

## WORK SESSION OF JULY 15, 2015

Mayor Cosgrove called the meeting to order at 7:00 p.m.

**PRESENT:** Mayor Cosgrove, Deputy Mayors Dunay and Lefkowitz, Councilmembers Peluso and Swain.

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

Mayor Cosgrove explained that they had a Council Meeting at 8:00 p.m. Public Comments will be held over until the Council Meeting if they run out of time.

### **BANNING FRACKING IN FAIR LAWN:**

Councilmember Peluso referenced the Ordinance adopted by Hillsdale. His only change would be making it the 38<sup>th</sup> legislative district instead of the 39<sup>th</sup>. Municipal Clerk/Deputy Manager Kwasniewski stated that she did not know how Hillsdale made this an ordinance as there is no existing code to amend.

Deputy Mayor Dunay stated that he read the ordinance. While he thinks there are serious environmental concerns regarding fracking and it is a serious issue in Pennsylvania and New York, he has not heard from any experts or seen any data. He finds it difficult to ban fracking when there are not any efforts underway nearby. Although he is not opposed, he did not want to pass an ordinance until he sees more information. Mayor Cosgrove agreed. Deputy Mayor Lefkowitz agreed with Deputy Mayor Dunay. She did some research and although she was not opposed to banning fracking she was not ready to move forward at this time.

Councilmember Peluso suggested watching videos on YouTube from 60 Minutes and the news that show water being lighted on fire. They have an opportunity to be progressive and stop fracking before it occurs. It is a major environmental concern. If they wait to have experts as Deputy Mayor Dunay suggested, they would never get anything done. They vote to the best of their ability.

It has already been several weeks since they first discussed this issued, which was ample time to do their research. Mayor Cosgrove asked if fracking was currently occurring in New Jersey. Councilmember Peluso stated it was not. Mayor Cosgrove stated this was not a pressing issue to Fair Lawn; Deputy Mayor Dunay simply wanted more time. Councilmember Peluso asked to place this on the next Work Session agenda. Deputy Mayor Dunay stated they should be focusing on issues that are pressing for the residents such as roads in disrepair and budget issues needing to be addressed. He did not want to rush and make a political statement about fracking when there might not even be a realistic possibility of it occurring in Fair Lawn.

Councilmember Swain expressed disappointment in Mayor Cosgrove, Deputy Mayor Lefkowitz and Deputy Mayor Dunay. Had they taken the time to do the research they would have seen evidence suggesting that chemicals leak into the water system. While they do not have fracking in Fair Lawn now, they do not know what can happen in the future. Their job is to protect the residents of Fair Lawn and they should not sit back and wait until the water is contaminated.

Deputy Mayor Lefkowitz stated that she liked to be proactive and protect residents, but she would like to know what protection is needed and when. There may be other laws, regulations or statutes that apply. She stressed that the residents would be protected. They can ultimately reach everyone's common goal.

Councilmember Peluso asked when they can discuss this again. This was not a waste of time as they would be focusing on an issue that could possibly benefit the residents of Fair Lawn.

Deputy Mayor Dunay moved to table this item. Councilmember Peluso reiterated his request for a definite date when they can discuss this again. Mayor Cosgrove asked for a second. Deputy Mayor Lefkowitz seconded the motion.

The motion passed with Councilmember Peluso and Councilmember Swain dissenting.

Councilmember Peluso asked to have this placed on the next Work Session. Attorney Mondello explained that a motion to table means it is a dead item; it does not come back. A motion with a certain date is different. Councilmember Peluso asked when he could put this item back on an agenda. Attorney Mondello stated that he would need a majority vote to return it to the table. Councilmember Peluso asked if he could put an item on the next Work Session calling for a majority vote to put this back on the table. Attorney Mondello stated that he will look into this and get back to him. Councilmember Swain felt that once the other Councilmembers had more time to review the information they may change their mind if the ban is introduced again. Attorney Mondello stated that the mover who tabled the item would have to come forward and ask that it be brought back to the table. He needs to research it further and get back to them.

Deputy Mayor Dunay stated that he is not opposed to the idea but it is something that he wants to continue to evaluate. Councilmember Swain stated that Councilmember Peluso asked him how much time he needed. Deputy Mayor Dunay stated that he did not know how much time he needed. Councilmember Swain asked if he was going to research this further or was he just not interested. Deputy Mayor Dunay stated that he will continue to research this matter.

Councilmember Peluso asked if this item will be held up until Deputy Mayor Dunay feels it is appropriate to place it back on the agenda. Attorney Mondello stated that there was a vote to table the issue. Tabling means it is done, over. Councilmember Peluso thought Deputy Mayor Dunay might not have been aware of that, as he indicated he needed more time. He asked Deputy Mayor Dunay for clarification. Deputy Mayor Dunay stated that he disagreed with Attorney Mondello. He felt that anyone who moved to table could take it from the table. He will consider thinking about returning it to the table. He felt other members of the Council could also be convinced to do so as they continue to evaluate the matter.

Councilmember Swain asked if she could put this on a Work Session agenda in response to a concern raised by a resident or would she have to wait for a member of the majority to do so. Attorney Mondello stated that was his understanding but he will confirm it tomorrow.

#### **TRUNK AND TREAT:**

Manager Van Kruijning stated the Council needs to decide whether they want to hold Trunk and Treat on Halloween, a different date or not at all. He met with Chief Cauwels, Superintendent Graff and OEM Coordinator Alvarez, who will go along with whatever the Council decides although they don't believe the event is necessary. Superintendent Graff does not want to hold it in conjunction with the Halloween parade. The Manager felt it should be moved to a different location.

Mayor Cosgrove stated that the event is very successful. Deputy Mayor Lefkowitz stated some residents prefer to have it on Halloween so children have a safe place to go, but others prefer to take their children trick or treating in their neighborhood. She wondered if one day incurred less overtime than another. Manager Van Kruijning stated there will be Police and Parks and Recreation Department overtime regardless of the day they choose. Last year's event was an hour and a half to two hours. Police officers are paid a two hour minimum and the Blue and White contract specifies a minimum of two hours.

Councilmember Swain she felt they should reconsider having it again. The first event followed Hurricane Irene so the Governor cancelled Halloween because of the debris in the streets. Children may want to return to their neighborhoods. Mayor Cosgrove stated that the feedback he got from parents last year was that this was a safe environment. It was packed with children. He felt Trunk or Treat should continue.

Councilmember Peluso asked about possible locations. Manager Van Kruijning suggested holding it in the rear parking lot of the High School, as entering and leaving could be controlled, but he would need to check availability. Deputy Mayor Lefkowitz suggested Councilmember Peluso ask the Shared Services Committee about sharing the cost since it benefits children.

Councilmember Swain asked Manager Van Kruijning for a report of overtime cost from last year's event. Deputy Mayor Dunay suggested approving Trunk or Treat subject to a budget limit. Manager Van Kruijning believed there were four to six Police officers and four to eight Recreational staff. He estimated the cost to be \$2,500. Volunteers assisted with traffic control.

Deputy Mayor Dunay stated that although walking in the neighborhood provided more exercise for the children, he would support Trunk or Treat. He suggested setting a cap of \$2,500 to \$3,000 and if it cannot be done for that amount they would not proceed.

Deputy Mayor Lefkowitz suggested families bring an item for the food pantry in lieu of admission. Manager Van Kruijning stated that was the intention. If they cannot use the High School, he would not return to Memorial School or Thomas Jefferson.

Deputy Mayor Lefkowitz noted that Halloween is on a Friday night which will conflict with some religious observances. Manager Van Kruijning stated they could hold Trunk or Treat on Thursday night. Municipal Clerk/Deputy Manager Kwasniewski noted that parents liked Trunk or Treat as an alternative to neighborhood trick or treating; they would have to hold it on Halloween.

Deputy Mayor Lefkowitz wanted to think about it. Manager Van Kruijning stated that he will have Municipal Clerk/Deputy Manager Kwasniewski place this on the August agenda and if a decision cannot be made at that time he will recommend cancelling the event. He will contact the High School and advise the Council of anticipated costs.

There was consensus to have Manager Van Kruijning find out if it will be possible to hold Trunk or Treat at the High School.

#### **RECOGNIZING JAMES CROUCHER:**

Mayor Cosgrove stated that James Croucher, who died a few months ago, was a longtime resident of Fair Lawn whose family owned the farmland where Fair Lawn Commons and the Promenade now stand. He was very instrumental in working on historical events in Fair Lawn and he also worked on the 75<sup>th</sup> anniversary celebration. He asked Council approval to invite Mr. Croucher's family to a Council Meeting to accept a proclamation in his memory.

There was consensus to do a presentation at a Council Meeting in memory of James Croucher and invite his family to attend.

**SPLASH AND DASH:**

Councilwoman Swain distributed flyers for the Splash and Dash taking place on July 27<sup>th</sup>. The event is open to all members of Memorial Pool and all participants will receive a ribbon or medal. Manager Van Kruijning showed a medal that they could place a label on the back instead of engraving so it could be used for different events. The cost for 100 medals would be \$200.

There was consensus to approve \$200 for 100 medals.

**EMERGENCY REPAIRS TO NAUGLE HOUSE:**

Manager Van Kruijning stated that he received an email from Felice Koplik, chairperson of the Historic Preservation Commission, regarding the need for emergency work at the Naugle House. There was an attachment from a historic restoration contractor who did an assessment of the house's immediate needs. There is a stone wall that must be stabilized before it collapses, and there are also issues with the gutters and chimney. The estimated cost of the repairs is \$1,800. Ms. Koplik notified Eric Holterman, who prepared the reservation plan for the Naugle House, and he is in agreement that these issues need to be taken care of as soon as possible. Funds would come out of the Municipal Open Space Trust Fund.

Deputy Mayor Dunay supported the repairs. He knows that ultimately they will need to do a larger renovation of the Naugle House and he would be interested in receiving an update on what those plans might entail. Mayor Cosgrove stated that they are waiting for the construction documents. Manager Van Kruijning stated that the grant project through the Historic Preservation funding was just approved this year but they have not received any documentation from the County yet. The grant requires a 50% matching contribution.

There was consensus to allocate \$1,800 from Open Space funds for emergency repairs at the Naugle House.

**PSE&G SUB-CONTRACT BOROUGH PROPERTY USE AGREEMENT:**

Manager Van Kruijning explained that as part of the Energy Strong project, PSE&G will be doing major gas line replacements to residential properties located in the numbered streets, mostly off Morlot Avenue. It is an extensive project that will last nine months to one year. The work will be subcontracted out to Ferreira Construction.

The Project Manager is looking for a secure space to store supplies. He expressed interest in the Parks Department garage, which has a locked exterior fenced-in area. He informed Parks Supervisor Young that he needs a 75 x 100 space and a small construction trailer to do office work. Manager Van Kruijning checked with

Assessor Henderson, who suggested charging a rent of \$1,200 per month. He prepared a usage agreement, which was reviewed and edited by Attorney Mondello. The agreement was sent to Ferraro Construction, who has no objection to paying \$1,200 a month for nine months with an option for a three month extension. The agreement contains numerous insurance stipulations and hold harmless requirements. With the Council's permission he would like to place this on the August consent agenda and notify Ferraro Construction that they can start work once it has been approved.

Councilmember Swain stated that she requested additional wording in past agreements with PSE&G because they often leave divots in the road. There was a significant ditch on Plaza Road that did not get repaired until she kept after them. She wanted to make sure PSE&G repairs the roads afterwards. Manager Van Kruijning stated that he will make sure of that. PSE&G is also required to return Borough property to its original condition.

There was consensus to authorize a usage agreement with PSE&G in the amount of \$1,200 per month for nine months, with an option for a three month extension.

#### **POLICE DEPARTMENT 2014 CAPITAL PROJECTS:**

Manager Van Kruijning stated that the Council authorized a capital project in the amount of \$72,000 for upgrades to the work stations in the Detective Bureau. The Police started their research but realized they should also replace some ceiling tiles and install different electric and a new floor system.

The office equipment came in less than anticipated and the State Contract for the floor is approximately \$16,000. Kitchen Technique is donating cabinets, counter tops, a refrigerator, sink and faucet and are providing free installation. The cost of the office equipment, flooring, drop ceiling tiles and electrical work comes in under \$72,000. He would like Council consensus to do this project as one. CFO Palermo reached out to the bond counsel, who confirmed there was no need to redo the ordinance because they were within the limits; however, he recommended obtaining Council consensus. The cost is approximately \$58,000 - \$59,000. Some of the electrical work is being done by staff and the replacement of the ceiling tiles is being done by Buildings and Grounds.

Deputy Mayor Dunay asked how they approved a budget of \$72,000 when the project ultimately ended up costing \$58,000. He wondered if padding occurred during the budget process. Manager Van Kruijning stated that the Police located a vendor on State contract for the furniture, chairs and shelving, which ended up costing much less than their original research indicated. They also joined multiple co-ops to get better pricing. Municipal Clerk/Deputy Manager Kwasniewski explained that when Departments submit their budget, they give their best estimates but do not spend days researching each concept as it might not

be approved. Once approval is obtained they proceed with further research. With a bond ordinance CFO Palermo only funds what is spent. Councilmember Swain asked if the leftover balance will be transferred. Municipal Clerk/Deputy Manager Kwasniewski stated that it will be cancelled.

Mayor Cosgrove stated that he would support the project with the stipulation that it does not exceed \$72,000.

There was consensus to approve the additional work discussed above with the stipulation that the project does not exceed \$72,000.

#### **AMENDMENTS TO PROPERTY MAINTENANCE CODE ORDINANCE:**

Manager Van Kruijning discussed a request by Construction Official Bolan and Property Maintenance Officer Cumming to amend the Property Maintenance Code. He recommended approving the two amendments for both emergency conditions and non-emergency conditions, which would now give them the ability to charge for labor costs and the cost of equipment, plus a 25% administration fee. With abandoned or foreclosed homes, liens are placed on the property. Attorney Mondello has reviewed the ordinance and recommended advising property owners of the 25% administrative fee on top of the other fees. They have also added the ability to clear the snow from the walkway in an emergency condition.

There was consensus to amend the Property Maintenance Code Ordinance as discussed above.

#### **AUGUST COUNCIL MEETING DATES:**

Municipal Clerk/Deputy Manager Kwasniewski stated that they only have a few items on the August 12<sup>th</sup> Work Session agenda. August 19<sup>th</sup> is the Regular Meeting. Since they discussed having a long range financial planning meeting, she suggested Manager Van Kruijning schedule it on August 12<sup>th</sup>. Manager Van Kruijning suggested having a Work Session on August 19<sup>th</sup> from 7:00 p.m. to 8:00 p.m., followed by a Council Meeting at 8:00 p.m. They could hold the long term planning meeting on either August 12<sup>th</sup> or August 26<sup>th</sup>.

There was consensus to schedule a long-term financial planning meeting on August 12<sup>th</sup> at 7:30 p.m. and a Work Session on August 19<sup>th</sup> at 7:00 p.m., followed by a Regular Meeting at 8:00 p.m.

#### **MISCELLANEOUS PUBLIC COMMENTS:**

Mayor Cosgrove explained that there is a Regular Meeting at 8:00 p.m. They will try to get through as many comments as possible. Anyone remaining can speak during the public comments section of the Regular Meeting.

Marc Colyer, 39-08 Van Duren Avenue supported a ban on fracking in Fair Lawn. He was surprised that others didn't.

He asked about having a Naugle House committee to keep track of needed repairs. Manager Van Kruijning explained that Council approval was required in all instances; a process must be followed. Mr. Colyer asked if he needed Borough permission to clean up the area by the fence prior to the contractor making repairs. Manager Van Kruijning confirmed that he did.

Mr. Colyer stated there was a large bee hive at the Naugle House that needed to be removed. A bee keeper has volunteered to remove it. Manager Van Kruijning stated that the person needed to coordinate with Borough employees so he could be let into the property. Mr. Colyer asked if they could go inside the building to see if the hive could be removed from inside. Manager Van Kruijning stated that the bee keeper would have to be escorted by the Borough Engineer.

Deputy Mayor Lefkowitz asked if they needed to coordinate an agreement with the volunteer. Attorney Mondello stated that the Borough has a blanket policy for volunteers. As long as the bee keeper is accompanied by the Engineer it was fine.

Pamela Coles, 13-34 George Street stated that she spoke to an Executive Director of the Builders and Developers Association in New Jersey about the restoration process for the Naugle House. The Director said there are builders who are experts in this field. She suggested sending a letter to the Builder's Association, which can be passed along to a builder who may be interested in donating supplies or services. Mayor Cosgrove suggested the Historic Preservation Commission chairperson send a letter. Manager Van Kruijning stated the Borough would need to see the construction documents first.

Felice Koplik, 6 Reading Terrace, Chairperson of the Historic Preservation Commission, thanked the Council for approving the \$1,800 expenditure for repairs to the Naugle House. She appreciated Ms. Cole's idea to save money, but since County grants would be involved the contractor must be on the County's list of approved contractors.

Michael Rosenberg, 4-49 Hartley Place stated that he was very impressed with how Trunk or Treat went. He suggested asking the PTA's to hold a Trunk or Treat after school in each of the elementary schools, which would reduce the need for extra security.

Keith Brown, 23-05 Ellington Road stated he was dismayed at the number of empty storefronts in town. He asked what the SIDS and the Council were doing to attract new businesses. Mayor Cosgrove stated that the BIC and RRIC were working hard to keep up the areas. They are waiting to hear from the State on the pedestrian safety improvements along Broadway that were approved some time ago. The

Economic Development Corporation (EDC) has secured funds from NJ Transit and the County to hire a planner, who is conducting a study on the Radburn District. This is a difficult time for retailers, as internet sales have hurt local merchants.

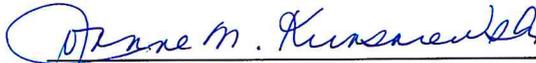
Councilmember Peluso and Councilmember Swain are the Council liaisons to the two SIDS, and he and Councilmember Peluso work with the EDC. The good news is that Mondelez and Sandvik are staying in Fair Lawn, and they now have the Promenade.

Mr. Brown expressed concern that the neither the 25 mph speed limit nor tonnage limit is enforced on Ellington Road. Enforcement is particularly needed during the hours of 6:00 to 8:00 a.m. and 5:00 to 7:00 p.m. He has also witnessed four cars driving down Ellington Road the wrong way in a several hour period. UPS had an agreement not to use that street as a cut through, which seems to be forgotten. Mayor Cosgrove assured him that Manager Van Kruijning will refer this to the Police Department.

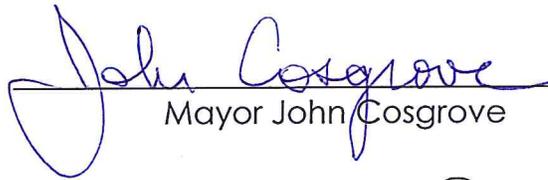
**ADJOURNMENT**

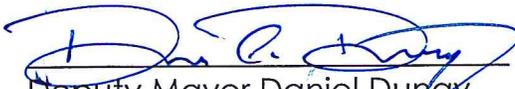
Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, the Work Session was adjourned at 8:00 p.m.

Respectfully submitted,

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

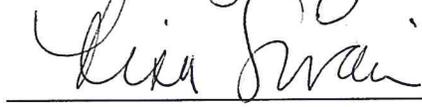
The undersigned have read and approve the foregoing minutes.

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

  
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Deputy Mayor Daniel Dunay

  
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Deputy Mayor Amy E. Lefkowitz

  
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Councilmember Kurt Peluso

  
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Councilmember Lisa Swain

