

## WORK SESSION OF AUGUST 10, 2010

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

**PRESENT:** Mayor Tedeschi, Deputy Mayors Swain and Weinstein, Councilmembers Baratta and Trawinski.

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

### **CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Barratta and a second by Deputy Mayor Weinstein the following closed session resolution was unanimously adopted at 7:40 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 – Landmark, and Unfair Labor Practices; and

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

**WHEREAS;** minutes will be taken during this closed session and once the need 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 Tedeschi reconvened the Work Session at 9:05 p.m.

### **Work Session:**

#### **Presentation by Marlene Casey, Capital Alternatives**

Marlene Casey, Len Carney and Al Machiotti were present.

Ms. Casey stated that several issues were raised by the DOT with regards to the Broadway application. The application was placed into a discretionary round last year. Although it scored well enough to be eligible for funding, none was available. The Mayor received a letter from the DOT referencing several issues, which they attempted to address in the new application. A letter was drafted a year ago which was to be sent by the Mayor to the DOT, but it was never submitted. A new letter was prepared for Mayor Tedeschi's signature.

She stated that Mr. Carney called the Executive Director of Highway Design at the DOT, who provided several recommendations. Al Machiotti stated that the first issue raised was whether the Borough was interested in taking over the jurisdiction of Broadway. Ms. Casey stated that the DOT suggested the Borough start the permit process. The DOT has to approve the design of the streetscape. Most permits require a fee but if they are going to open a discussion to take on the jurisdiction they will waive the fee.

It was the consensus of the Council that Capital Alternatives start the permit to process and indicate the Borough is interested in taking over the jurisdiction of Broadway.

Ms. Casey asked the Council's permission to prepare the permit for the Mayor's signature, changing the narrative to state that they Borough encouraged discussion with the DOT. One copy would be sent to the DOT and another with their application. Mayor Tedeschi inquired as to how quickly the discussions could take place. Ms. Casey stated that they would contact Jeff Spickett, the Executive Director of Highway Design.

She advised the Council that one of the things that may happen is that the Borough will be advised that they are not far enough along and therefore will not be successful for the streetscape. She asked the Council's permission to prepare a separate application for Berdan Avenue Section 4.

It was the Council's consensus that Capital Alternatives prepare and submit a second application for

### **Review of Tentative Agenda (8/17/10)**

There were no questions.

### **Council Liaison Reports**

Deputy Mayor Weinstein stated that the ADA Committee is planning a symposium for the spring.

Councilmember Trawinski stated that they closed on the George Street property. It was the first time Green Acres funding was used for the acquisition of property. There will be a ribbon cutting ceremony at a future date.

There is a BIC Meeting on Thursday.

Deputy Mayor Swain stated that she attended Community Day at the Fair Lawn Community Church. Proceeds from the event are donated to the Borough's Human Services Department.

The Planning Board met last night and approved Ordinance 2195-2010. Kraft Foods returned with a site plan so that they can sell food to their employees from a trailer. The Board discussed the Cystic Fibrosis clothing bin at Krauzer's and a minor sub-division on a large property on Burbank Street.

Councilmember Baratta stated that the Farmers Market is continuing, but she felt they needed to find a better location with more traffic. People cannot stop in after work as the market closes at 5:00 p.m.; weekends would work out better. They had always wanted to use the Eckert parking lot, but it might be a safety issue with the cars entering and exiting the lot. Deputy Mayor Weinstein suggested the pocket park. Councilmember Trawinski stated that Orthodox Jews would not be able to go the market on Saturday. Councilmember Baratta stated that they were still looking for more vendors. Mayor Tedeschi felt the Radburn Train Station was the ideal location. The lot was open and there were no traffic issues.

Councilmember Baratta stated that Alliance for Substance Abuse Prevention met last week. They discussed the new regulations pertaining to grant applications.

She attended the grand opening of Picnic the Restaurant and had dinner there afterwards. Mayor Tedeschi stated that he also had dinner there. He thought it was a pretty restaurant and the service was good. He wished they were open for lunch.

### **Discuss Preparation of the 2011 Budget with Special Emphasis on Delivery of the Following: Potable Water Service, Recycling and Park Maintenance**

Mayor Tedeschi stated that the Competitization Committee has been working diligently on a number of items and had submitted their report, which highlighted several items. He stated that the Council must begin the budget process now and implement the systemic changes they had discussed. Some changes may take a year and other two years, but they needed to start somewhere.

The Competitization Committee's report indentified where they have been and what they have done. He has indentified their potable water system, recycling and park maintenance. Councilmember Trawinski thought the Council had already authorized the Manager to start the process once they concluded the budget. They need time to make the systemic changes. Mayor Tedeschi stated that the budget process would be different because circumstances were very different.

Councilmember Trawinski suggested that Manager Stafford look into staffing at the Municipal Court due to the decrease in the number of summonses issued. He suggested exploring sharing court services, with Fair Lawn being the lead town. Mayor Tedeschi stated they needed to think about shared services, such as animal control; these types of things were becoming more important.

Municipal Clerk Kwasniewski stated that the employee suggestions were on the agenda in September.

Councilmember Baratta stated that they had once discussed having the ability to pay tickets online.

Councilmember Baratta asked how they would proceed with the Competitization Committee's report; she felt some items were vague. Mayor Tedeschi stated that they have been focusing on the water system, recycling and garbage. He suggested the Committee come in to discuss their recommendations. There are costs involved in investigating the water system. They need someone to shepherd them through the process. Councilmember Trawinski stated that they should not just look at garbage and recycling in one direction. In Toms River they went to an automated system after looking at outsourcing. The Borough would lose employees that were needed for snow plowing and leaf pick up, as well as the equipment. When they looked into outsourcing snow plowing several years ago they did not get any responses. Mayor Tedeschi stated the key was to state the objective: deliver the service in the most economical way.

Councilmember Trawinski stated there was a trial program on cameras at dangerous intersections, which could result in the issuance of summonses. He felt they should pursue this if the program was still available.

Deputy Mayor Swain raised the issue of Memorial Pool. She thought they should discuss a long range plan. Councilmember Trawinski stated that the pool was a myriad of issues. Mayor Tedeschi stated that he thought they had voted years ago to do a referendum. Municipal Clerk Kwasniewski stated she looked through years of minutes but was unable to find a vote on a referendum

regarding Memorial Pool. Councilmember Trawinski stated it was done in 1998 or 1999. He agreed that the pool needed to be revisited.

Mayor Tedeschi asked that the Committee be invited to a work session in September.

Councilmember Trawinski stated that they should work on third party billing for the ambulance as soon as possible.

### **Update of Open Space Recreation Plan**

Deputy Mayor Weinstein stated that Michael Hakim has drafted a letter requesting additional funding. The Blue Hill property, the Lackland property and the Naugle House are still viable. Councilmember Trawinski noted that they received the extensions on all the grants from the County.

### **Request for Explanation to Council of HIPPA Employees' Rights of Privacy Concerning Health Issues and Possible Violation by Mayor Tedeschi**

Councilmember Trawinski stated that he raised this issue to avoid the circumstance that Mayor Tedeschi found himself in when an employee contacted him regarding an insurance matter and the email was circulated to the entire Council. He suggested the Council establish a policy for future correspondence of this nature. Manager Stafford should suggest how it will work and set instructions regarding distribution. These types of communication should not go to everyone. Attorney Rosenberg will work on a SOP.

Mayor Tedeschi distributed copies of Valley Hospital's privacy policy to the Council and Manager Stafford.

### **Endorsing Rescue Squad's Construction of an Ancillary Building on Borough Property**

Attorney Rosenberg stated that Rescue Squad representatives presented a proposal for an alternate site for their ancillary building at the last Work Session. They have been working on financing. CFO Palermo recommended they obtain bids from several banks. The banks want verification that the Council is committed to this project. He advised that they can allow a lease hold mortgage.

Mayor Tedeschi asked about the demolition date for the property on Heights Avenue. Manager Stafford indicated he will follow up with the engineers. Municipal Clerk Kwasniewski stated that the resolution was on tonight's Special Meeting agenda.

**Temporary Layoff Plan (Furlough)**

Manager Stafford stated that there was a change to the furlough plan based on a discussion they had in Closed Session to rescind four days. The furlough days of September 7<sup>th</sup>, November 25<sup>th</sup>, December 10<sup>th</sup> and December 30<sup>th</sup> were removed. Mayor Tedeschi stated that the Borough employees have done more than their share. They have put their own personal selves aside to help the Borough and he thanked them for their support. The Council agreed.

Councilmember Trawinski stated that some of the pressures have started to manifest themselves. Recycling has had difficulty completing routes between the heat and other issues. The Planning Board secretary, Cathy Hochkeppel will experience jam ups since Kodak has submitted an application and Assistant Engineer Hickey has retired. Mayor Tedeschi stated that he visited six or so homes on Romaine Street and Madeline Place where recycling was not picked up. Manager Stafford stated that Superintendent Conte stated that there was not enough time to finish the route. Some residents knew that their recycling would be picked up on Monday instead. The DPW workers are doing the best that they can.

Councilmember Trawinski stated that he had previously discussed the issue of recycling workers wearing shorts and short sleeve shirts in the summer. He was told that it could not be done due to JIF requirements. He spoke to a representative at Glen Rock DPW, whose workers wear shorts and short sleeves, and they were not aware of this regulation. He later learned it was a recommendation of the JIF.

Councilmember Trawinski suggested they ask Manager Stafford to look into this and the DPW Superintendent and the Recycling Coordinator. Mayor Tedeschi asked if Glen Rock DPW reported any injuries as a result of their attire. Councilmember Trawinski stated that they did not. Manager Stafford indicated he would look into it.

**Proposal for Police Department Consulting Services Contract**

Manager Stafford stated that the Bergen County Cooperative Pricing System contract was expiring in September. He asked them to approve the awarding of the contract to the Rodgers Group. The contract was reviewed and approved by the Borough Attorney.

There was a unanimous consensus to approve the contract for Police Department Consulting Services.

**Renewal of Bergen County Municipal Joint Insurance Fund**

Manager Stafford stated that the Borough's contract expires at the end of the year. The JIF requires the renewal by September. He asked the Council's approval to renew the membership, which would require a resolution as well as an executed agreement. Councilmember Trawinski confirmed that this was the same agreement as last year.

There was unanimous consensus to renew the Bergen County Municipal Joint Insurance Fund contract.

**Memorial Pool Labor Day Hours**

Manager Stafford stated that he reviewed Superintendent Graff's request for the hours the pool will operate over Labor Day weekend.

It was the consensus of Council to approve the Labor Day hours for Memorial Pool.

**Special Meeting**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the meeting was adjourned to the Special Meeting at 10:00 p.m.

Mayor Tedeschi reconvened the Work Session at 10:15 p.m.

**Public Comments**

Craig Miller, 5 Ramapo Terrace stated that as a non-member of the Radburn Association, he felt the Radburn Trustees were receiving poor legal advice. He continued that the Judge has been downgrading too many cases. He suggested they consider a payment plan for fines.

Councilmember Trawinski stated that either Hazlet or Freeport took credit card payments. It might be something they could look at, but Manager Stafford would have to ask the Judge if he would accept that. Mayor Tedeschi stated that 16 years ago, the Judge gave people without money the opportunity to mail in their payment. The balance due went up to \$450,000 and the people could not be found.

Mr. Miller said that a credit card machine might be an alternative to an ATM machine.

Jane Diepeveen, 5 Ryder Road indicated she was interested in the Landmark order. Councilmember Trawinski explained that it was 0, 5 or 20 feet rear set back from the railroad. Twenty feet is the one that they approved. Landmark wanted zero. They might have been willing to go with the five footer, if they had arranged the frontage upfront on Plaza Road. Part of their thinking was that if there was ever an emergency back there, emergency vehicles would not have to drive on or across the tracks and would have access through those 20 feet. No one was thrilled about them putting the units next to the tracks with no set back. That was consistent with Judge Harris' ruling as to what they submitted.

Ms. Diepeveen inquired if units could be reserved for seniors. Councilmember Trawinski stated that it was whatever the current COAH Round Three Regulations provided. If there is a provision for senior housing set aside than it's in there. Fair Lawn Commons had 56 total COAH units, of which approximately 17 were senior housing. He stated that the Judge ordered them to do this.

Pam Coles, 13-34 George Street suggested an ice cream social block party to celebrate George Street. She asked if a letter could go out to the residents on George Street. Councilmember Trawinski thought that was a good idea.

Ms. Coles wondered why the furlough weren't staggered. Councilmember Trawinski stated that they could not do it; the whole Borough needed to be closed under Civil Service rules.

Ms. Coles inquired about cell towers on George Street. She stated there were no meeting agendas posted on the website. Councilmember Trawinski stated that the meeting agenda will be posted 48 hours in advance. He suggested she speak with the Zoning Board secretary, who should have an idea about the tentative agenda.

Ms. Coles noted that the bushes by the Chase parking lot need to be trimmed. She concluded that the Radburn Trustees were making the right decision.

#### **CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following closed session resolution was unanimously adopted at 10:40 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 Attorney/Client Privilege – Chase Parking Lot Lease; and

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

**WHEREAS;** minutes will be taken during this closed session and once the need 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.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the meeting was adjourned at 10:50 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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Mayor Joseph Tedeschi

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Councilmember Jeanne Baratta

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Deputy Mayor Lisa Swain

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Councilmember Ed Trawinski

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Deputy Mayor Steven Weinstein