

WORK SESSION OF JANUARY 8, 2008

Deputy Mayor Tedeschi called the meeting to order at 7:30 p.m.

PRESENT: Deputy Mayor Swain and Councilmember Baratta

ABSENT: Mayor Weinstein and Councilmember Trawinski

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski and Attorney Rosenberg:

Review of Tentative Agenda (1/15/08):

Municipal Clerk Kwasniewski requested that a resolution awarding the bid for Ambulance Services be added to the agenda. Councilmember Baratta inquired if the ambulance fee of \$150 was the same amount as last year. Manager Metzler thought it was. Municipal Clerk Kwasniewski stated that Care Plus New Jersey requested an endorsement from Council for unprogrammed funds in the amount of \$57,900 for life safety critical repairs to their facility. Their applications have been endorsed in the past.

The Council agreed.

Council Liaison Reports:

Councilmember Baratta stated that she attended the EDC Meeting on behalf of Councilmember Trawinski. They wondered when the Route 208 Corridor Study would be placed on the agenda. She suggested they place it on the next Work Session agenda. Municipal Clerk Kwasniewski stated that she will notify Don Smartt so that he can be present. She stated that Jeff Kantrowitz had requested that he not be placed on tonight's agenda, but did not say anything about January 22nd.

Councilmember Baratta stated that Mr. Smartt attended the Smart Future Planning Grants program. Mr. Smartt was looking at Fair Lawn Avenue East, which is the Radburn area and was interested in two grants: Transit Orient Design and Reconnecting Your Community. The Transit Orient Design grant is for municipal governments that seek to plan for transit oriented development around an existing transit facility and can demonstrate sufficient public support through a completed visioning process to adopt and implement the necessary standards for transit oriented development. The Reconnecting Your Community grant was open to municipal governments, non profits, and institutions of higher education and research whose mission was dedicated to sustainable transportation. It may also apply if the proposed work is directly applicable to New Jersey municipalities. This was more of a transportation type grant. She stated that Mr. Smartt was interested in these grants because he did not feel the other grants were applicable. Councilmember Baratta noted that the deadline for the grant applications was February 29, 2008.

Manager Metzler stated there were a series of pre-grant meetings in Trenton which Mr. Smartt attended. Based on the information given out at the meetings, Mr. Smartt felt that

the Transit Orient Design grant would be the only applicable grant. He thought that Mr. Smartt's referral to Fair Lawn Avenue East meant the corridor from Rout 208 in an easterly direction and not just easterly from the railroad tracks. Councilmember Baratta agreed but wondered if there were any businesses in that area. She stated that they would need to get the information distributed so that the deadline was not missed. Manager Metzler stated that staff will work with the representative from H2M to develop the grant application. Deputy Mayor Tedeschi clarified that Mr. Smartt was the not the individual working on the application. Manager Metzler verified that it had to be submitted by the Borough. Councilmember Baratta stated there would be no fee from H2M to work on the grant.

Deputy Mayor Swain stated that she attended the Planning Board Meeting. The Board recommended a minor change in food handler's applications for name change only, so that when a new owner comes in and the business name remains the same it will remove one fee. If there is any change in Food Handling it will follow the regular application process and come before the Planning Board. Councilmember Baratta noted that this change was discussed at the EDC Meeting and the Planning Board secretary will be putting together a report.

Low Speed Vehicle Ordinance:

Manager Metzler stated that the Council had asked the Police Department if there was a need for an ordinance to control motorized scooters and skateboards with gasoline power. Chief Rose distributed copies of a memo sent to Manager Metzler. He stated that Council enacted an ordinance to require registration several years ago, but the State enacted a more restrictive ordinance in 2005 which provided measures for the Police to issue tickets, which solved a lot of problems. Many parents stopped buying these items for their children. TSO Franco stated that the motorized scooters were outlawed by statute so there is no need for an ordinance. Deputy Mayor Tedeschi stated there is someone who rides up and down his street. Chief Rose suggested he call the Police so a ticket can be issued.

TSO Franco stated a low speed vehicle and motorized scooters are two separate items. Low speed vehicles are legal. They must have four wheels, meet the statutory requirements, cannot be gas or diesel powered and must be electric. The vehicles must be registered and insured and have a licensed driver.

Deputy Mayor Tedeschi inquired if the Police Department needed any additional support from Council to enforce this. Chief Rose stated they did not. Councilmember Baratta wondered if they should remove their ordinance regarding motorized scooters since the State's ordinance was in effect. Chief Rose thought they could. TSO Franco stated they did not remove the ordinance in the beginning because of the low speed vehicles. Eventually the legislators put the low speed vehicle ordinance in place because of pressure from people who want to ride them on the boardwalk or in adult communities. He reminded them that low speed vehicles could be operated on roadways. Councilmember Baratta inquired if the Snappy vehicles used by senior citizens were

considered a low speed vehicle. TSO Franco stated that they would have to have four wheels. He explained that they were exempt. A resident would need to have some sort of disability or mobility issue to operate one.

Attorney Rosenberg suggested Chief Rose amend the memo to ask Council to repeal the ordinance. Deputy Mayor Swain thought they might still want to have an ordinance in the event the State changed theirs. Chief Rose explained that the State statute was in response to the out cry of every town and Police Department. He does not think it will be repealed. TSO Franco thought the only reason for keeping the ordinance was because the statute allowed municipalities to permit these motorized scooters in a controlled atmosphere, such as a rink or a park.

The Council agreed there was no need for further action.

Employee Wellness Program:

Deputy Mayor Tedeschi felt this should be heard by the full Council. He asked that this item be tabled until the January 22nd Work Session. He thought they should reach out to various corporations to see the health program models they use. He proposed the idea of a wellness program 14 years ago. He felt the program would offer great benefits for the employees and potential savings for the Borough.

Manager Metzler commented on Attorney Rosenberg's report concerning injuries. He felt that Attorney Rosenberg missed the bigger picture, as his intent was to offer incentives to the employees to participate since it may reduce their healthcare costs. Attorney Rosenberg stated that Council would have to weigh the benefits and the risks.

Status of Old Aerial Fire Truck:

Manager Metzler stated that the new aerial had come in. The Fire Fighters are in the process of training on it which means that the snorkel is about to become surplus equipment. There was no interest at the time of bid for trade in. They will see if they can get more value when the rest of the surplus equipment is put on e-bay. The County expressed interest in buying the truck for the County Fire Training Center for \$1.00. The County Public Safety Director asked that that option be presented to Council, although there was some concern because snorkels are becoming obsolete so training is not necessary. He wondered if Council would consider donating the truck to a Gulf Coast town instead of auctioning it off. The bucket on the truck was functional and would have been used but it did not pass inspection by the underwriter. It would have been used by the Fire Department had there been a working fire. They were advised not to repair it again.

Deputy Mayor Swain wondered what their liability would be if they donated the truck and something happened. Manager Metzler stated that the bucket on the truck was a 1977 or 1978. The chassis was a 1992 or 1993. Councilmember Baratta inquired if they would have to pay transportation costs if they donated the truck. Deputy Mayor Tedeschi asked

if liability would travel with the truck. Attorney Rosenberg stated that it would not. They would make no warranties. It would be sold as is.

Manager Metzler stated that the Fire Company made temporary renovations so that the new truck could fit in the building. They will need to move the old truck out. It can be stored temporarily down by the DPW garage.

Manager Metzler stated his first recommendation would be to offer the fire truck to the County to be used as a training tool. His second recommendation would be to see if there was another Fire Department that could come and pick up the truck. His third choice would be to go out to auction.

It was the consensus of Council that Manager Metzler be empowered to take the appropriate actions.

Transcript of 10/09/07 Council Meeting:

Municipal Clerk Kwasniewski stated that a transcript of the Public Comments section relating to the Fair Lawn Jewish Center was received. She was billed \$722.50 for an original and one copy. She asked if Council wanted copies as the transcript was 72 pages long. Manager Metzler stated that the transcript was requested by Councilmember Trawinski. Deputy Mayor Tedeschi noted that a copy could be purchased by the public for a fee. Municipal Clerk Kwasniewski will send the copy to Councilmember Trawinski and keep the original on file.

Public Comments:

Lisa Yourman, 66 Nottingham Road questioned the Community Visioning grant program. Councilmember Baratta read the criteria.

Ms. Yourman wondered if there was a cost involved with implementing the Employee Wellness Program. Manager Metzler stated that there were no costs associated with the program as proposed to Council.

Craig Miller, 5 Ramapo Terrace expressed his concern about the new Recycling Handbook. The color was too dark and the new format was not user-friendly. Manager Metzler stated that numerous residents called with the same complaint. He advised Mr. Miller that the calendars were available on the website in the old format. Hard copies are also available.

Mr. Miller felt strongly that the issue of the Manager's car should not have gone to the newspaper. He felt it was Council's responsibility to make sure every account was closed so that leftover money was not spent from open accounts.

Robert Wallace, 11-06 Alexander Avenue congratulated the DPW on a good snow removal job. He noted that DPW workers came back after the snow was removed and cleared away the leaves. He commended the workers.

Mr. Wallace inquired if he could obtain a copy of the transcript regarding the Fair Lawn Jewish Center. Municipal Clerk Kwasniewski advised him to file an OPRA request.

Mr. Wallace mentioned the difficulty he is having with making an electronic payment for his water bill. Manager Metzler will work with him to resolve this issue.

Closed Session:

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, the following closed session resolution was unanimously adopted at 8:05 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 – 11-05 Gardiner Road (Senior Center), 10-11 Fair Lawn Avenue (Fair Lawn Deaf Program)

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 8:15 p.m.

ADJOURNMENT:

Upon motion by Councilmember Baratta and second by Deputy Mayor Tedeschi the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

