

REGULAR MEETING OF MAY 28, 2013

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

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 14, 2012. Notices were also posted on the bulletin board located on the first floor of the Municipal Building; copies were mailed to The Community News and posted on the Borough of Fair Lawn website. The annual notice identified the meeting location and the time of Council Meetings and Work Sessions.

PRESENT: Mayor Cosgrove, Deputy Mayors Baratta and Trawinski, Councilmembers Peluso and Swain.

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

PRESENTATION BY CONGRESSMAN GARRETT OF FLAG FLOWN IN MEMORY OFFICER COLLURA'S PASSING

Congressman Garrett, Officer Collura's two sisters, Pat Schneider and Linda Hughes, Interim Chief Cauwels, Captain Kneer, Acting Lieutenant Dawicki and Officer O'Brien were present.

Congressman Garrett thanked them for scheduling this presentation. He came from Washington, D. C. to present the flag that was flown over the Capital Building in memory of Officer Collura's tenth anniversary of her passing. He lives five blocks from the Capital and walks to work every morning. Every time he sees the flag flying it touches his heart to know that it represents freedom and liberty for this country and is a symbol of freedom and liberty around the world.

He was unable to be present for the tenth anniversary ceremony on April 17th as it was a voting day in Washington. He told Officer Collura's sisters that their sacrifices and the sacrifices of their sister were on his mind, so he had a flag flown over the Capital on that day. He did not know Officer Collura personally but in speaking to others he learned she was a special person and well respected. She was the first female officer in the Fair Lawn Police Department and being a police officer was a lifelong dream of hers and was a job that she performed with dedication, determination and conviction.

Those who knew her as a friend, member of the community or a sister know that she put so much into her work. He makes this presentation in recognition of Officer Collura's service and as a celebration of her life and all that she brought to the community. It was his privilege to make this presentation and he thanked them for allowing him to do so.

Mayor Cosgrove thanked Congressman Garrett for honoring Officer Collura's memory.

PROCLAMATION: MENTAL HEALTH MONTH

Municipal Clerk Kwasniewski read the proclamation for Mental Health Month.

COUNCIL COMMENTS

Councilmember Peluso thanked the Collura family for attending the presentation and Congressman Garrett for bringing the flag. It was important to always remember Officer Collura.

He participated in the Memorial Day Parade, which is a great way to show the veterans how much they are appreciated and to remind others of how they served. He thanked the Parks and Recreation Department for another great parade.

On Sunday, June 2nd the Knights of Pythias will be holding their annual circus at 3:30 p.m. and 5:30 p.m. All proceeds go to charity. He encouraged everyone to attend. He congratulated Fair Lawn High School senior, George Alexandris who won first place in the State sectionals in the 400 hurdles. He will now compete in the State tournaments in Egg Harbor and hopefully go on to the State championships.

He read the article about the scavenger hunt that took place over the weekend. It is unfortunate that a few high school students acted inappropriately. As a graduate of Fair Lawn High School he is very prideful of the community. When his class did the hunt they involved the Fair Lawn Police, who were present when collected items were turned in. The Police always work with the children in the community to make sure they have a safe environment. He did not understand why some students would want to cause harm to the town.

This was the last time he would be on the dais with Manager Metzler, but he knows that he will do a fantastic job as Emergency Coordinator for Bergen County. He met someone in who was involved in Emergency Management in Englewood Cliffs who was very happy to learn that Manager Metzler would be working for the County. He thanked Manager Metzler for his service to the community as both a volunteer and an employee. He wished him the best of luck in the future.

Councilmember Swain thanked Municipal Clerk Kwasniewski for reading the proclamation on Mental Health Month. Mental health issues are a silent disability that is not discussed. The more awareness they can bring to this issue the more the stigma will fade. She hoped there will be more awareness and help available. It is something they have been discussing in relation to gun control laws. She hoped that the future is brighter for individuals with those disabilities.

The Arc of Bergen and Passaic County has selected the Fair Lawn ADA Committee and the Recreation Department to be the recipients of the 2013 Steve and Ana Chepurko Award, which will be presented at an award ceremony. It is wonderful to see the work being done by the ADA Committee and the Recreation Department for people with disabilities. She congratulated both groups. She congratulated Fair Lawn High School's Boys Volleyball Team for an outstanding performance and for defeating Don Bosco. The ADA Committee will be hosting an Access for All Summit on June 1st in the Community Center from 12:30 to 2:30 p.m.

The 3K Spring Benefit Walk will take place on June 9th with all the proceeds going to charity. All participants will receive a tire gauge as part of the One Pound at a Time Program, which encourages residents to pump up their tires so their cars run more efficiently. She attended the healthy eating program and there are many residents who are working hard to change their eating habits and begin exercise programs. She congratulated the people trying to make a difference for themselves and their community.

She concluded by stating that it was a beautiful day yesterday and it was wonderful to walk in the Memorial Day Parade. Thanking the veterans and seeing everyone at the parade gives her such a warm and wonderful feeling to be part of this great community. The Veterans held a service on Sunday at the Fair Lawn Cemetery, which is also very special.

Deputy Mayor Trawinski thanked Officer Collura's sisters for coming tonight. He was sure the ceremony was bittersweet for them. There has to be pride and satisfaction in knowing that their sister's memory and life is still remembered and celebrated. He continues to pray for Officer Collura and her family.

The Memorial Day Parade receives all the focus but there is a ceremony at Fair Lawn Cemetery each year at which they remember the veterans, but it is never reported in any of the newspapers. He noticed the dwindling ranks of the veterans, but he is sure that the governing body and residents of Fair Lawn will never forget those who made the ultimate sacrifice for us and our freedoms. May is also known as Military Appreciation Month. This Thursday at 12:30 p.m. there will be a ceremony at the County piazza awarding a soldier his purple heart from the United States Army. He encouraged everyone to come and see this very impressive individual and thank the veterans who will be present.

Deputy Mayor Baratta thanked the Collura family because she knows how difficult it is for them to do this every year. She thanked Congressman Garret for coming. They were blessed with a beautiful Memorial Day and it was nice to see so many young people along the parade route and see residents stand up when the veterans go by. Next Tuesday is Primary Election so there will not be a Council meeting. Polls open at 6:00 a.m. and close at 8:00 p.m.

Mayor Cosgrove congratulated the Veteran's Council for a wonderful weekend. He attended the installation dinner at the American Legion last Friday. He was at the cemetery on Saturday, a service on Sunday and a great parade. He congratulated the residents who participated in the parade, including the young children and scouts. It was a great day. They received a flag that flew over Camp Phoenix in Afghanistan, where MP's are on their way home to the Teaneck Armory.

As Chairman of the Board of Bergen Regional Foundation, he was glad to see the proclamation for Mental Health Month. Adolescent behavioral health is becoming a crisis in this Country and they need to get help to these children. Part of the gun problem is that there are many people, especially adolescents who need help with mental health.

The Fire Board accepted the resignation of Chief John Hoitsma, the longest serving member of the Fair Lawn Fire Department with 55 years of service. Chief Hoitsma won many awards including a valor award. He is a nice individual and a great guy. He congratulated Chief Hoitsma for his many years of service to the Fire Department. His dedication will be unmatched.

There is a dog park on the Work Session agenda for discussion, but the County advised them that Fair Lawn residents will be allowed to use the dog park at Van Saun Park. They are looking into having a dog park in Fair Lawn but first they have to examine the costs involved.

He thanked his friend, Manager Metzler who has been serving the Borough of Fair Lawn since 1976. He wished him good luck, although he knows he will be successful in whatever he does.

MANAGER'S REPORT

Manager Metzler stated there were no changes to the Manager's Report, copies of which were on the table. This past Thursday evening St. Joseph's Hospital presented a life saving award to two Hawthorne Police Officers and the Director's Award to two EMT's. He mentions this because the awards were given in Officer Collura's honor and the life that was saved was that of his older brother, Joe. The two young EMT's, who are longtime volunteers in the Hawthorne Ambulance Corps were his nephews, who assisted in saving their father's life.

ORDINANCES ON FIRST READING:

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title.

**ORDINANCE NO. 2280-2013
(RESOLUTION NO. 203-2013)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 62 "ANIMALS" PERTAINING TO THE ESTABLISHMENT OF LICENSING FEES FOR POTENTIALLY DANGEROUS DOGS

There being no discussion, upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 203-2013 introducing Ordinance No. 2280-2013 was unanimously passed.

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, it was unanimously agreed to read the following ordinance by title.

**ORDINANCE NO. 2281-2013
(RESOLUTION NO. 204-2013)**

"AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE."

Deputy Mayor Trawinski stated that the ordinance pertained to receipt of grant funds from the Bergen County Community Development Program. As County Administrator he did not have any direct say over the disbursement of the funds or the award of funds. He asked Attorney Mondello if he needed to recuse himself. Attorney Mondello stated that the simple test is what would Deputy Mayor Trawinski receive above and beyond other Fair Lawn residents and the answer is zero. His connection is so attenuated that he did not believe there was a conflict.

There being no further discussion, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, Resolution No. 204-2013 introducing Ordinance No. 2281-2013 was unanimously passed.

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title.

**ORDINANCE NO. 2282-2013
(RESOLUTION NO. 205-2013)**

AN ORDINANCE FIXING THE STIPENDS OF EXISTING EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (REVISED)

There being no discussion, upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, Resolution No. 205-2013 introducing Ordinance No. 2282-2013 was unanimously passed.

ORDINANCES ON SECOND READING:

Upon motion by Councilmember Peluso and a second by Deputy Mayor Trawinski, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2278-2013
(RESOLUTION NO. 206-2013)****AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN, 2000, CHAPTER 74 "BROADWAY SPECIAL DISTRICT", BY
AMENDING SCHEDULE A**

There being no comments by the public, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to close the time for public hearing.

There being no discussion, upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 206-2013 adopting Ordinance No. 2278-2013 was unanimously passed.

Upon motion by Councilmember Peluso and a second by Deputy Mayor Trawinski, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2279-2013
(RESOLUTION NO. 207-2013)****AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN, 2000 BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS
TO REVISE FEES AND PENALTIES MORE PARTICULARLY SECTION 160-6D(1)
FAIR LAWN RECREATION/COMMUNITY CENTER**

There being no further comments by the public, upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, it was unanimously agreed to close the time for public hearing.

There being no discussion, upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, Resolution No. 207-2013 adopting Ordinance No. 2279 - 2013 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the time for public comments on Consent Agenda items was opened.

Deputy Mayor Trawinski stated that he would like to ask Attorney Mondello the same question regarding Resolution 212-2013 that he asked regarding Resolution 204-2013. Attorney Mondello stated that his answer is the same.

Pam Coles, 13-34 George Street stated that she was happy to see the interlocal agreement allowing disabled Ridgewood residents and their families to use Memorial Pool. She asked if they would be charged a fee. Mayor Cosgrove stated that they will be charged the same fee as other towns that use the pool. He explained that the Village of Ridgewood had voted to install handicap ramps similar to the ramps they have at Memorial Pool, but the DEP is investigating whether to stop the installation based on historical nature of Graydon pool. The Council unanimously agreed to allow handicapped residents from Ridgewood and their families to use Memorial Pool this year as the ramps at Graydon Pool will not be installed this summer. The Mayor of Ridgewood emailed him and Councilmember Swain to express his thanks to the entire Council for their offer. Ms. Coles thanked the Council for allowing it.

There being no further comments upon motion by Councilmember Swain, and a second by Deputy Mayor Trawinski, the time for public comments was closed.

RESOLUTIONS BY CONSENT #13-2013

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, Consent Agenda 13-2013 containing the following items was unanimously passed.

- a. Resol. #208-2013 – Approval of Minutes:
Regular Meeting 4/23/13
- b. Resol. #209-2013 – Issuance of Estimated Tax Bills for the Third Quarter 2013
- c. Resol. #210-2013 – Refund of Overpayment of Taxes
- d. Resol. #211-2013 – Participating in the National Intergovernmental Purchasing Alliance
- e. Resol. #212-2013 - Authorizing Inclusion in the Bergen County Community Development Program
- f. Resol. #213-2013 - Extension of Contract: Cold Water Meters and Appurtenances - Rio Supply, Inc.
- g. Resol. #214-2013 - Interlocal Agreement with the Village of Ridgewood for the Use of Memorial Pool for their Disabled Residents and their Families
- h. Resol. #215-2013 - Appointment to the Planning Board
- i. Resol. #216-2013 - Appointment of Deputy Borough Manager - James VanKruiningen
- j. Resol. #217-2013 - Approving the Lion's Club Use of Memorial Park Parking Area for a Car Show
- k. Resol. #218-2013 - Professional Services: Actuarial Services

- l. Resol. #219-2013 - License Agreement: 38-06 Jasper Road
- m. Resol. #220-2013 - Creation of the Fair Lawn Arts Council
- n. Resol. #221-2013 - Appointments to the Fair Lawn Arts Council
- o. Resol. #222-2013 - Award of Bid: Project #2217 Roof Replacement Library and Cadmus Water Garage
- p. Resol. #223-2013 - Authorizing Participation in the State of New Jersey Cooperative Purchasing Program
- q. Resol. #224-2013 - Authorizing Execution of Acting Borough Manager Agreement

RESOLUTION NO. 225-2013 - APPROVAL OF MINUTES:

WORK SESSION 4/16/13

CLOSED SESSION 4/16/13

Councilmember Peluso stated that he was abstaining since he was not present at this meeting.

There being no discussion upon motion by Councilmember Swain and a second by Deputy Mayor Baratta, Resolution No. 225-2013 was passed with Councilmember Peluso abstaining.

RESOLUTION NO. 226-2013 - AUTHORIZING PARTICIPATION IN THE BERGEN COUNTY COOPERATIVE PRICING SYSTEM

Deputy Mayor Trawinski stated that he was recusing himself.

There being no discussion upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 226-2013 was passed with Deputy Mayor Trawinski recused.

RESOLUTION NO. 227-2013 - APPROVAL OF FIRE BOARD ACTIONS

Mayor Cosgrove stated that he was recusing himself since he was an active member of the Fair Lawn Fire Department

There being no discussion upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, Resolution No. 227-2013 was passed with Mayor Cosgrove recused.

PUBLIC COMMENTS

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, the time for public comments was opened.

Pamela Coles, 13-34 George Street thanked the Council for honoring the Veterans with a Memorial Day Parade and thanked the veterans for giving her the peace of freedom. She thanked them for moving ADA issues forward. She has a master's degree in counseling and even though most people who seek counseling have limited capacities, many counseling services have been eliminated. She thanked them for bringing awareness to the community and for extending the invitation to Ridgewood residents with disabilities to use our pool.

She concluded by stating that Jim Van Kruijning will be a great replacement for Manager Metzler and will fill his "big shoes" wisely. The residents have been blessed to have Manager Metzler, who came at a crucial time and helped them after Hurricane Irene and Tropical Storm Lee. He put the town back together physically and financially. She thanked him for making them strong and healthy. With Manager Metzler at the County and Mr. Van Kruijning here, the County and town will be better than ever and they will always be in our hearts. She thanked him for his service as a volunteer and Borough employee.

Joan Goldstein, 12 Bedford Place stated that the funds raised by the 3K Benefit Walk that was part of the One Pound at a Time Program and Manager Metzler's weight loss pledges will benefit the Fair Lawn Health Department. The goals of the program were losing weight, reducing garbage waste and keeping tires inflated. Participants of the 3K benefit will automatically be entered into a drawing to drive a hybrid car donated by Jack Daniels Volkswagen. She thanked Councilmember Swain for her help and Manager Metzler for participating in the One Pound at a Time Campaign.

Joel Berlin, 26-02 Berdan Avenue stated that he was having problems with the town because of the sidewalk he installed. He checked with the Borough before breaking up 100 feet of his sidewalk. He received a blue print from Steve Wendowski regarding the installation of the ADA ramp and informed him that he would take care of it as per the specifications. He then received an email from Mr. Wendowski advising that the town had received \$300,000 grant to install ADA ramps on Berdan Avenue but when he asked how much was allocated for his corner he was told he would not receive anything because even with the grant, they did not have enough money to do all the corners. By his calculation, it appeared that the cost was \$4,000 per corner.

He advised them that he wanted to do the whole section and was willing to pay the difference, as he did not like the look of the white Portland cement the town used. He asked Superintendent Conte if he could break up the sidewalk when they were finished and was told that he could. However, he is now being told that he must be responsible for the installation of the ADA ramp. He suggested to the Borough that they can either wait until they receive additional funding and install the ramp at their convenience or they could pick up, purchase and drop the ramp off at his house and he will install it when he pours the sidewalk. He did not receive a response so he installed a ramp last Monday. Engineer Garrison responded after the job was completed that they will do an inspection

to see if the ramp met their specifications so they could retrofit it. If not they would rip it up and do their own work. He spent a lot of his time and money to redo the sidewalk and is not happy about this.

Councilmember Swain explained that handicap access ramps were a result of the Americans with Disabilities Act that was signed in 1990 and allows people in wheelchairs accessibility to sidewalks. The ramps are installed whenever the road is repaved. The standards are set and by law they must have accessible sidewalks. Mr. Berlin understood that. He was upset that Engineering wanted him to pay \$180 for the ramp unit when he was doing the work for the town and the Borough had received a grant.

Manager Metzler asked Mr. Berlin if he removed a new ramp that had already been installed at the corner. Mr. Berlin stated that there was a ramp that he redid. Manager Metzler stated that Engineering Department needs to inspect the ramp he installed to make sure it complies with the Federal standards. If it does they will add the mat. Mr. Berlin felt Engineering did not come out to make sure there was compliance because it wasn't important to them. He did not understand why he had to spend his own money. Mayor Cosgrove suggested having Engineering do an inspection. He understands Mr. Berlin's frustration. Manager Metzler stated that an inspection will be done tomorrow.

Rich Seibel, 33-07 Halsey Road thanked the Borough and Congressman Garrett for the tribute to Officer Collura and her family. It was a wonderful thing and very important. He thanked Manager Metzler for doing a good job. He will be missed. He is top at what he does and he appreciates him very much. He saw that Deputy Mayor Baratta received a plaque. Deputy Mayor Baratta explained that the plaque went along with the flag that flew over Camp Phoenix. It will be hung in Borough Hall. Mr. Seibel stated it was a great day.

Justin Habler, 16-23 Radburn Road stated that he is a Rutgers' student who has been working with NJPERG, a statewide student run bi-partisan group to overturn the Citizens United Supreme Court Ruling that states corporations, labor unions and super PAC's are allowed to donate unlimited amounts of money to elections.

He discussed the reasons why Fair Lawn should support overturning this ruling. He feels democracy no longer belongs to the people. In the last presidential election cycle \$6.2 billion dollars were spent, which was an increase of 5.2%. Corporate spending can have a big impact locally. The influence of money in

our elections is becoming greater. Polls were done by PublicCitizen.org which notes that 66% of small businesses across America believe that the Citizens United Supreme Court Ruling is bad for small business and 88% of those polled view money in politics negatively. Super PAC's decrease voter turnout.

NJPERG worked on a voter registration drive at the New Brunswick campus and registered 4,400 students, despite apathy and indifference among students who feel they cannot make a difference in politics. The ultimate goal is a Federal Constitutional Amendment that would limit corporate and individual spending in our elections to insure a level democratic playing field. The point is to put pressure on Congress and the Assembly. Thirteen states, including New Jersey and 10 municipalities have passed State resolutions opposing this ruling and 500 resolutions have been passed across the Country. They want their representatives to know they want democracy.

Deputy Mayor Baratta thanked Mr. Habler for coming. He did a terrific job. She wished he was here earlier so he could have spoken to Congressman Garrett. She assured him that Fair Lawn has one of the strictest pay-to-play laws in New Jersey and she encouraged him to go online and read what they have done.

Councilmember Peluso echoed Deputy Mayor Baratta's comments. He wished him good luck in the rest of his schooling. He stated that Councilmember Swain put this item on the agenda. Deputy Mayor Baratta had requested some changes which were made and they are working to get this resolution passed.

Mayor Cosgrove stated he would like to see the Council address campaign finance reform regarding wheeling, which is when a person makes a donation to an elected official who gives it to someone else and so on until it comes back to the town from some remote vicinity. This is a real problem that needs to be addressed.

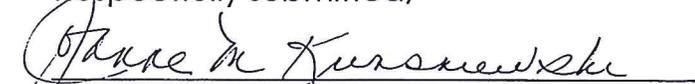
There being no further comments upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the time for public comments was closed.

ADJOURNMENT:

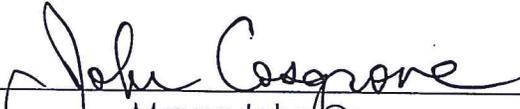
Deputy Mayor Trawinski stated that he would like to say thank you to the honorable Thomas Metzler for his service to the people of Fair Lawn.

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the meeting was adjourned to Work Session at 8:44 p.m.

Respectfully submitted,


Joanne M. Kwashniewski, RMC, CMC, MMC
Municipal Clerk

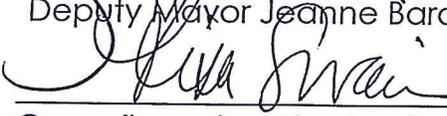
The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



Deputy Mayor Jeanne Baratta



Councilmember Lisa Swain



Councilmember Kurt Peluso



Deputy Mayor Edward Trawinski