

## WORK SESSION OF DECEMBER 17, 2013

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

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

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

### **CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Swain and a second by Councilmember Peluso, 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 Pending Litigation – Tax Appeals HADCO; personnel – Chief Financial Officer's Employment Agreement; 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 7:45 p.m.

### **2014 BUDGET OVERVIEW PRESENTATION**

This item was moved to the January 14<sup>th</sup> Work Session to allow time to receive information on the healthcare insurance.

Manager Van Kruijning stated that he will send out the budget books prior to his presentation.

## COUNCIL LIAISON REPORTS

Councilmember Swain stated that she had received complaints about leaves in the Radburn area and suggested discussing this at a future Work Session. She asked if the incoming Superintendent can make suggestions to the Council, since the Storm Water Management Ordinance states that leaves cannot be dumped into the street.

She expressed concern about the safety of the crossing guards. Glen Rock has illuminated, hand held stop signs that flash and are easier to see. She felt they should be considered as part of the budget process.

The ADA Committee had discussed installing emergency call towers at various parks and playgrounds, but Manager Van Kruijning informed her that the cost is \$2,500 to \$6,000 per tower. The Committee asked about having security cameras that could be reviewed in case of an incident or vandalism. Mayor Cosgrove discussed an incident at the Community Center where pavers and bushes were all torn up. They reviewed the film, saw that a truck had parked there overnight and were able to get the name of the company. Municipal Clerk Kwasniewski stated that there was an incident prior to Election Day when the trucking company delivering the voting machines damaged the fence at the Community Center. First the company denied any involvement, but after they saw the copy of the video they apologized and will be paying for the repairs.

Attorney Mondello thought they would need to post a sign that there was a surveillance camera. Deputy Mayor Trawinski disagreed. He did not think they needed to post a sign if cameras were placed in a public place. The problem is if they have cameras and do not monitor them, they expose the Borough to liability. Councilmember Swain asked if an employee would need to be assigned to watch the camera. Deputy Mayor Trawinski stated that there are plaintiff's lawyers that have used this against the County on occasion. It is a question of resources. Manager Van Kruijning wondered about using non-recording cameras as a deterrent. Councilmember Swain asked if Manager Van Kruijning and Attorney Mondello could research the use of surveillance cameras. They will look into it.

The Green Team's solar sub-committee has been moving ahead, as are both the Borough and Board of Education. Hopefully they will have solar power in the near future.

She and Manager Van Kruijning attended the RRIC meeting last week. There was a lengthy discussion on how a \$35,000 budget carryover should be used. She suggested using the funds as grants for online advertising. She attended the Glen Rock Council meeting last Wednesday as they were discussing Herold's Farm. The Council withdrew the ordinance rezoning the property. The developer has until 2016 to submit an application and start over with the Glen Rock Zoning Board. If the plans impact Fair Lawn streets, they will have to submit applications here as

well. Mayor Cosgrove stated that he was in the building when the developer from Walgreen's stopped by to see him. He sent them to the Zoning Board to speak with Ann Peck. They wanted to have a preliminary meeting with the Zoning officials. He did not know the outcome.

Councilmember Swain was told that Fair Lawn does not receive any tax revenue from the property. Attorney Mondello stated that they receive \$1,000 per quarter and \$28,000 per quarter goes to Glen Rock. Manager Van Kruijning stated that Fair Lawn does not bill them; everything is forwarded by Glen Rock. Deputy Mayor Trawinski stated that cross border pieces have intra-municipality agreements.

Mayor Cosgrove stated the contractor for Walgreens informed him that the front half of the property is zoned commercial and the back half is residential. Councilmember Swain stated that when the Council voted to withdraw the ordinance there was a standing ovation. Attorney Mondello stated that he received a call from the developer's attorney who indicated that although the Mayor and Council have withdrawn the ordinance, they were going to be revisiting it in another six months. Councilmember Swain stated that Glen Rock was going to discuss a 24 hour ordinance. Currently, there are no 24 hour businesses in Glen Rock. Deputy Mayor Trawinski advised Municipal Clerk Kwasniewski to watch for zoning notices from Glen Rock. Municipal Clerk Kwasniewski stated that she forwards such notices to the Planning Board because sometimes it impacts them.

Councilmember Peluso stated that he attended the Wreaths Across America program last Saturday, as did other members of the Council. He thanked Mr. Siebel for coordinating this event. He received an email from the Superintendent of Schools, who indicated there was consensus to move the World War I memorial to Warren Point School. He was waiting to hear back from the principal as to the final location.

He concluded by stating that the Alliance for Substance Abuse Prevention will be meeting on Wednesday at 7:30 p.m. Meetings are open to the public.

Deputy Mayor Trawinski stated that he attended the Wreaths Across America program. He thanked Rich Siebel for putting the program together. It was very moving to read the names of the Fair Lawn residents who have given their lives for their Nation or were killed during times of crisis or war.

The Open Space Committee met last night and adopted its meeting schedule. They discussed the response from Mr. Rys, who owns the property at 0-82 and 0-86 Saddle River Road. The site, which has horrible site line visibility, is approved for a two lot sub-division. Mr. Rys is willing to be reasonable in terms of selling the property. He felt the price would be in the \$400,000 to \$500,000 range. There is \$295,000 left from 2009 Green Acres Grant fund plus whatever funds are left in the 2012 grant fund, but it would be done on a 50/50 match if they acquired it. The

location is excellent for a park, which would be about an acre in size. The Committee unanimously voted to have the Council research the feasibility of acquiring the property. Manager Van Kruningen has asked Municipal Clerk Kwasniewski to place this item on the January 14<sup>th</sup> Work Session agenda.

Mayor Cosgrove asked if there was access to the County bike path. Deputy Mayor Trawinski stated there was a path across the street. He stressed that if they do not use the 2009 funding they may lose it. The Committee decided unanimously to hold off on the Bank of America property, as the Saddle River Road property was more attractive in terms of its vacancy. He thanked Councilmember Swain and Joan Goldstein for bringing the property to their attention.

Deputy Mayor Baratta echoed previous comments about Wreaths Across America and thanked Mr. Siebel for bringing the program to Fair Lawn. The snow made it even more poignant. She was honored to be a part of it.

Mayor Cosgrove thanked Mr. Siebel for his hard work on the Wreaths Across America program. He reported that the Community Center will hold an Elvis Holiday Show on December 21<sup>st</sup>. The cost for the show and dinner is \$40 per person.

The Fire Department is preparing to auction off the spare engine four, which has been removed from service. Municipal Clerk Kwasniewski stated that they will need a resolution authorizing the sale of the truck.

He concluded by stating that he advised Joe Meer, who has been a member of the Zoning Board since the 1980's, that it was his decision whether he wanted to remain on as a member. Mr. Meer decided to offer his resignation. He thanked Mr. Meer for his years of service.

### **ADA COMMITTEE FORMATION**

Attorney Mondello stated that there is a Borough ADA Committee and then a sub-committee was created under the Community Center 501(c)3 Committee. The minutes state that the members of the Borough ADA Committee should always be the same as the members on the 501(c)3 ADA Committee. Deputy Mayor Baratta asked if it was going to be the same policy as the 501(c)3 Committee of the Community Center in that the Council did not pick the members or would it be like the other Committees with the Council deciding the appointments.

Mayor Cosgrove stated that Stuart Liebman had indicated that the ADA sub-committee would be like the Community Center 501(c)3 Committee, but the Council would appoint the liaison as they do with the Community Center Committee. Attorney Mondello stated that the 501(c)3 Committee is separate, but the minutes state the members should be the same. If they want flexibility to

be able to change the 501(c)3 Committee, they can. Mayor Cosgrove stated they cannot do that.

Deputy Mayor Baratta asked if the Council choose the members. Attorney Mondello stated that the Council always chooses the members for the Borough's ADA Committee, but the Council cannot choose the members of the 501(c)3 Committee. Deputy Mayor Baratta asked if the ADA Committee will remain as it always has. Attorney Mondello stated that was correct.

Mayor Cosgrove stated that was not the way it was ruled. Attorney Mondello stated that the committees would always be the same, but the ADA Committee is the Borough's committee and as such, the Governing body chooses the members. Mayor Cosgrove stated that the Borough does not have a Community Center 501(c)3 Committee, but they do appoint the liaison because the Borough is involved with it. Councilmember-elect Dunay asked for a copy of Mr. Liebman's letter. Mayor Cosgrove stated a copy will be provided.

Deputy Mayor Trawinski stated that they need to be careful as the Borough has stayed away from independent authorities with separate independent powers partially subsidized by tax payers. Councilmember-elect Dunay stated they need to get a clear understanding of how the Committee is governed. Deputy Mayor Trawinski stated that if the Committee is truly independent, then it is completely different, but if it is the Council's advisory body, than the Council must make the appointments. Had he been on the Council when it was formed, he would not have favored the creation of the Community Center 501(c)3 Committee. The Borough was capable of being the bonding entity with the Bergen County Improvement Authority. They created another layer that they did not need to create.

Councilmember Swain explained that the ADA Committee went in this direction because they wanted to build a new playground to replace equipment that was 20 to 25 years old. The Committee needed a way to raise funds that were tax deductible. Councilmember-elect Dunay stated that he supported the project but reiterated the need to have a clear understanding.

Mayor Cosgrove clarified that the Borough formed the 501(c)3 Committee with the Manager, Borough Attorney and the Superintendent of Parks and Recreation. They received a ruling that said that the 501(c)3 had to be totally independent of the Borough. The 501(c)3 Committee stepped forward to help the ADA Committee so they could raise money without donations going into the Borough's general fund. He suggested the Council review Stu Liebman's agreement and then discuss it in January. The question is if the ADA Committee is part of the 501(c)3 Committee for fundraising but there is a Borough committee to report issues such as ramps.

Deputy Mayor Baratta stated that was important because the 501(c)3 Committee makes decisions without Council input. She did not think they wanted the same thing with the ADA Committee. Mayor Cosgrove stated that they may want to have a committee work with the Council on issues such as ramps. There was a Borough Community Center Committee before they became a 501(c)3 Committee and everyone who was on the Borough Committee was on the 501(c)3 Committee.

Councilmember Swain stated that she forgot to thank the Fair Lawn Rotary Club for giving the ADA Committee a very generous contribution of \$813.

## **FAIR LAWN RECREATION FACILITIES REVIEW COMMITTEE**

### **INCREASING MEMBERSHIP**

#### **STRUCTURE**

Mayor Cosgrove stated they had originally asked if they could add another member but learned that they were supposed to have 15 members and currently had 24. Municipal Clerk Kwasniewski confirmed the resolution that created the Committee clearly states it may not be comprised of more than 15 members and delineates some of the members such as Borough Manager's designee and the Superintendents of DPW and Parks and Recreation.

Mayor Cosgrove stated that he did not have a problem with having more members, but he felt they should break it down into sub-committees as there are members who want to look at the pool and others who want to look at fields. Councilmember Peluso agreed. He felt that was a good idea.

Councilmember Swain stated that she has been a member of the Committee for six years. Its purpose is to review the park facilities, which includes the pool. Each year a small group looks at all Borough parks to note what maintenance or improvements are needed. Several years ago they formed a sub-committee to look at improvements to the pool, but the costs were very high and they did not proceed. Mayor Cosgrove felt they should come up with a plan for the pool, even if it takes five years, since they cannot use trailers forever.

Deputy Mayor Trawinski thought there should be a separate committee for the pool as the task is monumental. The special use permit they have from the EPA that allows them to use chlorine, was obtained when they represented to them that they were going to do something about the pool. The permit does not have an unlimited expiration due to the effect of chlorine on the Passaic River. Mayor Cosgrove stated they were aware they could lose the special dispensation because of the sand bottom. Councilmember Swain stated that she had all the previous plans, including East Brunswick's information.

She suggested contacting members before they expand the size of the Committee as some may no longer wish to serve on the Committee. Municipal Clerk Kwasniewski stated that she can send a letter to the Committee members, as appointments do not expire until January 22<sup>nd</sup>.

There was consensus to have Municipal Clerk Kwasniewski send letters to the current members of the Recreation Facilities Review Committee to see who was interested in remaining on the Committee.

Councilmember Elect Dunay suggested the letter mention that one agenda item for the Committee will be the pool, as that might foster interest. He felt they should do wider solicitations for the pool committee. Mayor Cosgrove stated that several members joined recently because they were interested in the pool. Deputy Mayor Baratta stated that there were members from all areas of Fair Lawn and all neighborhoods were represented. Manager Van Kruiningen stated that he will post something on the website, which would also allow them to do a survey to obtain feedback from residents. Mayor Cosgrove recommended waiting until they see the response from the Committee before adding new members.

There was consensus to have Municipal Clerk Kwasniewski send a letter to the Recreational Facilities Review Committee to see which members wanted to remain on the Committee.

### **SUPPORTING "HONOR AND REMEMBER" FLAG REQUEST FROM BLUE STAR MOTHERS OF NORTH JERSEY CHAPTER 3**

Municipal Clerk Kwasniewski stated that the two representatives have requested to be on the agenda for January 28<sup>th</sup>. Mayor Cosgrove noted there is a small version of the flag outside on the wreaths. He was informed by Manager Van Kruiningen that the flag cannot be flown underneath the POW or American flag and would have to be hung independently.

### **FIRE DEPARTMENT LOCK BOX ORDINANCE**

Manager Van Kruiningen explained that the Fire Department has a lock box system in place on commercial properties that choose to have them. It has been a successful program under the Knox Box vendor system. The Police Department has asked the Fire Department if they could come on board with additional lock boxes, which would be used in the event of medical emergencies at residences where there is an individual with special needs and or residents who meet the criteria. Participation would be voluntary.

It was felt there should be an ordinance allowing the Police Department to use the boxes for medical emergencies. The draft ordinance has been reviewed by the Police Chief, Building Department, Planning Board, Fire Prevention and the Fire

Chief, although Fire Marshal Bender recently emailed him with some minor grammatical changes.

Mayor Cosgrove stated that, as a first responder, he felt having lock boxes in commercial buildings was a good idea because they provided quicker access. They would also be beneficial for residents with special needs. Deputy Mayor Trawinski suggested asking the JIF about potential liability issues, as Borough Hall will have access to someone's home. It is different on the commercial side. Manager Van Kruijning stated that he will send the ordinance to Risk Manager Covelli for review and comment.

He explained that each fire truck has a lock box with a key located in it. To access it someone must enter their pin number, which is recorded along with the date and time. The Police would follow the same procedure. The only thing being added was access to residences with special needs if the homeowner desired it. Councilmember-elect Lefkowitz asked about using a waiver. Deputy Mayor Trawinski stated that no court would enforce it.

Deputy Mayor Baratta asked if there was an incident that prompted this program. Manager Van Kruijning stated the Police saw how the Fire Department used this program for fire emergencies and wanted to use it for medical emergencies so they did not need to damage a door or window to gain access to a home.

Councilmember-elect Lefkowitz asked how eligible residents are determined, as seniors or others might want to be on the list. Manager Van Kruijning stated that the criteria will be established internally by the Fire Department. Councilmember-elect Dunay felt it would be helpful to include the language in the ordinance as well. Attorney Mondello stated that the purpose could be made clearer by specifying it is for individuals with special needs. Manager Van Kruijning will make the changes and submit the draft ordinance to the JIF.

There was consensus to have Manager Van Kruijning review the ordinance with the JIF and report back to the Council.

#### **WATER DEPARTMENT/BOARD OF EDUCATION GARAGE CADMUS PLACE**

Manager Van Kruijning stated that there are two buildings at the Water Department facility at Cadmus Place and Romaine Avenue. One is used for Water Generation and the Water Distribution is multiple buildings as one. For many years the Board of Education had an agreement with the Borough to utilize a section of the large garage at the Cadmus corner when the High School had Auto Lab. When the program was discontinued, the Board of Education turned the garage into a storage facility for snow blowers and other equipment. It was looked at as a possible site for the Rescue Squad Building, but upon inspection they saw the facility was heavily used.

There is a leak in the garage roof that is worsening. Engineer Garrison examined the roof and estimates repairs will cost \$35,000 to \$40,000. The agreement with the Board of Education, which expired in 1999, states that the Board will make all necessary repairs to specific fixtures, but may elect not to do so as long as the structural deficiency does not threaten the safety of the persons in or about the premises. Structural parts of the roof are included. Although there is currently no need for the Borough to utilize the facility, he suggested discussing this matter at a Shared Services meeting and asking the Board if they were willing to pay for the repair, share the cost or vacate the facility.

Mayor Cosgrove thought the Board of Education should pay for the repairs since they were using the building. Deputy Mayor Trawinski agreed, provided they give the Board some reasonable written extension on the time they will be allowed to use the facility. Manager Van Kruijning stated that the agreement needed to be revised to reflect day to day operational or preventative maintenance, as the previous agreement referred to auto lab and educational purposes only. Deputy Mayor Trawinski advised them to consider environmental aspects as there are now vehicles with dripping gasoline that may get into the concrete or ground. Councilmember Swain stated that if the building has a flat roof it might be a good place to have a rain garden, which could become part of the curriculum. Deputy Mayor Trawinski felt they needed to work out an agreement in the Shared Services format so that the public did not think they were doing something behind closed doors.

There was consensus to discuss the above matter at a Shared Services meeting.

#### **LOCAL GOVERNMENT ENERGY AUDIT**

Manager Van Kruijning stated that in 2009 energy audits were conducted on the Municipal Building, the Community Center, the Senior Center and the main maintenance garage at the DPW complex. They are trying to move forward with a cooperative effort with the Board of Education to have solar power. In 2009 it was a 75/25 share – 75% through BPU and 25% from the Borough. It is now covered 100%. He would like to have additional audits done at the Library, the Water Generation Building and Water Distribution Building. The Firehouses and Rescue Squad buildings may not meet the criteria, as demand there is not that great. Deputy Mayor Trawinski asked about the Parks Building. Manager Van Kruijning stated that they will look at that facility also.

Councilmember-elect Lefkowitz asked who conducts the audit. Manager Van Kruijning explained that they did a Request for Proposal. They went with the lowest bidder, who was very good, and received a detailed report on all four facilities. Councilmember-elect Lefkowitz asked if the new RFP had gone out. Manager Van Kruijning confirmed that.

There was consensus to proceed with the additional energy audits.

**2014 ITEMS****INVOCATION AND BENEDICTION**

Mayor Cosgrove stated that Father Joseph Doyle from St. Anne's Church will do the invocation. He asked Rabbi Zeilicovich from Temple Beth Sholom to do the benediction, but he has not heard back yet.

**SPECIAL MEETING**

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the Work Session was recessed to Special Meeting at 8:45 p.m.

Mayor Cosgrove reconvened the Work Session at 8:50 p.m.

**MISCELLANEOUS PUBLIC COMMENTS**

Rich Siebel, 33-07 Halsey Road thanked everyone for attending the Wreaths Across America program. He noticed the Toys for Tots box was full. It means a lot to the troops and their families, as they feel especially lonely and anxious during the holidays when a loved one is serving on foreign soil. He reported that six soldiers were killed in a helicopter crash today in Afghanistan, and a Petty Officer in the Navy was killed in non-combat circumstances. Everything our soldiers do is dangerous.

He wished everyone a Happy Hanukah, Merry Christmas and Happy New Year. He acknowledged Joe Meer, who is a war hero, for his 25 years of service on the Zoning Board.

Mayor Cosgrove stated that one of the reasons the Toys for Tots box was full is because special needs students from Edison School came to Borough Hall yesterday with toys and food for the pantry.

Councilmember Peluso stated that the Recycling Department is doing a toy drive for lightly used plastic toys.

Mr. Seibel concluded by stating that he asks his son attend to attend such events in uniform, because it reminds people that our Country is at war.

**CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Swain and a second by Deputy Mayor Baratta, 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 Pending Litigation – Raymond Vuoncino; Personnel – Appointments to Various Boards, Commissions, Committees: Fair Lawn Arts Council, Historic Preservation Commission, Planning Board, Zoning Board – Appointments of Professionals – Surveyor, Grant Writer and Hearing Officer; and

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

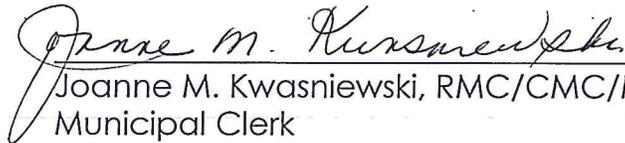
**WHEREAS;** minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

**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.

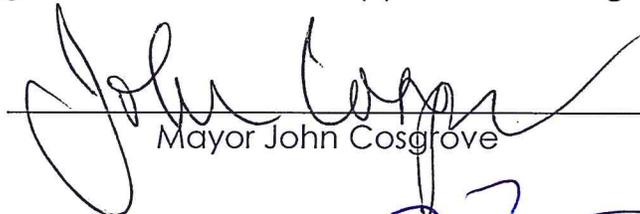
**ADJOURNMENT**

Upon motion by Councilmember Swain and a second by Councilmember Peluso, the Work Session was adjourned at 9:45 p.m.

Respectfully submitted,

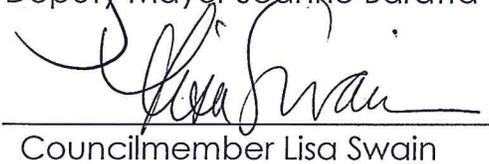
  
\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

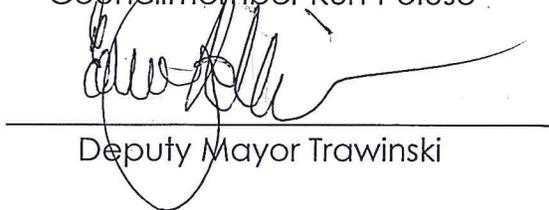
The undersigned have read and approve the foregoing minutes.

  
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Mayor John Cosgrove

  
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Deputy Mayor Jeanne Baratta

  
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Councilmember Kurt Peluso

  
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Councilmember Lisa Swain

  
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Deputy Mayor Trawinski

