

WORK SESSION OF SEPTEMBER 4, 2007

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

PRESENT: Deputy Mayors Etler and Tedeschi, and Councilmembers Baratta and Trawinski (late)

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

Review of Tentative Agenda (9/11/07):

Municipal Clerk Kwasniewski added a bid award for the Ambulance Corps supplies. She noted that Clothing Bins was listed incorrectly as a second reading and should be changed to first reading, depending on Council's action. Manager Metzler asked to include the swearing in of two police officers and promotion of an auxiliary police officer.

Councilmember Baratta wondered if Municipal Clerk Kwasniewski was now approving raffle applications. Municipal Clerk Kwasniewski explained that an ordinance was needed to make the change. A draft of the ordinance had been sent to Attorney Rosenberg.

Council Liaison Reports:

Mayor Weinstein expressed his condolences to the family of Jack Alter, former Freeholder and Mayor of Fort Lee. Mayor Alter was elected by the residents of Fort Lee and was a credit to both Fort Lee and Bergen County residents.

Mayor Weinstein acknowledged the passing of Leonard Knapp, a former Fire Chief and Superintendent of Public Works and Isadore Freeman, a devoted member of Fair Lawn Rotary. Mr. Freeman promoted Rotary throughout town and was the creator of the summer music programs at Memorial Pool.

Mayor Weinstein and Councilman Trawinski met with Clariant representatives. They discussed landscaping improvements to the area and Clariant realizes they have property maintenance issues. Clariant provided a time frame for their environmental remediation plan and indicated the plan will be sent into the DEP in November. It may take the DEP up to a year to approve the plan. Remediation will take approximately two years. Mayor Weinstein offered their support to help move the process forward. He felt the lines of communication were opened.

Mayor Weinstein reported that he, Manager Metzler and Attorney Rosenberg met with Paterson Mayor Torres. Mayor Weinstein and Mayor Torres will send a joint letter to the Passaic County Engineering Department requesting a re-inspection of the Fair Lawn Avenue Bridge for structural integrity. A site plan for the new Home Depot will be sent to them. He was informed by Manager Metzler that Passaic County does not know what type of bridge will be used to replace the current bridge. Construction of the new bridge will not start until 2011.

Mayor Weinstein reported that he and Mayor Torres attended the first Mayor's Trophy Race on the Passaic River. The idea was to create recreation on the river, spur education and promote the restoration of the river. Mayor Weinstein, Councilmember Baratta and resident Emil Deluccia will meet to discuss other river projects on the Fair Lawn side

Deputy Mayor Etlar reported that he attended a meeting with Mayor Torres three years ago. The changes to the Fair Lawn Avenue bridge will be similar to the changes at the Morlot and Maple Avenue bridges. Manager Metzler sent a copy of the report which showed the different options. Changes were delayed on the Fair Lawn Avenue bridge because of its historic designation. Passaic County would like to take the bridge down and replace it with a new one, provided they can get by the historic issue. Deputy Mayor Etlar stated a new bridge would cost approximately \$6 million dollars. He felt a smaller bridge would be better.

Mayor Weinstein also reported that he attended a press conference in Lodi with Congressman Rothman, who took a representative from the Army Corps of Engineers on a tour of Lodi and Saddle Brook. Several local Mayors attended. There is a focus on the Saddle River and there will be two more years of studies at a cost of \$500,000. The actual construction and removal of silt from the river would cost \$100 million dollars. He felt positive steps were being taken. There will be a press conference for the Passaic River at a later date.

Deputy Mayor Etlar stated that when permission was granted to rebuild the Arts Center there was a provision to provide a plaque. He showed the plaque to Council and indicated he will be bringing it to a Fire Board meeting. The plaque will be installed and covered until a date has been set for the unveiling.

Councilmember Baratta reported that John Cosgrove wanted to schedule a meeting with the 501(c)3 Committee. Manager Metzler will schedule the meeting.

Manager Metzler reminded Council about the 9/11 memorial dedication on Tuesday, September 11th at 7:00 p.m. Two families of 9/11 victims will attend. There will be a 20 minute ceremony followed by refreshments.

Request from The DACKKs Group Home - CDBG Application:

Mayor Weinstein suggested Deputy Mayor Etlar and Councilmember Trawinski, who is a member of the ADA Committee, meet with the group privately. Deputy Mayor Etlar felt the outline was too broad and did not indicate where the homes would be purchased. He would like the specifics before any decisions were made. Municipal Clerk Kwasniewski spoke with the organization, who indicated they wanted obtain their support before selecting a location. Deputy Mayor Etlar agreed to serve on the sub-committee. Deputy Mayor Tedeschi volunteered to serve if Councilmember Trawinski was not available. Manager Metzler will contact the organization.

Councilmember Trawinski arrived at 7:40 p.m. He agreed to serve on the sub-committee.

Clothing Bins:

Mayor Weinstein stated he wanted to include an exception which would make Borough sponsored bins exempt from fees. The D.A.R.E. bins would be controlled through the Police Department. Deputy Mayor Etlar asked how a non-profit bin became Borough sponsored. Mayor Weinstein stated the term Borough-sponsored may need to be changed. Attorney Rosenberg suggested the bins be referred to as entities of the Borough, which would enable them to make the change.

Deputy Mayor Etler asked if non-profit bins would be excluded from all fees. Mayor Weinstein clarified that the terms for not-for-profit bins would remain the same and would be subject to fees. The Police Department is an entity of the Borough and would be exempt from the fee. Attorney Rosenberg stated the Borough Code determined what would be considered an entity of the Borough.

Manager Metzler stated there are collection boxes in town such as the Red Cross and Salvation Army, whose proceeds do not come back to the Borough. They would be required to pay a fee. Private bins such as the one at Broadway Boys and Rivera's would need to obtain site plan approval. He recommended they waive the site plan survey requirement for any bin located on Borough property that benefits a Borough entity.

Deputy Mayor Tedeschi pointed out that the Police Department shares their revenues with a private corporation. By waiving the fee they were giving the corporation half of the fee. Manager Metzler stated the Police Department believed they would be charged the full amount. Deputy Mayor Tedeschi stated that at the last meeting it was reported that the Police Department would pay \$5,000 in fees. He felt the corporate partner should pay half the fees. Mayor Weinstein understood his point but felt it would offer a Borough entity an opportunity without the fees. Deputy Mayor Etler felt organizations should be required to come before Council before placing a clothing bin. Mayor Weinstein explained that Borough entities were added to the ordinance to allow the Police Department to have clothing bins. Deputy Mayor Etler felt that created a loophole. Manager Metzler clarified that the new ordinance will make organizations get a permit for a clothing bin and provide them with a contact number that can be listed on the bin. The only change to the ordinance is that the fee will be waived if a portion of the proceeds goes to a Borough entity. This will give them a contact person to call when the area needs to be cleaned. He felt the fine should remain.

Deputy Mayor Etler asked if there were restrictions limiting the number of bins an organization could place. Attorney Rosenberg explained that would be governed by the Zoning Official. Deputy Mayor Etler did not feel that would work. Attorney Rosenberg stated the Planning Board would decide if a request was safe and/or feasible. That was the purpose of the minor site plan approval. A request could be denied based on over saturation of clothing bins. Mayor Weinstein stated this was not the issue for the ordinance change. His goal was to help the Police Department keep their clothing bins.

A lengthy discussion ensued concerning limiting the number of bins allowed in the Borough. Mayor Weinstein felt this would be addressed by site plan approval. Attorney Rosenberg agreed this was within the authority of the Planning Board. Councilmember Trawinski did not favor exempting Borough entities from site plan approvals. He felt they should still go before the Planning Board for site plan approval. They could exempt a Borough entity from paying minor site plan fees. This would give them reasonable control and prevent an over saturation at one site. Attorney Rosenberg questioned if a borough entity would also be exempt from the permit fee. Deputy Mayor Tedeschi felt they would be making a distinction among charities if Red Cross had to pay a permit fee and a borough entity did not. Mayor Weinstein felt the distinction was that the exemption was for a borough controlled entity. The Police Department would not be able to put out bins for D.A.R.E. without this change. He wanted to help them continue as it benefitted the

town. Deputy Mayor Tedeschi felt the partner should be liable for half the fee as they receive equal value. Manager Metzler did not know if profits were split 50/50.

Councilmember Trawinski felt any Borough entity entering into a contract on behalf of the Borough should require some sort of review by the Manager.

Deputy Mayor Etlar wondered what issues may prompt a denial from the Planning Board. Deputy Mayor Tedeschi stated the cap on bins would be one circumstance. They would need to rely on the knowledge of the Planning Board. Councilmember Baratta felt there were several issues that may cause a denial, such as improper site location, traffic or proximity to a residential property.

It was the consensus of Council that minor site plan approval be required for each bin request. A finite number of permits will be available. Fees would be waived for documented not-for-profit organizations, and Borough sponsored entities as recommended by the Manager. Profit or non profit organizations will be subject to fines and penalties as stipulated in the ordinance. The number of permits will be limited to 26 clothing bins.

PODS:

Mayor Weinstein stated input on PODS was received from the Building Department but they were still waiting to hear from the Planning Board. Construction Official Kolano suggested that during a renovation to a main residence the temporary storage unit be allowed to remain for the duration of the project.

Mayor Weinstein felt any house under renovation looked like a construction site and that an on site POD would not worsen the property's appearance. He agreed with Construction Official Kolano's recommendation. Deputy Mayor Etlar disagreed. He felt the Construction Official should have no more than a 7 day extension. PODS were not designed to be stored on site. Deputy Mayor Etlar and Councilmembers Baratta and Trawinski did not support Construction Official Kolano's recommendation. Councilmember Trawinski appreciated Construction Official Kolano's comments but felt PODS were designed to be picked up and returned at the end of the construction project. He felt the time period in the draft was reasonable.

Mayor Weinstein stated the draft of the PODS ordinance would proceed to second reading.

Fair Lawn Emergency Alert Systems:

Mayor Weinstein reported that Bergen County Freeholder Chairman, Thomas Padilla was not happy with the reverse 911 system used by the County. The contract will not be renewed until further investigation has been completed.

Relationship with Bergen County 911 System:

Manager Metzler explained that Fair Lawn contacts the Bergen County Office of Emergency Management who has a duty officer who calls Fair Lawn to obtain the text of the message. This service costs 3 ½ cents per phone call. The advantage of the County reverse 911 system is that it utilizes the 911 data base which means every phone number in Fair Lawn is called. If a resident

has several unlisted numbers and a fax machine every one of the phone lines will be called. As a result of pre-planning and/or previous flooding, the Office of Emergency Management has pre-planned mapping software and pre-recorded messages already in the system. They also have available through the system that is contracted privately a number of telephone data bases where a single phone call can be made to notify residents with special needs who have registered with the Office of Emergency Management. They are aware of individuals who are hearing impaired who can be notified with special phone equipment. The Police Department and crossing guards are included, as are all the Municipal Department Heads who can be called if the Municipal Building will be closed due to snow.

Manager Metzler explained the problem with the private service is that each call costs 18 ½ cents and it does not utilize the 911 data bases. Unless residents provide their unpublished numbers it will not be in the data base. Their current vendor expects the 911 data base to be released by the end of the year.

Manager Metzler felt the County system failed because the ability to make notification is based on the number of dedicated outgoing phone lines. The County's vendor had 38 dedicated outgoing phone lines to notify 859,000 people in a timely manner. Their vendor had 500 dedicated phone lines at the time of the contract and now has 1400 dedicated phone lines.

Manager Metzler explained that United Water lost power so Fair Lawn's Scada system did not receive data. Otherwise they would not have been involved in the water emergency. They were not drawing water from United Water on the night their system was lost. Since United Water's pressure is greater than Fair Lawn's there would have been some infiltration into Fair Lawn's system. When United Water's pressure dropped below Fair Lawn's pressure system shut down. Manager Metzler noted the timeline prepared by OEM Coordinator Marks for the water emergency showed they did exactly what they were required to do. The OEM Coordinator and staff went to the water pump station and called the Engineer and Health Officer as soon as they were notified there was a water emergency. Since the Scada showed a flatline on Hackensack, Engineer Garrison could not be 100% sure that the system was not infiltrated with water from United Water. As a precaution, Engineer Garrison made the decision to activate the calls using the County System even though there was no urgency for Fair Lawn's residents. The County decided to do a county-wide notification, but everyone received a generic message even though Fair Lawn has its own water system.

Lt. Rosetti, Deputy Coordinator for Bergen County thought they had 14,000 phones lines available at one point or another. Manager Metzler explained that local to local overwhelms the switch. Our vendors have notification points in Albany, New York and Reno, Nevada which worked effectively during 9/11 as they were revenue phone calls and not local calls. He reiterated that the County was not renewing their 911 system contract until these issues were addressed. He did not recommend that they stop using the County system in the future, but felt the OEM Coordinator should keep them advised as to what changes were made. This was the second water emergency where the County failed to make calls in a timely manner. Manager Metzler felt both systems were a valuable tool.

Mayor Weinstein wondered if the County could send a different message to Fair Lawn residents if

they are not adversely effected by a water problem. Manager Metzler stated they lost that right by not paying a monthly fee and subscribing to the County service. Councilmember Trawinski felt they should distance themselves from the County system until the OEM Coordinator is satisfied that the flaws have been addressed. The County sending out misinformation is worse than no notice at all. He suggested Manager Metzler see who is sending out the 911 information statewide and encourage the legislatures to take action. He felt they should include a reminder in the Tax Bills and newsletter that unlisted numbers should be submitted for inclusion in the reverse 911 calls, and be part of every newly registered deed. Municipal Clerk Kwasniewski suggested they include a notice in the Welcome Packets. The form could also be listed on the website.

Deputy Mayor Tedeschi stated that even though it was considered a non-event, the residents who received the call and read the paper perceived it to be an event. He viewed this as a drill that showed the process was flawed. The messages did not go out until the afternoon and mixed messages were received. He felt they should separate themselves from the County system and take responsibility for Fair Lawn residents. Manager Metzler explained that an average of 30% of residents have unlisted numbers. They have 700 residents who have provided their unpublished number. During the Passaic Valley Water emergency residents complained that they were notified at 1:00 a.m. An equal number of residents called to ask how their unlisted phone number was obtained and requested that it be removed from the data base. The number cannot be removed.

Mayor Weinstein felt that they had no control using the County system if there was a unique message that needed to reach the residents. Manager Metzler explained that was true in the case of a county-wide notification. Mayor Weinstein clarified that a county wide message to residents could not be altered for just their residents. He inquired if the County had the right do a 911 reverse calling even if they had their own system. Manager Metzler stated that was true, although their calls would go through before the County's calls. It will cause confusion. Whether they want to be or not, they are in the County system. He recommended they go back to good public community education programs which used to be done on a regular basis. He felt they should use their internal system until the County system is corrected. Councilmember Baratta clarified that by the end of the year they will have access to the 911 data base and will solve the problem of the unlisted numbers.

Manager Metzler stated that he could send the County a message specific for Fair Lawn and it would go through as requested. In this case the County put together their own message and sent it. The Police Department also has pre-recorded messages, such as a flood watch on the Passaic River, that could be activated by the dispatcher. The calls could be sent to specific sections of town. They are also provided with a script for every message they have pre-recorded in the event the message is garbled. The County does not do this. Councilmember Trawinski suggested Manager Metzler invite the County OEM Officer to discuss this issue. Councilmember Baratta wanted to avoid sending conflicting messages.

It was the consensus of Council to arrange a meeting with the County to discuss the 911 System.

Councilmember Trawinski felt the water emergency was the result of a communication failure.

be a Department Head meeting in advance to properly prepare vehicles and schedule extra personnel. The EOC will be set up and the CERT Team will be brought in. When a storm starts an EOC manager will be put in place. Should anyone trigger a need for help the system can be working in 20 minutes.

Deputy Mayor Etler felt they failed to realize that the Nor'easter was the same type of emergency as Hurricane Floyd. Had they known that things could have been handled better. Manager Metzler stated they followed the hydrological reports and knew they were not going to have the same level of flooding. They know when they need to sandbag the school. Given the same set of circumstances they will now be better able to coordinate the incident and communicate better with the residents. It will not change the infra-structure circumstances.

Councilmember Trawinski stated Recycling Coordinator Lottermann's report indicated he did not receive any Borough phone calls notifying him of wide spread sewer issues as the storm continued on April 16th. He felt Mr. Lottermann was expecting calls to come from the Borough rather than the OEM Coordinator. CERT Coordinator Hochkeppel's report indicated volunteers were willing to help with phone calls but the CERT Team was not called and had no active role. He wondered if the implementation of the EOC would ensure the inclusion of the CERT Team. Manager Metzler explained the function of the CERT Team is to set up the EOC. The CERT Team can answer phones and divert callers to the appropriate Department Head.

Manager Metzler cautioned against reading into individual reports as the Department Head's report gave the complete picture. Deputy Mayor Tedeschi felt the whole was less than the sum of all the parts. He wondered who was responsible for activating the emergency mode and questioned why it did not happen. Manager Metzler explained that no individual department felt overwhelmed by their responsibilities. It was the totality of the event that created problems. Everyone was doing what they were expected to do. The pumps worked. He visited every Department Head or supervisor who indicated a perceived problem to make sure everyone saw the full magnitude. The Police Department relayed the calls from residents with a sewer backup. The Rescue Squad pumped out 150 basements. There were a few residents who fell through the cracks and that was not acceptable.

Councilmember Baratta questioned Manager Metzler's objection to OEM Coordinator Marks suggestion that he be the incident commander. Manager Metzler explained the incident commander is based upon the type of event taking place. If there is a fire, the incident commander may be the Fire Chief. The next day it may be the Construction Official as there are a whole different set of events. The Nor'easter did not have an incident commander because no individual department was overwhelmed. The Police Chief indicated he may become overwhelmed with calls if the storm continued but the EOC was not set up to have someone available as a backup to assist with calls. Had The EOC opened, it would have drawn everyone around the table and they would have realized the magnitude of the situation.

Mayor Weinstein wondered what events will transpire before the EOC is opened up the next time around. Manager Metzler clarified his recommendations. In the event of an announced or predicted

event that would have an adverse affect on the community, the Department Heads will be brought together and the OEM Coordinator will discuss the emergency plan. This is included in the Emergency Plan. The EOC will be set up in a locked room. A EOC manager will be assigned at the start of the event and will work a 12 hour shift. The EOC will be activated when the event has the

potential to overwhelm Police communications or at the discretion of the incident commander.

Mayor Weinstein inquired if Manager Metzler was notified during the situation. Manager Metzler was not notified until Monday morning. The current policy ensures he is notified. The OEM Coordinator makes the determination to call the CERT team. Councilmember Trawinski stated the members are programmed into their phone system and can be called out by squad. Mayor Weinstein stated that the staffing of the Emergency Management Office had no bearing on the situation. It was the fact that the process was never started. He agreed they needed to do periodic drills as they show the mistakes that need to be corrected. Manager Metzler agreed. This was an after-action report that contained raw data from every department. Their FEMA claims were one of the first claims to be completed.

Councilmember Trawinski felt this incident should be the basis for a tabletop drill. If this combination of events occurred again there would be no way to prevent the residents from having sewerage in their basements again. He asked what steps would be taken to improve communication. Mayor Weinstein wondered if the reverse 911 could have alerted residents of the potential problem. Manager Metzler stated the system was supposed to work exactly as indicated in their reports. He agreed the system needs to be improved. The Webmaster collects a stipend and Channel 77 workers are volunteers. They are looking to link Channel 77 to other systems as not all residents have access to Channel 77.

Councilmember Trawinski suggested Manager Metzler provide a timeline for implementation of his recommendations and give them periodic updates.

Councilmember Trawinski wanted Manager Metzler to explore whether or not the OEM Coordinator position should be full time or part time. Deputy Mayor Tedeschi said that policies and procedures need to be reviewed now.

Garage Sales:

Deputy Mayor Etler suggested that residents wishing to hold a garage sale pay a \$5.00 fee. Residents would be limited to two garage sales per calendar year. New merchandise may not be sold. No signs may be placed in the right of way. Councilmember Baratta wondered how they could regulate items sold at garage sales. Sometimes neighbors do a joint sale. Deputy Mayor Tedeschi wondered about residents unworn clothes that still have price tags. Mayor Weinstein felt that limiting sales to two times per year will prevent the garage sales acting like a small business. He does not think they can control the items being sold. Deputy Mayor Etler wanted specific wording prohibiting new merchandise so residents do not find a loophole. Councilmember Trawinski thought the \$5.00 fee should be increased. Municipal Clerk Kwasniewski stated \$5.00 would not cover their costs. Mayor Weinstein wondered who would enforce this ordinance on the weekends. Manager Metzler suggested they hire a part time person. Municipal Clerk Kwasniewski will check with other towns to see how much they charge and report back at the next work session. She stated there is wording in the code which prohibits residents from selling new merchandise but there is no weekend enforcement.

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Pesticide Reduction Resolution :

Mayor Weinstein reiterated that Fair Lawn parks are pesticide free. There is a resolution that can be adopted . They will receive a free Lady Bug sign indicating the park is pesticide free.

It was the consensus of Council to support this resolution.

Zoning Decisions Regarding F.A.R. Ordinance :

Manager Metzler stated it is now the end of March before an application is heard by the Zoning Board. The Zoning Board noted that 26 of the 67 approved residential applications could have been resolved through the process of meeting the criteria in 125-32. Attorney Rosenberg stated many municipalities have this type of ordinance which gives the ability to avoid having to go for a variance on a non-conforming structure. There has been a case declared invalid in one municipality. Mayor Weinstein stated there was an issue before the Zoning Board that went through even without the 125-32c in the Code. He feels they did it as a catch all before the F.A.R. Ordinance was completed and feels it should be brought back into the Code.

Deputy Mayor Etlar wondered if this will present a loophole for McMansions. Mayor Weinstein stated the F.A.R. Ordinance will prevent that. Deputy Mayor Etlar felt if they were following the guidelines of the F.A.R. the applications would decrease. Municipal Clerk Kwasniewski stated the opposite would happen as more variance applications would be filed. Councilmember Trawinski wanted it left out. He does not feel residents should be able to do this as a matter of right. Residents who want to enlarge a non-conforming structure should be subject to board review. He feels they need to improve the administrative process. Mayor Weinstein stated this issue needs to be addressed. Deputy Mayor Etlar stated residents who followed the rules of the F.A.R. Ordinance would not need to appear before the Zoning Board. Councilmember Trawinski stated that the process may take longer to get to the variance stage. Attorney Rosenberg will look into this and report back at the October 2 work session. They need to move the process forward without giving up the control. He has seen other Zoning Boards take steps to speed up the process. The Zoning Board cannot discuss highly technical aspects of an application unless there is a dispute between the applicant and the Board's engineer. He will discuss other suggestions during closed session. He has seen Zoning Boards crank out garden variety variances rather than forcing the applicant to stand there and present a case. To save time, the Board Chairman and Board Attorney will ask questions that help applicants make the case.

Proposed Special Assessments for EDC:

Deputy Mayor Etlar read a statement opposing the special assessments. Mayor Weinstein explained there is no proposal before them as the only thing the three heads of the RRIC, BIC and EDC presented was a work in progress for Council's input. Deputy Mayor Etlar asked Council to consider establishing their own economic development office with the ensuing responsibilities who would be accountable to Council. He asked that Manager Metzler research this possibility and report back in two months. He vigorously opposed any new taxes on their business community.

Councilmember Trawinski had no objection to Manager Metzler exploring the feasibility of having their own Economic Development Committee. Mayor Weinstein strongly objected. The volunteers are exploring a way of centralizing the economic revitalization of the community. It has been an

ongoing process and both the businesses and residents need to be involved. The purpose of any organization is to have a group of people work on it and come back to Council with their suggestions. He acknowledged that he and Deputy Mayor Etlar went to Community Development for grants and spoke on behalf of RRIC and EDC, but it was the organizations that did the research and reached out to the business community. He felt that as Councilmembers, they were pulled in a lot of different directions. He approved of the EDC and worked hard on its behalf. The committee

members are volunteering their time and are willing to do the work and effort. He felt the committee should be allowed to come in with their proposal out of respect for the time they have expended. A decision can be made afterwards.

Councilmember Trawinski suggested a paid Economic Development Coordinator, like Morris County, who is paid through the EDC funds and direct dollars from the Freeholders. There is also a Board of Directors consisting of 38 volunteers. The EDC Coordinator would look out for the Borough as a whole but is loaned out to the EDC Corporation. Mayor Weinstein stated Englewood has a director who works in the Municipal Building. Deputy Mayor Etler stated \$30,000 a year was spent on volunteers. He felt the EDC was looking to tax every business.

Councilmember Trawinski suggested the Manager explore the issue to see if it made sense to hire an economic development coordinator for the Borough that could be put out on loan to the EDC, RRIC and BIC. He wondered if the EDC could become self sufficient without imposing another tax. Mayor Weinstein felt they should wait to hear the concluding report from the EDC, which will be sometime in November. Councilmember Baratta wondered about the umbrella concept presented by the EDC. Councilmember Baratta felt the Manager should research this. Deputy Mayor Tedeschi stated if the businesses want the service they have to pay for it. He was concerned that the message was being mixed with the messenger. There are underlying costs that have to be held accountable. Economic development is key to the community. It is their responsibility to put a mechanism in place in the most feasible and economically efficient way. He does not feel they are at that point yet, but feels strongly that economic development in Fair Lawn must continue.

Deputy Mayor Etler felt this was a scheme to levy a tax on businesses. Mayor Weinstein felt it was an idea, not a scheme, that the EDC wanted to try. He felt the EDC's plan was better because the revenue was coming from the business district and property owners who were directly receiving the benefit. Councilmember Trawinski believes the RRIC emanated first from the business community. Mayor Weinstein clarified that the EDC and BIC did also. BIC has been trying to get something done for 30 years and things are finally beginning to get done in that corridor. The EDC was also a mechanism because some districts were too small for individual improvement districts. Councilmember Trawinski wanted to be sure business communities in the diverse districts wanted this. The Chamber of Commerce does not want either plan. Mayor Weinstein stated the concept would be presented to the Chamber of Commerce Board on September 18th. He suggested they wait until November before moving in another direction. Councilmember Trawinski wanted the Manager to gather information. Councilmember Baratta agreed. Several EDC members candidly admitted shortcomings in the area of recruiting new businesses.

It was the consensus of Council that Manager Metzler research alternatives to an EDC director and explore other options with Deputy Mayor Tedeschi and Mayor Weinstein dissenting.

Fire Suppression Grenades:

Councilmember Trawinski asked that this be deferred until the next work session.

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NJ Transit Outdoor Advertising :

Councilmember Trawinski discussed a letter from Walvision which mentioned proposed locations in the Borough for waiting stations. He wondered if they were involved in this process. Manager Metzler contacted Walvision but missed their return call. There are several bus stops with advertising from another company. The bus stops are owned by NJ Transit. Councilmember

Trawinski wanted to know the location. Manager Metzler stated advertising structure on NJ Transit property must be put out to bid. This would include the train stations. Manager Metzler reported that the bus shelter on Plaza Road was being replaced and the shelter at Fair Lawn Avenue near Chandler Drive was being repaired. Deputy Mayor Tedeschi stated the agreement requires the company to keep the shelters in excellent condition and must remove snow. They retain the right of first refusal of any ads.

Implementation of New CAD System:

Councilmember Trawinski suggested Manager Metzler give periodic status reports. Mayor Weinstein stated it will be six months to a year before the system is implemented. He asked that Manager Metzler and Chief Rose give periodic updates and advise them how well the system operates once it is up and running. Councilmember Trawinski asked for an in-the-field demonstration when the system is installed.

Manager Metzler reported that the licensing agreement contracts have been submitted to Attorney Rosenberg. They are working with the vendor to resolve three issues highlighted by Attorney Rosenberg.

Authorizing Borough Attorney to Research and Advise re Direct Election of the Mayor:

Mayor Weinstein felt they should reach out to their respective County committees, League of Women Voters and the public before having Attorney Rosenberg research this. Councilmember Trawinski stressed that he placed this on the agenda because a resident raised this topic numerous times. Under their form of government the Manager, not the Mayor, is the chief administrative officer of the Borough. This form of government exists to distance the politicians from the administrative service of the Borough and it has worked well. He would not favor a change unless the people of Fair Lawn wanted it. Manager Metzler will reach out to the County Committee chairpersons and the League of Women Voters.

Capital Ordinance - Computer Hardware and Networking:

Manager Metzler reported there will be a Capital Ordinance draft for \$80,000 for computer hardware and networking. This was approved in the Capital Budget presentation last year. They have taken the proposal on the LAN/WAN and are ready to proceed.

Electronics Recycling Ordinance & Solid Waste Enforcement:

Manager Metzler reported that Recycling Coordinator Lottermann recommended that the collection of computer electronics be added to the ordinance making it mandatory to recycle them. They collect 28.61 tons of electronics per year. The program started in 2001 and there has been a substantial increase each year.

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Manager Metzler stated the ordinance would require electronic components be separated from other waste material. This would include items such as computers, monitors, printers, cameras, VCRs, DVD players, stereos, cell phones and televisions, excluding console and projection televisions. These items will be picked up curbside with metal collection.

Manager Metzler stated the enforcement of solid waste violation does not include the Recycling Coordinator as the enforcement official. He recommended that they amend the ordinance to include him.

Attorney Rosenberg will present a draft on September 18th.

Proposal for Appraisal Services - George Street:

Manager Metzler stated that an appraisal was required to acquire the George Street property. He received a proposal from a Green Acres approved appraiser for \$3,000. Municipal Clerk Kwasniewski explained that expense would need to be authorized.

It was the consensus of Council to proceed with the appraisal.

Proposed Salary Ordinance Change - Court Administrator:

Manager Metzler proposed that the Court Administrator's salary range be increased to that of a Department Supervisor. The Court Administrator performs all the duties of a Department Supervisor but is not compensated accordingly. There would be no change in title.

Councilmember Trawinski inquired about the difference between a Supervisor and Department Head. Manager Metzler explained that when a department has divisions, such as DPW, there are supervisors for the divisions with Ron Conte as Department Head. Judge Lafferty is the Department Head of Court. The Court Administrator is the individual that prepares the budget and time sheets and all other issues that a Supervisor would handle.

The 2006 salary in Hackensack is \$74,793, Paramus is \$73,048, Teaneck is \$66,000 and other towns were less.

It was the consensus of Council to change the salary ordinance for the Court Administrator.

Promotional Signage:

Manager Metzler asked that this item be deferred until the next work session.

Public Comments:

Harvey Rubenstein, 28 Rutgers Terrace agreed with Deputy Mayor Etler about the EDC. He was confused about the Emergency Operations Center with regards to control and command. He wondered if a policy would be established to name the person in command, such as the Fire Chief for a fire. He inquired if Superintendent Conte would be in charge of sewer problems and wanted to know if each separate lieutenant would report to the Manager.

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Manager Metzler explained that because of his background, he was involved in the process. Previous Managers had asked just to be kept advised and would be invited to attend staff meetings. It is not a cut and dry situation. The incident commander at a particular event can change over the course of a several days. When the Radburn Building burned, it started with the Fire Department, went to the Building Department and switched to the Health Department when the deli lost power. The Emergency Management Coordinator is responsible for coordinating the efforts, with the Borough Manager acting as the Chief Executive.

Mr. Rubenstein asked who a resident should call if his basement should begin to flood with tomorrow's storm. Manager Metzler stated that he should call the EOC which will be set up in the

Municipal Building. The phone number will be given to the residents. Mr. Rubenstein inquired who he should speak to if he is not happy with the answer he receives from the EOC. Manager Metzler explained that he should ask for the EOC manager, who has been pre-determined in the Emergency Plan. There are four staff members in Emergency Management that are designated as EOC managers: Emergency Management Coordinator Marks, Jim Van Kruiningen, Neil Shore and Manager Metzler. Each manager would work a 12 hour rotation. Two of the four designees are strictly volunteers. Mr. Rubenstein asked what someone would do if none of the four managers could be reached. Manager Metzler explained they have an agreement with Paramus and Ridgewood that their Emergency Management Coordinators would come and provide staff. They have cross trained their staff. The opening of the EOC would be triggered by a predicted event or the explosion in a chemical facility. The incident commander would make a request to open the EOC. The Emergency Management Coordinator would report to the incident commander to see what was needed.

Mr. Rubenstein questioned Councilmember Trawinski's comments about the Planning and Zoning Boards. It is the Planning Board's procedure to have calculations done by the Engineering Department. He felt the Zoning Board's caseload volume caused the delay. He felt that the height of the building and impervious coverage should be made clear to the public to make things proceed quicker.

Richard Cashin, 1 Glenfair Road, acknowledged the first responders who assisted during the flooding. He felt they were genuinely concerned. He has had problems with sewer back up even without a storm. He was not comfortable that it may happen again. The problem must be fixed.

Cheryl Cashin, 1 Glenfair Road thanked Manager Metzler for the effort he put into his report, but felt he missed the point. Residents do not want to be told they may get sewerage again. They know when there is a hurricane or bad storm that it is a possibility. Residents in her neighborhood don't need a phone call. They are up and down the stairs checking for water and don't sleep at night. They don't believe that the problem cannot be fixed. She feels the problem is coming from the Saddle River siphon station. She will have to sue the Borough because she cannot continue to live like this any longer. The debris pick up is the last thing on their mind when there is 20 inches of sewerage in their basement. No one will pump out sewerage. Mrs. Cashin stated she has had \$30,000 worth of damage on three occasions. It is not acceptable to tell people that sewer back ups could happen again.

Mayor Weinstein suggested they study the area again and see what options are available. He stated they must keep trying to correct the problem.

Mrs. Cashin was not at the original meeting with Superintendent Conte but it is her understanding that her home is in a low lying area. When a pump fails the water goes to the lowest area.

It was the consensus of Council that Manager Metzler approach the Engineering Department and find out what would be necessary to do the study and report back at the next work session.

Anna Dinardo, 13-06 Second Street wanted them to be aware that many residents do not want a bigger Fair Lawn Avenue Bridge and like the old, historic bridge. She feels it will impact on nearby houses if the bridge is enlarged and would like to see it remain a small, two lane bridge.

Ms. Dinardo felt there should be emergency phone calls to residents. She does not look at the website or local channel to see if there are problems in town.

Ms. Dinardo enjoys having garage sales. She felt if garage sales were limited to two sales per year, residents should be allowed to sell whatever they want to sell. She did not feel they could control the items being sold. The permits should be a nominal fee of one or two dollars, as the newspaper advertisement is costly. People do not make a lot of money at garage sales. She does not want to pay someone to go through town checking on what is being sold.

Larry Koplick, 6 Reading Terrace questioned if there were sales tax issues pertaining to garage sales. Mayor Weinstein stated there were. Deputy Mayor Etler stated residents must declare it as income but would be difficult to collect.

Closed Session:

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following closed session resolution was unanimously adopted at 10:25 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 Pending Litigation - Yirce; Personnel - Environmental Commission; Potential Litigation - Sidewalk Liability; Attorney/Client Privilege - Litigation Strategy, Naugle House, Municipal Court / Zoning Law Automatic Stay; Attorney/Client Privilege and Pending Litigation - McDonald's Enforcement Status

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.

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Mayor Weinstein reconvened the meeting at 10:50 p.m.

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ADJOURNMENT:

Upon motion by Councilmember Baratta and second by Councilmember Trawinski the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Joanne 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

Councilmember Ed Trawinski