

## WORK SESSION OF NOVEMBER 20, 2007

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

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

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

Mayor Weinstein invited Councilmember Elect Swain to the table.

Mayor Weinstein asked that the Hiring of a Police Officer in 2008 and the Rotary First Day 5K Run be added to the Agenda. He noted that the Knights of Pythias the Council to a program on December 5<sup>th</sup> honoring local veterans. He suggested they reschedule the Work Session from December 5<sup>th</sup> to December 3<sup>rd</sup> so that it did not conflict with the program. The Council concurred.

### **Review of Tentative Agenda (11/27/07):**

Municipal Clerk Kwasniewski requested that Award of Bids for Uniforms be added to the Agenda. She noted that Council will need to introduce an ordinance for the second Handicap Accessible Ramp Grant by Tuesday. She was advised by CFO Eccleston that an Emergency Appropriation in the amount of \$175,000 for Water Operating Expenses is needed. She will send the information home in Council's packets on Wednesday. Manager Metzler explained that the Passaic Valley pump station was down for several months due to repairs, which forced the Borough to purchase water from Hackensack Water.

Councilmember Trawinski questioned the October 16<sup>th</sup> Closed Session Minutes in the 3<sup>rd</sup> paragraph under Investigation of a Violation of Law. He recalled a consensus or unanimous agreement that the appropriate person to act as mediator was the Manager. The Minutes reflected a discussion but did not specify a conclusion. Municipal Clerk Kwasniewski explained their decision was reached during open session and was noted in the Work Session minutes.

Councilmember Baratta stated a group of fourth grade students interested in saving the Naugle House attended the Historic Preservation Committee meeting. The students would like to make a presentation at a Council Meeting. Municipal Clerk Kwasniewski will add the presentation to the December 11<sup>th</sup> Agenda.

### **Closed Session:**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 7:45 p.m.

It was the consensus of Council that Councilmember Elect Swain be included in all Closed Session meetings.

**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 - Tax Appeals, Landmark at Radburn, LLC. and anticipated Litigation - Sutzar, Saddle River Park Estates Home Owners Association and Kopf.

**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 8:25 p.m.

**Presentation by EDC Route 208 Corridor Study:**

Stu Herrmann, 11 Brearly Crescent, President of the EDC presented the final report on the Route 208 Corridor Study. He introduced several members of the EDC: Todd Malkin, Harry Neinstedt, Bob Landzettel and Don Smartt.

Mr. Herrmann stated that in 2005 the EDC applied for and received a grant for \$42,500 which along with \$1,500 from Glen Rock and \$5,000 from the EDC enabled them to do the study encompassing the area north of Fair Lawn Commons on Route 208 to and including the Glen Rock Industrial Park. They hoped the study will serve as a guide for the Mayor and Council to use for development on Route 208 and that it will become part of the master plan. They met with some of the larger property owners including Nabisco who emphatically said they are staying. Garden Homes, the developer for the former Kodak site is coming before the Council soon with plans. Hampshire Companies has purchased the old Lea and Perrins site and is developing it as office condos. They intend to visit the Glen Rock Council, both Planning Boards and hold meetings for public comment.

Bob Landzettel gave a brief overview of the report. The entire report will be on the website. One of the tasks for the Council is to manage change to the benefit of the community. There has been a steady decline in industrial activity so it is important for the Council to weigh the various options and adapt zoning to accept changes. This study is a vision of what can be done in the future for the entire park.

Deputy Mayor Etlar felt that any plan must include an outlet to Harristown Road. Mr. Landzettel indicating that the plan does not show an exit onto Harristown Road which is not a highway and is in a residential area. It does show a road exiting onto Route 208 on the Nabisco property.

Don Smartt noted that the first third of the report is a market study. The second element includes existing conditions. The goal of the study is to help Fair Lawn retain and create a vibrant business park that provides a mix of high quality commercial and light industrial

uses in a safe, functional, pedestrian friendly and visually attractive setting. They want to improve the visual quality of the park and to improve the overall traffic circulation in and around the business park. They have met with the NJ DOT. They want to promote this area as a prominent business destination. They have identified some key locations that may address COAHs goals.

Deputy Mayor Etlar wanted to know where southbound traffic will go. Mr. Herrmann stated they met with all the transportation authorities and there is no answer. There is no property for an overpass. Deputy Mayor Etlar expressed concern about adding traffic to Fair Lawn Avenue. Mayor Weinstein stated that issue will have to be resolved simultaneously as the park is developed. Mr. Smartt stated that the blue print contains the beginnings of a conversation that will have to continue with NJ Transit, DOT, the County of Bergen, Glen Rock and Fair Lawn. They have identified the issues and the partners that can solve them.

Todd Malkin, 16 Brearly Crescent stated that cohesive development is in the design standards. Mr. Malkin stated that they will be more able to direct growth through a concentrated market program.

Councilmember Baratta wondered if the study as presented was different from the preliminary information given to the Council. Mr. Herrmann indicated that the study is more specific. Maps and diagrams are included. The actual proposals are more detailed. Mr. Herrmann concluded by thanking the Council for their input and guidance during this period. They are very happy with the report and hoped the Council will find it helpful. They will be coming to the Council after the first of the year about the sustainable funding mechanism for EDC. The report can be found at [www.fledc.com](http://www.fledc.com).

#### **Professional Services Resolution - Water Project Engineer:**

Manager Metzler explained they were considering awarding the Engineering project to Malcolm Pirnie, a Fair Lawn based firm instead of the firm recommended by the Borough Engineer. Attorney Rosenberg stated it was allowable as there were three qualified candidates, and they could decide to go with Malcolm Pirnie based on local facilities. There would be an additional cost of \$5,100 which was included as part of the grant. Deputy Mayor Tedeschi noted that Malcolm Pirnie was in the Mack Callie Building with over 100 employees. They generate a \$5 million dollar payroll which benefits the entire community. Councilmember Trawinski supported giving the project to Malcolm Pirnie as they were obviously qualified. Attorney Rosenberg stated there would have been an issue if the firm was not qualified. Municipal Clerk Kwasniewski stated that Pay for Play information must be received. She anticipated placing this item on an agenda for a December meeting.

It was the consensus of Council that the Water Engineer Project be awarded to Malcolm Pirnie.

### **Council Liaison Reports:**

Historic Preservation Committee - Councilmember Baratta stated that two sisters, Brenda and Brooke Bolofsky, wanted to save the Naugle House. They have distributed flyers and formed a Save the Naugle House Club. Several students attended the Historic Preservation Committee meeting and were extremely enthusiastic. Mayor Weinstein noted that he received correspondence from the student in October and had Felice Koplick reach out to her.

Bergen Community College - Mayor Weinstein stated he was contacted by Dr. Jeremiah Ryan, President of Bergen Community College. Dr. Ryan has been reaching out to communities to give more exposure to the College. He stated that Dr. Ryan has asked to come to a Council Meeting to discuss the College and explain the various programs open to high school students and adults.

It was the consensus of Council that Dr. Ryan be invited to attend a Council meeting in January.

### **Status Report on Verification of Height/Definition of Story:**

Manager Metzler distributed updated plans and a certified copy of the survey for 38-54 Vanore Drive. Councilmember Trawinski noted that the architectural drawings for the second story were not consistent with what was framed out in the photographs. The pictures showed a different window configuration. Mayor Weinstein inquired about the status of the construction. Manager Metzler stated the construction was now in compliance and moving forward. Deputy Mayor Tedeschi noted that there were discrepancies in the height before the contractor was forced to reduce the size. He wondered about the height allowed on an attic. Attorney Rosenberg stated that the height could not exceed 40%. He stated that the Zoning Officer had inspected the premises. Manager Metzler concluded that the contractor resumed work once the ridge was consistent with Zoning Approval.

### **Volunteer Clothing Allowance:**

Manager Metzler presented a matrix showing the costs involved in various departments. Fair Lawn budgeted \$66,000 for LOSAP in 2007. They paid out \$168,575 in clothing allowances, including \$79,275 for 33 retirees who are no longer active but are collecting a clothing allowance. The Rescue Squad received \$25,700. Emergency Management's costs were \$29,900 which includes a \$25,000 salary for the OEM Coordinator. The Auxillary Police received \$12,700 with one person currently collecting a retiree clothing allowance and \$21,000 in Emergency Management. The total amount with LOSAP is \$234,575. The average salary of a paid fire fighter in New Jersey is \$74,057. Manager Metzler noted that the report attempted to project costs and the number of retired members up to 2012.

Manager Metzler noted that the Fire Department has seven inactive members collecting \$350 a year for a total of \$2,450. There are nine volunteers with 20 - 24 years of service collecting \$525 for a total of \$4,725 and 17 firemen and one auxiliary police officer collecting \$700 with 25 plus years of service for a total of \$12,600. Deputy Mayor Tedeschi

wondered if these volunteers had LOSAP also. Manager Metzler clarified that no one in this category is collecting LOSAP. He stated that they looked at the number of retired members and projected it out over 12 years. In 2008 there will be two additional firemen and two members of EMS that will be eligible for the clothing allowance that are not currently included in the Ordinance. There will be one additional fireman in the 20 - 24 year category and two additional EMS member. In the 25 plus category there will be 13 firefighters who will be allowed under the current ordinance, one auxiliary officer and three Ambulance Corps members for a total of 35 people in this category. Manager Metzler noted that the Rescue Squad requested this review although they will not have any members turning 55 until 2012.

Deputy Mayor Tedeschi noted the assumption that the clothing allowance would increase 5% per year for the years 2008 - 2012. The total cost for the next five years for everything, not counting 2008 - 2012 would be about 1.5 million dollars. He noted there would be a 10% increase in 2008. Manager Metzler explained it would increase anyway in 2008 as there will be 13 firemen. Deputy Mayor Tedeschi stated that the increase will only be 10% the first two years and then it will drop down to 7% per year.

Manager Metzler explained that the ordinance currently reads that fire fighters who turn 55 years of age and have served 15 years are entitled to 50% of a clothing allowance until death. Fire fighters serving 20 years are entitled to 75% of the clothing allowance at age 55 and 100% if they have given 25 plus years of service. The same was approved for the Auxiliary Police last year but they are not eligible for LOSAP. The Rescue Squad made a request that they be entitled to the same benefit as the Fire Department. He included EMS as they would be included the following year if the Rescue Squad was included.

He suggested they enter into discussion with all volunteer services if it was Council's desire to divert the monies going into the retirement fund and put that money into what would be eligible for a LOSAP contribution. Councilmember Trawinski thought that made more sense. He felt the comparison of what a paid Fire Department would cost versus what Fair Lawn residents receive is compelling but felt this was being done backwards. They have difficulty obtaining volunteers and felt they needed to create incentives for younger volunteers to join. If the funds are put into LOSAP it will benefit the younger volunteers as well. If they stay for 25 years the benefit will have substance. They are taking those volunteers who have retired and giving them the benefit, creating an incentive for them to retire sooner than they would like them to. He supported the Manager's suggestion.

Manager Metzler noted that an ordinance was passed for over age firemen during World War II as there was a shortage of manpower. The State allowed males over the age of 40 to join the Fire Department. There are 3 or 4 surviving volunteers in Fair Lawn. The Borough passed an ordinance so that they could pay Death Benefits to the survivors of the 8 to 12 individuals not eligible for the State Death Benefit. He pointed out that there will be retired fire fighters in the system who were not eligible for and did not participate in LOSAP.

That issue will have to be addressed. There are young volunteers in the Fire Department who have served four or five years but have never registered for the LOSAP incentive program. He felt there wasn't a full understanding of the benefits. He felt the Fire Department would have the strongest opinion as they were entitled to some things under the current ordinance. LOSAP in Fair Lawn is very well controlled and uses a point

structure that was adopted as part of the ordinance. Points are based on participation and individuals must have 100 points to qualify for a contribution. Points are given for attending drills, answering 60% of their calls, becoming an officer and attending classroom study.

Manager Metzler stated that the costs with LOSAP were \$234,340. If Rescue Squad was added there will be no additional cost until 2012.

Councilmember Trawinski felt that based on the analysis of Englewood, Ridgewood and Teaneck and the average salary paid to a fire fighter it would cost the Borough \$8 to \$8.5 million dollars a year to have a paid Fire Department. Deputy Mayor Tedeschi noted that Fort Lee and Paramus have unique situations with their departments. Manager Metzler stated he would be willing to look into that but felt their budgets would be triple the Borough's. Deputy Mayor Tedeschi felt volunteers are told they are getting a clothing allowance but it is really a benefit. Councilmember Trawinski suggested changing the wording for retired fire fighters to reflect that they were actually receiving a benefit and not a clothing allowance.

Deputy Mayor Etlar wondered how the changes would effect the volunteers not eligible for LOSAP. Manager Metzler explained that those volunteers would not receive anything. He felt they would have to rewrite the program which addressed the retirees currently in the system who were not eligible for LOSAP. He noted that Paramus had a stipend program. Deputy Mayor Tedeschi noted that a fire fighter who reaches his LOSAP years would receive a benefit payment and a clothing allowance. Manager Metzler explained that no fire fighter is currently collecting both benefits but acknowledged that it will eventually happen. Councilmember Trawinski stated they could amend the ordinance so that only LOSAP was received. Deputy Mayor Etlar thought they would be receiving a better return through LOSAP. Manager Metzler suggested they meet with all of the Emergency Services and rewrite this. If they proceed with this only 8 people will be impacted in 2008. Mayor Weinstein stated that number will grow in the years ahead. These are individuals who are entitled to some sort of retirement compensation but do not qualify for LOSAP. The issue was to find a way to give them incentives to join and benefits down the road for their family. Councilmember Trawinski suggested they ask the State Senate to extend LOSAP for the volunteers who do not have it. Councilmember Baratta suggested they proceed so that the volunteers could be added to the program. Deputy Mayor Tedeschi suggested they proceed and sunset it so they have a year to put together a program for 2009.

Attorney Rosenberg was not sure they could sunset it and then stagger it. Deputy Mayor Tedeschi wanted to sunset the ordinance to ensure it was worked on. Manager Metzler felt the only action needed now was a consensus of Council to proceed, with a willingness to work out a larger plan down the road. There is an ordinance in place that any member of the Fire Department moving along could become eligible. The Rescue Squad will not have anyone impacted until 2012. Councilmember Trawinski asked Manager Metzler when he felt he could present an update. Manager Metzler stated he will give progress reports.

It was the consensus of Council to support Manager Metzler's recommendation.

Manager Metzler reported that the Passaic County Freeholder Board sent him a letter on October 23<sup>rd</sup> requesting their input on the Fair Lawn Avenue Bridge proposals. He reviewed the four proposals. The least costly option was to maintain the existing bridge in its current location without rehabilitation or replacement, except minor repairs to stabilize the historic fabric of the bridge. Major rehabilitation would involve the rehabilitation of the existing bridge at its current location to meet design criteria. This plan would widen the existing bridge to provide one 12 foot lane with a four foot right shoulder in each direction. The total curb to curb width would be 32 feet. This design was based on a 25 mph bridge speed. The existing structure would be widened to provide standard roadway width and the existing structure would have to be reconstructed. The next option was minor rehabilitation which would maintain existing two lane traffic pattern. This alternative involved the rehabilitation of the existing bridge to increase the load carrying capacity. No widening of the bridge deck was considered and the bridge would continue to maintain all the non-standard features. A new floor beam system and concrete deck would be constructed. The next minor rehabilitation would maintain one west bound lane only. This alternative involves the rehabilitation of the existing bridge to increase its load carrying capacity and continuation of its use in current form at existing location. There would be no widening of the existing bridge and the bridge would retain all non standard features. A new floor beam system stringer and concrete deck would be constructed. Existing two way traffic pattern on bridge would be changed to one way west bound only. This option would provide one 12 foot travel lane and three foot left and four foot right shoulders.

Manager Metzler outlined the advantages of the one way west bound lane option as Council expressed an interest in this proposal. The historic nature of the bridge would be retained, there would be no right of way impact, minimal environmental impact and structural capacity would be increased to HS20. The disadvantages were that eastbound traffic on Fair Lawn Avenue would have to find an alternative route, which would increase congestion on existing bridges. The existing substructure would still be in need of reconstruction to meet current standards and would need replacement in the future. Painting of the truss was required and the existing truss would retain one hundred year old member. Life expectancy of the bridge was 15 years. Deputy Mayor Etler stated that he participated in an Engineering conference with Passaic County six years ago. The County assured him that they could not do anything more with that bridge. At that time they gave the bridge a 15 year expectancy which would now leave nine years.

Manager Metzler reviewed the remaining options. Mayor Weinstein favored the one way westbound lane option. Deputy Mayor Tedeschi suggested they ask the Police Department to do a traffic analysis. Mayor Weinstein suggested the Engineering Department review the plan as well. Councilmember Trawinski stressed that Traffic Safety Officer Franco complete his review as quickly as possible. He recognized that Morlot and Maple Avenues will be impacted by increased traffic. Councilmember Baratta noted that cars will exit earlier onto River Road.

Mayor Weinstein felt the first option should be westbound out of Fair Lawn. His second choice was to leave the bridge two lanes. Councilmember Baratta agreed. She did not want to build another bridge. Manager Metzler recapped that their first choice was Option

2B-2 which entailed minor rehabilitation with one west bound only lane. The second choice would be 2B-1 which entailed minor rehabilitation maintaining existing two way traffic pattern. He noted that the minutes from a meeting in 2002 referenced a Paterson historian who expressed concerns about the historic nature of the bridge. Mayor Weinstein felt this was a quick response from Passaic County as he had spoke with Paterson officials in late August.

Mayor Weinstein requested that Manager Metzler send a letter to the Passaic County Freeholder Board outlining their choices.

### **Contract Renewals:**

Municipal Clerk Kwasniewski noted that there were annual contracts that would need Pay to Play paperwork if renewed. She reminded Council that the paperwork needed to be back ten days before a resolution could be adopted.

Loss Control Services - Commerce Risk Control - Municipal Clerk Kwasniewski stated that Commerce Risk had requested a 2.5% increase on the Quarterly Loss Prevention Service, Monthly Safety Meetings and the Right to Know Labeling and Inventory. An increase on the Right to Know Labeling and Inventory has not been requested since 2005. The cost will be \$2,650 for Loss Prevention Services, the Safety Meetings will be capped at \$1,408 and Right to Know will increase to \$2,485. She was pleased with this service and noted that a 2.5% increase was less than \$60 a year. The meeting fee will increase to \$185.

It was the consensus of Council that the contract with Commerce Risk Control be renewed.

Health Educator (HARP) - Municipal Clerk Kwasniewski explained that the Health Awareness Regional Program contract specified a fee of \$14,470 which represented a 5% increase. The fee has not been increased for four years. She noted that Health Education is required by the State. This option was less expensive than hiring a certified employee as no benefit costs are involved.

It was the consensus of Council that the Health Educator contract be renegotiated to a 3% increase if possible, otherwise the contract was approved for renewal with the 5% increase.

CHC Physician (Edward A. Sciano, Jr. MD) - Municipal Clerk Kwasniewski stated that Dr. Sciano was requesting \$85.00 per hour, an increase of \$5.00 per hour. Dr. Sciano runs two clinics per month for a total of 24 clinics per year. Each clinic is two and one half hours long for a total fee of \$212.50 per session or \$425 per month. Dr. Sciano also oversees the Hepatitis B vaccination clinics, the Influenza vaccination clinics and any other clinic that may be required. Dr. Sciano did not request an increase the previous two years.

It was the consensus of Council that the CHC Physician's Contract be renewed.

Professional Nursing Services - Municipal Clerk Kwasniewski explained that this contract was through Valley Hospital. She stated that Manager Metzler was recommending renewal. Total fees would be \$15,000.02 which includes one Child Health Clinic, two blood

pressure clinics per month, one adult health clinic per month, the health fair screening, clinical diseases reporting, schools audits, home health visits, direct observation therapy and extra emergency nursing services, if needed. The hourly rate is \$42.98.

Councilmember Trawinski inquired if the contract reflected the increase in services that they had discussed when they decided against hiring a full time employee. Manager Metzler explained that the contract maintains the same part time services. Deputy Mayor Tedeschi wondered if services could be increased if necessary. Municipal Clerk Kwasniewski noted that there was an hourly rate of \$42.98. They would need to add a clause to the contract which confirmed the Borough could obtain additional hours if needed.

It was the consensus of Council that the Professional Nursing Services Contract be renewed.

Health Officer Services - Ridgewood - Municipal Clerk Kwasniewski stated Manager Metzler had suggested they increase the contract fee to \$7,500. The Health Officer had suggested \$7,300. Manager Metzler noted that it was costing the Borough 4% more for their employee. He felt that increase should be passed on to Ridgewood.

It was the consensus of Council that the Health Officer Services contract for Ridgewood be increased to \$7,500 and that no price reduction be negotiated.

### **January Meeting Dates:**

Municipal Clerk Kwasniewski noted that Council will need to add a Special Meeting after the December 18<sup>th</sup> Work Session as both she and CFO Eccleston will have year end issues to address.

Mayor Weinstein suggested the Reorganization Meeting be held on Wednesday, January 2<sup>nd</sup> at 7:30 p.m. Municipal Clerk Kwasniewski suggested that they scheduled Work Sessions on January 8<sup>th</sup> and 22<sup>nd</sup> and a Council Meetings on January 15<sup>th</sup> and 29<sup>th</sup>.

It was the consensus of Council that the meetings be scheduled as discussed.

Councilmember Trawinski inquired if Municipal Clerk Kwasniewski needed additional lead time with committee appointments due to Pay to Play requirements. Municipal Clerk Kwasniewski stated that she wanted to discuss that issue with Council. Mayor Weinstein suggested a Closed Session be scheduled during the December 3<sup>rd</sup> Work Session to discuss appointments. Municipal Clerk Kwasniewski will schedule the Closed Session.

### **Hiring of Police Officers in 2008:**

Manager Metzler noted that they have been adding two Police Officers each year as part of their budget preparation. He recommended the hiring of one new officer for next year. The Police Academy starts in late January, early February. He would need a decision from Council so that the applicant could be pretested and prepared for the Academy. He presented a cost analysis based on 2008 figures.

Councilmember Trawinski stated that the contract figures Academy step and the Academy and one half step seemed high. He thought the Academy steps were substantially lower than \$37,000. He noted that it went back ten years and the salary then was \$22,000. Manager Metzler explained that the salaries increased 4% per year. Mayor Weinstein inquired if the Student Resource Officer would be shared in 2008. Manager Metzler stated that an invoice will be sent to the Board of Education quarterly on the same cycle as the tax bills.

Deputy Mayor Tedeschi wondered about the accounting for the police officer for the subsequent year as in essence they were encumbering the next Council. Attorney Rosenberg clarified that they were giving authorization. Councilmember Trawinski noted that it would be difficult for the next Council to pull back on this.

It was the consensus of Council to support the hiring of an additional police officer in 2008.  
**Rotary First Day 5K Run:**

Municipal Clerk Kwasniewski stated that the Fair Lawn Sunrise Rotary wanted to hold a 5K run on January 1, 2008.

It was the consensus of Council to support the Fair Lawn Sunrise Rotary 5K Run.

**Public Comments:**

Harvey Rubenstein, 28 Rutgers Terrace recalled a Saturday morning budget meeting where Chief Rose discussed adding officers because there were Police officers retiring. Councilmember Trawinski recalled Chief Rose discussing that at a budget meeting and he proposed that they implement his recommendation from the previous year. He suggested they add two officers per year instead of adding them all at once. Chief Rose and Manager Metzler were surprised that Council was unanimously willing to head in that direction. Mayor Weinstein clarified that Chief Rose made a presentation in 2005 indicating the number of Police officers on staff fell short. The process of adding two officers per year began that year. Councilmember Trawinski stated that was not true. He recalled that Mayor Weinstein rejected the proposal to add two officers per year and only agreed to fill the vacancies. He noted that the additional two officers requested were in addition to filling the retirement vacancies. The size of the force needed be increased as Domestic Violence calls required a second officer and that type of call had experienced the single biggest increase in calls. Mayor Weinstein disagreed with his statement. They were short on the number of Police officers based on the population. They agreed in 2005 that they could not add all the officers at one time and decided to add two Police officers a year beginning in 2005.

Mr. Rubenstein felt that once the Police and Engineering Department researched the Fair Lawn Avenue Bridge they would end up with two way traffic. He inquired if LOSAP was an acronym. Manager Metzler explained that LOSAP meant Length of Service Awards Program. It is a State program. Mr. Rubenstein wondered if they were mandated to use the program. Manager Metzler explained that it was approved by the voters on referendum in 2000. Mr. Rubenstein inquired if the referendum included the clothing allowance.

Manager Metzler stated that it did not. There are very specific guidelines as to what type of accounts must be set up. The individual communities have some leeway. He noted that Fair Lawn has the strictest LOSAP guidelines in the State.

Mr. Rubenstein attended the recent Zoning Board Meeting and noted that there were a few residential applications. He advised Council that the latest loophole around the F.A.R. Ordinance occurred when the property was smaller than the zone calls for, so any overage of the F.A.R. is de minimus so it is alright to approve the application. Some developers were being stopped by the height requirement. He wanted Council to be aware that people were using the argument that the property is smaller than the zone allows.

Anna Dinardo, 13-06 Second Street was concerned that Passaic County would have the final word about the Fair Lawn Avenue Bridge. She noted that an increased load would encourage tractor trailers. She did not think the one way bridge option would happen. She wondered if the Borough would have substantial input in the decision. Mayor Weinstein stated that they were trying to achieve that.

Manager Metzler explained that Mayor Weinstein reached out to both Paterson and Passaic County regarding the bridge. He, Attorney Rosenberg and Mayor Weinstein attended a meeting with Mayor Torres in Paterson. While at the meeting they reached out to the Passaic County Freeholder Board indicating their concern about the bridge. Mayor Weinstein stated that they would provide their input but Passaic County was not required to listen to them.

Ms. Dinardo stated that initially Passaic County wanted to take some property and build barricades. The citizens who owned the property attended the meeting and many options were presented. Manager Metzler stated that they were told it would be years before they did the project as no funding was available. Ms. Dinardo was concerned because Passaic County had looked into taking residents' property.

Cheryl Cashin, 1 Deerfield Road inquired if the engineer discussed earlier was related to the sewer problem in her neighborhood. Manager Metzler explained it was a million dollar grant received from the State DEP to put in a charcoal filter system on the other side of their air stripping systems. The funds will pay for the engineering design for that project.

Ms. Cashin inquired about a house on Garwood Road that was recently knocked down. There was a hole the size of the entire lot with very little property on the front, side and back. She did not understand how the project was approved. Attorney Rosenberg noted that construction occurring now may have received approval a year ago. He advised her to see when approval was issued. Councilmember Baratta stated she has heard from several residents who wondered why they were still seeing McMansions. She noted that residents are allowed by law to seek relief. They can claim a hardship with the Zoning Board. If a resident sees a larger home it could have been approved even though it

exceeded the F.A.R. Ms. Cashin stated that there was a sewerage issue on that street and wondered how a large home would effect that situation. She suggested they look into the matter.

Lisa Yourman, 66 Nottingham Road felt that special nursing services should be offered on a full time basis. It can be difficult to contact the nurse as she is not in every day. She felt it should be the Manager's discretion to add more hours in the case of an emergency. Mayor Weinstein stated that is was. She felt the contract increases were all within reason in the healthcare industry.

Ms. Yourman questioned whether a clothing allowance was considered taxable income. She wondered if all volunteer services, including the Ambulance Corps. were part of LOSAP. Manager Metzler explained that all volunteers services were eligible for LOSAP by State law, with the exception of Emergency Management staff and Auxiliary Police. Ms. Yourman inquired if the clothing allowance applied to all volunteers. Manager Metzler confirmed that all agencies receive the allowance for active members.

Ms. Yourman inquired if they found a Police officer to take the halftime resource position at Fair Lawn High School. Mayor Weinstein explained that the Student Resource Officer was an additional officer that was added last year. The expense would be shared with the Board of Education. Ms. Yourman inquired if that officer was one of the officers hired last year. Mayor Weinstein confirmed that. Ms. Yourman clarified that they were only hiring one officer this year. Deputy Mayor Tedeschi noted that the Police did not have to go to the high school any more as there an officer was already there.

Ms. Yourman wondered at what point the bridge became Bergen County. Councilmember Trawinski explained that there was a contract between Bergen County and Passaic County as to who has full jurisdiction of each bridge. Passaic County has full jurisdiction of the Fair Lawn Avenue Bridge. Ms. Yourman noted that there was 10 years life expectancy left on the bridge. She wondered why Passaic County would put money into rehabilitation if the bridge wouldn't be usable in ten years. Deputy Mayor Tedeschi stated that Passaic County may have the money to fix the bridge but not rebuild it.

Howard Marks, 12-23 Ferry Heights wondered how much land they were trying to save on the Naugle House. Attorney Rosenberg stated that were not allowed to discuss that issue.

Jane Diepeveen, 14 Ryder Road obtained a copy of the transportation traffic study for the new Home Depot in Paterson. The study projected zero increase in traffic on Fair Lawn Avenue. She felt there will be a lot of traffic from Bergen County because of the 3% sales tax. She wondered if Passaic County was not really planning on making any improvements to the bridge. She wondered if a traffic study was completed for the bridge. Deputy Mayor Etlar noted that Passaic County did a traffic study. The report was attached to the 1999 resolution in Paterson for Home Depot. She inquired if they did a specific traffic study for the bridge. Deputy Mayor Etlar explained that when he attended the meeting Passaic

County presented their options. Ms. Diepeveen stressed that if they received various options they should also have the traffic projections for each option. Mayor Weinstein agreed that was a good point.

Councilmember Baratta clarified that there was a Home Depot traffic study and a Fair Lawn Avenue Bridge study. The reports were separate. She agreed that they should have considered traffic in the bridge plans. Mayor Weinstein asked Manager Metzler to inquire about any traffic study for the Fair Lawn Bridge.

**Closed Session:**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following closed session resolution was unanimously adopted at 10:35 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 - Step 3 Grievance No. 09-07 - SOA, Step 3 Grievance No. 10-07 - PBA/SOA 3.

**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 11:15 p.m.

**ADJOURNMENT:**

Upon motion by Councilmember Baratta and second by Councilmember Trawinski the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

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Joanne Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etlar

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski