

## **WORK SESSION OF NOVEMBER 7, 2007**

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

**PRESENT:** Deputy Mayors Etler and Tedeschi, and Councilmembers Baratta and Trawinski

**ABSENT:** Mayor Weinstein.

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

### **COUNCIL LIAISON REPORTS:**

Councilmember Baratta reported that she attended a meeting with the Alliance Against Substance Abuse Prevention meeting. They are exploring some new fund-raising ideas.

Councilmember Trawinski reported that the Broadway Improvement Corporation will be meeting on November 8, 2007.

### **REVIEW DEFINITION OF THIRD STORY/STATUS REPORT ON VERIFICATION OF HEIGHT (VANORE DRIVE):**

Councilmember Trawinski stated that he had heard that the garage is not included as a story according to the Borough's ordinances. Attorney Rosenberg read the definition of story and indicated there is no exclusion for a garage.

Manager Metzler stated that the maximum peak height as of November 2 shows 32.36 which is consistent with the testimony and the mean is 28.47 which is consistent with the approval. It does not occupy more than 40 percent so it does not constitute a 1/2 story. Attorney Rosenberg added that two 1/2 stories are permitted. He reminded them that the pictures were taken before the modifications were done in the last two weeks. The original construction did not comport with the testimony or their plans.

Councilmember Trawinski asked for a copy of the revised plan so that he could be sure that it meets the requirements. Manager Metzler reminded them that the application was approved before the F.A.R. ordinance was adopted. It is a two 1/2 story home but in the future if they were to increase it they would have to meet the F.A.R. ordinance or go to the Zoning Board.

Deputy Mayor Tedeschi wondered if they did not build consistently with the plans and testimony if they were liable for the expenses for the inspections needed by the Borough employees. Attorney Rosenberg indicated he would to analyze it to see if it is reasonable due to their failure to comply.

Councilmember Trawinski continued that the mean of the roof on the revised plan seems fine but he questioned the indent on the easterly side of the roof. He wondered how they could tell what the mean calculation is without spot elevations at the four corners. Councilmember Trawinski indicated he wants to understand clearly how the definition of story is being applied so he can decide if the ordinance needs to be revised.

Manager Metzler will provide further clarification at the next work session.

### **PROPORTIONALITY ORDINANCE (FAR BONUS):**

Attorney Rosenberg reported that Cheryl Bergailo had several recommendations which had been distributed to the Council. He will make the necessary amendments to the ordinance for the November 20 work session.

Councilmember Trawinski thought they should send the revisions to the League of Women Voters and the Planning Board. Deputy Mayor Tedeschi noted that the draft does not contain any benefits for greening. Attorney Rosenberg will ask Ms. Bergailo to integrate some bonus for greening.

### **PROFESSIONAL SERVICES RESOLUTION - WATER PROJECT ENGINEER:**

This item was deferred at Mayor Weinstein's request.

### **CHANNEL 77 ON VERIZON FIOS:**

Manager Metzler reported that they have the ability to put Channel 77 on Verizon and Cablevision and that is expected to happen after the first of the year.

### **STATUS REPORT FROM BOROUGH ATTORNEY ON DIRECT ELECTION OF MAYOR:**

Attorney Rosenberg reported that presently Fair Lawn is under the Faulkner Plan E form of government. In 1982 the statutes were amended to allow Faulkner Plan E municipalities to have a charter which would allow for direct election of the Mayor. They can amend their charter by ordinance to submit a referendum to become a Faulkner D form of government which would allow the direct election of the Mayor. It is a Council decision.

Councilmember Trawinski pointed out that one resident raised this question. He thought they should give the resident this information and give him an opportunity to speak and then the Council can make a decision.

### **ADA COMMITTEE ITEMS:**

Councilmember Trawinski advised that he received the information requested with the help of the Metzler and Municipal Clerk.

### **VOLUNTEER CLOTHING ALLOWANCE:**

Manager Metzler stated that a member who has served the Fire Department for 25 years and has retired from active service after reaching 55 years of age receives a full clothing allowance. OEM has requested on behalf of the Rescue Squad that they also receive the clothing allowance. He is requesting that they extend the benefit to all the Emergency Services. He indicated it was difficult to predict the actual cost.

Deputy Mayor Tedeschi wondered why they get LOSAP and the clothing allowance. Manager Metzler pointed out that the Auxiliary Police are not eligible for LOSAP. He explained the intent

of the clothing allowance is for personal clothing that is ruined in the course of doing the job. Fair Lawn has the lowest LOSAP in the County. He felt strongly that if the Borough is doing it for one agency, they should be doing it for all of them. It is an accomplishment to give 25 years of service. He thought there were six people who are no longer active who would be eligible for this benefit. He noted that there are more than 700 calls for the Fire Service and 3,000 calls for the Ambulance Corps.

Deputy Mayor Tedeschi asked for a cost analysis.

Deputy Mayor Etler reminded the Council that the volunteers have given honorable service to the Borough. Manager Metzler indicated that he is trying to bring equity to all the volunteer services. Councilmember Baratta agreed that it is not fair that some of them get the benefit and others do not.

Manager Metzler will present the analysis at the next work session.

### **DISABLED VETERAN APPLICATION - BLOCK 4528/LOT 7:**

Manager Metzler stated that he received a request from the Tax Assessor to refund any taxes paid in the 4<sup>th</sup> quarter of 2007 and the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2008 be cancelled. Benjamin Halperin was determined to be 100 percent disabled on December 1, 2004 but at that time he did not own the property as a Tenant by the Entirety. He became eligible for the exemption because on June 21, 2007 he became the owner of the property as a Tenant by the Entirety. Tax Assessor Henderson is recommending that \$5,029.94 be refunded to Mr. Halperin.

The consensus was to approve the refund in taxes to Mr. Halperin retroactive to June 21, 2007.

### **HO-HO-KUS INTERLOCAL AGREEMENT - HEALTH OFFICER SERVICES**

Manager Metzler stated that last year the Borough entered into an agreement with Ho-Ho-Kus for one year. The State did not approve it because they require a minimum of two years. He met with the Health Officer who feels that she can provide the services in the agreement. A resolution will be required for the multi year contract.

The consensus was to enter a multi year contract with Ho-Ho-Kus.

### **SPECIAL MEETING:**

Upon a motion by Councilmember Trawinski and second by Deputy Mayor Tedeschi the Work Session was recessed to the Special Meeting at 8:25 p.m.

Deputy Mayor Etler reconvened the Work Session at 8:30 p.m.

### **PUBLIC COMMENTS:**

Sheryl Cashin, 1 Glenfair Road wondered why the Borough was giving benefits to those who were no longer actively volunteering. She thought that volunteers did not have to pay property taxes.

Manager Metzler indicated that he paid property taxes and he was an active member of the Fire Department. He explained that LOSAP is based on a point system. A person has to get 100 points or they get nothing. If a volunteer earns the 100 points each year, \$750.00 is put into a 401k account. The clothing allowance is a check the volunteers receive annually provided they have attended 30 percent of the calls. It can be prorated.

Bob Wallace, 11-06 Alexander Avenue stated that he was a police officer for 25 years and firmly believed that without the volunteers they would be in trouble. If the Council had to pay a Fire Department and Ambulance Corps. to provide the service that the volunteers do, no one could afford the taxes. The volunteers deserve the small amount of money they get. They save lives. They help because they are asked to, not because they get paid. They answer calls any time during the night and then they have to go to work.

Felice Koplik, 6 Reading Terrace thought the building code talks about the mean height from the center of the street. Attorney Rosenberg stated that when the Build Department reviews the survey they require certain measurements be placed on that drawing to determine where the measurements are taken from.

Larry Koplik, 6 Reading Terrace stated there that there is no reference on any drawing to the center of the street. Councilmember Trawinski thought that must be before the new ordinance was adopted.

Jane Diepeveen, 14 Ryder Road asked about plan D. Attorney Rosenberg explained under that form of government the mayor is elected directly by the voters instead of being appointed by the Council. If the Borough changed the form of government, everyone would be elected. Whoever is serving as mayor at the time of the change continues his term as councilmember.

Craig Miller, 5 Ramapo Terrace asked if the ordinance on the PODS included construction trailers. Attorney Rosenberg advised him that it did not.

Lisa Yourman, 66 Nottingham Road believed in the value of volunteers. All volunteers should be treated the same and receive the same benefits. She objected to people no longer being involved in the service getting the benefit. She expressed concern about the access to the walking track at the George Frey Center for Arts and Recreation since there are four or five steps.

### **Closed Session**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, the following closed session resolution was unanimously adopted at 8:50 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; Attorney/Client Privilege - Enforsys, G.T.B.M. and Norma Avenue Neighborhood and Personnel - Public Health Nurse and Employee Terminations

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

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

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

Deputy Mayor Etler reconvened the meeting at 9:50 p.m.

**ADJOURNMENT:**

Upon motion by Councilmember Baratta and second by Councilmember Trawinski, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

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Absent  
Mayor Steven Weinstein

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Councilmember Jeanne Baratta

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Deputy Mayor Martin Etler

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Deputy Mayor Joseph Tedeschi

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Councilmember Ed Trawinski