

## WORK SESSION OF NOVEMBER 10, 2009

Mayor Weinstein called the meeting to order at 7:31p.m.

**PRESENT:** Deputy Mayor Swain, Deputy Mayor Tedeschi, Councilmember Baratta and Councilmember Trawinski.

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

Mayor Weinstein called for a minute of silence in memory of the shooting victims at the Fort Hood.

### **CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following closed session resolution was unanimously adopted at 7:32 p.m.

**WHEREAS;** the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

**WHEREAS;** the Mayor and Council of the Borough of Fair Lawn desire to discuss Employee Benefits; and

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

**WHEREAS;** minutes will be taken during this closed session and once the need the 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 9:30 p.m.

### **Review of Tentative Agenda 11/24/09:**

Acting Manager Kwasniewski did not have anything to add.

### **Update on Flooding – Jasper and Glenfair:**

Acting Manager Kwasniewski stated that they received a proposal from Malcolm Pirnie to do a smaller initial assessment; specifically the area of Glenfair and Jasper near the Radburn pumping station. She would need to obtain data for them from Passaic Valley Sewerage Commission. The proposal was \$9,900. Mayor Weinstein felt they should move forward.

Councilmember Trawinski inquired if this could be done this year by way of a transfer. Acting Manager Kwasniewski stated there was \$6,000 in the Mayor & Council's budget. Councilmember Trawinski asked if Malcolm Pirnie would accept payment over two years. Deputy Mayor Tedeschi stated that they were not limited to that account. Acting Manager Kwasniewski stated that the transfer process was very tight, but she would find a way if Council wanted this done. The work will take a couple of months, which will bring them into the new year.

Deputy Mayor Swain inquired about installing check valves. Acting Manager Kwasniewski stated that was proposed initially because it was less expensive. Councilmember Baratta thought that solution only moved the problem. Mayor Weinstein stated that there was a memo that indicated a neighbor installed a check valve and didn't have any problems. Acting Manager Kwasniewski stated there are a number of residents near the Saddle River pump station who have installed them without any problems. Deputy Mayor Swain suggested they try it.

Councilmember Trawinski stated that the Council made a commitment and the money was budgeted. He supported the smaller study. Councilmember Baratta stated that the valves have to be constantly maintained. Councilmember Trawinski did not think it was fair to make the residents wait any longer. Deputy Mayor Tedeschi stated that a 2007 memo from Manager Metzler concurred with the check valve as the solution. Councilmember Trawinski agreed, but stated that the Council rejected that recommendation. They budgeted the funds two years ago and were even told that the project was going to bid, but that did not happen.

Mayor Weinstein felt the \$9,900 proposal was reasonable and that it would address the problem in the area. Councilmember Trawinski agreed. It was the consensus of Council that they proceed with this project. Acting Manager Kwasniewski will inform CFO Palermo.

Cheryl Cashin, 1 Glenfair Terrace stated that check valves would not work because, in order to maintain them, the pipes would have to be above ground. Otherwise, a resident would have to dig a hole in their basement to maintain the valves, increasing the potential for water to enter the basement. Check valves can also fail if the flap becomes stuck in the open position.

Councilmember Trawinski asked Acting Manager Kwasniewski to provide updates so that Ms. Cashin and her neighbors could be kept apprised of the project.

### **Safety at Intersections:**

Deputy Mayor Swain stated that a resident had expressed concern about safety at the intersection of Saddle River Road and Fair Lawn Avenue. Acting Manager Kwasniewski stated that the Borough must pay for the purchase of the property. The County has drawn up new plans, as the prior proposal was excessive and too costly. They need a turning lane, which would require taking property from the temple or the bank.

Councilmember Trawinski asked Acting Manager Kwasniewski what proposal she was referring to as excessive, as he was aware of proposals back in 1997 that were rejected by the County. Acting Manager Kwasniewski stated the initial proposal would have taken a large amount of land. Engineer Garrison worked with the County and redesigned it so that there is a turning lane, but less property is taken.

Councilmember Trawinski asked if the County proposal included a bicycle lane, as their Pedestrian Safety Study called for one. Acting Manager Kwasniewski did not recall. Deputy Mayor Tedeschi asked who was paying the Engineering costs. Acting Manager Kwasniewski stated that they would be responsible for those costs. Deputy Mayor Tedeschi noted that previous intersection projects cost \$25,000 each. Acting Manager Kwasniewski stated that once the plans were finalized with the County, they would need to be discussed by the Council.

Councilmember Trawinski stated that he found it disconcerting that he was not even aware the Borough was working on anything; that needs to change. He has asked about other incidents, including an accident near his home, and has been told "the history doesn't warrant it" but he does not receive the actual data. He asked if they could receive this information. Acting Manager Kwasniewski stated that they have the ability to get this data through the CAD System. Deputy Mayor Swain stated that in the 19 months there have been 26 accidents at Saddle River Road and Fair Lawn Avenue. Councilmember Trawinski agreed that the intersection needed to be corrected. The other unsafe intersection is Morlot and River Road, although the County turned down their request. Mayor Weinstein felt they should look into this again. Councilmember Baratta stated that she would like to receive a copy of the report. Mayor Weinstein stated that they needed an update as to where they stand on this with the County. Acting Manager Kwasniewski stated that this has been going on for years; it was not a new issue. Councilmember Trawinski reiterated that this was the first time in five years that he has heard of this submission. He suggested they contact the Freeholders to encourage this project to move forward.

Deputy Mayor Swain stated that she was concerned about pedestrians who cross Fair Lawn Avenue at night. They cannot be seen, even if they use the crosswalks. She suggested making light up clips available for residents through the Police Department.

**Ordinance changes re: Assembly Bill 2748 and Senate Bill 1426:**

Councilmember Trawinski stated that he and Councilmember Baratta proposed something similar to Council a few years ago, and he was glad to see this was now State law. He suggested Acting Manager Kwasniewski review this and make recommendations. Acting Manager Kwasniewski stated that there are two policy calls that must be made. There are numerous books in the Clerk's office that lists the required information, such as their terms and addresses. It is the Council's decision if they wish to use a Citizen's Leadership Form.

Councilmember Trawinski stated that the use of this form was mandatory. He was concerned that board members would have to provide their phone number and some boards do not want to give out that information. Attorney Rosenberg stated that information would be deemed confidential. Councilmember Trawinski felt the forms

should be kept in the Clerk's office. The form allowed for the attachment of a resume showing experience, education, etc. He noted that the Zoning Board had adopted a recommendation policy that provides for when the office is deemed vacant. State law deems the office vacant after eight consecutive weeks or four consecutive regular meetings. They could shorten that to six consecutive weeks or three consecutive meetings. Excusal would be by the Board; removal would be by the Council. It enables the Boards to plan for the meetings, because if a member does not have an excused absence the public suffers due to a lack of a quorum.

It was the consensus of Council that the Citizen's Leadership Form be amended to request the attachment of a resume or bio and that the boards and commissions review the time periods in the statute and make a recommendation as to whether the absence period should be six or eight weeks or three or four meetings.

### **Update on Topps Property re DEP and Mulholland:**

Councilmember Trawinski stated that the Mulholland Report on the Topps property stated there was a defined area of the plume, predominantly to the east side of Plaza Road. A portion of the plume extended to the west side of Route 208 to 20<sup>th</sup> Street. Several residents questioned why their houses were not tested for vapor intrusion, when the house across the street was. Mulholland's response was that they used a scientific analysis. There were areas to the north of the plume that were not clearly defined. He felt the DEP had the authority to order Topps and Mulholland to test properties close to the plume area if requested by the property owner. He suggested the Council ask the DEP to take steps to encourage testing where there is a proximity to a defined plume to ensure peace of mind for the residents.

Attorney Rosenberg stated that Heather Schwartz was the case manager from the DEP. The Council had previously asked him to reach out to Senator Gordon, as he had a connection to the DEP, and that has been helpful in the past. Councilmember Trawinski stated there needs to be a mechanism to notify the residents who spoke out at the meeting. He stated that Mulholland did an excellent job of providing public information on a site cleanup. Topps has done a good job on the soil contamination and is now working on the soil.

### **Meeting Dates / Reorg / Appointments:**

Acting Manager Kwasniewski suggested scheduling a special meeting on November 30<sup>th</sup>. There would be a presentation by Qualcare at 7:30 p.m., followed by the Special Master, Stuart Koenig at 8:15 p.m. Mayor Weinstein suggested they also discuss appointments, but Councilmember Baratta pointed out that Deputy Mayor Swain will be leaving early. Acting Manager Kwasniewski stated that Radburn Democracy was scheduled for December 1<sup>st</sup>. She expected that to be a full night. She suggested they add a closed session to discuss appointments after the Regular Meeting on December 8<sup>th</sup>.

Acting Manager Kwasniewski stated that a few professional proposals had been received in response to a letter sent out by Assistant Clerk Bojanowski. Mayor

Weinstein suggested sending copies of the proposals as they were received, rather than holding them as a group.

Councilmember Trawinski suggested the January 5<sup>th</sup> as the Reorganization meeting date. He inquired if there would be a public meeting on December 22<sup>nd</sup>. Acting Manager Kwasniewski stated that a meeting was not scheduled, but could be added if needed.

### **Employee Half Day:**

Acting Manager Kwasniewski stated that Christmas Day fell on a Friday. She inquired about offering the employees a half day off either on Christmas Eve or New Year's Eve. It was the consensus of Council that Acting Manager Kwasniewski do so. Deputy Mayor Tedeschi emphasized that this was not a past practice.

### **Dedication of Nakashian Field:**

Acting Manager Kwasniewski stated that the sign was ready. She spoke with Lynn Nakashian, John's daughter, to see if she had any specific suggestions for a date for the dedication, but Ms. Nakashian stated that she would work around the Council's schedule. Someone from the family would attend. They would need to coordinate with the Chamber of Commerce and The Rotary. Deputy Mayor Tedeschi suggested they also contact St. Leon's Church. Acting Manager Kwasniewski will look into a Saturday morning date.

### **Public Comments:**

Cheryl Cashin, 1 Glenfair Terrace thanked the Council for their efforts regarding the flooding issues. She was sure that they would find that this was not an ordinary problem.

She wondered why the road had to be widened to alleviate the safety issues at Fair Lawn Avenue and Saddle River Road. She suggested using a right turn signal. Mayor Weinstein stated that this procedure works best as it was an issue of volume. Councilmember Trawinski explained that there were State standards that impacted this matter. It was neither their choice nor the County's choice.

Councilmember Trawinski reminded everyone that a state-wide environmentally safe disposal of prescription drugs day had been scheduled for November 14<sup>th</sup>. There will be a drop off site at Borough Hall. More information can be found on the Borough's website.

### **CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 10:10 p.m.

**WHEREAS**; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

**WHEREAS;** the Mayor and Council of the Borough of Fair Lawn desire to discuss Contract Negotiations – PBA/SOA; Personnel – DPW; and

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

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

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

**ADJOURNMENT:**

Upon motion by Councilmember Baratta and second by Deputy Mayor Swain, the meeting was adjourned at 10:49 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve 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