

## **WORK SESSION OF SEPTEMBER 21, 2010**

Mayor Tedeschi called the meeting to order at 7:31p.m.

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

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

### **REVIEW OF TENTATIVE AGENDA (9/28/10):**

Municipal Clerk Kwasniewski stated she had a number of additions to the agenda. They are routine resolutions. There is an approval of a massage establishment and massagist license, the Cosmos Club is transferring the location of their liquor license. The Police Department has asked for a Proclamation called "Put the Brakes on Fatality Day," there are minutes from May 18<sup>th</sup> that need to be approved and there is also a grant for the Municipal Alliance Grant that the Borough will have to match in the amount of \$3,039. She said that Deputy Mayor Weinstein had asked if he could add something to the Work Session. He would like to discuss the Open Space Applications. Mayor Tedeschi said that was important because the applications have to be in by October 7<sup>th</sup>.

Attorney Rosenberg noted there were two other things to add. Deputy Mayor Swain would like to talk about the adoption of resolutions for the Governor's Toolkit. Councilmember Trawinski stated they should do the resolution that the League of Municipalities supports.

### **REQUEST BY RESIDENTS ON SOUTHERN DRIVE FOR RELIEF FROM COMMUTER PARKING:**

Traffic Safety Officer Franco stated, several residents have complained about commuter parking in front of their house from 7:00 a.m. to 6:00 p.m. Several residents have sent in a petition to enact no parking 8:00 a.m. to 10:00 a.m. on Southern Drive east of Tyron Place. He discussed the other options with them as he has done in the past. That timeframe tends to work so that is what they would like to have.

Mayor Tedeschi asked if the residents were unanimous in doing this. Traffic Safety Officer Franco said yes in that section they all agreed.

Councilmember Trawinski wondered if they do this. Could they put a note on the windshields that are currently parked there before the ordinance gets

adopted. They should advise the commuter that there is a lot on Saddle River Road so they are aware of it.

Traffic Safety Officer Franco explained that it was a different bus route. Councilmember Trawinski understood that but felt if they were going to shut down where they park to go to work this maybe an option. Councilmember Baratta felt that it was courtesy they should extend. Mayor Tedeschi asked how long it would take to adopt the ordinance. Municipal Clerk Kwasniewski stated at least a month. Traffic Safety Officer Franco said that once the ordinance is adopted and they put the signs up, the officers put warnings on the vehicle which tends to work.

Deputy Mayor Swain wondered if there were other options in that neighborhood. Traffic Safety Officer Franco said he could put a note on their car suggesting looking into another bus route. Typically what happens is they will move from there to another block. Councilmember Trawinski stated this is totally consistent with past practice.

There was a unanimous consensus to enact no parking from 8:00 a.m. to 10:00 a.m. on a section of Southern Drive east of Tryon Place.

#### **COUNCIL LIAISON REPORTS:**

Deputy Mayor Swain noted that the Planning Board met last week on September 13<sup>th</sup>. There was an application for the Kodak property. As of now, there are about 150 units, 64% residential and 36% retail and also some commercial. She thought this was going to go over several meeting because there is a lot to discuss. One of the things that were brought up was whether the mini bus could have a drop off and pick up site there. Deputy Mayor Swain thought that perhaps the developer could pick up the cost for the additional service. Mayor Tedeschi wondered if the Borough could request a mini bus in their approvals. Councilmember Trawinski stated they could ask but they cannot compel them to do it. He is not sure that would qualify as an off tract improvement. Mayor Tedeschi wondered about getting contributions. Councilmember Trawinski said that would be different and could be done. Mayor Tedeschi wondered what body defines the off tract contributions. Councilmember Trawinski stated it is a combination of the Planning Board and the Mayor and Council.

Deputy Mayor Swain stated the other thing she would be pushing for would be solar energy. Attorney Rosenberg had told her about pending litigation but it should be discussed further.

Mayor Tedeschi asked Manager Stafford if he had looked into the bundling. Manager Stafford stated not yet, but they were going to analyze it thoroughly.

Councilmember Trawinski stated the application before the Planning Board should be referred to Special Counsel Lustgarten. Attorney Rosenberg advised that Stu Liebman was involved with Special Counsel Lustgarten and the Special Master integrating the affordable housing aspects of the project. Mayor Tedeschi wondered if the Environmental Commission was involved. Attorney Rosenberg advised that Wendy Dabney, Chair of the Environmental Commission sat in on the subcommittee that made the recommendations.

Councilmember Trawinski stated he had a concern that may not be a concern for the Planning Board but it was heightened for him when he read the recent approvals at 18-35 River Road. An easement was negotiated and required but nowhere in the resolution did he see that the easement had to be recorded. There are a myriad of other conditions dealing with signage and other items. But nowhere in the resolution is there a condition that it had to be recorded. In the past, when he raised this, they said it was just a residential. This project is not just residential. He felt they were not doing their job. He felt the Council should direct the Borough Attorney as part of his review to say no matter what the easement is it has to be recorded. It is critical for this site. He wondered if Attorney Rosenberg could put the conditions and the requirement that the approval get recorded in the chain of title Developers Agreement. He told Deputy Mayor Swain that it would be the same thing on the new application before the Planning Board, he assumed that there would be some significant conditions in relationship to that application. He suggested that she remind the Planning Board. Deputy Mayor Swain said that the Planning Board had gone over this before.

Councilmember Trawinski said with the consent of the Council, Attorney Rosenberg should remind the Zoning Board Attorney to raise this issue. Mayor Tedeschi wondered if they were harping on the memorialization of these things. He wondered what they had to do for them to hear what the Council is saying.

Deputy Mayor Swain reported that the Green Team had a positive meeting at which a lot was discussed. She felt it was great having the high school students on the committee because they are energetic and creative. One of the subjects she feels strongly about is anti-idling so the students are going to think of a contest to come up with a theme for anti-idling around the Borough. They talked about holding a green fair in April with the Environmental Commission at the Community Center. They would try to have a lot of different groups. They could hold demonstrations so people can learn about composting and rain barrels, etc. from the Recycling person in the High School, Ron Dorso. She will be going on a tour with him in October.

Councilmember Baratta had no comments.

Councilmember Trawinski reported that at the Broadway Improvement Corp. meeting, he delivered a message to them from the Council about the dumpsters. There has been a flurry of e-mails from various people. They have circulated information from other towns to the EDC and will get back to the Council in a month. They wanted to know how much the Borough was paying for Broadway. It was reported incorrectly in the newspaper that Fair Lawn was buying the highway. He assured them they were not paying anything for Broadway. He suggested Capital Alternative was handling everything.

Councilmember Baratta stated that the Borough would have to talk about the snow plowing and other maintenance. Councilmember Trawinski stated it may be another type of road. It could be changed to benefit the businesses along that road.

Mayor Tedeschi stated the only thought would be is that it would be good for Fair Lawn, and the question to the State would be what are they going to do to it before they get rid of it.

Councilmember Trawinski stated there was a nice article in The Record about improvements that don't have to cost a lot of money. They are just waiting for the final approval for the pedestrian crossing light. He has seen drivers stop for the commuters.

Mayor Tedeschi stated the 501(c)3 postponed their meeting until next week, River Road also cancelled their meeting. Other than that, he had no report.

#### **STIPEND CONVERSION TO SALARY:**

Manager Stafford stated he had received information from the Borough Clerk and the CFO that he will deal with and report back to the Council in two weeks as to how, where and under what authority stipends are converted to the salary.

Mayor Tedeschi stated he has spoken to the Division of Local Government who say stipends are fine and allowable.

Deputy Mayor Weinstein arrived at 7:55 p.m.

Manager Stafford said that he could report back to the Council at the October 5<sup>th</sup> meeting.

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

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski the following closed session resolution was unanimously adopted at 8:00 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 Personnel – Police Department; 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 meeting at 8:45 p.m.

**STATUS OF RFP INSURANCE BROKER & RISK MANAGER:**

Manager Stafford stated the Council did a Request for Proposal for a Risk Manager and a Broker of Record with a closing date for responses was September 8<sup>th</sup>. The Borough received seven responses. He prepared a memorandum and a chart detailing specific points of analysis which he explained. Based on that analysis, he recommended the appointment of Professional Insurance Associates and they are licensed in Property & Casualty, Accident, Health Sickness and Life. It currently serves as the Risk Manager and Health Care Consultant to over twenty-five public entities in New Jersey. He gave a detailed analysis for each of the submitters. The price cost varied enormously. Several of the proposals were non responsive in regard to cost.

Professional Insurance Associates in addition to being an expert, in addition to be significantly experienced, in addition to having a fabulous reputation in the community is also the lowest responsible responsive provider of a quote.

Mayor Tedeschi questioned if they completed all the necessary in regard to political contributions. Municipal Clerk Kwasniewski stated that was bid in fair

and open so it is not required. Mayor Tedeschi said could they ask them to do that. Municipal Clerk Kwasniewski said it has been done in the past. Mayor Tedeschi said he would think about it.

Councilmember Trawinski said he would like a little time to do research on his own now that he sees the list. He applauded the Manager for doing such a comprehensive job. He wanted to make some phone calls. He would like to talk to Bruce Watson about this company.

Deputy Mayor Weinstein questioned the cost competitiveness and the fees that would be paid. Manager Stafford explained that the JIF is required to pay 6% of the premium. Professional Insurance Associates quoted \$2,291.00 a month. BGIA's premium was \$25,000 per month. Mayor Tedeschi felt that amount was not correct. Councilmember Trawinski stated there would be a huge savings next year compared to the others. Municipal Clerk Kwasniewski stated that it would not be a savings because the Borough did not pay them, they were paid from Blue Cross/Blue Shield.

Manager Stafford stated that the JIF Accidental Dismemberment Policy is the normal policy. Mayor Tedeschi recommended that they put this on for the next Work Session and any Councilmembers that want to research it further can.

Councilmember Trawinski wondered if they want to ask for their financial disclosure statement. Attorney Rosenberg advised that they have done that in the past. Councilmember Trawinski stated he supported getting the financial disclosures from the firm. Mayor Tedeschi stated they should also send the form to other firms they may be interested in. Councilmember Trawinski stated that the ones that are not responsive should be removed.

There was a unanimous consensus to remove the three non responsive providers and send the financial disclosure forms to all of the other firms.

#### **HEALTH BENEFITS:**

Setting the Standard for Medical Premiums: Manager Stafford stated that in the past, the Borough had used the actual Health Insurance Premium Costs at Cobra rate, monies paid to employees for waiving their benefits. Now they do not pay premiums so there is no rate set. They petitioned IDA the Third Party Administrators to offer the Borough COBRA rates. They did based on the Borough's costs and maximum costs. They want to set the COBRA rate and set the rate for any other associated necessary rates which has to be done by resolution. Councilmember Trawinski said there was another way to do which would be based on the projected amount. Mayor Tedeschi thought the projected amount would be fair. Councilmember Trawinski suggested going

with the maximum and seeing what happens this year and then make a note to revisit it. Manager Stafford stated that they won't have a history until the end of 2011. Councilmember Trawinski asked if they were rolling in a fee for administrating COBRA. Manager Stafford said he would check with them.

Mayor Tedeschi stated this would be the same for people that opt out. Municipal Clerk Kwasniewski stated the percentage they get is 40%. Mayor Tedeschi said he liked that it would ride with the fee. This year they are taking the conservative approach but next year if the fee drops because of the good experience, the benefit to the employee drops along with it.

Flexible Spending Administrator: Manager Stafford stated that currently nine people avail themselves to the flexible spending plan. The Borough has used Horizon in the past. The Borough sought proposals to handle the plan. IDA proposed \$6 .50 per employee, per month plus set up fees. Horizon proposed \$6.00 per month. Candidly for nine people, it is not a lot of money but he cannot recommend moving from Horizon.

There was a unanimous consensus to stay with Horizon for the Flexible Spending Administrator.

#### **REQUEST FOR CORRECTIVE DEED – 3-39 HARTLEY PLACE:**

Attorney Rosenberg advised that Municipal Clerk Kwasniewski brought to his attention a letter she had gotten from Dennis Cummings who represents the estate of people that live on Hartley Place. Apparently in 1989, they purchased from the Borough a small parcel of land that abutted their property for \$4,300.00. Richard Lustgarten prepared the deed but for some reason, the deed was never recorded. That would not have been the Borough's responsibility but the Attorney who represented them. Dennis Cummings is now asking to re-execute the deed. Councilmember Trawinski suggested they record it. Attorney Rosenberg advised that they did not have the original.

There was a unanimous consensus to authorize Attorney Rosenberg to correct the deed.

Mayor Tedeschi spoke about easements on Watkins Street between Banta Place and Hartley Place suggesting that the Borough offer these easements to the residents to get them on the tax roll. Attorney Rosenberg advised that it would need to be done by resolution. Councilmember Trawinski said the easement would have to be offered to the adjacent property owners. Mayor Tedeschi said that one half is the homeowner and the other is a business on Banta Place. He felt that people are using it, they should be paying taxes on it.

**REQUEST FOR LICENSE AGREEMENT FOR FENCE 39-28 NORHTERN DRIVE:**

Manager Stafford advised that he has been notified by a home owner requesting a license agreement because he has a fence that is in disrepair. He has requested the Mayor and Council for permission to allow the construction of a vinyl fence. Engineer Garrison has reviewed and approved it with a caveat that if the fence has to be moved for Borough necessity that the fence would not be the Borough's responsibility to replace. Councilmember Trawinski stated he did not have a problem with this provided that Attorney Rosenberg prepares the license agreement and it is made clear that they have to comply with the existing zoning regulations.

Attorney Rosenberg stated that it was unclear who allowed this from the beginning. Municipal Clerk Kwasniewski stated the resident told her that the fence is falling down and had to be replaced. The Zoning Board would not approve it unless the Mayor and Council approved it.

Attorney Rosenberg questioned the length of the license agreement. He will make it run with the land and it would be terminable.

**ENDORSEMENT OF CDBG APPLICATION – BRIDGE HAVEN HOUSING**

Municipal Clerk Kwasniewski stated this was a group home, Alliance Against Homeless, on Berkshire Road. They are applying for \$24,000 for the residents, without the Mayor and Council's endorsement they cannot apply for the grant.

There was a unanimous consensus to endorse the CDBG application.

**OPEN SPACE:**

Deputy Mayor Weinstein proposed that they ask the Recreational Review Committee and the Open Space Committee to decide what would be appropriate for the Walsh Pool area. For the current year, they should go to Superintendent Graff to see what he thought was most appropriate and to see what grants they can apply for. Councilmember Trawinski felt there was not enough time. If they get the information back, circulate it to them. Deputy Mayor Weinstein stated that last year they applied for money for the hockey courts. He was not sure if they wanted to do the stuff over in Memorial Pool or maybe he wants to work on fields. Deputy Mayor Weinstein stated that he should come back with option 1, 2 or 3. Municipal Clerk Kwasniewski stated she could do a blank resolution and could just plug in the description.

Councilmember Trawinski inquired about getting funds for the Rescue Building or is it too soon. Municipal Clerk Kwasniewski stated two applications are already

being put in for barrier free improvements. They are not on the census track. Mayor Tedeschi said it could go with the County.

**SPECIAL MEETING:**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the meeting was called to order at 9:15 p.m.

Mayor Tedeschi reconvened to the Work Session at 9:20 p.m.

**PUBLIC COMMENTS:**

Craig Miller, 5 Ramapo Terrace, questioned what happened to the Ambulance Third Party Billing. He wanted information on how the resident would be charged. Councilmember Trawinski stated the third party billing service would initiate the charge to the insurance company. Mayor Tedeschi stated that service would have a fee that gets remitted to the Borough. Mr. Miller asked if the funds would go directly to the Ambulance Corps. Mayor Tedeschi stated not directly but a portion of those funds would work their way back to the Ambulance Corps based on the agreement. He realized that the Ambulance Corps felt they may lose donations. Mr. Miller said he was concerned about that too. Mayor Tedeschi stated that they would insure based on their ten year history that they would stay at that level. Deputy Mayor Weinstein stated if their contributions go down below the average, then the Borough would contribute. The Borough has also agreed to bear some of the cost of the set up and other items the State may be taking away. Mr. Miller said he thought the residents would be charged. Councilmember Trawinski corrected him by saying the residents would not be charged for the deductible or co-pay or co-insurance and the resident does not have insurance, they would not be charged. There is no change from the resident's standpoint.

Mr. Miller wondered about residents giving their address at meetings. In Teaneck they are no longer asking for street addresses. Going forward that may be something to think about. Deputy Mayor Weinstein stated that many years ago there was a situation where people came to the Planning Board a question came up about redacting the addresses in the minutes.

Deputy Mayor Swain stated there are times when they need the persons address for example the high school parking issues, they were able to go through the minutes and see their addresses and send them notes.

Attorney Rosenberg advised the address is an option not mandatory. He will research it further.

Mr. Miller suggested a liaison to the Zoning Board such as it is on the Planning Board. This way they can make sure the things that the Mayor and Council want done will get done. Attorney Rosenberg advised that on the Planning Board a member of the Council served statutorily on the Planning Board but not on Zoning Board. Attorney Rosenberg advised that it is a matter of enforcement and will follow up on it.

Mr. Miller wondered if the property by the sidewalk that goes from Ramapo Terrace to Ramsey Terrace, is Borough property. Attorney Rosenberg advised it is the right of way of the Borough. Mr. Miller wanted to know if hedges were too high, whose responsibility would it be the Borough or the property owner. Attorney Rosenberg advised there is an Ordinance for that and would enforce it if someone had a complaint.

Pam Coles, 13-34 George Street, stated the last time she was there they were talking about various ways to cut expenses but there are only so many ways to cut before they go into the bone and meat of the town. The Mayor has requested that she come up with a couple of ideas. She thought of three areas – the Recreation Center, Recycling and the town pool. As the Community Center was just opening she asked George Frey if he had ever been to the Ridgewood YMCA, which is a great center. She will mail to the Council all of the programs the Y runs. She wondered if the Community Center had a marketing plan for the recreation side to bring more money in. Mayor Tedeschi stated there is no plan. This was discussed a couple of years ago. The Community Center was for the residents to use and enjoy without a charge. Ms. Coles said she was talking about painting and yoga courses, etc.

Councilmember Baratta stated they have a brochure with a list of programs. They did not want to open it up to everyone but there are programs held there. There are numerous sports and mentoring programs.

Ms. Coles said she was talking about adult programs in addition to the all of the other programs. Councilmember Baratta stated a big program they were thinking of was for the seniors and having theater come in and senior citizens could come to our Community Center and have lunch. They would be bused in. They worked long and hard on it, a lot of towns are in the same financial situation that Fair Lawn is so no one signed up for it.

Mayor Tedeschi stated there are people that offer classes at the Community Center for a fee. This Council will have to look at the concept of people coming in paying a fee while the Borough is paying for the building, the lights, the heat, etc. so therefore, they are a partner and should be entitled to compensation. It is one of the things that will be discussed in the budget process.

Ms. Coles indicated that she has a packet that she will drop off. Councilmember Trawinski stated the Manager should give it to Superintendent Graff and also to the 501(c)3. Mayor Tedeschi suggested she go online and see the 92<sup>nd</sup> Street Y, that is the template. There offerings are 150 pages long. There are a ton of good ideas. People are looking for things to do for economic reasons.

Ms. Coles wondered if the Borough picks up co-mingled at restaurants. Mayor Tedeschi stated he knew from stores they do. Ms. Coles thought instead of the bottles and cans going into the garbage, it could be picked up by the Borough who can make some income on it. Councilmember Trawinski stated that if the Borough doesn't they should. He asked Manager Stafford to find out from DPW Superintendent Conte.

Ms. Coles stated the last issue was the pool. She realized that the Borough dumps a lot of money into the pool. She wondered how the Borough could make it the crown jewel of Fair Lawn during the summer. She wondered how they could enhance the membership. Mayor Tedeschi stated that it only took East Brunswick to put in a water facility that cost \$3.5 million and they thought it would take 10 years to get the money back but it only took 4 years. They offered quality and a facility that was up to date, had the elements that people wanted to use and made it easy for people to go there after work have dinner and go swimming. The reality is the Borough would have to spend money to make money.

Ms. Coles spoke about having movie nights along with activities which would be a minimal cost to the Borough but bring in membership. Mayor Tedeschi said they have to offer quality. East Brunswick proved it, they built a facility that cost money and paid for itself in four years. Councilmember Trawinski said it was also environmentally friendly.

Ms. Coles suggested a block party should be held there. It is a night out. Mayor Tedeschi reminded her that the Borough has to pay people to be there.

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

Upon motion by Deputy Mayor Swain and a second by Councilmember Trawinski the following closed session resolution was unanimously adopted at 9:50 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 Personnel – Planning Board, Historic Preservation Committee and Attorney/Client Privilege – PBA/SOA Unfair Labor Practice Charge; 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.

**ADJOURNMENT:**

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

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

\_\_\_\_\_  
Mayor Joseph Tedeschi

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Councilmember Jeanne Baratta

\_\_\_\_\_  
Deputy Mayor Lisa Swain

\_\_\_\_\_  
Councilmember Ed Trawinski

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Deputy Mayor Steven Weinstein