

## REGULAR MEETING OF AUGUST 20, 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:** Acting Manager Van Kruijning, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

### **SWEARING IN OF POLICE OFFICERS:**

Mayor Cosgrove stated that one of the great opportunities they have as a Council is swearing in new Police Officers. He called on Interim Chief Cauwels to call the two officers up to the front to be sworn in.

Interim Chief Cauwels stated that Juan Rodriguez was an Intergovernmental Transfer from the Paterson Police Department where he was employed from 2007 until he was laid off in 2011. Fair Lawn hired him in 2011 and he stayed for eight months when Paterson rehired him. Now he has decided that he would rather be in Fair Lawn and they are glad to have him back.

At this time Juan Rodriguez was sworn by in Mayor Cosgrove as a Fair Lawn Police Officer.

Interim Chief Cauwels stated that Peter Federico, a Fair Lawn resident, was also an Intergovernmental Transfer from the Paterson Police Department where he was employed since 2003. For the last six years he has been on the Emergency Response Team for Paterson.

Peter Federico was sworn in by Mayor Cosgrove as a Fair Lawn Police Officer.

### **PRESENTATION OF DARE RECERTIFICATION CERTIFICATES:**

Mayor Cosgrove stated that because of the budget constraints the DARE program had been cut but now it has been restored. He wished to thank those officers for making the commitment to recertify into the DARE program.

Captain Kneer stated that they have not had the DARE program for several years but the dedicated officers were able to recertify with DARE. The program will start up again in September with some other programs. He thanked the officers for getting recertified and for putting in the extra time in order to bring the program back. He recognized the following officers: Detective Sergeant Brian Metzler, Detective David Boone, Detective Peter Yuskaitis, Police Officer Mark Wyka, Police Officer Gerard Graziano, Police Office Erik Eleshewich and Police Officer Michael O'Brien. He thanked the Mayor and Council for their support.

#### **PRESENTATION OF DONATION FROM THE GREEN TEAM:**

Councilmember Swain stated that tonight they had a special presentation. The Green Team, through a variety of efforts such as the One Pound at a Time Program and through the Weight Loss Program that they had with former Manager Metzler, has raised \$610.00 which they would be presenting it to St. Margaret's Food Pantry in Little Ferry. That was where Manager Metzler wanted the money from his weight loss program donated to. She, Joan Goldstein the Chair of the Green Team and Andrea Piazza presented the check to Regina Coyle from St. Margaret's Food Pantry.

Joan Goldstein stated former Manager Metzler had said they should raise the money and donate it to the people still suffering from Superstorm Sandy. Once they completed their activities and knew how much money they had, they reached out to people who introduced them to St. Margaret's Food Pantry. They are local people helping local people and that is where they wanted to donate their money.

Regina Coyle stated tonight Little Ferry, Moonachie and the surrounding towns have been touched by the angels of Fair Lawn. It has been a tumultuous time. It has almost been a year that they and the people have been suffering. She said this money will go a long way. They are helping close to one hundred families a month. She thanked them from the bottom of her heart.

#### **COUNCIL COMMENTS:**

Councilmember Swain commented that it was a great night with such wonderful celebrations. She congratulated the new officers and wished them a long and safe tenure in the Borough.

Councilmember Swain thanked the Green Team for all of their efforts in raising money for a charity that has been fulfilling the former Borough Manager's wishes. She felt it was nice that people in Fair Lawn can help their neighbors when there is a little extra. She was proud of the Green Team for what they did.

Councilmember Swain reminded everyone that the Fair Lawn Arts Council is moving ahead with a photo expo during the week of September 8th. Everyone was welcome to take pictures during the period because the theme is a day in the life of Fair Lawn. To participate, people must be residents of Fair Lawn. Information is available on the website or they can contact the Acting Borough Manager. Once the photos are in, they will be selected and put on display within the Borough.

The fund raising efforts by the ADA Committee for the inclusionary playground continues so if anyone would like to make a donation it would be greatly appreciated.

Councilmember Swain wished everyone a healthy and safe end of summer and good luck to parents who are getting their kids ready whether it is for kindergarten, middle school, high school, college, graduate school or off to a new job, she wished everyone well.

Councilmember Peluso thanked the Green Team for being so active these last few years. It was great to see so many members contributing to St. Margaret's and to the residents of Little Ferry and Moonachie who definitely need everyone's help.

Councilmember Peluso welcomed Officer Federico and Officer Rodriguez. When Officer Rodriguez left they heard so many positive things about him and felt it was unfortunate to lose him. It was great to see him back tonight. He felt it was great to have a Fair Lawn resident, Officer Federico, who is familiar with the area and has children in the school district. There were officers from the Paterson Police Department in attendance so it shows the impact they had on that community as well.

Councilmember Peluso felt National Night Out was a great event and there were a lot people in attendance.

Councilmember Peluso spoke about the Borough having been approved for a Community Block Grant. He thanked Engineer Garrison who did a lot of work applying for the grant. It was great to hear the Borough will be getting \$124,000 to improve the roads and also some of the grease traps and sewer lines.

He reminded everyone with the heat that Memorial Pool was still open and looking great.

Deputy Mayor Trawinski congratulated Juan Rodriguez and Peter Federico on their swearing in. Often times they just think of them as Police Officers but they should not lose sight of the fact that Juan Rodriguez should also be thanked for his service as a member of the United States Marine Corps in Operation Enduring

Freedom. He is a real credit not only to himself and his family but to young men and women like that who are a credit to our Nation.

The Planning Board at its August meeting did not have any new applications. It did memorialize the Bergen Car Wash application on River Road, with a series of conditions and the Fair Lawn Promenade with respect to the formal changes that they had authorized after the Master approved them and their signage request.

Finally, he thanked his son, Nicholas. There was an accident in front of his house where an SUV flipped over at a very dangerous intersection of Lyncrest and Willow. That SUV was broadsided by another vehicle that ran a stop sign. Nicholas ran outside to see what he could do. When he got out there he realized there were a six year old and a four year old child hanging upside down in their car seats and a Grandmother listening in panic to their screams. He attempted to open the door but was not able to so he pried open the hatchback and pulled the two children out and then proceeded to get the grandmother out. By that time the Emergency Services were on the scene. He asked his son what was he thinking and all he could say was he heard the kids screaming and he had to get them out.

Deputy Mayor Trawinski noted that a Petition has been presented to the Council from his neighbors. He intends to pursue, even after he is off the Council, that petition since it is about time that intersection gets some help.

This speeding problem continues not only in his neighborhood but in other locations as well. He mentioned this particularly since school is starting soon and they tend to get complaints from school parents about people disobeying the Crossing Guards and a variety of other dangerous situations that exist at the schools. They are always asked to do more enforcement. Various Managers have done additional enforcement. Unfortunately when they do that additional enforcement they find the biggest cause of the problem are the parents that are dropping their kids off for school. He encouraged the parents that are bringing their children to school to please obey the traffic rules and listen to the Crossing Guards and just please be safe.

Mayor Cosgrove the petition has been forwarded to the Acting Manager, Police Chief and Traffic Safety Officer. He felt the best defense even with pedestrian safety is that the drivers must be alert and obey the laws.

Deputy Mayor Baratta thought they should take heed in what Deputy Mayor Trawinski has said. She asked everyone to stop and think and realize that if they are late for a meeting, it was ok. There have been too many fatalities in Fair Lawn and surrounding communities.

She congratulated the two new Police Officers. She was sure they will be an asset to Fair Lawn. She wished them a long and safe tenure in Fair Lawn.

Deputy Mayor Baratta felt it was wonderful what the Green Team did for St. Margaret's. It reminds everyone that even though it is almost a year ago that on October 29th Superstorm Sandy hit this area there are people who are still misplaced and struggling.

She mentioned a job fair that was being held at Bergen Community College on Tuesday, September 10th from 9:00 a.m. to 3 p.m. There are over 100 businesses expected to attend. Companies will be looking for full time, part time and even seasonal employees for the upcoming holiday. There will also be workshops available. More information will be available on the Borough website.

Deputy Mayor Baratta welcomed back the DARE program. It was missed for awhile and she knows the students and especially the teachers really liked having the officers coming into the schools and have their presence be known to the student's and they get to know them as more than Police Officers.

Deputy Mayor Baratta mentioned the advance copy of the Preppy Cookbook written by Fair Lawn's own Christine Nunn, who is an award winning chef and will likely become an award winning author. She will be having a book signing in Ridgewood at Bookends next Thursday, August 28th at 7:00 p.m.

Mayor Cosgrove stated that the New Jersey's Association of Community Theaters has announced this year's winner of the Perry Awards, which was awarded to outstanding community theaters and this year two of Fair Lawn's theater groups St. Anne's Stages and the Old Library Theater have won. St. Anne's won for the production of Jukebox Diner and Jersey Sings and Old Library Theater won for Broadway Then and Now. These awards will be presented on September 22nd. This is a great sign of some wonderful things that are going on in the Community Center.

Mayor Cosgrove said he attended the Philippine American Association Beanie Scholarships which was a great event. He thanked them for the thousands of dollars they have donated to local scholars and for all the good they do in Fair Lawn.

Mayor Cosgrove also thanked the Sunrise Rotary Club for holding their second annual Senior Picnic. It was a fabulous day. He also had fun visiting with the kids at the Fair Lawn Jewish Day Camp with Rabbi Kanelki. He thanked the thirty-five graduates of the Junior Police Academy. He thanked Interim Chief Cauwels and Captain Kneer and to all of the officers that give up their time to work with these kids.

He attended the Junior Explorer's Award ceremony. The Explorers attend Monmouth University for the program. It was interesting to see what they had to go through. He thanked Officer O'Brien and Officer Eleshewich for the time they dedicated to the young people in this program.

He also attended the Bergen Benefactor Award Ceremony which is given to people who have helped Bergen Regional Medical Center and this year the two recipients were from Fair Lawn. Lois Horowitz, the founder of the foundation back in 1991 and Lou Weiss who has recently helped with many constructions projects.

The food pantry is looking for school supplies. The items can be dropped off in Borough Hall.

Mayor Cosgrove wished the two new Police Officers the best of luck and safe journey here in Fair Lawn.

#### **MANAGER'S REPORT:**

Acting Manager Van Kruijning stated the monthly Manager's Report has been submitted without change. Additional copies are located on the table in the front of the dais.

#### **ORDINANCES ON FIRST READING:**

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

#### **ORDINANCE NO. 2289-2013**

#### **AN ORDINANCE FIXING THE SALARIES OF EXISTING SUPERVISORS ASSOCIATION OF FAIR LAWN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, Resolution No. 275-2013 introducing Ordinance No. 2289-2013 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. 2290-2013****AN ORDINANCE FIXING THE SALARIES OF NEW SUPERVISORS  
ASSOCIATION OF FAIR LAWN EMPLOYEES OF THE BOROUGH  
OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, Resolution No. 276-2013 introducing Ordinance No. 2290-2013 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.

**ORDINANCE NO. 2291-2013****AN ORDINANCE FIXING THE SALARIES OF CERTAIN  
EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN  
COUNTY, NEW JERSEY AS AMENDED (PBA)**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 277-2013 introducing Ordinance No. 2291-2013 was unanimously passed.

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

**ORDINANCE NO. 2292-2013****AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES  
OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW  
JERSEY IS AMENDED (WATER TREATMENT PLANT OPERATIONS  
SPECIALIST, PUBLIC SAFETY TELECOMMUNICATION TRAINEE,  
PLUMBING SUBCODE OFFICIAL AND KEYBOARDING CLERK I)**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, Resolution No. 278-2013 introducing Ordinance No. 2292-2013 was unanimously passed.

**PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

Deputy Mayor Trawinski stated that upon review the Closed Session Minutes of June 25, 2013 he noticed a typographic error because it incorrectly references the last year of the contract as the year 1015 which was intended to be 2015. With that understanding he was prepared to vote on the Consent Agenda as submitted.

There was a unanimous consensus to accept the change in the minutes to reflect the year 2015.

Deputy Mayor Trawinski stated at the end he would like to request an inquiry that Acting Manager Van Kruningen speak to CFO Palermo about a mathematical error on her part.

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

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

**RESOLUTIONS BY CONSENT #19-2013**

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, Consent Agenda #19-2013 containing the following items were unanimously passed with the removal of Resol. #294-2013.

- a. Resol. #279-2013 – Authorizing Awarding Contracts with Cranford Cooperative Pricing System
- b. Resol. #280-2013 – Approval of Minutes:
  - Work Session 6/25/13
  - Special Meeting 6/25/13
  - Closed Session 6/25/13
  - Work Session 7/9/13
  - Closed Session 7/9/13
  - Special Meeting 7/9/13
  - Closed Session 7/9/13
- c. Resol. #281-2013 – Emergency Veterinary Services
- d. Resol. #282-2013 – Authorizing Awarding Contracts with Certain Approved State Contract Vendors - Hertrich Fleet Services Inc.
- e. Resol. #283-2013 - Authorizing Awarding Contracts with Certain Approved State Contract Vendors- Cliffside Body Corporation
- f. Resol. #284-2013 - Audit Report
- g. Resol. #285-2013 – Professional Services: Construction Inspection Services Morlot Avenue Water Storage Tank
- h. Resol. #286-2013 – Refund of Overpayment of Taxes
- i. Resol. #287-2013 – Award of Bid: Hydrants & Hydrant Parts
- j. Resol. #288-2013 – DOT Municipal Aid Program Grant Application
- k. Resol. #289-2013 – Corrective Action Plan

- l. Resol. #290-2013 - Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee
- m. Resol. #291-2013 - Authorizing Execution of the Supervisors' Association of Fair Lawn Agreement
- n. Resol. #292-2013 – Participating in the State of New Jersey Cooperative Purchasing Program
- o. Resol. #293-2013 – Cancel and Refund Year 2013 Property Taxes Due to 100% Veteran Property Tax Exemption
- p. Resol. #294-2013 – Removed
- q. Resol. #295-2013 – Authorizing Purchases with National IPA Cooperative
- r. Resol. #296-2013 - Authorizing Access & Use Agreement with the Radburn Association – Farmer's Market

**RESOLUTION NO. 294-2013 - AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE BOROUGH AND THOMAS METZLER**

Upon motion by Councilmember Peluso and seconded by Deputy Mayor Baratta, Resolution No. 294-2013 was approved with the recusal of Deputy Mayor Trawinski.

**RESOLUTION NO. 297-2013 – MUNICIPAL PARK IMPROVEMENT GRANT APPLICATION**

Upon motion by Deputy Mayor Baratta and seconded by Councilmember Swain, Resolution No. 297-2013 was approved with the recusal of Deputy Mayor Trawinski.

**RESOLUTION NO. 298-2013 – HISTORIC PRESERVATION GRANT APPLICATION**

Upon motion by Deputy Mayor Baratta and seconded by Councilmember Peluso, Resolution No. 298-2013 was approved with the recusal of Deputy Mayor Trawinski.

**RESOLUTION NO. 299-2013 – APPROVING OPEN SPACE, RECREATION, FARMLAND & HISTORIC TRUST FUND AGREEMENT PHASE I – BERDAN GROVE INCLUSIONARY PLAYGROUND**

Upon motion by Deputy Mayor Baratta and seconded by Councilmember Swain, Resolution No. 299-2013 was approved with the recusal of Deputy Mayor Trawinski.

**PUBLIC COMMENTS**

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, it was unanimously agreed to open the time for public comments.

George Stafford, 16 Kitchel Avenue, Wharton, New Jersey, appeared as the outreach director for the New Jersey Highlands Coalition. They have a resolution of support for the 2004 New Jersey Highlands Water Preservation and Planning Act that they would like the Borough to consider.

Mr. Stafford stated it was the considered opinion of the coalition that the act itself and the council that governs the area are under a tremendous amount of pressure. There is a lot of interest to change or eliminate the rules and even question the methodology and facts that went in to building the Highlands Act. All to compensate people in the highlands for property they deemed lost.

The U.S. Geological Survey indicates that Fair Lawn receives twenty-five to fifty percent of its drinking water from highland sources. The purpose of the act was to balance the interest of the people that live in the highlands with the five million people in northern and central New Jersey that get water from the highlands. Both groups have rights.

Mr. Stafford said that the Council meets in Chester and the majority of the people who are on that Council live in the highlands area, although Bergen County gets one representative on a fifteen member council. They feel there is an awful lot of pressure and there seems that no one else cares about this.

He explained that they have been going around to the various municipalities and counties and have tried to drum up support for where their water is coming from. He presented the information to the Municipal Clerk for distribution to the Mayor and Council.

Howard Mark, 12-23 Ferry Heights, said he went to the Paramus Borough Hall to see the way they do things. He picked up a survey for the Senior Center. He was interested in the way other towns run their mini-bus. Paramus has a landscape architect in the Shade Tree Department.

Mr. Mark thought once the assisted living place is built the mini bus should make stops there and bring them to Shop Rite. Mayor Cosgrove said they will have to see what happens there.

In regard to the Naugle House, they should have flower or vegetable gardens there. Mayor Cosgrove suggested bringing that up to the Garden Committee or Historic Preservation. They might be interested in a project like that.

Craig Miller, 5 Ramapo Terrace, questioned the time for garbage pickup. Councilmember Peluso said it was just for dumpsters.

Mr. Miller thought that the Borough should send a representative from Fair Lawn TV to the next Board of Education meeting. At their last meeting there was talk

about televising their meetings. The only meetings he saw on FLTV were Council Meetings. He would like to see that expanded. Mayor Cosgrove thought that the Board of Ed has not voted on whether they want to televise it or not. They can reach out to FLTV. Mr. Miller said he would like to see Planning and Zoning Board meetings being televised. Mayor Cosgrove said the volunteers do a great job but there are only a few of them. In order to televise all of those meetings, they would need many more volunteers. The people that do this are a labor of love and they devote a lot of time to it. They do a great job.

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

Deputy Mayor Trawinski stated that he had indicated that on one of the Closed Sessions of June 25, there was a mathematical error. Under Contract Negotiations - Supervisors, CFO Palermo stated the increase for that particular contract negotiation was 1.87% over seven years. He believed she was incorrect and asked Acting Manager Van Kruiningen to ask her to check the figures. It is a seven year contract with three years of zero, two years at 2% and two at 1.75% which comes out to 1.07%. The union did take three years of zero increase and he felt that was important that they amend the minutes at a subsequent meeting. With the consent of the Council he would like to ask Acting Manager Van Kruiningen to go back to CFO Palermo to see if there is a correction. If there is a correction, it can be done by resolution for correction. Mayor Cosgrove thought he was correct about the calculation.

Deputy Mayor Trawinski stated that depending on the advice of the Borough Attorney in the Closed Session in regard to the Vanderbeck matter, at the conclusion of the Closed Session he would like to ask to go back to Open Session to discuss that item. Attorney Mondello advised him to wait until the conclusion of the Closed Session. Deputy Mayor Trawinski wanted the public to be aware that the Council may go back in to open session.

#### **CLOSED SESSION RESOLUTION**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, the following closed session resolution was unanimously adopted at 8:40 p.m.

**WHEREAS;** the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

**WHEREAS;** the Mayor and Council of the Borough of Fair Lawn desire to discuss Contract Negotiations - Shared Services Construction Department,

Attorney/Client Privilege - Vanderbeck Property and Radio Maintenance Contract and Pending Litigation - Messina; and

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

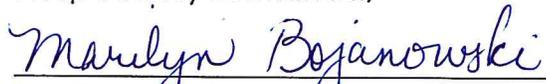
**WHEREAS;** minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

**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.

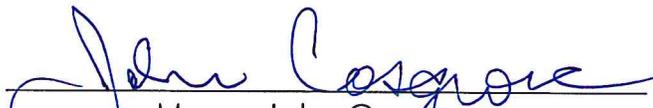
**ADJOURNMENT:**

Upon motion by Deputy Mayor Baratta and second by Councilmember Peluso the meeting was adjourned at 9:06 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Marilyn B. Bojanowski, RMC  
Assistant 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