

WORK SESSION OF OCTOBER 1, 2013

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

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

ABSENT: Deputy Mayor Trawinski

ALSO PRESENT: Acting Manager Van Kruiningen, Municipal Clerk Kwasniewski and Attorney Mondello.

NAMING OF PARKS DEPARTMENT BUILDING

Superintendent Graff, Assistant Superintendent Homa and Supervisor Young were present.

Acting Manager Van Kruiningen stated that Superintendent Graff suggested naming the Parks Department Garage in memory of Matty Croughan, who was a longtime employee of the Borough and a community volunteer. They would like to do a dedication service in early November. Superintendent Graff has indicated that there are funds in his budget for a sign that would be placed outside the garage. A small plaque would be placed inside.

Councilmember Peluso thought it was a great idea and thanked the men for looking into it. Deputy Mayor Baratta agreed. Mayor Cosgrove said that Mr. Croughan was a great guy.

There was consensus to approve the naming of the Parks Department Garage in memory of Matty Croughan.

RICHARD SAFFER – 1ST STREET RESIDENT

Construction Official Bolan and Richard Saffer were present.

Construction Official Bolan stated there are 26 houses in Fair Lawn with repetitive losses due to flooding. Mitigation is a matter of funding. He discussed the Biggert-Waters Act of 2012, which was adopted last June and explained the changes that came about to the Hazardous Mitigation Grant Program and the Severe Repetitive Loss Program as a result. Residents will be allowed to make an application if their structure has been damaged by more than 51% of its value. This will allow residents to move into the next round. In cases of severe repetitive loss for claims more than \$5,000 each over a ten year period, they can now declare the structure substantially damaged. If they have the right language in their ordinance, it will

release the project to make application under the SRL program for Federal funding.

People who have flood insurance will see a rate increase of three to six times their current rate, but there are things they can do to reduce the cost such as participating in the CRS Program, which will require making some changes to the ordinance. They would also have the ability to write a substantial damage declaration that will release \$30,000 of ICC funding, which is used to assist residents with elevation. If the Borough takes the money they were going to spend on one acquisition and uses it to mitigate ten or 12 properties, they will receive more points and everyone paying flood insurance will pay less. FEMA will be pushing elevation of homes.

Construction Official Bolan noted that towns are given points for activities they do to mitigate flood. He felt they would start at a rating of 8 out of 10, which will give a 10% reduction to everyone paying for flood insurance. Further points could be accrued by making changes to their ordinances and mitigating as many homes as possible.

Mr. Saffer stated that the house had previously flooded 25 years before he purchased it. The owner pumped out the water too fast and caused the back wall to cave in. It was great that they were going to elevate his house, but he will need to get in and out of his street. Construction Official Bolan clarified that the Borough is not going to elevate the house; it is the homeowner's responsibility.

Mr. Saffer expressed concern that he is paying taxes on a house that is devalued. He is being told that he must elevate his house but his house becomes an island. Construction Official Bolan stated that the purpose of elevation is to protect the structure. FEMA is asking why they are subsidizing an activity that they don't want to promote. Letting him live in the flood zone and subsidizing his flood insurance hurts the people who subsidize it. Mr. Saffer stated that he did not have flood insurance as he did not have a mortgage. Construction Official Bolan stated that some of the activities he discussed would require Mr. Saffer to get flood insurance.

Mr. Saffer said that after Hurricane Irene, Michael Hakim promised owners of 18 designated properties that they were probably going to be purchased. Councilmember Swain stated that she was at that meeting and Mr. Hakim made no such promise. Mr. Saffer stated that they were told it was only a matter of spending the funding by a certain date in December of that year or it was going to be lost. All the residents on Second Street heard the same thing. The Borough bought the Dube house but did not do anything for the rest.

Mr. Saffer explained that he grew up across from the river and moved here 50 years ago. The River had never flooded like it did with Hurricane Irene, which is why he bought the house. Construction Official Bolan asked if he was told the

house was in a flood zone when he purchased it. Mr. Saffer confirmed that he was told. He also knew because the house was on the River. Construction Official Bolan stated that he had sympathy for Mr. Saffer, but many of the programs that help with elevation of houses require that the property owner participate in the National Flood Insurance Program. If he doesn't pay for flood insurance they are not going to mitigate his house with funding from the flood insurance program. They can still require that he elevate his home. There are benefits to getting flood insurance policies, although there is an additional cost. FEMA is not going to make payments like they did with Superstorm Sandy to people without flood insurance. The person who buys Mr. Saffer's house is going to be paying market rate immediately where as now, the program is phased in over many years. Mr. Saffer stated that he had flood insurance when he first purchased the house.

He asked what the town was doing about the deteriorating house behind his home and questioned why the banks weren't tearing such houses down. He felt they should put a levy on the banks. Mayor Cosgrove stated that liens are placed on the house and when the bank finally forecloses they must pay them. They are not allowed to tear down the houses.

Councilmember Swain suggested that Mayor Cosgrove, Mr. Saffer and Acting Manager Van Kruijning have a meeting to discuss these issues further. They will check the minutes to see what Mr. Hakim actually said. Municipal Clerk Kwasniewski stated that she checked the minutes and could not find the comments Mr. Saffer referenced.

Mr. Saffer asked if a fence and lights would be put up once the Dube house is demolished. He asked that the property be kept separate from his with the existing fence. Acting Manager Van Kruijning stated that the fence will remain, but the space will go back to being green. They are not allowed to install a light because it was bought with Open Space money.

RESPONSIBLE PET OWNERSHIP COMMITTEE

Jeffrey Ball stated that he is president of the New Jersey Federation of Dog Clubs, an organization that has everything from Kennel Clubs, therapy dogs, rescue groups and other dog groups in New Jersey. They are affiliated with the American Kennel Club.

There is an ongoing problem within communities with issues such as the dangerous dog license fee. One way to prevent issues is by teaching people how to deal with their dogs and what the laws are. People should be educated about what they are getting into when they acquire a dog and should know where the dog came from and its background. Shelters often don't provide that information.

The Federation is trying to establish a Responsible Pet Ownership Committee in communities at no cost. They will be a resource to recruit residents and direct them in many aspects. They started a club in Ridgewood and got scanners donated to read microchips' identifications, helping to recover three lost dogs. Microchips were donated so that pet owners could get their animals registered and micro-chipped for free by a veterinarian, who donated his services. A behaviorist did a presentation and 68 people attended. They are willing to serve as a resource and refer people to proper trainers if needed. They are a non-profit organization and are not looking for any money. All they need is a meeting space for interested residents. He does canine good citizen testing and trains therapy dogs to visit people in hospitals. If the committee is set up and two dog bites are prevented, it is a success.

Deputy Mayor Baratta stated that the Bergen County Animal Shelter does the pre-adoption evaluations Mr. Ball discussed. She suggested people start their search for an animal there. She asked if Mr. Ball would be able to provide free micro-chipping in Fair Lawn. Mr. Ball confirmed that he could, although it might be limited to the first 50 residents. Cats can also be micro-chipped. Deputy Mayor Baratta asked Acting Manager Van Kruiningen if they have a problem with dog bites. Acting Manager Van Kruiningen stated that there are occasional problems.

Mayor Cosgrove stated that since it was already October, he suggested they start collecting Citizen Leadership forms so they can decide whether or not to establish a Borough committee next year. Deputy Mayor Baratta thought the education aspect was terrific. Mayor Cosgrove asked Mr. Ball to provide Attorney Mondello with a copy of Ridgewood's resolution. Councilmember Swain suggested they included Health Officer Wagner.

There was consensus to draft a resolution forming a Responsible Pet Committee in January, 2014.

COUNCIL LIAISON REPORTS

Councilmember Swain reported that the ADA Committee had a dance Friday night, which was well attended. She attended an interesting meeting last week on historic easements, which brought together communities such as Fair Lawn, Ridgewood and Hawthorne. She has additional information if anyone is interested. If there are properties that they want to protect, they need to be identified.

Councilmember Peluso reported that the Alliance for Substance Abuse Prevention did not meet last month but hoped to have a meeting in October. The Garden Committee has been working on the plants in front of the Library.

Deputy Mayor Baratta did not have a report.

Mayor Cosgrove reported that the Shade Tree Commission would like to sponsor a pumpkin carving event at the arboretum, which would be coordinated by Jane Spindel. Herold's Farm can provide a good price on pumpkins. Acting Manager Van Kruijning stated that neither the Shade Tree Commission nor the Garden Committee has a budget to purchase pumpkins. Deputy Mayor Baratta asked if they were selling the pumpkins and then the people would carve them. She expressed concern about liability issues with knives.

There was consensus to have Acting Manager Van Kruijning obtain additional information on this event.

Mayor Cosgrove reported that Fire Company #4 is holding their Open House this weekend from 2:00 to 4:00 p.m. at Radburn Road. Other open houses are scheduled during the month. He visited residents during the Garage Sale weekend and some felt the event could have been better advertised. Acting Manager Van Kruijning stated that 319 people registered but they were still getting calls as of 4:25 p.m. on Friday as some residents thought they needed to register in order to have a garage sale. Councilmember Peluso stated that although every street seemed to have a garage sale some areas had more traffic than others.

Mayor Cosgrove stated that the Property Maintenance Committee is working on the House and Business Beautification Awards, which will be given out at the end of the year. He attended the Children's Aid and Family Services Meeting in Ridgewood, where Deputy Mayor Baratta was honored. It was a nice ceremony. The singer, a young girl with Autism was wonderful.

REVIEW OF TENTATIVE AGENDA

Attorney Mondello stated that Deputy Mayor Trawinski might be recusing himself from Resolution No. 343-2013. Municipal Clerk Kwasniewski stated the Resolution merely cancelled receivables and had nothing to do with the County. Attorney Mondello stated that he will speak to Deputy Mayor Trawinski.

SELF STORAGE/U-HAUL FACILITY BEHIND ARCARDIA ROAD HOMES – UPDATE

Attorney Mondello stated that he was recused on this matter. Attorney Rosenberg indicated to him that he was uncomfortable with comments being made in open meetings and asked that this matter be discussed in Closed Session. Municipal Clerk Kwasniewski stated that Attorney Rosenberg was coming to update the Council on November 12th and she will schedule a Closed Session at the beginning of the meeting.

Councilmember Swain asked if they needed to make any decisions before the next meeting. Municipal Clerk Kwasniewski stated that Cheryl Bergailo has notified

her that there will be an additional fee not to exceed \$500 for the shadow analysis that Attorney Rosenberg requested, which will show how the building will shade the Fair Lawn properties and support their case substantially. Acting Manager Van Kruijningen stated that the total costs for the Planner were now \$3,250.

Councilmember Swain wondered about other potential costs. She asked to see an analysis of all the current costs associated with this matter. Mayor Cosgrove stated they have time because Saddle Brook's next meeting was not scheduled until October 28. Councilmember Swain suggested having a Closed Session meeting after next week's Council meeting. Acting Manager Van Kruijningen will provide the information prior to the meeting.

There was unanimous consensus to wait and review the fees on October 8th.

REVIEW OF TASK PERFORMANCE LIST

Acting Manager Van Kruijningen reviewed the items on the Task Performance list. The situation involving stray cats was still outstanding. Councilmember Swain stated that the season for having kittens had passed and she has not received any more calls so the items on stray cats can be removed. Acting Manager Van Kruijningen asked if the Council wanted Capital Alternatives to come in to explain the additional 2014 State Aid programs. Overnight parking is scheduled to be discussed on October 22. The paving and sidewalk work has been completed at the Charles Vogel Park and the speed table at Landmark is still on hold. He will follow up on Pedestrian Safety. Mayor Cosgrove reported that a company in Hawthorne is donating 500 reflective wrist bands and he received an additional 500 from the County. Alexa Nicolau and her friends will distribute them on October 16th at the train station at 6:00 p.m.

Acting Manager Van Kruijningen suggested he and Municipal Clerk Kwasniewski review the list and prepare a list of items that need to be addressed.

There was consensus to have Acting Manager Van Kruijningen and Municipal Clerk Kwasniewski review the list and apprise the Council of items that need to be addressed.

FY2014 BEST PRACTICES INVENTORY

CFO Palermo was present.

Acting Manager Van Kruijningen referenced the Best Practices Work Sheet for 2013 and FY2014 that was sent by CFO Palermo. They are at 92% so there is no effect on State aid. Councilmember Swain inquired about the section regarding Rent Leveling. Acting Manager Van Kruijningen stated that item #4 discussed best practices regarding attorneys, bills and local government legal fees. The Borough

follows this practice for everyone except the Rent Leveling Board attorney, who attends the meetings and whose attendance is reflected in the minutes, but does not provide documentation for services he provides outside those meetings.

Attorney Mondello stated that he typically sees the bills of attorneys hired by the Borough, with the exception of the Zoning Board since there is an escrow account. The Rent Leveling Board attorney has to be paid, so he would have to see the invoices to sign off on them. Since he has not seen any invoices he assumes that he is not doing any outside work. Acting Manager Van Kruijning explained that the attorney is paid a flat rate. Councilmember Swain stated she would like to see an itemized bill for services the attorney provides other than just attending the meeting, such as any preparation work. Attorney Mondello stated that does not occur with the Planning or Zoning Board attorneys who are there to advise the Boards and attend the meetings.

Councilmember Swain asked why that specific area was singled out. CFO Palermo stated they receive invoices from everyone. Attorney Mondello explained that the attorneys for the Zoning Board and Planning Board bill against escrow accounts. He will call Charles Tregidgo and see if any additional documentation can be provided. Mayor Cosgrove asked how much the Rent Leveling Board attorney is paid. Acting Manager Van Kruijning stated that he is paid \$7,500. Six meetings are scheduled, but the Board usually meets four times. CFO Palermo stated that there is a checklist the State requires that is completed for the attorneys. She will look into it.

She stated that the National Flood Plan that Construction Official Bolan spoke about is one of the questions on the checklist this year. They are now in the process of filing an application for.

Acting Manager Van Kruijning stated he responded no to the question asking if the community has a Finance Committee. Municipal Clerk Kwasniewski stated that the Committee is not allowed under their form of Government. Attorney Mondello stated that they could establish a Finance Committee by resolution. Acting Manager Van Kruijning stated that the Finance Committee does not make any ultimate decisions. Municipal Clerk Kwasniewski clarified that in the Borough form of Government it does. The Committee makes recommendations and reviews the bill list.

CFO Palermo noted that having a Finance Committee can be beneficial as it provides a forum to discuss upcoming financial issues. Mayor Cosgrove asked if there were reasons not to have a Finance Committee. Municipal Clerk Kwasniewski explained that the Council acts as a whole, not as a committee of one. Acting Manager Van Kruijning stated that the Committee would only bring recommendations to the Council, who would vote as a whole. Attorney Mondello stated that no committee can bind the Council. He is on the Finance Committee

with two other Councilmembers in Kinnelon. They review the Audit Report with the Auditor, do the budget process and then make recommendations to the Mayor and Council. It is up to the entire governing body as to what the next step is.

Councilmember Peluso asked Attorney Mondello if he found it beneficial to have a Finance Committee. Attorney Mondello felt it speeds up the budget process because Councilmembers are present along with the CFO and Auditor. Deputy Mayor Baratta stated that they have a different form of Government in Fair Lawn. Attorney Mondello agreed. They have a Borough form in Kinnelon while Fair Lawn has a Manager and Council. Deputy Mayor Baratta wondered if they should answer yes on the question about the Finance Committee since the Council does that work as a whole. Acting Manager Van Kruijning stated that the question is more specific and asks if the Committee is made up of at least one Councilmember, the CEO, CFO, Purchasing Agent and other personnel. A no answer does not impact their final score.

There was unanimous consensus not to establish a Finance Committee.

AUDITOR

Mayor Cosgrove recommended doing an RFQ for Auditor. Acting Manager Van Kruijning stated they could also appoint someone. If they did an RFQ they would need to do it now. Municipal Clerk Kwasniewski suggested using the RFQ from last year. Councilmember Peluso stated that the former Borough Manager mentioned there were issues with the last Auditor. He suggested using Mr. Weilkotz again. Mayor Cosgrove asked CFO Palermo about her experience with the Auditor. CFO Palermo stated that both Auditors were competent; she did not have issues with either one. Councilmember Swain asked if she would support a recommendation to appoint Mr. Weilkotz again. Mayor Cosgrove stated that he would prefer to see RFQ's first. It will be the decision of the new Council.

Acting Manager Van Kruijning asked about the time frame of doing an RFQ. Municipal Clerk Kwasniewski stated she would try to get the results in so that a decision could be made at the end of the year or by the Reorganization meeting, as CFO Palermo consults with the Auditor in the beginning of the year. If the Auditor has to do anything with the Debt Statement it would be for 2014. CFO Palermo would be asking for the Resolution and there wouldn't be one. Councilmember Peluso asked CFO Palermo about the ideal date to have an Auditor. CFO Palermo stated that for planning purposes it would be nice to have someone to sit down with now to review things on the budget. She definitely needs someone by January 1st.

Mayor Cosgrove asked how quickly the RFQ's could be returned. Municipal Clerk Kwasniewski stated the return date would be in November since they give applicants 30 days. There is one work session on November 12th, unless they

schedule a Work Session on November 26th after the Regular Meeting. The first Work Session in December is also a possibility. Councilmember Swain stated that if they appoint someone now they won't have the time issue. Councilmember Peluso asked if they could put the Auditor on the first Work Session agenda after the election and take a vote with the two new Councilmembers. Attorney Mondello stated they could not. Municipal Clerk Kwasniewski stated that the Reorganization meeting is scheduled for January 7th, so either way the Auditor will be appointed at that time.

Councilmember Peluso stated that when he and Mayor Cosgrove were first elected to the Council they were included in the appointments for the Planning and Zoning Boards. Mayor Cosgrove stated that they had a voice not a vote. Deputy Mayor Baratta stated that Councilmember Peluso was correct. She remembered Deputy Mayor Weinstein and Deputy Mayor Tedeschi left the meeting. Councilmember Peluso asked if they could do that with the Auditor. Municipal Clerk Kwasniewski stated they could but cautioned that they would be locked into not doing an RFQ if they wait until after the election. CFO Palermo stated then the Auditor would be appointed for 2013 and 2014, versus an appointment in January for 2014.

There was consensus to obtain RFQ's for Auditor.

MISCELLANEOUS PUBLIC COMMENTS

Rich Siebel, 33-07 Halsey Road asked if there were plans for an electronic sign at Borough Hall. Acting Manager Van Kruijning stated that the conduit was dug today and the old sign is being removed tomorrow in preparation of the new sign, which is being delivered at the end of October.

Mr. Siebel stated that the flagpoles at the High School Football field were rusted and the paint was chipping. Councilmember Peluso stated that he will discuss this matter at the Shared Services meeting on November 14th. Meetings are open to the public so Mr. Siebel could attend. Acting Manager Van Kruijning will notify the school administrators tomorrow.

Mr. Siebel stated that the new flood guidelines go into effect today. Mr. Covelli explained that although the Government is shut down, FEMA spoke before Congress last week to explain the ratings. He was not sure the results were final. Mr. Siebel stated that deals to buy/sell homes in flood zones were frozen until the new buyers can determine how much the flood insurance will increase.

It is very congested in Radburn when the commuters get off the 7:15 p.m. train. Cars are cutting behind deals as people are getting out of their cars and it is dangerous. Mayor Cosgrove asked Acting Manager Van Kruijning to notify the Police.

Mr. Siebel concluded by stating that Wreaths Across America takes place on December 14th in front of the Municipal Building. Tomorrow and Thursday is the viewing for Staff Sgt. Timothy McGill in Ramsey from 10:00 a.m. until 8:00 p.m. The funeral will be at 10:00 a.m. on Friday.

Adam Lazarus, 16-39 Chandler Drive did not think it was appropriate to have ash trays for smokers at the Community Center near the gym entrance where young people come and go. He stated that 20th Street was dangerous because of speeding cars. He felt there was a need for increased Police presence. He suggested having parking meters outside the Municipal Building, as it might entice people to walk more. He also suggested installing a yield sign off Route 208 North coming onto Fair Lawn Avenue. Drivers have to look over their shoulders, which prevents them from looking at pedestrians walking from the other direction. Mayor Cosgrove stated that drivers are supposed to yield before merging onto Fair Lawn Avenue. Acting Manager Van Kruiningen stated that he will speak to Traffic Safety Officer Franco.

Mr. Lazarus stated that since the weight room in the Community Center for first responders is not always used, perhaps they could charge a \$10.00 fee to use the facility to bring in revenue. There are also a lot of arcade games that run 12 hours per day that generate electrical costs. Mayor Cosgrove stated that the games are heavily used on Fridays and Saturdays. The Community Center has talked about replacing the games with modern Xbox type games. The weight room equipment was donated by a resident specifically for Police, Fire or EMS personnel. He assured him it is being used. With regards to 20th Street, residents often come in asking for speed tables because cars are driving too fast down and putting pedestrians at risk throughout the entire town. He felt Fair Lawn residents like the fact that there are no parking meters.

Councilmember Swain expressed concern about the smoking by the Community Center. Acting Manager Van Kruiningen will talk to Superintendent Graff about designating a smoking area away from the doors. Mr. Lazarus asked about a Police presence on 20th Street. Mayor Cosgrove stated that the Police will look into this.

0060CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 8:55 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 – Health Care and Property Maintenance; and

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

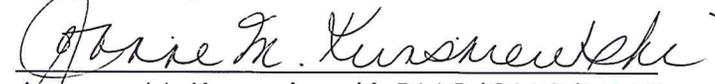
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

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 a second by Councilmember Peluso, the Work Session was adjourned at 9:30 p.m.

Respectfully submitted,



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

The undersigned have read and approve the foregoing minutes.



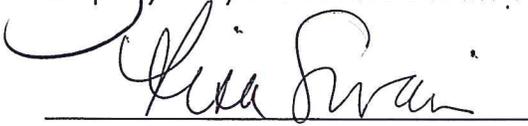
Mayor John Cosgrove



Deputy Mayor Jeanne Baratta



Councilmember Kurt Peluso



Councilmember Lisa Swain

Absent

Deputy Mayor Trawinski

