

## WORK SESSION OF FEBRUARY 4, 2014

Mayor Cosgrove called the meeting to order at 7:35 p.m.

**PRESENT:** Mayor Cosgrove, Deputy Mayor Lefkowitz, Councilmembers Peluso (late) and Swain.

**ABSENT:** Deputy Mayor Dunay

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

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

Mayor Cosgrove believed that the flag can be raised and hung underneath the American flag at the top, the POW flag and then the Honor and Remember flag. It is a new national symbol of gratitude and respect for people that have served in the military and given their lives. He realized that there were many people present from the Blue Star Mother's group. He thanked them for coming and for remembering the veterans.

Marie Pagios, 7-25 Oak Street, stated she and Janice Belbol joined the organization as a means of support when their sons joined the Army upon graduating from Fair Lawn High School in June 2013. They support many Veterans' groups and the Gold Star families.

Councilmember Peluso arrived at 7:38 p.m.

Marjorie Sitsma, 707 Kennedy Court, Wyckoff, stated they send about a thousand boxes to the deployed troops throughout the world. They support the Wounded Warriors with specific needs to help them get back to life. She offered to give the Borough a flag.

There was a unanimous consensus to hang the Honor and Remember flag outside of the Municipal Building.

Mayor Cosgrove thanked them for coming in and stated that they can present the flag next week at the Council Meeting. A resolution would be done next week supporting legislation to establish a national flag to honor and remember those who have given their lives in military services.

**FAIR LAWN ALL SPORTS OVERNIGHT SOFTBALL TOURNAMENT:**

Michael Aversa, President of All Sports was present. Mayor Cosgrove stated that All Sports wants to run an overnight girl softball tournament at the complex. Mr. Aversa handed out flyers. They were proposing to hold an up all night tournament at the sports complex on July 18th 10:00 p.m. and end at 7:00 a.m. Only two fields will be used. They were there to get the Mayor and Council support.

Mayor Cosgrove wondered if there would be any announcing during the games. Mr. Aversa said there will be no announcing or any loud noise except for some 14 -15 year old girls that might be excited about winning.

Attorney Mondello asked about insurance coverage. Mr. Aversa said their insurance policy will cover this.

Donna Taylor, 5-19 Hazel Place, stated that in her experience with tournaments they have always been asked to give Fair Lawn's insurance and name the tournament as additional insured. They can do whatever is required.

Councilmember Swain asked about parking. Mr. Aversa said the parking lot hold 75 cars but they can also park by the tennis courts and they do use the commercial lot.

Ms. Taylor said she did not anticipate more than 70 cars but would not hesitate to send them across the street first before the tennis courts so that lights did not have to be turned on. Councilmember Swain thought the property owners should be notified. She wondered if this was a fund raising event and Mr. Aversa confirmed that fact.

Manager Van Kruijning questioned Superintendent Graff if it would require staff from the Parks Department to work the overnight. Superintendent Graff said it would not. Ms. Taylor said they will use volunteers. Manager Van Kruijning felt that since it was overnight there should two officers present. Mayor Cosgrove suggested one officer and an auxiliary officer. Manager Van Kruijning said at least one officer has to be present. Ms. Taylor wondered if they have to figure in the cost of the officer. Manager Van Kruijning recommended that they request an off duty officer and pay the security rate which will be less than putting an officer there on time and a half. Mr. Aversa said he would look into it.

There was a unanimous consensus, based on Mr. Covelli's recommendation, to allow All Sports to run an overnight softball tournament.

**REVIEW OF TENTATIVE AGENDA:**

Mayor Cosgrove said he would like to remove Resolution No. 92-2014 from the agenda based on information that Councilmember Swain had submitted to them.

Municipal Clerk / Deputy Manager Kwasniewski stated that she met with Traffic Safety Officer Franco in regard to the ordinance that will revise the parking lot fees. While they were reviewing the ordinance Traffic Safety Officer Franco looked at the hardship permits and thought the wording they originally came up was not as clear as he would have liked. She informed him since they were doing the ordinance over, this would be the perfect time to revise the wording. His idea was if they got a hardship permit for the year, they would get a discount on the annual permit but they would have to get it within the first two months of the year. She explained the fees and not that the tags will clearly say the year and the month depending on when they are purchased which will make it easier for the officers.

Councilmember Swain said she was confused. She thought it was for overnight parking. Municipal Clerk / Deputy Manager Kwasniewski explained there will be one section for the hardship permit that is amended and one section for the commuter permits. They don't have anything to do with each other but are in the same ordinance because it is all traffic. Manager Van Kruiningen said the fees and criteria is the same. Councilmember Swain said since these are on the same ordinance, she may vote on the hardship permit but not on the commuter parking. Municipal Clerk / Deputy Manager Kwasniewski stated that she could split the ordinance. It would be a Council call. Councilmember Swain said she wanted them to work a little more on the train station parking. Mayor Cosgrove suggested they do two ordinances.

Municipal Clerk / Deputy Manager Kwasniewski said there are additional massagists that need to be approved.

**COUNCIL LIAISON REPORTS:**

Councilmember Swain spoke about the weight loss challenge that the County is doing through the Mayor's Wellness Campaign for Fair Lawn, Ridgewood and Paramus. There will be weekly weigh ins, motivational health and fitness classes, guest passes to Retro Fitness in Fair Lawn and guest passes to the Ridgewood YMCA. There will be free cholesterol and diabetes screening for the first 50 people registered. Anyone who completes the program whether or not they lost weight will be entered for a chance to win prizes. It will start Monday, March 10th in Ridgewood from 6:00 p.m. - 7:00 p.m. for the pre-challenge weigh in and from 7:00 p.m. - 8:00 p.m. about the challenge.

Councilmember Swain noted that Sandvik, one of the commercial neighbors, has been extremely generous to the Borough by donating office furniture. She would like to honor them. Manager Van Kruiningen said the Borough will be picking up the furniture the last three days of February. Mayor Cosgrove said they had contacted him about when they were ready with their new facility they will invite the Mayor and Council and he felt that would be a good time to honor them. He thought that sometime late spring or early summer because they are a little behind.

Councilmember Swain thought they should be brought to a Council meeting to be recognized.

Councilmember Swain said that all of the committees are meeting either later this week or next week.

Councilmember Peluso stated that none of his committees have met so he had nothing to report.

Deputy Mayor Lefkowitz stated the Planning Board was supposed to meet last night but because of the snow storm they will be meeting next week. The Community Center and Open Space have not met yet.

Mayor Cosgrove stated the EDC had a meeting and wanted to thank Tax Assessor Tim Henderson for compiling a list of all the landlords in the Radburn area. The four core people will be reaching out to the different landlords to see if they want to get involved with the study.

Mayor Cosgrove said the Fire Department meeting will be this week. They have responded to 100 calls in January.

Mayor Cosgrove suggested holding a Recreational Facilities Committee meeting sometime during the month of February. Councilmember Swain said if they were going to form a sub-committee for the pool, she would like to be the liaison since she has all the research on it. Mayor Cosgrove said they will see what they do. In the past the committee consisted of a lot of people but some people are there for the fields or the pools or both. He felt they were at the point with the pool that they need to talk about future plans for the pool.

#### **DOUBLE TELEPHONE POLES:**

Mayor Cosgrove said the smaller poles are still next to the higher poles. Manager Van Kruiningen said that when PSE&G comes through with the infrastructure upgrade they installed the larger poles. They then remove their utility and all of their lines off the smaller pole and transfer them to the larger

pole. The smaller poles are not the responsibility of PSE&G, they have leasing agreements with other utilities. The lowest utility is responsible for the pole. That being said, all of the smaller poles that are still in the ground are Verizon's responsibility. He met with PSE&G today regarding to the Banta Place substation Mr. Hollenbeck from PSE&G said he would give him the name and number of the Verizon representative who is responsible for the poles. He will prepare a list of the streets where these double poles still exist. Mayor Cosgrove said he drove up Berdan Avenue and it looks like all of the lines have been removed. Manager Van Kruijning said because PSE&G is trying to work fast with the infrastructure, Verizon has fallen behind. Mayor Cosgrove thought it was an eyesore. Councilmember Swain said Ridgewood had the same problem.

#### **SADDLE BROOK LACKLAND STORAGE:**

Manager Van Kruijning advised that the meeting of the Saddle Brook Planning Board was cancelled because of the weather and has been rescheduled for March 3. They are at the point where they have exhausted all of the funding that had been allotted by the Council. An appraiser will be attending the meeting so there will be additional costs involved. He felt that the Council would have to make a decision after the March meeting to see if they want to pursue this. Mayor Cosgrove said the Mr. Rosenberg said that would be the final meeting. Manager Van Kruijning said the preparation of the testimony and preparation of the exhibits from the appraiser will cost between \$775 and \$1075. He believed the last e-mail from Mr. Rosenberg was when he thought there was a meeting in February and he might have to go back in March. Now that the meeting has been rescheduled for March, he may have to go back in April. Manager Van Kruijning will get a status update from Mr. Rosenberg.

#### **COMMUNICATION BETWEEN COUNCILMEMBERS:**

Councilmember Swain stated she put this on the Agenda because at the time there were some events that she hadn't heard about, one was the Beef Steak. She wanted to make sure they had a good system of communicating with the entire Council so that whenever there is an event they should all be aware of it. Mayor Cosgrove thought there was a mix up with the Fire Department staff who had forgotten to invite the Council. He gets invited as an ex-chief so he did not think of it. Councilmember Swain thought when it comes to the Fire Department the rest of the Council should be invited. She also thought if there were any other Council matters, if one of them gets invited they should share with the other Councilmembers.

**BIGGERT WATER ACT:**

Councilmember Peluso said that the Biggert Water Act could be harmful to the residents. The Federal Government subsidizes the flood insurance for a lot of residents. The Senate has recently put a hold on it until 2017 but the House has not acted yet. He would like the Council to write a letter to Congressman Garrett saying they would like the House to delay the Biggert Water Act as they have done in the Senate. Some articles have said insurance premiums would go from \$300 to \$5,000 for some residents. He felt this was a very big issue. He would like the letter to say that the Council supports a delay on the Biggert Water Act so it does not impact our residents.

Mayor Cosgrove suggested that a letter be drafted then the Council can take a look at it. He felt Congressman Pascrell should be included because he was trying to push a bill through the house to keep insurance costs down for the residents.

There was a unanimous consensus to have a letter prepared and distributed to the Council for their review.

**NON-SPONSORED EVENT COSTS:**

Councilmember Peluso stated that outside organizations have been holding events which have a cost for the Borough. He proposed establishing a cap so the Borough is not responsible for the costs for the events.

Councilmember Swain thought it was worth looking in to. She thought the cost was an average of \$1,500 per event.

Manager Van Kruijning said in 2013 were the First Day 5K Run cost just over \$1,600, the spring street fair cost \$2,300 and the fall street fair cost just over \$2,000.

Councilmember Swain thought they should discuss this with at least River Road for that street fair. Mayor Cosgrove suggested that he could talk to the Chamber of Commerce about this matter. Councilmember Swain wondered about the cost of the 5k run. Manager Van Kruijning explained that Traffic Safety Officer Franco had handled it in conjunction with another program so staff was already on at the same time, but that does not work anymore. Councilmember Swain thought they should take a look at this and come up with a cap or a contribution that each event would have to make. Manager Van Kruijning thought they should look at the cost they have incurred and then charge 20% to 25% to offset the costs. The Borough will stick to the same policy

and will not add additional staff. Mayor Cosgrove thought it was fair and equitable for the people that use it to help defray the cost.

Councilmember Swain said that when her running club holds their run in Ridgewood, they have to pay the entire cost for the Police Officers.

Councilmember Peluso asked Municipal Clerk / Deputy Manager Kwasniewski to put this on the next Work Session for further discussion.

#### **PSE&G ENERGY STRONG RESOLUTION:**

Manager Van Kruiningen stated he had previously distributed the energy strong resolution. PSE&G's plan is to include protecting utilities installations. This is all about the 3.9 billion dollar investment over the next ten years to harden the utility infrastructure, which they have already begun. This energy strong proposal will reduce the impact and speed up the recovery process. They are requesting that municipalities support this energy strong program. There are 22 towns in Bergen County that have supported it.

Councilmember Swain noted the resolution did not contain anything about preventative measures in terms of environmental issues. She is in favor of them improving their infrastructure but if they increase alternative sources of energy when things like this happen then they can rely on solar or wind. She did not think PSE&G put enough emphasis in that area. She would like to see that added as a component to the resolution. Attorney Mondello advised they could add a paragraph. He felt they lose money on alternate sources so that's why it was left out. Mayor Cosgrove wondered if Councilmember Swain wanted to draft a resolution and bring it back to the next Work Session.

There was a unanimous consensus to have Councilmember Swain prepare a resolution and to have it reviewed by the Mayor and Council at their next Work Session.

#### **EXTENSION OF 2% CAP ON INTEREST ARBITRATION AWARDS:**

Manager Van Kruiningen referred to a letter from the League of Municipalities in regard to a request to extend the 2% cap on interest arbitration awards. This is extremely important because it is set to expire on April 1, 2014. He recommended that the Council pass this resolution supporting that they continue with the 2% cap on arbitration awards.

There was a unanimous consensus to authorize a resolution supporting the continuation of the 2% cap on interest arbitration awards.

Manager Van Kruiningen said that Deputy Mayor Dunay had sent him an email supporting this resolution. Municipal Clerk / Deputy Manager Kwasniewski said she would put it on the Consent Agenda.

**REPORT ON RFQ'S PLANNER FOR GREEN ACRES:**

Municipal Clerk / Deputy Manager Kwasniewski stated she sent a report home to the Council summarizing the key items

Councilmember Swain recommended Taylor Design Group because the Borough has been working with them. Cheryl Bergailo has done an awesome job. She has been working with the Planning Board and also working on the Master Plan. She was also a part of the sub-committee on the Green Team.

Mayor Cosgrove said that he agreed with Taylor Design Group. He thanked Municipal Clerk / Deputy Manager Kwasniewski for bringing to his attention many times invoices that both she and he felt weren't exactly what they thought had happened correct. They thought they were being over invoiced. He concurred that Taylor Design Group would be a good choice.

Councilmember Peluso stated that the previous planner was sent a fair warning about over invoicing them. As Councilmember Swain said everyone is happy with Cheryl Bergailo's work thus far.

Deputy Mayor Lefkowitz stated that Cheryl Bergailo seems to know a lot about Fair Lawn. She also felt that Taylor Design's fees were more on the reasonable side.

Manager Van Kruiningen reminded them that there will be active use of the firm because they gave consensus to proceed with the acquisition of the properties on Saddle River Road.

Deputy Mayor Lefkowitz wondered if there would be a problem with Taylor Design doing more than one role. Attorney Mondello thought that was a good question. He added that that firm had been very helpful with the Hadco / Kem matter when they went before the Court for a motion to amend the builder's remedy order that Judge Harris put in place.

Councilmember Swain said it was very confusing with the COAH rules were changing. Ms. Bergailo did an entire presentation and it was very clear.

Municipal Clerk / Deputy Manager Kwasniewski said that last year Deputy Mayor Trawinski was impressed with Cheryl Bergailo's work.

There was a unanimous consensus to appoint Taylor Design Group as the Green Acres Planner.

**MISCELLANEOUS PUBLIC COMMENTS:**

Rich Seibel, 33-07 Halsey Road, wondered when the electronic message board would be installed in front of the Municipal Building. Manager Van Kruiningen said he just spoke to the vendor, who bought them for Fair Lawn and Toms River and they will be shipped at the same time. They will be coming from Florida.

Mr. Seibel wondered if the Borough uses salt on the road. He sees a lot of white covered streets. Mayor Cosgrove said that he has gotten many calls about this and all of them have been positive that the Borough has done a good job.

Mr. Seibel spoke about the Blue Star Mothers. Any time they talk about hanging a flag maybe they should contact Captain Kneer to get him involved with some type of ceremony. Councilmember Swain suggested Flag Day. Manager Van Kruiningen said he would coordinate it with them. Mr. Seibel suggested they be included in the Memorial Day parade.

Craig Miller, 5 Ramapo Terrace, wondered about the Planning Board meetings. The February 3rd meeting has been rescheduled to February 18th.

**CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz the following closed session resolution was unanimously adopted at 8:30 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 - Environmental Commission and Alternate Prosecutor; 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 Lefkowitz and a second by Councilmember Peluso, the Work Session was adjourned at 8:40 p.m.

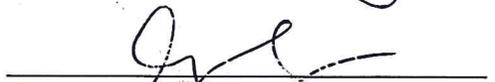
Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

  
\_\_\_\_\_  
Mayor John Cosgrove

Absent

  
\_\_\_\_\_  
Deputy Mayor Amy E. Lefkowitz

\_\_\_\_\_  
Deputy Mayor Daniel Dunay

  
\_\_\_\_\_  
Councilmember Kurt Peluso

  
\_\_\_\_\_  
Councilmember Lisa Swain