey Morgenstern and Abby Cerres-Buda, who is the new Sunrise Rotary President. The Council was concerned over the amount of money spent on overtime last year and Ira Marks, who organizes the event met with Jim Conroy, agreed to change the route. Mr. Conroy is no longer in Rotary and Ms. Morgenstern and Ms. Cerres-Buda do not agree with a route change because there are certain standards to be met in order to be deemed a qualified run. Acting Manager Kwasniewski explained that cost cutting was necessary and there will now be more volunteers through Rotary, CERT, and the Auxiliary Police who will put out the saw horses instead of using the DPW. There was a suggestion to use two police officers; however, Ira thinks that three are needed. This is a holiday which means double time for police officers and they are still trying to work things out.

Acting Manager Kwasniewski summed up stating that they are keeping the original certified route. If the course were to be changed it would have to be re-certified which involves additional cost. Changing the course might mean that there aren't as many runners and the Rotary could lose some of its fund raising ability. They have agreed to

shorten the walker route to 3K which will save because the walkers take a lot longer than the runners.

Deputy Mayor Tedeschi questioned the cost of last year's run. Acting Manager Kwasniewski said she could get the figures that would include overtime for the police and the DPW. The Council agreed that the 5K run should remain the same as in past years.

Councilmember Trawinski suggested they look at the cost of certifying another route to see if it would save a considerable amount of money in the future. Everyone agreed that safety should not be compromised.

CDBG Endorsement – Care Plus New Jersey, Inc.

Acting Manager Kwasniewski stated that Care Plus is asking for the Council's endorsement of a CDBG Grant in the amount of \$101,871. There is no cost to the Borough and the Council agreed to the endorsement.

Deputy Mayor Tedeschi stated that the Borough has to push to put together plans for Community Development Grants this year. Acting Manager Kwasniewski said that they are re-submitting an application to redo the mini bus and the other application that meets all of the requirements is for handicapped access to Memorial Pool.

Proposed Change to Chapter 13 – Junior Firefighters

Acting Manager Kwasniewski said that there has been a request to change the hours that Junior Firefighters can be allowed to respond to calls. The proposal states that they cannot be called between 11 P.M. and 6 A.M. during the week and between 12 P.M. and 6 A.M. on the weekends. These hours would be identical to the Youth Squad of Emergency Management. Councilmembers agreed and an ordinance will be introduced on Tuesday.

New Jersey DOT Rapid Rectangular Flashing Beacons

Acting Manager Kwasniewski stated that the DOT has completed its analysis and has determined that aluminum poles are needed for the pedestrian crossing at the train station. Six 250 watt aluminum fixtures and one flashing signal will be installed. A draft agreement will be sent to the Borough for review and signature and a letter giving permission to PSE&G install the fixtures will be included. This letter requires the signature of the Acting Manager.

On a related topic, Councilmember Trawinski recalled that years ago he raised the question of the intersection in front of his house. Just this weekend there was another accident. At that time, Councilmember Trawinski asked about a three way stop sign which Tim Franco rejected and now he and his neighbors are wondering if there is something else that could be done. He asked the Acting Manager to have Tim Franco take another look at the intersection of Lyncrest Avenue and Willow Street. He recently noticed a flashing light around a stop light in Lyndhurst which made the stop sign really stand out. In the past, stop signs used to be back to back or double sided and he wondered if this type of sign could be considered.

Deputy Mayor Tedeschi pointed out that there are three way stop signs on Orchard Street that have worked well to calm the traffic. Acting Manager Kwasniewski said that according to the Police the three way stop signs are not supposed to be used for slowing down for cars but for safety. Apparently, there is a fine line between the two and this particular intersection needs to be addressed from the standpoint of safety. Deputy Mayor Swain commented that Officer Franco needs to look at this with fresh eyes.

501(c)3

Acting Manager Kwasniewski has received an email from John Cosgrove regarding a dinner dance at the Community Center on October 17th. This is a fund raiser and they are asking to serve beer and wine which requires Council approval. Councilmembers agreed to approve the request.

Special Meeting

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the meeting was adjourned to the Special Meeting at 9:45 P.M.

Mayor Weinstein reconvened to the Work Session at 9:46 P.M.

Public Comments

Harvey Rubenstein, 17-38 Chandler Drive, questioned whether or not the information packet given to residents from the Building Department contains information on PODS. Mayor Weinstein said he was told by Dennis Kolano that the contractor who picks up the permit gets this information, however, it is not always shared with the resident.

Mr. Rubenstein asked what the curtains were for at the badminton courts. He was told that they block out the light so that the birdie can be seen.

Mr. Rubenstein asked for details about the handicapped item for the pool. Acting Manager Kwasniewski explained that this is a permanent ramp that allows for someone who is handicapped to enter the water more easily. The Engineering Department will determine the location but she expects it would be located in the area of the kiddie pool.

Councilmember Trawinski asked for a rough sketch to be submitted to the ADA for review. Deputy Mayor Tedeschi said that this area will also be designed in a way that will allow an entire wheel chair to get into the pool. Acting Manager Kwasniewski said that there is a wheel chair with the bubble wheels available to anyone making a request to the lifeguard.

Mr. Rubenstein questioned who would be responsible to pay the bill for the flashing beacons at the train station. Mayor Weinstein said that the Borough will pay and Mr. Rubenstein asked how much it would cost. Acting Manager Kwasniewski said that this information will be included in the design.

Craig Miller, 5 Ramapo Terrace spoke about the flashing stop sign and Councilmember Trawinski thought that the sign had reflectors on it to give the impression it is flashing. Mr. Miller said that he has seen something similar in Paterson by Classic Auto Body. Mr. Miller reported that the count offs are up on Fair Lawn Avenue. Mr. Miller thought the New Jersey Transit was going to erect a new bus shelter by the Exxon Station on Plaza Road.

Closed Session

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following Closed Session resolution was unanimously adopted at 9:55 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: CFO Candidate; Garden Club Appointment; Zoning Board Appointment – Alternate IV; Plumbing Inspector and Contract Negotiations – Supervisor.

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 Open Session at

Adjournment

Upon motion by Councilmember Baratta, seconded by Councilmember Trawinski the meeting was adjourned 10:35 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