

## WORK SESSION OF APRIL 16, 2013

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

**PRESENT:** Mayor Cosgrove, Deputy Mayors Baratta and Trawinski, and Councilmember Swain.

**ABSENT:** Councilmember Peluso

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

### CREATION OF THE FAIR LAWN ARTS COUNCIL

Jane Spindel and Adrienne Kuperberg were present. Ms. Spindel stated that she would like to start an Arts Council that would have an annual project that would involve the entire community. Ms. Cooperberg, Rob Kahn, John Tanner, Penny Kaplan, Raquel Mallinger, Art Murray, Mark Collier are also interested in joining. The mission of the Fair Lawn Arts Council is to involve the entire community in the creation and appreciation of art by sponsoring an annual Art Challenge. They plan to do this by engaging the residents in projects that have no age or talent limitation and are creative and fun.

Their first project would be a photo event in the first or second week of September. Residents would use their cameras to take pictures around town and they would be displayed throughout the community. There is no cost to the Borough. They would like the Council's permission to move forward. Councilmember Swain thought it was a great idea. Fair Lawn is a wonderful community that can only be enhanced by art.

There was consensus to approve the formation of the Fair Lawn Arts Council.

Manager Metzler asked who would be appointing the members. They would also need to do a resolution to create the committee. Mayor Cosgrove asked Ms. Spindel to have the interested residents submit a Citizen's Leadership form. Attorney Mondello asked Ms. Spindel if she knew how many members there would be. Ms. Spindel stated that she would like to have 12 or less members.

### FEMA'S COMMUNITY RATING SYSTEM

Construction Official Bolan was present.

Construction Official Bolan stated that he sent the Council a power point presentation to provide background on why this program was important to Fair Lawn. He explained that FEMA does not want housing in flood zones so they have changed some regulations in 2012 that will affect everyone who purchases flood insurance. There are 282 houses in Fair Lawn that are "pre-FIRM

houses" which are houses built before they established a flood rate map. The cost of flood insurance is expected to increase three to five times, potentially increasing the average bill of \$1,900 to \$8,000. FEMA will slowly raise this rate but it will be automatic for new policies, changes of ownership and commercial buildings, including a Borough building in the flood zone. Most of the residents do not know that this is coming.

The CRS Program is free and documents the numerous efforts that the Borough has already undertaken for mitigation. Once they are documented they are classified. The higher the classification, the greater the discount the rate payers will receive. He felt they would be able to reach Class 8, which will give everyone who has to pay flood insurance a 10% discount. They have already sent out several of the forms and have requested a verification visit from FEMA. He will get the information from the Department Heads and take care of everything else.

Councilmember Swain asked if all 282 homes were paying for flood insurance. Construction Official Bolan stated that they were. There are also a small number of "post FIRM" houses that were built after the flood rate plan was established. There are 26 houses with repetitive losses that may, with the next loss be required under FEMA regulations to elevate their house.

Mayor Cosgrove thanked Construction Official Bolan.

### **BOROUGH TELEPHONE SYSTEM**

Cathy Hochkeppel and Jim Van Kruijning were present.

Ms. Hochkeppel stated that they have spoken to several vendors. Technology has changed. They need to unite 20 sites in the Borough so it would be best to use a Cloud system managed by a company offsite. They are not touching the radio repeaters, the SCADA System or the 911 system. Everything else will be integrated, including the Police Department, the Recreation Department, the DPW sites, Ambulance Corps and Rescue Squad at a savings. The Capital Budget contains funds for wiring for internet access.

There are many advantages in programming with this system, such as allowing an employee to manage their voice mails through the computer. It also enables employees to do their own programming rather than having to rely on her or Jim Van Kruijning to make changes.

Jim Van Kruijning stated that the Police Recording System has to integrate to 12 lines that are recorded at all times. The vendor has reviewed the system and does not anticipate any problems and feels that integration will be seamless. Their current Optimum Lightpath System is both voice and data, while the new system will have a dedicated line for voice and one for data.

The five year agreement includes all maintenance, software updates and equipment replacement. They will realize a monthly savings of \$875 per month or \$53,000 over the course of five years. There is unlimited local and long distance usage. Borough voice mails can be forwarded to an email or text message or it will call your cell phone with the message. If there was an emergency and they had to operate at a different facility such as the Community Center they could plug in and operate from there without needing technicians to come in. There have been many problems at the seven buildings in the DPW Facility due to antiquated phone systems. Now every facility will have access to data.

Councilmember Swain asked if the money was in the budget. Jim Van Kruiningen confirmed that there was \$75,000 allocated in the 2012 Capital Budget to take care of the facilities that will require wiring for internet installation. There is no capital outlay for the equipment and phones. Deputy Mayor Trawinski asked if references were checked. Jim Van Kruiningen stated that he spoke with Nutley and HoHoKus and there were no complaints. They have backup in North Jersey and South Jersey and their triple back up is in Las Vegas which would be utilized in the event of a crisis on the east coast.

There was unanimous consensus to approve a five year agreement with for a new Borough Telephone System.

Councilmember Swain asked when the new system will be in place. Jim Van Kruiningen stated that they will meet next week with the vendor, who will do an enhanced site survey to make sure the proposal is correct. Once written, the agreement will be forwarded to Attorney Mondello for review.

### **SOPOLA – EXCESSIVE WATER BILL**

Superintendent Conte and Ms. Sopola were present.

Manager Metzler explained that Ms. Sopola received a quarterly water bill in the amount of \$2,500. Since the bill was not paid she received notification that the water was going to be shut off. Ms. Sopola told m that she has had a water meter malfunction in the past in another location, but he advised her that he did not have the authority to issue a credit.

Superintendent Conte explained the process used to test the water meter. They also went through the house and did not find any leaks. They checked the water meter guns and checked for clerical errors. Ms. Sopola's water meter ran 1% fast, which is within the State's acceptable range. There is no explanation as to why the bill was so high. The meter was reinstalled in the house but they have not taken another reading yet. Ms. Sopola's average bill runs between a low bill of 2,000 gallons and a high bill of 20,000 gallons. The bill in question was 46,300

gallons for November, December, 2012 and January, 2013. The prior meeting readings were for 11,000 gallons and 7,000 gallons.

Manager Metzler stated that based upon the information from Superintendent Conte they do not know where the water went. Superintendent Conte stated that he will have a meter reader take a reading to see what the quarterly reading is before making a decision to replace the meter.

Mayor Cosgrove suggested waiting until Ms. Sopola receives her new quarterly bill and then having her pay that amount for both quarters.

There was unanimous consensus to approve the above suggestion.

### **REVIEW OF TENTATIVE AGENDA**

Municipal Clerk Kwasniewski stated that she is adding the minutes for the Regular and Closed Session meeting of March 19, 2013, which will be on non-consent because Councilmember Swain was absent. Attorney Mondello asked to add the tax issue regarding the Senior Housing to tonight's agenda.

Deputy Mayor Trawinski asked about the changes to the Zoning Ordinance regarding impervious coverage, which they wanted to get in place before pool season. Municipal Clerk Kwasniewski stated the ordinance would be introduced next Tuesday.

### **COUNCIL LIAISON REPORTS**

Councilmember Swain stated that the events that took place in Boston yesterday were horrific. There were two Fair Lawn residents that participated in the Marathon. Her heart goes out to the families of all the victims.

The ADA Committee had two interesting speakers that discussed special needs trust funds for those who have a family member with special needs. It is a necessary topic as not everyone thinks about long term plans for when children grow up to be adults and need independent living.

She requested budget information from CFO Palermo but it was not included in her Friday packet as expected. Since she was in Borough Hall she stopped by her office and learned that the information was sitting on the Manager's desk. It was her understanding that a Councilmember could request information from CFO Palermo, who would also provide copies to the other Councilmembers. She asked to add the process of obtaining information to a future Work Session agenda.

Deputy Mayor Trawinski echoed Councilmember Swain's comments about the tragedy in Boston. He waited for four hours for a phone call from his daughter

and a nephew who were at the Marathon and was relieved to learn they were both okay. There has just been an announcement that Senator Wicker from Mississippi received an envelope containing Ricin, but fortunately it was caught in the mail screening process. He encouraged everyone to be careful. The County has added an additional bomb squad to enhance security. They are taking things very seriously.

Deputy Mayor Baratta echoed the comments about the marathon bombing. She noted that social media helped greatly with this situation. A friend's daughter is an EMT and was at the scene of the bombing. People were dropping their backpacks and running, so there were suspicious bags lying all around and a Boston hospital had to be evacuated. Her heart goes out to all the innocent people.

There was a presentation by the Lower Passaic River Study Area Cooperating Parties Group on the Passaic River at the Environmental Commission meeting. They are lucky to have knowledgeable people on the Commission who ask terrific questions. Even though their clean ups end at Dundee Dam which is below Fair Lawn, they are still interested in Fair Lawn's input. The Commission would like to find college interns who have an interest in environmental issues to help review the stacks of reports received by Health Officer Wagner. She asked if the Borough had a policy regarding unpaid interns. Municipal Clerk Kwasniewski suggested Kelsey Kahn, as she was majoring in Environmental Studies and was extremely knowledgeable.

Mayor Cosgrove reported that Sunrise Rotary is holding a "Service Above Self" Awards Dinner and will honor Fire Chief John Hoitsma, the longest serving Firefighter in Fair Lawn, Doreen Yates, teacher of the Bridges Program at Fair Lawn High School and Columbia Bank. The Fire Department handled a fire on Broadway and a kitchen fire at Garfield Place. Thankfully no one was hurt. The Shade Tree Commission has received the tree that is going to be planted in memory of Flossie Dobrow on Saturday, May 11<sup>th</sup>. He was at the Opportunity Center on Saturday when representatives from the ADA Committee, Boy Scouts and others built a community garden. He acknowledged Emil DeLuccia, an incredible guy with a big heart who does not have any children with special needs but works really hard on the ADA Dances and any other project he is asked to do.

### **S-2364 EARLY VOTING BILL**

Councilmember Swain stated that she has researched the bill. Although there are issues with the bill there are also advantages, such as increased access for voters. The vote by mail process is a cumbersome process. With early voting there is time to correct any errors that may be encountered when people show up at the polls, ensuring that all qualified voters will have their votes counted. Although there would be increased costs, the Borough may not be directly

impacted. She thought that this was a reasonable way to open up democracy for our residents and citizens.

Deputy Mayor Trawinski stated that he opposes the bill because it assumes there will be electronic voting books, which would cost between \$19 million and \$32 million. If electronic books are not purchased they will be going backwards by creating a paper voting system for early voting. A vote by mail ballot was easier than going to a designated early voting polling place, which may not be in Fair Lawn. There is no ability under this bill to correct a vote cast by paper vote. If the Legislation really wants to encourage this they should mandate that electronic voting books be used. The taxpayers will end up absorbing the costs. If the 2% spending Cap is still in place other services will adversely be impacted. The bill has passed in both Houses. He would like to adopt a resolution asking the Governor to veto this bill and ask the Legislation to fix it by mandating electronic voting books.

Councilmember Swain stated that she supported the legislations because the right to vote was one of the most important rights a citizen has. Deputy Mayor Trawinski stated that both the Bergen County Commissioner of Elections and Registrar of Elections oppose this legislation. They would support it if there were electronic polling books.

There was consensus to send a letter to Governor Christie asking him to veto S2364 Early Voting Bill, with Councilmember Swain dissenting.

### **MULTIPLE USE FEES FOR THE COMMUNITY CENTER**

Manager Metzler stated there have been numerous requests from organizations wanting to rent space on either a weekly or monthly basis, but the current fee schedule only offers a daily rate which is too high. He presented a revised schedule for the atrium and other rooms at the Community Center, with the exception of the theatre or gymnasium. A rental of the room three or more times will receive a 10% discount per each usage, six or more times a 20% discount, 12 or more times a 25% discount and a 30% discount for 15 or more times. The sliding scale also pertains to rental of the Atrium, which costs \$450 for one full day.

Although they are bringing in \$3,000 in room rentals they are losing people because of the rental costs. Mayor Cosgrove stated that it is easier to rent a room in a hotel because there are no insurance requirements.

Councilmember Swain asked if there was a different rate for non-residents. Manager Metzler stated that non residents pay a slightly higher fee. The atrium lobby is \$80 per hour for residents and \$90 per hour for non-residents. They currently add on a maintenance fee for clean up, but Robin Schamach has recommended building that charge into the fee structure. Councilmember

Swain asked to see a spreadsheet with the new fees. Manager Metzler stated that he will provide one once he is sure the Council wants to proceed.

Deputy Mayor Trawinski suggested the Manager report back in December, 2014 or another predetermined time to see if the new fees have increased usage. Councilmember Swain asked to see a comparison of the fees charged by hotels. Mayor Cosgrove stated that it wasn't the cost that kept people away from the Community Center it was the need for businesses and residents to provide insurance certificate. Municipal Clerk Kwasniewski stated that if someone wanted to have a birthday party they had to get a rider from their homeowner's insurance. The Council decided to follow this procedure on the advice of the Borough Attorney so that the Borough did not have to take on the liability risk.

There was unanimous consensus to approve a reduced fee for multiple use of all rooms at the Community Center, with the exception of the theatre and gymnasium.

#### **POLICY FOR COMMITTEES REGARDING GRANTS**

Manager Metzler distributed a proposed policy. It is a rough draft to start the discussion. Historically, Committees ask the Borough to apply for grants and they promise to conduct fundraising, but once the grant is approved and the Borough pays their 50% the fundraising ceases. He believed that the Council could give the Committee time to do their fundraising before applying for the grant. The Committees are dictating how the Council is going to move forward instead of the Council deciding how they will move forward.

Mayor Cosgrove felt most committees realized that Municipal budgets have become tighter. They cannot have every committee applying for grants because they cannot fund them all. Manager Metzler stated that there have been organizations such as the Football Association that built the Press Box at Vander Platt Field at no cost to the Borough. Mayor Cosgrove noted that All Sports said they were going to raise the money for the project at Walsh Pool.

Manager Metzler felt there should be a Council policy in place for when a committee asks to apply for grant. They can be told that the Borough is prepared to make a commitment, but the committee needs to do its share of fundraising. There may be other times, however, when the Council feels the project is in the best interest of the community and they agree to fund the full 50%. There needs to be a mechanism so that things are developed ahead of time. He suggested sharing these thoughts with the various committees.

Mayor Cosgrove suggested having a policy in place so that only the committee chairperson speaks to the Borough Manager on behalf of the committee, as there are numerous committee members who continuously call the Manager on

their own. Councilmember Swain stated that it should really be the Council liaison that makes the contact. Mayor Cosgrove stated he wanted the committees to report back in the proper manner so they get the true consensus of the group and not just the opinion of an individual member.

Municipal Clerk Kwasniewski stated that she will schedule this item in two weeks. Deputy Mayor Trawinski asked Municipal Clerk Kwasniewski to circulate the Manager's handout to any committee that may be in a position to apply for a grant.

## **MAINTENANCE OF ABANDONED HOMES**

Manager Metzler stated there are 18 homes being maintained by the Borough on a regular basis. Some homes are going to tax sale so the Borough will be paid for the maintenance liens on the property. Borough employees were at the abandoned house on Ellington Avenue today doing maintenance on the property. They will also be removing a large, dangerous tree and then bill the homeowner.

He proposed privatizing the maintenance of abandoned properties by having a company do a spring clean up, removing the leaves and debris on the property and mowing the grass in the front and back every two weeks. In the fall they will clean up the leaves so that the yards are maintained. This could be done less expensively through privatization.

Deputy Mayor Trawinski felt that did not go far enough as there are more maintenance standards required of our homeowners upon which they could impose a lien. Subsection B – Nuisance, which refers to any physical conditions that are potentially dangerous, hazardous or detrimental to life, health or safety of persons passing or within the proximity of the premises, applies to Ellington Road. Under this ordinance they could have gone in immediately, dealt with this situation and imposed a lien. Whoever maintains the property should also be given a checklist of other items contained in the ordinance, such as refuse, rubbish, obstruction of driveways, abandoned motor vehicles, etc.

Manager Metzler stated that the Property Maintenance Officer does inspections on a regular basis. They can add 25% to the actual cost if it is something other than grass. The tree on Ellington is being removed. Deputy Mayor Trawinski felt emergency circumstances should be handled within 24 hours. Attorney Mondello stated that was not possible. The enforcement officer has to give the owner notice and if they sent a letter to the Council objecting there would have to be a hearing.

Mayor Cosgrove expressed concern that the homes were bringing down the value of the neighborhood. If they are able to charge negligent property owners an additional 25%, they should be doing so more frequently.

Deputy Mayor Trawinski stated that the ordinance gives the Manager the authority, but if it is declared an emergency it must come to the Council in case the property owner wants to contest. Attorney Mondello clarified that the Property Maintenance Officer issues either a summons or an order, which gives the property owner a certain amount of time to correct the violation.

There was consensus for Manager Metzler to look into privatization of property maintenance on abandoned homes.

### **BPU GRANT FOR ENERGY AUDIT**

Manager Metzler stated that energy audits have been completed at the Senior Center, the Community Center and Municipal Building. Deputy Mayor Trawinski reported that at the Shared Services Meeting the Board of Education indicated they were going to proceed with the grant application for energy audits on their properties. He felt they should proceed with audits on the remaining Borough properties to identify where they can utilize solar panels and determine other energy saving measures. The audit is completed at no cost to the Borough and the company will even do the grant applications for them.

There was consensus to proceed with energy audits on the remaining Borough-owned properties.

### **PROPOSED ORDINANCES**

#### **PERVIOUS COVERAGE REDEFINED**

Attorney Mondello stated that the purpose of changing the ordinance regarding impervious coverage was to eliminate swimming pools from the definition of impervious coverage and to tie into the definition of pervious patios that follow the standards of pervious paving systems.

Deputy Mayor Baratta asked why swimming pools were included. Deputy Mayor Trawinski explained that the Zoning Board's report said that data indicated swimming pools actually serve the same function as some underground storage facilities because they actually hold and retain water. Both items are included in the report.

There was consensus to amend the ordinance to eliminate swimming pools from the definition of impervious coverage and define the standards of pervious paving systems.

#### **NAUGLE PROPERTY REZONING**

Attorney Mondello advised that the Planning Board thought the Naugle property should be zone back to the R-1-1 like other parkland in Fair Lawn and

then have the Master Plan sub-committee look at creating a new zone and decide which properties should be placed in that zone. The Board did not have a problem with creating the zone as requested and placing the Naugle Property in it.

Deputy Mayor Trawinski stated they now have a number of properties acquired with Green Acres funding that are dedicated parkland and deed restricted against any other use. The Planning Board was in favor of re-zoning Naugle back to the R-1-1 because that was the equivalent of the Park Land designation. Attorney Mondello stated that he will need to change the ordinance because it is open space. Municipal Clerk Kwasniewski stated that if they rezone it to R-1-1 they will need to notify all property owners in the R-1-1 zone that it was changing. Deputy Mayor Trawinski wondered if they could do the parkland without a Master Plan and re-examination. He thought letters only had to be sent to those affected by a zone change within 200 feet, as they are not changing the R-1-1 that exists, just the classification of the property.

Councilmember Swain asked about the current zoning. Deputy Mayor Trawinski stated that it was zoned for multi-family and town houses. The Open Space Committee and Historic Committee thought it had been changed back to the R-1-1. Councilmember Swain wondered about the fact that it was open space. Attorney Mondello suggested zoning as public open space. It will show the Council's thinking when they do the Master Plan re-examination on the other properties and will give them an opportunity to add the Dube property once it is acquired.

There was consensus to rezone the Naugle Property as public open space.

#### **DEPUTY MUNICIPAL MANAGER**

Attorney Mondello stated that he drafted an ordinance to create a Deputy Municipal Manager, incorporating changes requested by Manager Metzler and Municipal Clerk Kwasniewski. He initially included all the duties for Clerk Typist but those functions were removed. Manager Metzler explained that the deleted tasks are performed by a Clerk Typist Administrative Specialist, which is a Civil Service protected position. The remaining duties that are being added are for the Deputy Borough Manager, a non-Civil Service title for which a stipend will be paid.

Deputy Mayor Trawinski asked if a Deputy Manager acting in the absence of a Manager would be the appointing authority and if they would have the same degree of power as the Manager. Manager Metzler confirmed that. Municipal Clerk Kwasniewski asked if they needed to change the section of their Code to reflect who will be the Acting Manager in the absence of the Deputy Manager. Manager Metzler stated that the current ordinance currently states that the Manager in his absence will name a Department Head as the Acting Manager,

unless the Manager is out for 30 or more days, upon which time the Council will name an individual to be the Acting Manager.

Councilmember Swain felt the structure of the Manager's office was changing. She wanted to know what the plans were for the future and how the other duties will be fulfilled. Manager Metzler stated there will be a Manager and a Deputy Manager, who will perform the tasks outlined in the ordinance. In the absence of a Manager, the Deputy Manager would be in charge. It also states that the Deputy Manager will act as the Purchasing Agent for the Borough. The current assistant purchasing agent has indicated she may retire in two or three years, at which point the employee will not be replaced. Municipal Clerk Kwasniewski stated that one of the duties of the Manager is to be the Purchasing Agent. She wondered if that needed to be amended as well.

Councilmember Swain asked who will be performing the duties of Senior Clerk Typist and Administrative Specialist. Manager Metzler stated those duties will continue to be done by the person in the Deputy Manager position. Councilmember Swain asked about the workload of one employee with three titles. She inquired if the Senior Clerk Typist position would be filled or left vacant. Manager Metzler stated that if the person in the Administrative Support position is named the Acting Manager, someone will have to be put in that position to support the Acting Manager. Councilmember Swain stated that they were creating two new positions. Mayor Cosgrove explained that there will be the Manager and Deputy Manager, who will assume the roles of both. When they have an Acting Manager, someone will come in to assist during that time period. Councilmember Swain asked what will happen to the employee who has been filling in to assist the Acting Manager. Manager Metzler stated the employee will leave, as they will only be put in on a temporary basis.

Attorney Mondello clarified that he will be amending the ordinance so that the Deputy Manager will always serve as Acting Manager in the Manager's absence and an Acting Manager will no longer be appointed. The Manager is always the Purchasing Agent; he did not think the ordinance had to be changed. Municipal Clerk Kwasniewski disagreed because it stated that the Deputy Manager will be the Purchasing Agent and the Deputy Manager position is a permanent position. Manager Metzler stated the individual being considered for this position will be a certified purchasing agent upon the completion of one more course. Attorney Mondello stated that he will delete the section of the ordinance that states the Purchasing Agent is the Manager.

Councilmember Swain wanted to wait and review the final ordinance before deciding. Mayor Cosgrove stated the two changes were that the Deputy Manager will be the Purchasing Agent and will always serve as Acting Manager. Attorney Mondello advised the Council that they will no longer have the authority to pick someone other than the Deputy Manager to serve as Acting Manager. Municipal Clerk Kwasniewski explained that the Assistant Purchasing

Agent has not been able to become a Qualified Purchasing Agent because the Statute says that the person must be able to sign vouchers and under the Borough's Code, the Manager signs vouchers. Manager Metzler felt this raised a good issue. He suggested leaving the section regarding the purchasing agent as is until certification is complete.

Manager Metzler felt there should be a clause to address the appointment of Acting Manager if the Manager and Deputy Manager were both incapacitated. Municipal Clerk Kwasniewski stated that the more likely scenario is who will serve as Acting Manager when the Deputy Manager goes on vacation or if he gets ill and the Manager is no longer working. Attorney Mondello will review the ordinance to show a line of secession.

There was consensus to support an ordinance creating the position of Deputy Manager as outlined above, with Councilmember Swain dissenting.

### **SENIOR HOUSING**

Attorney Mondello stated that a resolution is required so that the Fair Lawn Senior Housing can obtain their financing for the project on 18-25 River Road.

There was unanimous consensus to adopt the required resolution.

### **USE OF MEMORIAL POOL BY INTELICHILD ACADEMY**

Manager Metzler stated that a summer camp program in Fair Lawn requested the use of Memorial Pool for 25 campers for a four week period on Mondays and Wednesdays from 10:15 a.m. to 11:30 a.m. Parks and Recreation proposed a fee of \$1,000, based on \$5.00 per camper per visit for eight visits. If they bring more than 25 campers there will be no additional charge and if they bring less than 25 there is no reimbursement. The counselors will supervise the campers and Fridays will be used as a makeup day if needed.

There was unanimous consensus to approve Intelichild Academy's request to use Memorial Pool.

### **POTENTIALLY DANGEROUS DOGS**

#### **LICENSE FEES**

Manager Metzler explained that two Fair Lawn dogs were ruled by the Courts to be potentially dangerous. They do not have an ordinance for dangerous dogs so they are guided by State statute. Health Officer Wagner checked with 12 Bergen County towns and a few towns outside of Bergen, but only Ridgewood and Englewood have ordinances charging \$700 per dog per year, which is the maximum allowed under State statute.

Mayor Cosgrove suggested that Attorney Mondello review Englewood and Ridgewood's ordinance and come back to the Council with a recommendation.

There was consensus to authorize Attorney Mondello to review Englewood's and Ridgewood's ordinance regarding dangerous dogs.

Attorney Mondello will report back in one month.

#### **PAYMENT PLAN FOR IMPOUND AND BOARDING FEES**

Manager Metzler stated that the owner of the dogs wanted to get them back and had complied with the mandate of the Court, with the exception of paying for the boarding fees of \$1,800 per dog. The resident offered to make monthly payments for 12 months, which he allowed in advance of Council approval. The fees will be posted with the Court as a fine and a violation will be issued if the resident does not pay.

There was a consensus to allow the payment plan.

#### **MISCELLANEOUS PUBLIC COMMENTS**

Simon Fridman, 15-08 Landzettel Way stated that he and his neighbors were concerned about the Vander Plaat house being sold. They wondered if the area could be designated a low density area to maintain its park-like setting and preserve the two unique houses.

Mayor Cosgrove stated that he met with representatives from Barrister Construction, who purchased the property for approximately \$2 million. They would like to build an assisted living facility with 80 beds. The Council was presented with a preliminary drawing that was reviewed by the Historic Preservation Commission, and the developer has agreed to attend a Historic Preservation Commission meeting to address the group's concerns. The first plan backed up to Landzettel Way, but they are attempting to turn the building more towards Fair Lawn Avenue. The project is in preliminary stages and no applications have been filed yet. He felt the developer was willing to work with the community to reach the best solution for everyone.

Councilmember Swain stated that when the project comes before the Planning Board the meetings are open to the public. She encouraged Mr. Fridman and his neighbors to attend.

Pamela Coles, 13-34 George Street thought it was a good idea to privatize the maintenance of abandoned homes, but noted that landscapers do not do

house repairs. Manager Metzler explained that they will deal strictly with landscaping issues.

Ms. Coles stated that The Library Trustees have discussed installing solar panels on roof several times, as heating costs are their largest expense. Manager Metzler explained they cannot put solar panels at the Library because of the shadowing and air conditioning units. There is not enough square footage to warrant the investment. They looked at the southern exposure of the new DPW Maintenance Garage, the southern exposure of the Police Pistol Range and the roof of the old maintenance facility, but that will not generate enough electricity to warrant the investment. They reached out to the Board of Education who agreed to do the energy audits on their buildings so that hopefully they can do combined projects. Manager Metzler stated that although there was a good southern exposure on the Municipal Building, it would change the architecture substantially.

Ms. Coles thanked Attorney Mondello and the Council for agreeing to rezone the Naugle House back to R-1-1 and recreation and conservation. Deputy Mayor Trawinski stated that they received an unsolicited letter from the DEP reminding them of their obligation, as if they were not aware. Whoever contacted the DEP should be ashamed.

Ms. Coles wondered if the 50 x 100 portion of the Naugle House could be rezoned historic. Deputy Mayor Trawinski stated that would be part of the Master Plan review.

Ms. Coles concluded by stating there were several Fair Lawn residents who were students in Boston, but thankfully everyone was fine. She hoped everyone would remain vigilant.

Deputy Mayor Trawinski stated for the record that he found the letter from the DEP offensive and outrageous. The DEP cannot find the time to clear the Dube property so the Borough can proceed with the acquisition, but they can find the time to respond to an anonymous complaint. The people that contacted the DEP should be ashamed.

Mayor Cosgrove asked if Jim Van Kruijning should be allowed to remain for the Closed Session. Deputy Mayor Trawinski said that it was not without precedent.

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

Upon motion by Councilmember Swain and a second by Deputy Mayor Baratta, 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 Contract Negotiation – Part Time Employees, Alternate Prosecutor; Personnel – Acting Manger and Pending Litigation – AT&T and Markovic; 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 for confidentiality no longer exists the minutes will be available to the public.

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

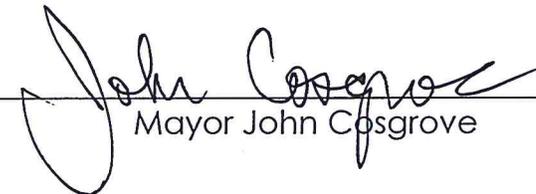
**ADJOURNMENT**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, the Work Session was adjourned at 10:20 p.m.

Respectfully submitted,

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

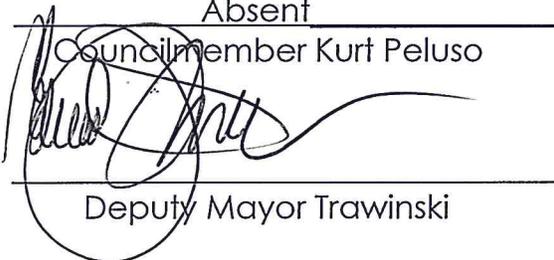
The undersigned have read and approve the foregoing minutes.

  
Mayor John Cosgrove

  
Deputy Mayor Jeanne Baratta

  
Councilmember Lisa Swain

Absent  
Councilmember Kurt Peluso

  
Deputy Mayor Trawinski

