

SPECIAL WORK SESSION OF AUGUST 19, 2014

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 Kruiningen, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

Mayor Cosgrove stated there is a Council Meeting at 8:00 p.m. If the Work Sessions runs late, public comments can be made at the end of the Council Meeting.

Councilmember Swain stated that if there was time, she wanted to discuss the procedure that allowed the Knights of Columbus to be placed on tonight's agenda. Mayor Cosgrove explained that the Knights of Columbus were making a donation to the ADA Committee, The Opportunity Center and The Children's Therapy Center. They felt it would be a good thing to have the Knights come in.

Councilmember Swain expressed concern about the procedure. Deputy Mayor Dunay raised the idea in an email, asking whether this type of presentation had ever been done and whether it would be possible to have it. She emailed him a response, copying the Council, but there were no other responses. The next thing she knew it was on the agenda for tonight's Council meeting. She wondered if there was a meeting she was not informed of, since normally things are discussed at a Work Session.

Mayor Cosgrove stated that he discussed it with Municipal Clerk/Deputy Manager Kwasniewski, who stated that the ADA Committee was no longer part of the Borough. He pointed out that the donation was going towards a Borough playground so she put it on the agenda. Councilmember Swain questioned if this is how it really happened; she felt left out of the loop. Since she was the only Councilmember who responded to Deputy Mayor Dunay's email, she assumed it was not proceeding. Her email explained they do not do these types of presentations at a Council Meeting because private organizations usually do these presentation at the meetings. She is thrilled when any organization wants to donate money, but was concerned that this item ended up on the agenda without any discussion. She reiterated that she was the only Councilmember to respond to Deputy Mayor Dunay's email.

Mayor Cosgrove stated that she should speak with Municipal Clerk/Deputy Manager Kwasniewski. It did not go any further and ended up on the agenda. He suggested they discuss this at their next Work Session and establish a procedure that they must follow.

Councilmember Swain thanked him. She appreciates Deputy Mayor Dunay reaching out to the entire Council. As a newer Councilmember he did not know the procedure, which is why she responded. When the presentation showed up on the agenda she realized there was communication that the rest of the Council was not aware of. Mayor Cosgrove did not remember seeing any other emails unless they came through when he was away.

Councilmember Peluso stated that Attorney Mondello had registered some concerns about Deputy Mayor Dunay tabling the fracking discussion. He had hoped to see it on the agenda. He asked if they could come back to the Work Session after the Regular Meeting to discuss it. Mayor Cosgrove indicated it would be fine since they were coming back for a Closed Session.

There was consensus to discuss the tabling of the banning fracking discussion.

DARE PROGRAM

Chief Cauwels was present.

Manager Van Kruiningen discussed his email dated August 14th, which contained a review and progress report of the recent DARE Program prepared by Sgt. Metzler, who oversees the program. He wanted to address any questions from the Council and see if they supported the continuation of the program next semester.

Chief Cauwels informed him that Habit Burger held a fundraiser for the Police, which raised \$1,200 for the DARE program. Anthony's Coal Fired Pizza will also be doing a fundraiser for DARE in October.

Deputy Mayor Lefkowitz stated that she is the Liaison to the Alliance for Substance Abuse Prevention, which provides funding for DARE. She asked the total amount of the DARE budget. Chief Cauwels stated that they did not have a budget since the program is funded with donations. DARE New Jersey pays some costs, but the tee shirts and other giveaways are paid for with the funds from the DARE clothing bins in town.

There was consensus to continue the DARE program.

ANNUAL TRUNK OR TREAT

Manager Van Kruiningen stated that he anticipated the personnel cost to be \$2,300, the same as last year. The High School parking lot is available on Friday, October 31st.

Mayor Cosgrove felt that last year's event was a huge success and that parents were pleased. Deputy Mayor Dunay was in favor of continuing the event. He would like to see if any past issues are addressed in the new venue. If they continue to have problems they can evaluate whether it makes sense to continue the event.

Deputy Mayor Lefkowitz asked if they would be collecting canned goods. Manager Van Kruijning confirmed that they would. Councilmember Peluso agreed with Deputy Mayor Dunay's suggestion. He asked Assistant Municipal Clerk Bojanowski to add this to an early November agenda so that they can conduct a review soon afterwards.

Councilmember Swain stated that an online survey received 100 responses, all in favor of door-to-door trick or treating. Attorney Mondello asked if the survey contained both options. Councilmember Swain clarified that it was a discussion group that listed options. Deputy Mayor Lefkowitz stated that she also spoke to residents and many families and children love Trunk or Treat. Last year she did both with her daughter. Some children like to go out right after school before Trunk or Treat hours. It is a nice event but she agreed it should be evaluated afterwards.

There was consensus to hold Trunk or Treat at the Fair Lawn High School parking lot on October 31st.

PROPOSED BILLS S-1972 & A-474 - PROHIBITING REGISTRATION OF MULTI-FAMILY DWELLINGS

Manager Van Kruijning stated that this bill is being opposed by the League of Municipalities. He spoke to Fire Marshall Bender, who advised that the Borough conducts these registrations for the health, safety and welfare of the residents. If that option is no longer available and the burden is placed on Trenton, there could be issues. Manager Van Kruijning recommended a resolution opposing this legislation.

There was consensus to approve a resolution opposing S-1972 and A-474 prohibiting registration of multi-family dwellings.

COUNTY INTERSECTION IMPROVEMENTS

- SADDLE RIVER ROAD/FAIR LAWN AVENUE INTERSECTION

Manager Van Kruijning stated that he received a certified resolution from the County's Board of Chosen Freeholders, adopting the shared service agreement between the County of Bergen and the Borough of Fair Lawn for improvements and signalization at the intersection of Fair Lawn Avenue and Saddle River Road.

They all want to improve safety at the intersection; however, the resolution indicates the Borough needs to perform all the necessary survey and field work, which must be certified by a license surveyor, for use in designing the project. Historically when the Borough was responsible for the traffic signals they did not have a problem performing the survey work, because the traffic signal then became the property of the County. In this case, they have never had any responsibility for the traffic signal because it is located at the intersection of two County roads. Engineer Garrison wanted the Council to know that there will be additional costs to the Borough.

Mayor Cosgrove asked Manager Van Kruijning if he asked the County why this was occurring. Manager Van Kruijning stated that he has not. He has prepared a draft letter to send to the County stressing that the lights were never the Borough's property.

Deputy Mayor Dunay asked if the project will be seriously delayed if they do not pay for the surveyor. He also asked how much the project would cost. Manager Van Kruijning stated that he did not know how it would impact the red tape at the County level. As to the cost, Engineer Garrison would need to provide an estimate. Mayor Cosgrove asked Manager Van Kruijning to provide an answer by next week. He wanted to expedite the project. Councilmember Swain suggested also emailing a copy of the letter to the County.

- WAGARAW ROAD/MAPLE AVENUE

Manager Van Kruijning stated that he was seeking Council support to enter into a shared services agreement with the County to improve the intersection. He does not have an issue with the additional costs since they are currently maintaining the intersection. Once the project is completed the signal will be turned over to the County. He suspects the County is trying to move quickly because of the upcoming work on the Fair Lawn Avenue Bridge. Traffic Safety Officer Franco has indicated to the County that this project needs to be completed before they begin work on the bridge.

There was consensus to approve a resolution authorizing the execution of a shared services agreement with the County regarding signal improvements at the intersection of Wagaraw Road and Maple Avenue.

Councilmember Swain asked for an update on the intersection of Morlot Avenue and River Road. Manager Van Kruijning stated that there was a meeting today. He suggested discussing it later in Closed Session as it involved litigation.

CHANGE ORDERS**- CADMUS PLACE GAC DEMONSTRATION FACILITY**

Manager Van Kruijning discussed Engineer Garrison's memo regarding the change order in the amount of 2.3% for a total of \$20,000. The project was fully funded through a NJDEP grant which will also cover the additional costs.

There was consensus to authorize the change order at the Cadmus Place GAC Demonstration Facility.

- CLEANING AND PAINTING MORLOT WATER STORAGE TANK

Manager Van Kruijning explained that the change order for the Morlot Avenue Water Tank was a reduction of 3.5% or \$53,000. Even with the additional rental costs for scaffolding of \$40,000 the project came in under budget.

There was consensus to authorize a change order for the Cleaning and Painting of the Morlot Water Storage Tank.

COUNCIL CHAMBERS LOCK-AIDE DONATION DEMONSTRATION

Dominick Tarquinio, CEO of Tarqmax, and Detective Boone were present.

Manager Van Kruijning thanked Mr. Tarquinio, designer of the Lock Aide system, for donating two devices for the rear doors behind the Council dais.

Mr. Tarquinio stated that he recalled meeting Deputy Mayor Dunay as a student when he was Assistant Principal at Fair Lawn High School. He was so impressed with him that he told him that one day he would be a great politician and if he ever ran for president, he would vote for him. He was so proud to see him giving back to the Community. He thanked Councilmember Peluso as well.

The United States has a major epidemic regarding school shootings. There have been 74 school shootings since the shooting at Newtown. As the current Vice Principal of Thomas Jefferson Middle School he was aware that his teachers were concerned about their safety and the safety of the students.

He designed the Lock Aide and submitted a patent application. The stainless steel device is installed with two screws on the edge of a standard sized classroom door. The device also has two supporting stainless steel rails. Lock Aide is designed to be universal and can be reversed to accommodate doors opening four different ways: inside, outside, left and right. It is keyless and uncomplicated.

During a lock down, often the teacher's keys are far away from them or they have multiple keys and they need to quickly find the correct one. They must exit the classroom and lock the door from the hallway, exposing them to great danger. Fire Codes require that doors be unlocked, so Lock Aide is designed to allow a door to be easily opened and closed. In the event of a lock down situation, teachers and students can easily activate the lock by sliding the mechanism. When doors that open outward are in a locked position, an LED reflector is exposed so the Police know they do not have to check that door. He will do a demonstration for the Council following the meeting.

He thanked the Council for allowing him to do this presentation. He is proud to be part of the Fair Lawn community for the past 15 years.

MISCELLANEOUS PUBLIC COMMENTS

Jim Storozuk, 27-15 Urban Place expressed concern about a leeching basin on the southeast corner of Urban Place. It always fills with water and currently the water level is two inches below the grate. There are lots of mosquitoes.

Engineering advised him that it was a "bubble up" and not a leeching basin. Water comes from the Morlot Avenue/Plaza Road intersection and enters the sewer grate at Urban Place and Southern Drive. The water then travels underneath Plaza Road and is supposed to be pushed out at the bubble up. Every time it rains it fills with water. When there is no rain, it turns into a slimy mess which does not evaporate into the ground.

DPW said they can pump it out, but to keep it clear of mosquito infestation they would have to do this every time it rains. Engineering advised him it was the only bubble up in town and it would be expensive to rectify. It cannot be sealed closed because the water coming down Plaza Road would puddle up and freeze. Additionally, Verizon has an equipment room underneath the Morlot Avenue/Plaza Road intersection which must be pumped out periodically. The water travels down Plaza Road and pushes out the slimy water down Urban Place.

He wanted the Council to be aware of this as it is a health hazard

Mayor Cosgrove asked Manager Van Kruijning to ask the Engineering Department to take a look at this and report back with suggestions.

Pam Coles, 13-34 George Street asked if there will be bump outs at the Wagaraw Road/Maple Avenue intersection. Manager Van Kruijning stated there will not be bump outs but the road will be widened to create designated left turn lanes. Ms. Coles felt it was important to promote pedestrian safety particularly with new senior apartments nearby.

Sam Racenstein, 13-12 Lyle Terrace stated he came to hear about what was being done at the intersection of Fair Lawn Avenue and Saddle River Road, where his wife was struck by a vehicle. He stressed that they need left turn signals on all four corners. They have been making improvements in small steps, which are helpful, but the installation of left turn signals must be expedited to improve safety. He thanked the Mayor, Council and Manager for getting this project started and on its way to fruition.

PROPER PROCEDURE TO TABLE DISCUSSION ON BANNING FRACKING

Councilmember Peluso stated that Attorney Mondello's email indicated they did not follow the proper procedures to table the discussion on banning fracking. He asked for clarification because Attorney Mondello made it sound like Deputy Mayor Dunay tabled the discussion but he did not think that was his intention; he only wanted to discuss it at a later date.

Attorney Mondello stated that he wrote the opinion that night and has not read it since. If someone makes a motion to table something, it basically means it never comes back to the table, which he did not think was Deputy Mayor Dunay's intention. He did not think they needed to be a stickler for Robert's Rule. If Deputy Mayor Dunay's intention is to bring it back to the table someday, he can make a motion to bring it back at a date certain.

Councilmember Peluso asked that in order for it to come back to the table, Deputy Mayor Dunay would have to bring it back. Attorney Mondello stated that he had to re-read his memo; he had no idea this was going to be discussed tonight. He left that meeting with an opinion that some action must be taken, such as the majority would have to return it to the table. The Councilmembers who voted for the motion to table it would now have to vote in favor of it being returned to the table.

Councilmember Peluso stated that Attorney Mondello's memo made it sound like the action of tabling should not have taken place, as that was not Deputy Mayor Dunay's intention. Attorney Mondello suggested taking a five minute break so Manager Van Kruijning could print out a copy of Attorney Mondello's memo.

Councilmember Swain stated that perhaps Deputy Mayor Dunay would like to clarify his intentions. Deputy Mayor Dunay thought they should bring this back. He asked for confirmation that a majority of the Council would be needed to do so. Attorney Mondello stated that was correct. Deputy Mayor Dunay suggested adding this item to the September meeting agenda so that they can vote. Attorney Mondello stated that there will need to be a motion, second and then a vote to return it to the table. Deputy Mayor Lefkowitz stated that she will not be at the Work Session on September 2nd.

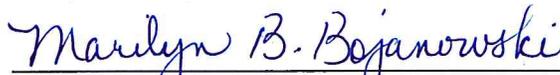
Attorney Mondello stated that procedurally Deputy Mayor Dunay would need to make a motion to return it to the table and there would need to be a second and a vote. They do not need to discuss it this evening. Deputy Mayor Dunay suggested putting this on an agenda and voting at the meeting. Attorney Mondello reiterated that Deputy Mayor Dunay could make a motion now without having a discussion.

Upon motion by Deputy Mayor Dunay and a second by Deputy Mayor Lefkowitz, it was unanimously agreed to return the discussion on Banning Fracking in Fair Lawn to the table at the September 2nd Work Session.

ADJOURNMENT

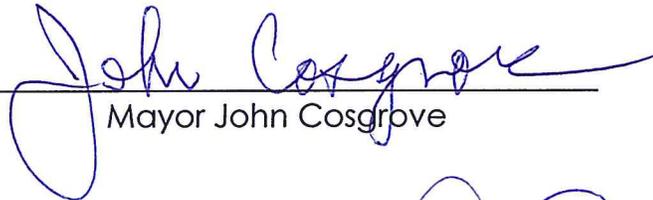
Upon motion by Deputy Mayor Dunay and a second by Councilmember Peluso, the Work Session was adjourned at 7:45 p.m.

Respectfully submitted,



Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove

Deputy Mayor Daniel Dunay

Deputy Mayor Amy E. Lefkowitz

Councilmember Kurt Peluso

Councilmember Lisa Swain