

WORK SESSION OF JANUARY 9, 2007

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

PRESENT: Mayor Weinstein, Deputy Mayors Etler and Tedeschi, Councilmember Baratta.

ABSENT: Councilmember Trawinski.

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

Deputy Mayor Etler asked to add the evaluation of the Manager to this evening's agenda.

REVIEW OF TENTATIVE AGENDA (1/16/07)

Municipal Clerk Kwasniewski stated that she wanted to add a resolution to appoint Commerce Risk since the pay to play documents were in order.

CAPITAL BUDGET

Police CAD System Presentation - Chief Rose, Detective Cannici and Officer Ferreira were present. Chief Rose stated that the present CAD system is not working as promised. The software is just not working despite numerous meetings and missed deadlines. They were asked to find a new system that would work and that they could certify that it was just not a demo but actually working. They will go out to bid this time instead of using the State contract. They then did a power point presentation.

Detective Cannici listed the goals for using technology and requirements for the system. He explained the problems with the current vendor. They need one vendor engineered to be fully integrated into the system. They do not want to buy a system that will only be effective for now. He explained the value of a new system. He concluded with the additional benefits from a more efficient system.

Deputy Mayor Etler wanted to know what they were doing now. Detective Cannici stated that they want to take advantage of the technology that can provide a better system. Chief Rose stated that they are using the system which is very basic but not doing what the vendor promised. Councilmember Baratta wanted to know if it was possible to recoup something from the current system. Chief Rose stated that they have used the hardware so that was not wasted money. They have not paid for the software. Some of the hardware is due to be replaced since it is four years old. Manager Metzler added that through Federal Homeland Security they have identified a grant that will help pay for the new system. Chief Rose estimates that the new system will cost \$462,000. The old hardware cost about \$200,000 and the software was just \$35,000. They have physically gone to locations that have deployed the system that they would use. They have talked to the users.

Manager Metzler stated that he asked them to check out departments of equivalent size. There have been many meetings but the vendor is not salvageable. The

technology exists and it should be available to the Department for their safety and efficiency. He noted that the present system does not give them accurate information or information that is accessible on the computer.

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felt they were not providing basic information to the police officer on the street. The other emergency services have been included in the discussions. Chief Rose pointed out that hardware has a useful life of three to five years. The goal is to buy this CAD system and never have to do it again.

The unanimous consensus was to include the system in the capital budget.

George Street/RRIC Cooperative Parking Lot - Bob Landzettel, President, Arthur Levine, Vice-President and Don Smartt of RRIC were present. Mr. Smartt stated that a year ago they presented a concept to the Council and then reexamined it in June. They want to answer any questions on the costs. RRIC is prepared to assume 50 percent of the cost up to \$100,000 to create a shared parking arrangement between the Fire Company, the Borough and a number of private property owners.

Manager Metzler stated that \$100,000 which would be a 50 percent share of the lot is included in the proposed budget. The Council had questions about maintenance, electricity and snowing plowing.

President Landzettel stated that the ordinance provides for cooperative parking arrangements in the River Road Improvement District. The ordinance provides an offsite solution for those who do not have sufficient parking either by leasing space from another business entity or the Borough. The ordinance indicated what the applicant would pay for it.

There was an agreement with the Fire Department and the Mayor and Council has agreed with the Fire Department's plans to swap land. Twenty new parking spaces would be created on the vacant land and then the lot would connect to the parking behind the buildings on River Road. The realignment of the lots behind the buildings and new construction would give an additional 17 spaces.

He and Vice-President Levine have met with the property owners. Mr. Smartt stated the former Borough Attorney had been asked to prepare the text of a cooperative parking agreement. Development applications before the Planning Board are waiting for that agreement.

Deputy Mayor Etlar felt that there has to be a full pay back to the Borough. He wants RRIC to pay \$25,000 each year for four years. RRIC must take over the maintenance, the upkeep and the

ownership of the lot. President Landzettel stated that the \$200,000 estimate includes improving the lots from B&B Deli to the only residence on River Road including seal coating, striping it, adding a buffer strip behind the residences, lighting and eliminating some of the exits onto River Road. He felt this lot will be further away from the stores so that it will probably be employee parking for the buildings along River Road. Mr. Smartt added that the ordinance allows for an overnight permit parking program. The spaces farthest away from the businesses would be used by employees and tenants.

Deputy Mayor Tedeschi wanted to know who would own the lot. Mr. Smartt stated that based on the existing BONY lease and past practice, ownership would remain in the hands of the present owners. President Landzettel stated that the ordinance permits the Borough to lease the spaces for \$1,000 which is a potential for \$20,000 a year.

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Councilmember Baratta stated that the BONY lot is very visible and it is very busy. She was not sure this lot would be used. She would like to see a progression beginning with the cleaning up of the back lots which are not currently being used. Mr. Smartt pointed out that the lots are privately owned and separated by concrete barriers and fences. Mayor Weinstein wondered if the problem was that the business owners will not do anything with parking unless the Borough does something. It is a good idea to add parking in that area but he was not sure the Borough could afford to do what they did years ago. He liked Councilmember Baratta's concept.

Deputy Mayor Tedeschi stated that 12 years ago the Council chose to help start developing River Road. He has a problem that the benefits will accrue to the business and the residents will be paying for it. The Borough has a responsibility to assist in funding it and creating a revenue stream. He proposed that the Borough put up the money as a loan. The property would then be owned by the RRIC. There is a potential for a revenue stream.

President Landzettel stated that the CFO Eccelston told him that it would take six to seven years to pay off the Borough's share or \$100,000. When they did the George Street lot the Borough bonded the entire cost and then RRIC paid its share. He felt that the parking was a benefit to everyone in Fair Lawn. The businesses pay taxes and the SID assessments. Mr. Smartt stated that there is a revenue stream but the Borough has not exercised its ability to tap that revenue stream. Mr. Smartt asked for clarification that the Borough is willing to turn over property and the revenue stream to the RRIC. Deputy Mayor Weinstein stated that there are issues that the Borough Attorney would have to research. Mr. Smartt stated that this is a new idea that they have not considered. Deputy Mayor Weinstein stated that they need to know what to include in the capital budget. Manager Metzler added that the Council could agree to include the \$100,000 in the budget but that does not mean the Borough would have to bond it. Councilmember Baratta indicated her problem is not so much who is paying for it, but will the parking lot be utilized.

There was a consensus, with Councilmember Baratta dissenting, to include the down payment money in the current budget, if RRIC decides to move forward with the construction of the new parking lot RRIC would reimburse the Borough \$100,000 over a period of years, the easements would belong to RRIC, the parking lot would belong to RRIC and so would the revenue stream.

Manager Metzler stated that this will conclude the capital budget discussions and he can move forward.

REZONING CLARIANT PROPERTY

Colin Quinn, Esq. was present for Shellmark LLC who is the contract purchaser for the Clariant property. Shellmark LLC endorsed the current draft of the ordinance and urged the Mayor and Council to have a first reading at the next meeting. Mr. Quinn continued that they have appeared a number of times and presented data and experts. The Mayor and Council has had time to review it. He thought it met the requirements for a zone change. It meets the elements of the master plan and the zoning ordinance. It is suitable zoning for that property.

Deputy Mayor Etler stated that it was a good plan. He has visited the site numerous times. The replacement of houses will be a huge improvement. The technical items will be under the purview of the Planning Board. The Council should introduce the ordinance.

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Councilmember Baratta asked if they had any comments on the letter from the League of Women Voters. Attorney Colin stated that they have no comments on it. Councilmember Baratta then asked if they would be willing to reduce the height and increase the number of age restricted houses. Attorney Collin stated that they are happy with the ordinance as drafted. They comply with the density of the ordinance and with the fabric of the local community. They feel 45 feet is necessary to provide the housing required. They have reviewed the comments and they are satisfied with the draft of the ordinance.

Deputy Mayor Tedeschi asked the Borough Attorney if the introduction of this ordinance favors any applicant. Attorney Rosenberg said it did not. Deputy Mayor Etler stated that the introduction of the ordinance will benefit the entire Borough and he will be supporting it. Mayor Weinstein indicated that he was supporting it also. He believed it was important to add age restricted housing the Borough. Councilmember Baratta thought it was drafted for the specific applicant. Everything the applicant asked for was put into the ordinance. It is a perfect example of sprawl. She had many questions on the environmental impact on this site. She has received conflicting information from the owner of the Clariant and Attorney Quinn on the environmental issues. She could not support this ordinance.

There was a consensus to introduce with the ordinance with Councilmember Baratta dissenting.

CURRENT BUDGET

Manager Metzler had been requested to provide revenue and expenses for the camp and pools. The expenses for the swimming pools do not include the cost of the water. The 2007 estimated expenses have been increased by 4% for labor and 10% for overhead. With the recommendation of the fee changes for Camp Small Fry they would go from a loss of \$10,338 to a profit of \$800. Even with the recommended fee increases for Camp Cherokee there will be a loss of \$12,350 and for the swimming pools there will be a loss of \$92,283. The fireworks have never been a money maker. They can work harder to get more corporate sponsors. Deputy Mayor Tedeschi said that in 1994 he convinced the Council to include half of the cost of water but it has since been removed. The loss is really \$192,000.

Manager Metzler pointed out that they are going to be upgrading the chlorination system. The residents are paying for the pool whether or not they are using it. The Council needs to decide if that is what they want do. If they do want that perhaps they should make the pool free to every

resident.

Last year Fire Marshal Bender had requested an increase in the fire inspection fee. It is the first increase in the inspection fee since 1996.

Councilmember Baratta questioned raising the fee \$1 across the board with the exception of the family of five which went from \$25 to \$30. Manager Metzler stated that at the last meeting the Council said they wanted to keep the family of five at \$25.

The consensus was to approve the fees for the fireworks as presented.

The consensus was to approve the fees for the camps as presented.

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The consensus was to approve the fees for the pools as presented with the Deputy Mayor Tedeschi dissenting.

The consensus was to approve the increase in fire prevention inspection fees.

Municipal Clerk Kwasniewski stated that she would ordinarily include all the fees in one ordinance, but if one Councilmember does not want to approve one of the fees, she will have to do a separate ordinance. Deputy Mayor Tedeschi indicated that he will vote present and not vote on the ordinance at all.

New Position of Administrative Support Specialist - Manager Metzler redistributed a list of responsibilities, recommended salaries and impact on the Administrative Support Specialist and the Emergency Management Coordinator. He provided three options. Mayor Weinstein stated that until he sees the entire budget it is difficult to make a decision but he suggested they include \$65,000 for the Administrative Support Specialist (Option A) and \$25,000 for the Emergency Management Coordinator (Option B).

The consensus to include the amounts in the budget but discuss it again before making a final decision.

TEMPORARY PARKING LOT BERDAN AVENUE - REPORT OF BOARD OF EDUCATION MEETING

Deputy Mayor Etlar reported that he attended the Board of Education meeting at which this matter was discussed. He believes that the Board of Education understands that the Council wants the parking lot returned to green. The Board of Education was reluctant to agree at this point. Deputy Mayor Tedeschi stated that the Board of Education understands that the people want it back to green, but they want to look at additional uses of the property. Councilmember Baratta stated the Board of Education seems to have a different time line than the Council has. Deputy Mayor Tedeschi stated that Mr. Kramer pointed out that the agreement was originally for the period of construction. The Board's position is that the construction is not done and they want to look at other uses. The Council cannot speak for the Board of Education. If the Council's vision is to return it to green, then the Council may have to offer to make it a passive area for the resident's use.

Manager Metzler stated that he met with Superintendent Watson who indicated that the parking lot area is not complete. There are two storm drains that have not been installed. He understands that if the Council wishes it returned to green, they have an obligation to do so and will do so. They still need the parking spaces. By June it will be done. They realize that they have to come back to the Council before implementing any plan. If the Council insists, they will return it to green.

PROCESS FOR FUTURE AGENDAS

Mayor Weinstein would like all items from the Councilmembers for the agenda given to the Municipal Clerk by mid-day on Thursday. He would like to group like items together. If there are many major issues, he would ask the Councilmember placing it on the agenda to defer it to another meeting. He would like to be able to go into Closed Sessions when needed before 11:00 p.m.

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Deputy Mayor Tedeschi suggested holding Closed Sessions at 7:00 p.m. although it was mentioned that Councilmember Trawinski would have difficulty in making early meetings.

Mayor Weinstein asked if they could take a formal consensus that the public be asked to speak only on agenda items at the work session.

There was a consensus for Mayor Weinstein to review the agendas.

There was a consensus for public comment to be limited to agenda items only for the work session.

OFF ROAD VEHICLE LEGISLATION

Deputy Mayor Etlar removed this item.

NON APPOINTED PROFESSIONALS

Deputy Mayor Tedeschi stated that there are other professionals who are not appointed directly by the Mayor and Council. He wondered if the pay to play ordinance applies. Attorney Rosenberg stated the issue is the scope of the pay to play ordinance. It is clear that it applies to its purchasing agents, agencies, statutory boards and its independent authorities. It was his opinion that the EDC, the RRIC or the BIC are covered by this ordinance if they receive appropriations from the Council. There has to be a nexus between the appropriation and the agency or authority.

Municipal Clerk Kwasniewski stated RRIC only receives their assessments so it would not apply to them. If the EDC or the BIC hires any consultants they will have to provide the disclosure forms. She will send the disclosure forms to them.

Municipal Clerk Kwasniewski reminded the Councilmembers that if they have new fund-raising committees set up they need to let her know so she can revise the disclosure forms.

CHANGE ORDERS - PROJECT #2114 IMPROVEMENTS TO FIRE COMPANY #2

The consensus was to approve the change order #1 and #2 for improvements to Fire Company #2.

EVALUATION OF THE MANAGER

Deputy Mayor Etler suggested that he and Councilmember Trawinski perform the Manager's evaluation.

FIREWORKS

The fireworks will be held on Monday, July 2, with rain dates of July 3 and July 5.

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PUBLIC COMMENTS

Harvey Rubinstein, 28 Rutgers Terrace asked what the pool fees will be this year, why they were going to lose \$12,000 on Camp Cherokee and who would be the Emergency Management Coordinator. Manager Metzler reiterated the fees. He also stated that they are working to make the camps self sustaining and they have increased the rates substantially. They are trying to increase the fees gradually.

Mr. Rubinstein objected to the Borough funding private lots for the developers. Deputy Mayor Tedeschi stated that they were told that the Borough would lend them \$100,000 but they would have to repay the Borough.

Arlene Rubinstein, 28 Rutgers Terrace cautioned the Council on rezoning for Clariant because developers should build within the confines of the Borough's zoning ordinance. This Council is tailoring the ordinances to the detriment of the Borough. This site was removed from the superfund site. Sparging is no longer an acceptable form of remediation.

Charles Bosser, 0-91 W. Amsterdam Avenue questioned the need to spend \$95,000 for video surveillance for the police building when that building is manned 24 hours a day. Manager Metzler pointed out that is the security system for the entire Municipal Building. Mr. Bosser then questioned spending \$215,000 for lights at Dobrow Field. He wanted to know why the telephone poles are not good enough. Manager Metzler stated that they have been deemed unsafe. It is routine maintenance and upkeep of infrastructure.

Mr. Bosser also questioned spending \$92,000 for the filtration system at Walsh Pool for a pool that the Manager proposed closing. Memorial Pool is totally underutilized and could easily accommodate those currently using Walsh Pool. He did not think it was a wise investment. Mayor Weinstein stated that Walsh Pool is used for the camps and the Borough does get out of town revenue. Mr. Bosser thought they could get more out of town users at Memorial Pool. Deputy Mayor Etler stated that it was the consensus of the Council that they did not want nonresidents at Memorial Pool. Manager Metzler stated that they have to address the chlorine system. The Council has committed to both facilities.

Mr. Bosser concluded that they need to bring the fees closer to the cost. He suggested that they run the mini buses six days a week instead of seven.

Muriel Barker, 16-11 Berdan Avenue stated that she attended the Board of Education meeting. She objected to them not doing anything until June. There are spots in the regular parking lot. She suggested moving some of the cars out the temporary lot and put them in the regular parking lot. They should show respect for their neighbors. She wanted the cars gone now.

Eunice Gersten, 12-11 George Street indicated she lives across the street from the pump house. She objected to the proposed parking lot. It will serve a good purpose for the community and it may be nicer to look at than what is there now but she expressed concern about the noise and gas emissions. The lights will be on all night which will be a problem. She continues to be opposed to the project. She thanked Municipal Clerk Kwasniewski for sending her notice of this meeting. She wondered if it is definite that overnight parking will be allowed. Mayor Weinstein
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stated that they need to discuss it further. She concluded that she was disappointed in her neighbors but when they had the meeting at the Fire House only four people showed up.

Stuart Golding, 14 Rutgers Terrace stated the Borough Attorney should remind the Board of Education that there is an agreement and they have to honor it. They should accommodate the neighbors instead of imposing on them.

CLOSED SESSION:

Upon motion by Councilmember Baratta and seconded by Deputy Mayor Etler, the following closed session resolution was unanimously adopted at 10:25 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; 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 for confidentiality no longer exists the minutes will be available to the public.

Mayor Weinstein reconvened the meeting at 11:45 p.m.

ADJOURNMENT:

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC

Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etlar

Deputy Mayor Joseph Tedeschi

Absent
Councilmember Edward Trawinski