

WORK SESSION OF DECEMBER 14, 2010

Mayor Tedeschi called the meeting to order at 7:40 p.m.

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

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

Closed Session Resolution:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 7:45 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 – Tax Appeals; Contract Negotiations – Insurance; Attorney/Client Privilege – Naugle House; 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 8:05 P.M.

Council Liaison Reports

Mayor Tedeschi, Councilmember Baratta and Councilmember Trawinski did not have a report.

Deputy Mayor Swain stated that the Green Team was holding a fair at Fair Lawn High School on May 18th. She thanked Manager Stafford for his help regarding insurance and liability matters.

The Planning Board approved the Fair Lawn Promenade project at the former Kodak site. She felt it would be a nice development. They heeded her requests for solar panels and a rain garden, and agreed to the suggestions submitted by the Planner and Engineer.

Councilmember Baratta inquired about green space or playground areas in the development. Deputy Mayor Swain stated there would not be an onsite playground; however, residents would be allowed to use the one next door at Fair Lawn Commons. Mayor Tedeschi asked if there were any contributions to offsite projects. Attorney Rosenberg will check with the Zoning Board attorney regarding the Developer's Agreement. Deputy Mayor Swain stated that there will be signage on Route 208.

Councilmember Trawinski stated that Attorney Lustgarten and the Special Master should be notified that they approved the COAH ordinances. He noted that KEM has also closed with its purchaser.

Deputy Mayor Swain stated that Glen Toyota was taking over the property at La Cambusa as a lot for their cars. Municipal Clerk Kwasniewski stated that they would need permission from the Council. Deputy Mayor Swain stated that currently they will just be improving and striping the back lot. They will eventually present a site plan with their changes.

Deputy Mayor Weinstein stated that the EDC has heard about the Fair Lawn Promenade. He believed the KEM demolition was taking place this week.

Since the development of Daly Field was moving ahead, EDC president Steven Kiel and Lou Weiss will reach out to Landmark for funding for a Master Plan for the downtown Radburn business district, which would become part of the Master Plan for Fair Lawn, bringing in Radburn, Landmark, the Council and the EDC. This may be the time to reach out for grant money. Mayor Tedeschi asked what would motivate Landmark to give money towards the Master Plan. He wondered if a donation qualified as an offsite improvement. Attorney Rosenberg stated that improvement must be physical and was limited by statute. Deputy Mayor Weinstein stated that it was brought up that as part of the change in the Master Plan, it would be helpful for the Rite Aid, Trackside Properties and Topps to add another level. It will help the value and help get Radburn vital again.

Mayor Tedeschi asked if this would be coordinated with the Master Plan process. Deputy Mayor Weinstein stated the first step was to reach out to Landmark and the property owners to get them involved in the process. Councilmember Trawinski stated that he was fine with this provided the Planning Board had control over the Master Plan process.

Deputy Mayor Weinstein stated that the Borough's 2010 contribution to the EDC was not received yet, even though the voucher was signed. They have another contribution coming and he did not want them to think they were double dipping when they send in another voucher.

Proposed Changes to the Ordinance Relating to the Fire Department

Mayor Tedeschi asked why the Fire Department wanted to change the ordinance. Fire Chief Cicchela stated that for the first time there will be more than 40 regular firefighters in Company No. 3. Mayor Tedeschi asked what the incremental cost of maintaining, outfitting and training a fire company would be if they went beyond 40 members. Chief Cicchela stated they will never have four full companies as members are always spread out. As of now, Fire Company #3 has not purchased any additional equipment.

Councilmember Trawinski asked if the overall department will significantly increase. Assistant Chief Hoitsma stated that is difficult to get volunteers, so they do not anticipate each company going over 40. Mayor Tedeschi was concerned about what would happen if the Department grew to 160 members. Deputy Mayor Weinstein pointed out that they struggle to get volunteers.

It was the Council's consensus that the language limiting the number of volunteer firefighters for each company be removed from the ordinance.

Mayor Tedeschi stated that Item D currently stated that a Firefighter failing a physical would be retired from active duty. He asked what would occur if the ordinance was changed. Chief Cicchella stated there were no provisions for a volunteer who fails a physical but then goes on medication which corrects the problem, such as high blood pressure. Many neighboring towns use two classifications of firefighter: interior and exterior. Mayor Tedeschi stated there needed to be something in the ordinance that clarified what the actions were going to be.

Councilmember Trawinski stated they could not have a subjective standard. They must lay out the criteria. He did not have a problem with having a medical condition corrected by medication to pass the physical, but they needed to specify what the appropriate standards would be for someone to have to retire. Attorney Rosenberg agreed. The Council worked diligently on the SOP for

physicals. They were concerned about the physician telling volunteers they were unfit for duty. When he saw this being stricken from the ordinance, he followed up with Wendy Demeraski about the fact that they wanted to do an SOG with internal policies. They can determine criteria and refer to it, but if a physician says a volunteer is unfit for duty, then the volunteer is unfit for duty. He wanted to make sure there was consistency between the ordinance and the SOP that the Council adopted.

Assistant Chief Hoitsma clarified they were not removing language from the ordinance to keep volunteers who failed their physical on as firefighters. They were merely going in accordance with the Respiratory Protection Program. Mayor Tedeschi stated that needed to be enunciated. Deputy Mayor Swain felt it was enunciated when they first started the process, because if someone failed a physical they had a couple of options. Deputy Mayor Weinstein suggested Attorney Rosenberg delineate the wording further. Mayor Tedeschi stated that the ultimate objective was to protect the firefighter.

It was the Council's consensus subject to getting the revised language, that the wording in Item D be amended.

It was the Council's consensus that the proposed changes to F be approved.

Councilmember Trawinski asked if the Fire Department wanted the state mandated training requirements to be on file by September 1st. Wendy Demeraski confirmed that. New officers were coming in and all certifications needed to be on file to ensure they were compliant with State statute. Currently they are due in on December 31st.

It was the Council's consensus that the change to 13-12 B be approved.

It was the Council's consensus that the ordinance be amended to include Section 13-17 allowing a Captain to move up to Deputy Chief.

It was the Council's consensus that the change to 27:09 be approved.

Assistant Chief Hoitsma stated that graduated driver's licenses put a time limit on when junior firefighters can drive. This section would clarify the hours that junior firefighters can participate.

It was the Council's consensus that Section 27:09 of the ordinance be amended to clarify the time limits by which junior firefighters must abide.

Master Plan for 2011

Mayor Tedeschi stated that he did not want the Master Plan to continue to languish. He asked how they should complete it. Attorney Rosenberg stated that the Planning Board needs to prepare an RFP for the Planner to proceed. Municipal Clerk Kwasniewski stated they had started doing that but it was put on hold. There is a sub-committee. Manager Stafford stated that Rutherford received grant money to do their Master Plan. He will contact Marlene Casey to inquire about possible grants.

It was the Council's consensus to proceed with completing the Master Plan and to have Manager Stafford contact Capital Alternatives to research grant possibilities.

Attorney Rosenberg asked when the Council wanted the Planning Board to issue the RFP. Mayor Tedeschi stated that as soon as they can say from a budgetary point of view that they are doing this and providing the funds.

Status of Zap Lube (BIC)

Councilmember Trawinski stated that he removed this item from the agenda.

He asked to add a resolution Exempting the Reserve for Uncollected Taxes from the 2% Cap as per the League of Municipalities notice. Municipal Clerk Kwasniewski stated that Attorney's Rosenberg's secretary was able to obtain the League notice, as she was not able to access it from her computer. The Resolution could be added tonight; otherwise, it would wait until January. Councilmember Trawinski felt they needed to move ahead with it.

It was the Council's consensus that the Resolution Exempting the Reserve for Uncollected Taxes from the 2% Cap be added to the Special Meeting agenda.

Proposal by Value Research Group to Update Naugle Appraisal

Manager Stafford stated that Value Research Group needed to update their original proposal for the Naugle House purchase. The value they gave in July, 2009 needs to be a current value. They have submitted a proposal to perform the necessary work for \$1,000.

It was the Council's consensus to approve the updated proposal submitted by Value Research Group.

Councilmember Trawinski stated that this amount should be included when they apply for reimbursement under Green Acres Funds.

Interlocal Agreements for Health Officer Services

Manager Stafford stated that Health Officer Services are provided to the Village of Ridgewood. Health Office Wagner proposed increasing the fee by \$200. Due to the elimination of the State's Public Health Priority Funding, the Village will have the Borough's \$200. increase as well as a State increase of \$3,600. Ridgewood is accepting of those figures. Councilmember Trawinski suggested that Attorney Rosenberg or Mayor Tedeschi speak with Senator Gordon and Assemblywomen Wagner and Voss. When State aid is eliminated on things that help foster an inter-local agreement, the process of shared services is hurt. Mayor Tedeschi asked Attorney Rosenberg to draft a letter.

It was Council's consensus that the Borough's interlocal agreement with the Village of Ridgewood for Health Officer Services be increased by \$200.

Manager Stafford stated that the identical inter-local agreement would be offered to the Borough of Ho-Ho-Kus, with a \$50. increase. Ho-Ho-Kus will realize a \$280. increase from the State but is accepting of those figures.

It was the Council's consensus that Borough's interlocal agreement with the Borough of Ho-Ho-Kus for Health Officer Services be increased by \$50.

Councilmember Trawinski stated that they do a variety of shared services and inter-local agreements. He wondered if CFO Palermo or Manager Stafford could track the interlocal or shared services agreements they have so they can make this information available to the public and the legislators.

It was the Council's consensus that a list of interlocal services and shared services agreement be tracked by Manager Stafford or CFO Palermo.

Deputy Mayor Weinstein stated the Shared Services Committee discussed the Board of Education sharing IT services with the Borough. Manager Stafford stated that the Board of Education was going to inquire about obtaining wood chips from Ron Lottermann for an environmental matter at Thomas Jefferson. The Borough and Board of Education are doing an analysis to see if it is feasible for the Board's IT staff to replace the Borough's vendor. Councilmember Trawinski noted that the Board of Education was very receptive to this idea. Manager Stafford stated that they also discussed charging for the use of Memorial Pool when the Recreation Department brings in staff and/or lifeguards when the pool can be used for school functions. There was an issue as to why the Borough was charging the Board of Education when the Board of Education does not charge the Borough.

Councilmember Trawinski noted the money was coming from the taxpayers, whether it came through the Board or Borough, and he questioned why they were creating paperwork when it was for the common benefit of the taxpayer. Mayor Tedeschi stated they had to consider the allocation of the expense as it may not be in the proper place. Councilmember Trawinski stated that was true, but from a practical administrative perspective it didn't make sense. Mayor Tedeschi stated that this was reviewed four years ago and it went nowhere. Deputy Mayor Weinstein stated that if they were bringing in lifeguards for a middle school function at Memorial School, there is an additional cost involved. However, at the same time the Board is keeping custodians in schools at night for All Sports basketball games.

Special Meeting

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, the meeting was adjourned to Special Meeting at 9:15 p.m.

Mayor Tedeschi reconvened the meeting at 9:25 p.m.

Public Comments

Pam Coles, 13-34 George Street expressed her concerns about the Promenade development approved at last night's Planning Board meeting. It was recommended that residents use of the mini bus instead of public transportation, despite the fact that one mini bus was removed due to budget cuts. There is no on site playground. Fair Lawn Avenue cannot handle the traffic of 500 additional cars. She was tired of developments being passed without any consideration to the residents.

Closed Session Resolution:

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain the following closed session resolution was unanimously adopted at 9:30 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 – Appointment of Professionals – Alternate Prosecutor; Appointment to Boards, Committees, Commissions; Supplemental Salaries and Contract Negotiations – Recycling; 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 Baratta and a second by Deputy Mayor Swain the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Joseph Tedeschi

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Councilmember Ed Trawinski

Deputy Mayor Steven Weinstein