

WORK SESSION OF NOVEMBER 12, 2013

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

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

ALSO PRESENT: Councilmembers-elect Dunay and Lefkowitz, Acting Manager Van Kruiningen, Municipal Clerk Kwasniewski and Attorney Mondello.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain the following closed session resolution was unanimously adopted at 7:35 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 Attorney/Client Privilege - Self Storage U-Haul Facility Behind Arcadia Road Homes, Personnel - Health Care (Frank Covelli); 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.

Mayor Cosgrove reconvened the meeting at 8:10 p.m.

PIA ANNUAL REPORT:

Frank Covelli was present and distributed the Annual Report on the Borough's Property and Casualty Coverage.

One of the things that directly impact the Joint Insurance Fund is that the flood limit for the state which is \$50 million was pierced. The JIF has set up a special

claims committee to adjudicate claims and to apportion the \$50 million. FEMA will be reimbursing money not covered by the system.

As a result of this, they are revising the policy going forward and it will be more of a traditional insurance company as opposed to what they have had the last twenty five years which was a manuscripted policy. There was a memo attached to the report that will explain the changes.

Liability coverage - communication liability, network security liability privacy is now covered. There is evidently a new computer virus going around where they get into the computer lock it down and the person would have to pay \$300 to get it unlocked or it will be wiped out. It will send in experts to make sure the system is rid of viruses or potential breaches of information.

E-JIF will be discontinuing coverage on underground storage tanks that are unregulated effective January 1, 2014. The tank at the Animal Control facility is impacted, but Mr. Conte has said that the tank will be removed before the end of the year.

Attorney Mondello reported that the town was recently bequeathed a piece of property from a Fair Lawn resident which has an underground tank. Mr. Covelli suggested removing it as soon as possible. Deputy Mayor Trawinski did not think that property would be subject to the EJIF policy because it is not an unregulated, unspecified tank. It is residential and less than a thousand gallons. Attorney Mondello said he would follow up with Mr. Covelli. He explained that the property has been sold so it may be a non-issue.

The municipality has a \$10 million dollar limit of liability. He recommends that they increase it \$20 million. The cost would be an additional \$9,900.00. He recommended the Borough raise the liability. Municipal Clerk Kwasniewski said that she reviewed the minutes and found that they had discussed it before but there never was a consensus. Acting Manager Van Kruijning said at the end of this discussion he was going to ask for a consensus.

Mr. Covelli explained that they would save approximately \$9,000 because the Police Department has been accredited that would give an approximate savings of \$9,000. He further explained that because of this savings the town would have to pay less than \$1,000 for more coverage.

Mr. Covelli said that the JIF provides broader coverage than what is provided in the conventional market at a notable savings to the Borough. They are also getting all of the safety and environmental technical support that would not be provided in the conventional market.

Mr. Covelli went over the financial status of each JIF. He further explained that as of October 2012 the Borough of Fair Lawn received \$1,319,403 back in dividends. The Borough's share of the 2013 dividend was \$9,985.

There was a unanimous consensus to authorize the increase in the liability coverage to \$20 million.

Mr. Covelli will forward a resolution to Municipal Clerk Kwasniewski and Attorney Mondello for adoption by the Council.

Municipal Clerk Kwasniewski reminded Mr. Covelli that they need to get the COBRA rates from him. Mr. Covelli will provide all of the rates.

COUNCIL LIAISON REPORTS:

Councilmember Swain stated that at the next Council meeting the Green Team would be giving out their awards. The ADA Committee and Arts Council are meeting tomorrow night. RRRIC met last week. There was a discussion about the property on River Road and Berdan Avenue which was the old Bank of America property. Mayor Cosgrove said that lot came up in Property Maintenance because of the weeds. Acting Manager Van Kruijning said the Borough's staff has been taking care of it. Councilmember Swain said there was a discussion about what could happen on that lot, for example a parking lot. She suggested a park because in a downtown area there should be a place for people to get together and sit outside. They brought up the Chase Parking lot and signage. Acting Manager Van Kruijning said it was being evaluated. A few years ago she started the new business report and RRIC asked if they could get the new business owners e-mail addresses. Municipal Clerk Kwasniewski thought there was no reason why they couldn't add that line to the form.

Councilmember Peluso spoke about meeting with the Borough Manger, the Parks Department and Chair of the Garden Committee to review what gardens the committee will maintain in the future.

The Garden Committee has been working around the Library to spruce it up before the winter comes.

On Thursday he will be attending the Shared Service meeting with the Board of Ed along with Deputy Mayor Trawinski and Acting Manager Van Kruijning to discuss the Radburn 5k, solar power and other topics.

Deputy Mayor Trawinski stated that Thursday night was also the Broadway Improvement Corp. meeting.

There is an Open Space meeting on Monday but depending on what they discuss tonight they may cancel it.

The Planning Board met on November 4th and considered several applications. The Board received an update on the Master Plan which was still progressing.

Mayor Cosgrove stated that the Community Center will be holding an Elvis Holiday Tribute on December 20th. The Fair Lawn Philippino Association has contacted him about using the Community Center on November 29th to collect items to send to the Philippines.

There was a unanimous consensus to allow the use of the Community Center by the Philippino Association.

He thanked the Borough Attorney for working with the Fire Department and giving them his interpretation of the law that would allow more members to run for office. Attorney Mondello explained that there was an Executive Order under Acting Governor Codey that listed courses that the members should take in regard to domestic security incidents. Apparently there were a couple of interpretations as to whether or not Fire Fighters had to take the more advanced levels. He was of the opinion that they do not, the Executive Order dealt with domestic security issues not the typical house fire.

Mayor Cosgrove said he will be attending the EDC meeting with Councilmember Peluso.

He spoke about a letter he received from the Glen Rock Mayor thanking the Auxiliary Police for a great job they had done helping them during their Halloween parade.

REVIEW OF TENTATIVE AGENDA:

Municipal Clerk Kwasniewski stated she had two additions. She wanted to add the approval of the minutes of October 1st Work Session. CFO Palermo asked for a resolution cancelling the water utility unexpended balances.

CAMPBELL ROAD PROPERTIES:

Municipal Clerk Kwasniewski explained that she sent out notices to the seven contiguous property owners. The Council had agreed to lower the cost from \$175,000 to \$150,000. None of the contiguous owners responded. The next step was to decide whether or not to hold a Public Auction. She suggested doing this after the holidays. Attorney Mondello explained that Tax Assessor Henderson was comfortable with lowering the price. Mayor Cosgrove thought that would be good to get people on the tax rolls and to be able to collect taxes on it.

Attorney Mondello said the properties are owned by the Borough and in the past they have tried auctioning them off and three people showed up without any money.

There was a unanimous consensus to wait until the New Year to do the auction of these properties.

RESPONSE TO BOROUGH OPEN SPACE ACQUISITION LETTERS:

Councilmember Swain stated that the Council received copies of the letters. She thought the Open Space Committee should take a look at these properties and prioritize them. A list should be established in case money becomes available. Deputy Mayor Trawinski said the Open Space Committee has actually discussed the creation of a list. The last time it was done, they did not get any responses. There has to be a willing seller. Acting Manager Van Kruijning said that three property owners have expressed an interest. Deputy Mayor Trawinski felt knowing that they can sit down and prioritize it because there will be money available. The County Open Space Bond Issue was passed by the voters. It will allow the Borough to apply for Open Space Trust money for Blue Acres acquisitions.

Mayor Cosgrove suggested that this matter be referred to the Open Space Committee and have them report back to the Council. Deputy Mayor Trawinski suggested that Acting Manager Van Kruijning talk to the County OEM about the State funds that are being released.

COMMUNITY DEVELOPMENT BLOCK APPLICATION FY 2014:

Deputy Mayor Trawinski recused himself on this topic. Acting Manager Van Kruijning said that the Municipal Engineer suggested the following projects, Roadway Improvements for Politt Drive, hand rails on the entrance to the Senior Center and Barrier Free Ramps.

Councilmember Peluso stated that since he is co-liaison to the Community Development he thought they should come in with more reasonable numbers. He thought they should remove the application for barrier free ramps.

There was a unanimous consensus to submit applications for three projects.

BOROUGH PROPERTY ENCROACHMENT - BELLAIR AVENUE

Acting Manager Van Kruijning distributed packets to the Council showing the Borough owned ball field located between 15th and 17th Street behind Fair Lawn High School. There are ten properties that have fences encroaching onto Borough property from two to six feet. The residents have asked the Borough to

maintain the trees, but many are within the fenced area and he was concerned if damage occurred. He would like to send letters to the residents advising them of the encroachment and asking them to submit an agreement releasing the Borough from any damages caused by maintenance.

Deputy Mayor Trawinski asked if Attorney Mondello's Hold Harmless Indemnification Agreement included a license agreement in which the resident acknowledges they are encroaching on the property by reason of a license. Attorney Mondello will check into this but he thought it did. Deputy Mayor Trawinski felt the residents should be given a license agreement but not be forced to tear down the fences. The Borough should not have liability. Acting Manager Van Kruijning clarified that the letter will advise the resident of the encroachment and that the Borough is willing to do a license agreement.

There was consensus for Acting Manager Van Kruijning to send out letters as stated above.

GARRETSON FORGE HOUSE

Acting Manager Van Kruijning read the e-mail he received from the treasurer of the Garretson Forge and Farm regarding their water bills. He expressed concern because the amounts varied, with a tremendous increase in November. Deputy Mayor Trawinski has told him that the County owns the property but does not pay any of the expenses. The Garretson Forge and Farm Restoration group pays for utilities, repairs, upkeep, cleaning, insurance, collection, postage, printing and various other expenses for the home. Deputy Mayor Trawinski stated that the County was persuaded to take over the property about 30 years ago. The group has been encouraged to apply for historic preservation grants and has periodically received some funding.

Councilmember Swain asked if Acting Manager Van Kruijning has seen the actual bills. Acting Manager Van Kruijning confirmed that the amounts were correct. He wondered if there was an issue, however, because the October bill was doubled. The group is asking if the Borough was continuing with the \$1,500 contribution, which was reduced in 2010 from \$2,000. Mayor Cosgrove wondered if there was a problem with the water meter. He would like to see where they are when they do the budget and in the meantime, asked that Acting Manager Van Kruijning have the meters checked. Acting Manager Van Kruijning will ask if they have done any projects that required additional water usage on the property.

There was consensus to have Acting Manager Van Kruijning have the water meter checked and inquired about projects that may have affected usage, with Deputy Mayor Trawinski abstaining.

REPORT OF RFQ'S RECEIVED FOR AUDITOR:

Municipal Clerk Kwasniewski stated she had forwarded the RFQ's for Auditor. CFO Palermo would like the Council to make a decision now. The Borough does not have an auditor. Mayor Cosgrove wondered if CFO Palermo was happy with the firm but was not sure how Municipal Clerk Kwasniewski felt about the firm. Municipal Clerk Kwasniewski explained that the first year was very rocky because she felt like she was doing all their work compared to the previous auditor. However, when they came in to do the audit, they did not bother the office because they had everything. This past year she did not experience any issues with them.

Councilmember Peluso wondered about an issue with payment. Municipal Clerk Kwasniewski stated that their bills were different the first year. This past year was better. She felt the first year was a learning curve. CFO Palermo agreed with Municipal Clerk Kwasniewski that the first year was a learning curve.

Deputy Mayor Trawinski thought they should hold off on making a decision until Deputy Mayor Baratta arrives because she has some definite opinions.

Councilmember Peluso felt that the new Councilmembers should have an opinion in this selection because they will have to deal with them going forward. Mayor Cosgrove said they had discussed that but did not confirm it. Municipal Clerk Kwasniewski said it was not just for the audit it was for everything else.

Mayor Cosgrove asked CFO Palermo what she thought about making the appointment now. CFO Palermo explained that she would need guidance in how to restructure debt. She would usually have them come in during the month of January and meet with her and the Manager to go over the accounts.

2014 ITEMS

MEETING DATES - Municipal Clerk Kwasniewski stated while putting the meeting dates together she found a problem in November. There would be a long time between meetings because of Election Day, Veteran's Day and the League of Municipalities. She suggested that they hold a Work Session the Monday before Veteran's Day.

Deputy Mayor Trawinski referred this to the new Councilmembers.

There was a unanimous consensus to proceed with Municipal Clerk Kwasniewski's suggestion.

REORGANIZATION MEETING ITEMS - Town Crier - Municipal Clerk Kwasniewski said that in the past they have used a Town Crier, the Honor Guard, a vocal performance and the invocation. Mayor Cosgrove suggested sending the Town Crier a letter to see if he was interested in doing this.

HONOR GUARD - Mayor Cosgrove suggested that Municipal Clerk Kwasniewski reach out to Acting Chief Cauwells to see if the Honor Guard would participate.

VOCAL PERFORMANCE - Mayor Cosgrove said they would secure someone to do it.

INVOCATION - Mayor Cosgrove said that he would secure someone to do it.

APPOINTMENT OF PROFESSIONALS - Mayor Cosgrove felt they should stay with most of the professionals they have now. Deputy Mayor Trawinski said if they change their mind there is nothing to prohibit the Borough from making an interim appointment. Mayor Cosgrove said that they can discuss this further at the next Work Session.

SPECIAL MEETING:

Upon motion by Councilmember Peluso and a second by Deputy Mayor Trawinski, the Work Session was recessed to Special Meeting at p.m.

Mayor Cosgrove reconvened the Work Session at 9:10 p.m.

MISCELLANEOUS PUBLIC COMMENT:

Florence Lopas, 5-16 2nd Street, stated there were two floods that impacted her greatly - one in the 1980's and recently Tropical Storm Irene. With the Irene storm she felt that something had to be done. She knows that studies have been done but no action takes place. They applied to the Open Space/Green Acres program. In 2012 she received a letter that her property was not considered because it would not be for recreation or conservation. FEMA is apparently enforcing stricter codes so their premium has gone up tremendously or they will have to elevate the house. She also has a house in Manasquan which was affected by Superstorm Sandy. Fortunately that house was new construction so they don't have to worry about FEMA's restrictions. Mr. Bolan sent a letter telling them they either had to raise their house or pay higher premiums.

Ms. Lopas said that her neighbor who has the same exact house, heard about getting a buy out when money was available. He told her that he was offered the buyout. She wondered what the criteria was used to chose him and not her in light of the fact that they have identical homes with identical flooding. She called the State who looked up the property and informed her that she had to

deal with her town about it. When she heard about this meeting she decided to attend. She does not want to move because she likes the area and has lived here since 1967. However, there is just so much a person can take. Her entire first floor living area was devastated.

Ms. Lopas asked what the criteria was and wondered if there was a possibility of lowering their property taxes for living in such an area.

Deputy Mayor Trawinski said the criteria was when they went out two years ago that everyone on the list should have received a letter. There were 31 at the time and if she was on the list, she would still be there.

Ms. Lopas wondered why some of her neighbors recently received letters from the Borough. Deputy Mayor Trawinski said that was from the Open Space Committee and was based upon how the property would fit in with the River Walk. Ms. Lopas said that her house was located two houses from the Dube property. Deputy Mayor Trawinski said that if her house was on the Open Space and Recreation inventory, the Open Space Committee took a look at the houses close to the river and sent a letter out. If she was interested in having her house on the list, she would have to tell the Manager and would be included. In regard to the flood insurance, on October 29th, Senator Menendez introduced legislation to stop the implementation of the law that Congress passed last year called the Waters Biggers Act that is resulting in the hike of the premiums. It has bi-partisan support. This legislation would not stop the federal subsidy. He informed Ms. Lopas if she was interested in a buyout her property is in the flood area that the Borough was interested in expanding. He was not sure if it would happen because it depends on the funds available. Last year there was no funding for the buyouts. Now there is.

Craig Miller, 5 Ramapo Terrace, spoke about the Recycling Center and the DEP rules stating they can no longer have a pile of leaves, branches and brush. Acting Manager Van Kruiningen said the Borough was only authorized to put it there during the Superstorm Sandy cleanup and not for anything else. Mr. Miller mentioned trucking the yard waste to another location since the residents in the area complained about grass clippings. Acting Manager Van Kruiningen said they do not ship it to another location because they have a lease with a company that takes care of it. There is a difference between grass clippings and leaf pick up. Deputy Mayor Trawinski said there is a limit on the DEP permit on how much leaves the Borough can keep on site. When they tried to explore that permit they were unsuccessful.

Deputy Mayor Baratta arrived at 9:20 p.m.

Denise Hasil, 4-02 2nd Street, stated that she did receive a letter and that was why she was here to see what the discussion would consist of and to make sure

she remains on the list. She wondered if there would be a meeting on Monday night and if it would be beneficial for her to attend. She wondered if they could give guidance to the residents on how quickly this will move along. Deputy Mayor Trawinski said they were not sure about holding the meeting because he and other people will not be able to attend. Mayor Cosgrove said they want the residents to know that the Council is working together to do everything in their power to try to use Open Space funds to make it happen. Most of the help will come from the Federal Government and the County.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski the following closed session resolution was unanimously adopted at 9:30 p.m.

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

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel - Chief Financial Officer, Acting Manager, Police Department, Building Department, Appointments to Various Boards, Commissions, Committees, Zoning Board of Adjustment and Fair Lawn Borough Gardens Committee; 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.

Mayor Cosgrove reconvened the meeting at 9:50 p.m.

REPORT OF RFQ'S CONTINUED:

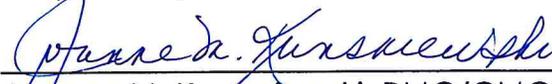
Deputy Mayor Trawinski suggested they use the same auditor as last year.

The consensus was to appoint Garbarini & Co., P.C. with Councilmember Swain and Councilmember Peluso dissenting.

ADJOURNMENT:

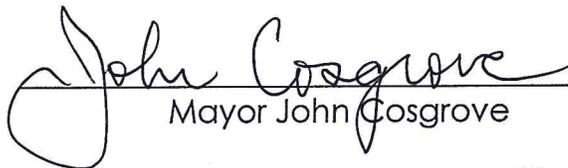
Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the Work Session was adjourned at 9:55 p.m.

Respectfully submitted,



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

The undersigned have read and approve the foregoing minutes.



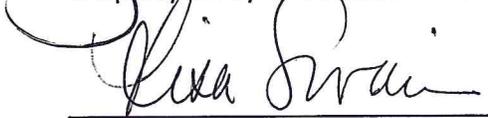
Mayor John Cosgrove



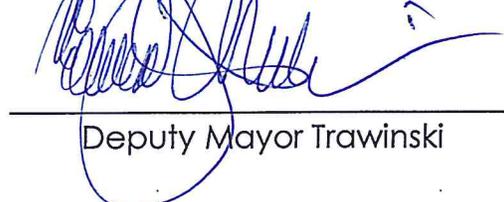
Deputy Mayor Jeanne Baratta



Councilmember Kurt Peluso



Councilmember Lisa Swain



Deputy Mayor Trawinski

