

WORK SESSION OF JANUARY 22, 2013

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

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

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski and Attorney Mondello (late).

ABSENT: Mayor Cosgrove.

FARMER'S MARKET – JANE SPINDEL:

Jane Spindel was present. Councilmember Swain indicated that while they like the idea of the Farmers' Market there needs to be some changes

Ms. Spindel said that a few of the volunteers no longer want to be committed to it every Wednesday. The Managers are not on site all day. Some towns pay managers and some have employees there. Ms. Spindel said that the farmer, along with the fruit and nut guy and the pickle man would be there. Two vendors were lost this year because they weren't making enough money. If the town was alright with not having a manager there all day, they could probably work it out. The farmer said it was not as good as it was four years ago but was still making enough to stay. He may be the only vendor there.

Ms. Spindel said the market is open 11 a.m. to 5 p.m., although the farmer usually is gone by 4:30 p.m. Manager Metzler wondered if anyone has ever looked at running it for fewer hours and later in the day. West Milford has a very successful farmer's market which runs from 3:00 to 7:00 p.m. Ms. Spindel said the farmer doesn't want to be there at night. She felt if they could function without a full time manager that would be great and if she could get more vendors it would be better. She proposed doing a joint farmers' market with Glen Rock but the farmer does not want to move.

Attorney Mondello arrived at 7:40 p.m.

Councilmember Swain said the question was can they continue without a manager on site for the entire time. Ms. Spindel wondered if whoever delivers the barricades could set them up. She could put the banner up herself at the church.

Manager Metzler expressed his concerns with her proposal. He was sure they could get Public Works to set up the barricades but taking them down after 5:00

p.m. would incur overtime. The other concern he had was the pending workman's lawsuit from the Garden Committee. If there was an injury and no one is on site, the proper paper work would not be done. Ms. Spindel said the farmer has all of their phone numbers and if there was a problem, he could call one of them and they could get down there. Deputy Mayor Trawinski thought Manager Metzler should talk to the JIF about not having a manager on site.

There was a unanimous consensus to authorize the Garden Committee to move forward with the Farmer's Market without a manager on site unless they hear from the JIF that they cannot do it that way.

Ms. Spindel asked Attorney Mondello to update the contracts. She was not sure of the start date but probably be the middle of June. Attorney Mondello said that he could e-mail her the contract. Municipal Clerk Kwasniewski said she never gets a copy of the signed contract. She also said they never finished the shed at the Community Garden. Ms. Spindel said she will follow up on it.

REVIEW OF TENTATIVE AGENDA:

Municipal Clerk Kwasniewski stated the Manager has asked if they could add a resolution regarding the CPI index for LOSAP. The increase for this year is \$18.

Deputy Mayor Trawinski said he had a minor problem with it. He felt it should be capped at the 2% tax cap. Manager Metzler said when it was approved it was a predetermined number. Deputy Mayor Trawinski said the statute gives the Borough discretion to the CPI and since they are doing everything else under the 2% cap, he thought they should be consistent. He was not opposed to it but thought they should take a closer look at it.

COUNCIL LIAISON REPORTS:

Councilmember Swain stated that apparently the Fair Lawn requests to the County have been prioritized with the skate park and the playground. Manager Metzler said he had the application for the playground and the skate park and neither were checked as a priority. Councilmember Swain wanted to verify with the County that they are not under the impression that these requests were prioritized. Manager Metzler said he could take care of that.

Councilmember Swain continued that the One Pound at a Time program has a high school student willing to design a webpage for them. On February 20th they are going to have a press conference for the program. Manager Metzler will weigh in then. Also there will be a nutritionist available to talk to people about healthy eating and ways to lose weight.

The next event the Green Team will hold is about composting and recycling.

Councilmember Peluso stated the Substance Abuse Prevention Alliance will be meeting the next day.

Deputy Mayor Trawinski thought he reported at the last meeting that the Planning Board gave approval on that one condition on the relocation of the COAH units. There will be a Special Meeting next Monday to view consistencies or inconsistencies on the zoning changes for the Master Plan.

The Planning Board is reconstituting the Master Plan Committee and also there is a vacancy for consideration.

Deputy Mayor Baratta stated the Environmental Commission met on January 9th and they had representatives there from the nursery school that opened in the industrial park. There were vapor intrusion issues in the area but not in the nursery school. The owners of the school were there as well. They do not have a license to be open but are open. She thought that the Borough should make sure they have a license. Attorney Mondello wanted to know who their attorney was. Deputy Mayor Baratta suggested he contact Carol Wagner.

Wendy Dabney would like to add a clause to their by-laws that if a member misses three meetings in a row they should be replaced. Attorney Mondello said he would send something to her. Deputy Mayor Trawinski suggested that a letter be sent to Dr. Lerner at the Special Services School where they may find Fair Lawn students that may be interested in serving on the Environmental Commission. Deputy Mayor Baratta said they also discussed looking for interns who were going to college or the vocational school that were seriously interested in Environmental Science. Carol Wagner gets all of the environmental reports for the different sights and does not have the staff to go through them. They could read the reports and categorize them. Deputy Mayor Baratta said with the Council's consensus she would reach out to the Superintendent of the Schools in the County to look into interns for that.

There was a unanimous consensus to authorize Deputy Mayor Baratta to do as proposed.

VETERANS & VOLUNTEER COALITION:

Manager Metzler reported that the County's current veterans and volunteers program is handled by Bergen County Senior Services. They have sent over the applications for the veterans and volunteers to participate in their program. Ms. Demeraski is composing a letter to the veterans indicating that the Borough will no longer be running their own program but they can participate in the County

program. She will include an application with the letter so that the resident could fill it out and mail it in to the County. The County has indicated to him that they will follow up with the vendors that were listed in the Borough's catalog to see if they would be interested in the County's program. The County indicated they would send over a stack of cards. Manager Metzler thought they could do the same service if not better because now it's open to all of the vendors the County uses.

RESOLUTION IN SUPPORT OF PROHIBITION OF SEMI-AUTOMATIC WEAPONS:

Councilmember Swain asked for a consensus to adopt a resolution supporting gun control. Deputy Mayor Trawinski said that he would vote in favor of this resolution but they should understand that this is a feel good resolution because 95% of all crimes that are committed with weapons are with illegal weapons.

Manager Metzler felt the first line of the resolution stating 'The United States of America is the most violent country in the developed world' is extremely offensive. Councilmember Swain said that it was unfortunately true. Deputy Mayor Trawinski thought other countries were far more violent than the United States. Manager Metzler said he was offended by the comment and offered new language for the resolution. He spoke about the ruling the Supreme Court made on the 2nd Amendment. He also pointed out that another section in the resolution that should be redone.

Deputy Mayor Baratta stated that she would not vote in favor of this resolution because of the language which she found very offensive.

Councilmember Swain agreed with Deputy Mayor Trawinski that they are not setting federal legislation; however, she felt that they should take a stand on gun control and changes need to be made. She was not saying that people cannot have guns. Background checks should be made more extensive.

Deputy Mayor Trawinski stated that was why he would vote in favor of this resolution because of more extensive background checks. The most violent murder rates in the nation are in Washington, D.C. and Chicago, IL. Deputy Mayor Baratta said those states have the strictest gun regulations but yet the highest crime rates with guns. If someone wanted to they could get a gun no matter what. Deputy Mayor Trawinski said they were doing this as they do in a society in many areas, when they over react to horrific events and then punish the people who obey the law. If they really want to make a difference, they should demand that the media stop printing the names of the people who walk into a grammar school and kill somebody. He thought that had a bigger effect on the copycats. Those are the kinds of things that will make a difference. Councilmember Swain agreed. Deputy Mayor Trawinski felt they have to say

that they are not going to tolerate it anymore. Councilmember Swain felt this resolution was a step towards that.

Attorney Mondello suggested going back and softening the first and thirteenth paragraph. Municipal Clerk Kwasniewski said she had spoken to Mayor Cosgrove who had changes he wanted to make too. Councilmember Swain said the draft that she had he was fine with. Manager Metzler asked if Councilmember Swain would be alright with removing the items he had concerns about. Councilmember Swain said she wasn't sure. Attorney Mondello proposed preparing another version and then they could compare it and see what they like. Councilmember Swain requested changes be done by email.

SPRING WALK:

Councilmember Swain stated that the Green Team wants to hold another event in May. She had spoken to Jim VanKruiningen who will help organize it and they could add a fund raiser to it. Deputy Mayor Trawinski wondered if any streets would have to be shut down or if they would incur any overtime. He was conceptually in agreement with the idea but wanted to know what the costs would be. Councilmember Swain said at the minimum they could walk around Memorial Pool because it would be held before the pool is open.

Manager Metzler said if they were walking on the sidewalks, they could always bring in a crossing guard. Councilmember Swain agreed to keeping the costs down.

Councilmember Peluso said there was a nature walk that was done by Memorial Pool along the river. Deputy Mayor Baratta thought that was a nice thought to walk along the path. Manager Metzler said they have to see what kind of condition the walkway is in because it has sustained a lot of damage. He will take a look at the walkway to see how it is.

There was a unanimous consensus to allow the Manager to proceed with arranging for a Spring Walk.

REMOVING ACTIONS FROM THE TASK PERFORMANCE LIST THAT THE COUNCIL DOES NOT PLAN ON FOLLOWING THROUGH WITH:

Councilmember Peluso noted there were items on the Task Performance List that date back to 2007. He suggested that at a work sessions they review the list and if they all agree, items could be removed.

Municipal Clerk Kwasniewski said that Councilmember Peluso had asked her about the list and she had explained it was not her place to remove any items. There are many items on the list she felt they would never do. This item will be on a future work session.

DISCUSSION OF THE THEATRE AT THE COMMUNITY CENTER:

Councilmember Peluso stated that at one of the events he was at he spoke to the Theatre Coordinator who mentioned that some productions go on for longer amount of time and they get charged the same rate as they go on. He would like the Manager to look at the pricing. He said the YMCA gives discounts to certain groups or on days that no one is using the facility. He felt now that there was a history of the use of the theatre, it could be reviewed and possibly lower the rate for some organization that want to use the facility.

Manager Metzler stated the pricing is regulated by the fee ordinance and the problem was there are a lot of production companies that are doing shows on a Friday, Saturday and Sunday. They then book the theatre for rehearsals every night before. He thought he could give them a list of all the productions and what the fees are. Over the course of the years there have been theatre companies that the Borough has co-sponsored and then the following year they do it with another theatre company. The reality is there are not many days where the theatre is not used. He will distribute a copy of the calendar so the Council can review it and then put it on a future Work Session.

REQUEST FOR FENCE EASEMENT – 9-07 NORMA AVENUE:

Manager Metzler stated that since there were no objections from Engineering, he recommended granting the request for a fence easement. Deputy Mayor Trawinski stated that the license agreement should include the special provision that nothing contained in the license modifies or alters in any manner the terms of the existing easement. The statement should be included in all license agreements involving easement areas.

There was unanimous consensus approve the request for fence easement at 9-07 Norma Avenue.

PRIVITIZATION THROUGH ATTRITION:

Manager Metzler stated that he wanted to obtain cost estimates on privatization in areas where there have been reductions in workforce through attrition, to see if it may generate savings and help determine more efficient ways to operate departments. Past privatization efforts such as the nighttime custodial staff have not been successful because they are not supervised. There

might be savings through privatizing landscaping services for the parks and summer seasonal help. Their garbage contract is expiring at the end of the year. They may be able to save in Recycling by not filling current vacancies and having the hauler pick up one section of town.

He was approached by a landscaping firm who offered to maintain the Municipal Building for free in exchange for placing a sign with their company name out front. Deputy Mayor Trawinski stated that the Manager does not need Council permission to explore cost saving measures; however privatization is a policy call that would need to be discussed with the Council.

DOBROW COMPLEX – SKATE PARK GRANTS:

Manager Metzler stated that the matching grant for \$17,000 was extended by the County, with the stipulation that installation of the skate park be completed by June. A second matching grant application in the amount of \$50,000 will be used for the skate park structure and landscaping at Walsh Pool. If that goes through, the skate park will be located in the area shown as a soccer field on the All Sports plans. He worried about investing money in the skate park if it may need to be removed down the road.

Deputy Mayor Baratta agreed with Councilmember Swain's concern about the skate park being adjacent to a playground. Manager Metzler stressed that the Council will need to decide if they want to install the skate park as planned, instead of leaving the space open for a soccer field as proposed by All Sports. Deputy Mayor Baratta suggested placing this item on a future agenda so they have time to review both plans. Deputy Mayor Trawinski suggested asking Robert Abbatomarco if the \$17,000 grant could be turned back for unprogrammed funds if they weren't going to use it, with the understanding that unless there was some other priority, they would be held for Fair Lawn's benefit for a period of time. Manager Metzler stated that the \$17,000 was used for the apparatus, which has been in storage since the park was removed. Unless they complete the park they will have to repay the \$17,000. The other grant for \$50,000 with matching funds was for the Skate Park and berm. They have conflicting plans without funding.

Councilmember Swain asked what would happen if they did not receive additional funding for the skate park. Manager Metzler stated that they would be out \$17,000 and there would not be a skate park. Prior to applying for the grant, Engineer Garrison was going to put down macadam for the skate park. After looking at the ADA's plan for Walsh Pool, the Council applied for a grant to implement the portion of the skate park and berm, which would provide some noise protection. They were going to fund the skate park macadam partly out of the road repaving program and partly out of the Engineering fund.

Deputy Mayor Trawinski asked if they could dovetail Engineer Garrison's skate park plan in the area suggested in the All Sports' plan, without losing any of the funding. Manager Metzler stated that there were grading issues and he did not know the situation in the area proposed by All Sports. Deputy Mayor Trawinski wondered if they could move the skate park closer towards Route 208. Manager Metzler stated they wanted the skate park to be visible from Harristown Road for security reason. If they moved it closer to Route 208 it would be more secluded, would eliminate the basketball court and bring the skate park closer to the playground. Deputy Mayor Trawinski stated they have to go beyond a concept to a more preliminary engineered plan to see if they could get the skate park in a location without losing the funding. They have received one extension.

Manager Metzler stated they needed to decide if the Complex was going to be used strictly for organized sports or used as parkland and organized play. They could perhaps modernize the basketball court and put the playground next to it, and All Sports could give up a soccer field for a baseball field. There is room for compromise. Deputy Mayor Trawinski suggested Mayor Cosgrove and Councilmember Peluso meet with All Sports again to discuss this. Deputy Mayor Baratta stressed that All Sports, not the Borough, would be installing the fields. They still have to do their fundraising. The priority is to get the skate park and ADA park going, with All Sports working around that.

Manager Metzler clarified that the ADA playground was now being proposed at Berdan Grove instead of Walsh Pool. They adopted the plan the Committee submitted as their model but would keep the existing playground. Deputy Mayor Trawinski stated they should factor in the concerns expressed by the Columbia Heights residents, since the proposed play area was significantly reduced and it is their only neighborhood park. Manager Metzler stated that they needed to look at topography and the number of trees that would need to be removed. It would change the entire makeup of the area.

Councilmember Swain suggested scheduling an onsite visit to discuss the options. Deputy Mayor Trawinski noted that they would have to publish a notice if they were meeting as a Council. Manager Metzler suggested scheduling a visit after a Saturday budget meeting. Councilmember Peluso suggested including All Sports in the tour.

DATES FOR BUDGET REVIEW:

Manager Metzler proposed holding a budget meeting on Saturday, February 23rd at 9:00 a.m.

There was unanimous consensus to schedule a Budget Meeting on Saturday, February 23, 2013 at 9:00 a.m.

MEMORIAL POOL TRAILERS 2013 SEASON:

Manager Metzler reported that he will be renting trailers again but the Borough will have to pay for them. He was hoping to get the same type of trailer they used last year.

He sent out an overview of the Engineering projects with a tentative time line and they were getting back on track.

PURCHASES THROUGH BERGEN COUNTY IMPROVEMENT AUTHORITY:

Manager Metzler explained that through 2008 they had planned to try to replace some of the older Police vehicles used by Borough departments with energy efficient hybrids or 4 cylinder vehicles. Although Senator Gordon tried to have legislation passed which would allow them to purchase sedans on a Capital Budget, the bill did not get out of Committee. They are still using the old Police cars because they have stopped replacing Police cars on a regular basis. The vehicles being retired are in worse shape than those being used by the Department heads. He suggested implementing a plan to start eliminating eight cylinder cars that only got eight to ten miles per gallon with energy efficient cars getting 28 miles per gallon. The average cost on State contract for a Ford Focus is \$14,000. Since there was no funding in their operating budget, he suggested doing a lease purchase through the BCIA to purchase five cars this year and five next year. He asked Council permission to explore this route, as the Council voted in 2008 never to use the BCIA again.

Deputy Mayor Baratta asked if they would still be paying for the vehicles after their usefulness was up. Manager Metzler stated they would not. Deputy Mayor Trawinski stated that Freeholder Ganz recently discussed using the BCIA now that their fees have been reduced in half. There is also the ability during cash strapped times to use this program to purchase Police vehicles. Manager Metzler clarified that he was talking about purchasing Borough vehicles not Police cars. Deputy Mayor Trawinski felt this would fall within the intent.

Councilmember Swain asked why Manager Metzler chose a Ford Focus. Manager Metzler explained that a few years ago they looked at hybrids and other vehicles. The Borough mechanic advised him that the life expectancy of the batteries was seven years and a replacement battery was \$10,000. He expected to get more than ten years out of the vehicles. He is going to also explore a low mileage lease program, where they would turn the cars in and get a new car every few years. They are long overdue in addressing this issue.

Councilmember Swain suggested looking at Toyota, which was located in Fair Lawn. Manager Metzler explained they were not on the State contract. The Ford Fiesta is \$13,000, the Ford Focus is \$14,000, the Dodge Avenger is \$15,495, the Dodge Journey is \$17,800 and the Chevy Impala is \$17,406. He recommended the Ford Focus because they are moving their Police fleet back to Ford products and have ordered four, six cylinder Ford Taurus.

There was unanimous consensus to allow Manager Metzler to explore purchasing or leasing Borough vehicles through the BCIA.

UPDATE ON SURVEY RESPONSE COMMENTS:

Manager Metzler presented an overview of written comments from the survey, which were categorized and broken down by question. Deputy Mayor Baratta suggested reviewing the information to see if there is anything they want to add to future agendas. She thanked the Manager's staff for doing this work.

There was unanimous consensus to post this information on the website.

BLUE HILL PASSIVE PARK:

Manager Metzler stated that now that the Borough owns the property on Blue Hill, the Open Space Committee would like to have a ribbon cutting and invite the residents to get input on what they would like to see on that space. He wondered how many feet from the area he should reach out to. Deputy Mayor Trawinski stated that 200 feet on one side of the highway would not include any residents. Manager Metzler asked the Council's opinion if the residents asked for a playground. Deputy Mayor Trawinski stated he would be willing to do it if the neighbors were willing to have a special assessment to pay for it. Councilmember Swain suggested telling the neighbors they were planning a passive park at the location and they were welcome to come to the ribbon cutting to share ideas. Manager Metzler suggested holding it in the spring.

Municipal Clerk Kwasniewski reminded them that they need to schedule a ribbon cutting for the property by Uncle Bob's. Manager Metzler stated that she spoke with Jack Donohue from the Open Space Committee, who suggested having both ribbon cuttings on the same day. He asked if they would be calling the area Blue Hill Park. Councilmember Swain suggested waiting to see if they want to name it after someone. Deputy Mayor Trawinski suggested asking Jane Diepeveen, the town Historian whether there was any historical significance on how the area became named Blue Hill.

MISCELLANEOUS PUBLIC COMMENTS:

There were no public comments.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 9:00 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 – Harraka vs. Fair Lawn, Contract Negotiations – Update on Blue and White Collar Association, Personnel – Appointments/Resignations: Garden Committee, ADA, Environmental Commission and Planning Board; 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 Trawinski and second by Councilmember Swain, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Absent
Mayor John Cosgrove

Deputy Mayor Jeanne Baratta

Councilmember Kurt Peluso

Councilmember Lisa Swain

Deputy Mayor Edward Trawinski