

WORK SESSION OF OCTOBER 7, 2014

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

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

ABSENT: Deputy Mayor Dunay

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

REVISIONS TO TOWING ORDINANCE:

Traffic Safety Officer Franco was present.

Attorney Mondello stated that he and Traffic Safety Officer Franco met to discuss the proposed amendments he made to the Towing Ordinance, which should be finalized by the end of the year.

Traffic Safety Officer Franco reported that several statutes such as NJSA4048-2.49 guide their towing ordinance, and he added a statute that is part of the Predatory Towing Act. He also received guidance from the Division of Consumer Affairs and the Garden State Towers Association. He removed specified hours and changed it to "during regular business hours" since Borough Hall has different hours in the summer or is sometimes closed for a holiday. The remaining changes were simple housekeeping items.

The current ordinance states the hours of operation to release a vehicle are 7:00 a.m. to 10:00 a.m., which is not realistic. It will be changed to 8:00 a.m. to 5:00 p.m., although tow companies may request it be changed to 4:30 p.m. He explained the remaining changes, which were highlighted within the ordinance. He added new terms and definitions in order to comply with the towers request to make additional charges for certain towing incidents.

He reviewed ordinances from surrounding towns and spoke with a representative from the insurance industry who gave him the high, low and average fees from municipalities in Bergen County. He is still compiling the information but will have it ready in November. Municipal Clerk/Deputy Manager Kwasniewski stated that because of the revised meeting schedule in November and December, the ordinance would have to be introduced on November 25th for adoption in December.

Attorney Mondello stated that they did this quickly because of complaints made at the Council Meeting by the tow truck companies, but he did not think they had to have the ordinance completed by the end of the year.

Traffic Safety Officer Franco agreed with the tow truck drivers that they are being denied extra payment for incidents requiring a tremendous amount of clean up or extra labor. However, standard tows at extended events are not 100% losses because there are fees built into the old ordinance that can be used. The fees will be amended to what he believes to be fair amount based on what is paid across the County.

Mayor Cosgrove stated one of the issues raised was that towing companies sometime sub-contracts to other companies. They need to be sure they are not using companies who do not meet their insurance criteria. Traffic Safety Officer Franco was not aware of that issue. The current ordinance does not disqualify a towing company who does not have a heavy duty tow truck available all the time. Mayor Cosgrove stressed that the ordinance should include the requirement that sub-contracted companies must provide insurance information. Attorney Mondello felt that could be part of the registration process.

Municipal Clerk/Deputy Manager Kwasniewski suggested they do not rush the process. If the November deadline is too tight, it would be better to get everything in place and introduce the ordinance in January. Attorney Mondello and Traffic Safety Officer Franco agreed.

There was consensus to introduce the amended Towing Ordinance in January instead of December.

Traffic Safety Officer Franco wondered if the tow truck companies should be allowed to view the draft ordinance before it goes to the Council for approval. Attorney Mondello stated that if the Council approved, he and Traffic Safety Officer Franco could meet with the representatives of the truck companies to explain the changes, although they might not like them. Mayor Cosgrove felt this would give the companies an opportunity to be heard. Councilmember Swain agreed it was a good idea.

Traffic Safety Officer Franco pointed out that other municipalities charge an annual license fee ranging up to \$500. The process is not automatic. Attorney Mondello stated that he and Traffic Safety Officer Franco felt there should be a \$250 registration fee to become a licensed tower in the Borough. Unlicensed companies will not be allowed to tow. Traffic Safety Officer Franco stated that he would have to inspect the facilities first, so he suggested an application period of March through June, with the license in effect July 1st to June 30th. Applications will not be accepted any other times.

Councilmember Peluso asked is a sub-contracted tow truck company would also need to be registered. Traffic Safety Officer Franco stated that sub-contracting is not listed in the ordinance. The towers have to provide heavy duty towing, but they do not have to own a heavy duty tow truck; one just has to be available to them. Councilmember Peluso felt that if the ordinance contained language requiring the person doing the towing to be licensed it would alleviate the issue they are having with sub-contractors.

Mayor Cosgrove stated that most tow truck companies use flat beds, which cannot tow large trucks. He supported a \$250 registration fee and felt the tow truck company should be required to list any companies they may sub-contact with and provide their insurance information. Traffic Safety Officer Franco stated that they can mandate that the company have a heavy duty tow truck or they can require that the company advise them at the time of application who will be providing that service so credentials can be obtained. He did not want to limit a smaller company since 90% of the tows do not require heavy duty towing. Attorney Mondello noted the ordinance requires the company be located within a mile radius.

Traffic Safety Officer Franco stated that the ordinance defines non-consensual towing on private property and once they do that, the ordinance will also cover the fees for non-consensual towing and private property towing and there may be some resistance in that area.

There was consensus to require tow truck companies to name the company who will provide heavy duty towing at the time of application so that credentials can be obtained.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk/Deputy Manager Kwasniewski stated that Jeff Mazzola was not available to attend next week's Council Meeting, so the presentation for Volunteer of the Year will be moved to Oct. 28th.

Manager Van Kruijning and Attorney Mondello have made the changes to the Public Health Nuisance Ordinance recommended by the State so it can be introduced next week.

There was consensus to introduce the Public Health Nuisance Ordinance at the next week's Council meeting.

COUNCIL LIAISON REPORTS

Councilmember Swain reported that the Anti-idling subcommittee of the Green Team has been meeting. Since idling is against the law, the Committee is looking

at launching an educational program next spring at Radburn School and Thomas Jefferson Middle School to alert parents about the effects of idling.

She and Manager Van Kruijning attended the RRIC meeting. They will be meeting to decide whether they want to revise or redo their master plan and will report back to the Council by the end of the year with their recommendations. They are also looking into cooperative parking. A new president will be selected in January.

They were very pleased with the Pet Walk. Their next car show will take place during the October 19th Street Fair and they will be having a Halloween activity on Friday, October 31st from 3:30 to 6:00 p.m. Participating businesses on River Road will display a sign in their window.

She attended the Stigma Free Task Force meeting. She showed the sign the Committee would like to display in Fair Lawn and noted they will need to raise funds to cover the cost. The meeting was well attended by representatives from a number of areas.

It was Mental Health week. Mental health issues are the number one cause of a disability. Thirty percent of our soldiers have a mental disorder. They are launching mental health training programs and anyone interested in learning more can contact her.

The ribbon cutting for the ADA Playground is October 18th. She attended the County Bicycle and Pedestrian Meeting this past week with Andrea Piazza, who is a civil engineer. She showed the Council the map they are working on to gain safe walking and biking access to and from the County Park and within the area. Each town was given individual time with the County Engineer. They cannot have designated bicycle lanes on Berdan Avenue because it is only 40 feet wide instead of 45 feet. The Arts Council is meeting tonight. The deadline for the self-portrait project is November 11th.

Councilmember Peluso stated that he and Manager Van Kruijning attended the Shared Services meeting with the Board of Education to discuss the parking concerns for students and people utilizing the Community Center. There are only 20 student parking spaces in back of the High School versus 100 several years ago. Manager Van Kruijning is working with Engineer Garrison on different solutions. He concluded by stating that he will be attending the BIC meeting on Thursday. Deputy Mayor Lefkowitz stated she will ask the Alliance for Substance Abuse Prevention for grant funding to purchase the Stigma Free lawn signs. The Planning Board reviewed the Sustainable Jersey Resolution #293-2014 adopted by the Borough. The Board stated that the Master Plan sub-committee did take all of these principals into consideration when redoing the Master Plan.

Mayor Cosgrove stated that the Shade Tree Commission is looking for a sign for the arboretum. They are working on a five year plan and have reviewed the plan established by Paramus. The EDC is moving forward with the contract for NJ transit, which has been reviewed by Attorney Mondello and the County.

Fire Company #4 held its open house on Sunday and Company #1 was holding their open house tonight. Fire Company #2 and #3 have scheduled their open houses next week.

He thanked Councilmember Swain for attending the Stigma Free Task Force meeting, which he missed due to a business meeting. It is great that many of the mental health organization have begun working together. One in every four people experience a behavioral health problem in their life. Councilmember Swain mentioned that people can call 262-Health, a dedicated line for mental health emergencies at Bergen Regional that is manned by trained professionals.

Mayor Cosgrove reported there is a LEPC meeting Thursday morning. He attended a meeting with other mayors regarding Passaic Valley Water Commission's plan to spend \$135 million on tank storage instead of using the reservoir. There is heated debate within towns such as Woodland Park and Totowa, who get 100% of their water from Passaic Valley Water Commission. Fair Lawn gets 25% to 30% of its water from them, but the fear is there will be tremendous rate hikes to pay the \$135 million cost of the project.

DISTRIBUTION OF GARBAGE/RECYCLING HANDBOOK

Manager Van Kruijning reported on delivery options regarding the distribution of the Garbage/Recycling Handbook. Currently they print 14,500 copies and 12,154 are delivered as an insert in the Community News. They post the booklet on the website and send out an email notice. Booklets are also available at all Municipal facilities. If a resident calls, Public Works will mail one out at a cost of \$0.77. The cost for this distribution method is \$3,369.24.

If they include the booklet in the Community News and place a "Look Inside for Recycling Handbook" sticker on the front page of the paper, the discounted cost for North Jersey to prepare and place the label is \$1,200, for a total cost of \$4,569.24. Booklets would also be available as above.

If they print 14,500 copies and mail 12,154 booklets the total cost is \$4,961. If they print only 3,000 copies to give out as needed and do not distribute or mail to all residents, the cost is \$1,098. Funding is available for all options through Clean Communities.

Councilmember Swain thought that it was a time for a change. Print the three thousand copies that way it would save money and they could see how it goes for

a year now that more and more people are using e-mails and the Internet. Manager Van Kruiningen said the first month is always very hectic.

Mayor Cosgrove said he was concerned that the Borough would be spending two to three thousand dollars in labor dealing with the complaints. Manager Van Kruiningen said on average they send out 400-500 booklets when they are lost, etc. They will make sure there are plenty stocked in each location.

Councilmember Swain wondered if they find that most of the calls are from the senior citizens. Manager Van Kruiningen said that was correct. Councilmember Swain suggested putting some on the mini-bus.

Deputy Mayor Lefkowitz liked the way the numbers were on paper but that number was fluid because they were only printing three thousand copies. If they start getting many calls then they will start to bump the cost up. Manager Van Kruiningen said that the more they produce the less it costs. It goes through the printed supplies bidder that the Borough hired. Deputy Mayor Lefkowitz stated that they would be assuming that three quarters of the residents will be on the internet. She thought they should keep tabs on it to see how it is going. Manager Van Kruiningen said he would have the staff keep track of how many they were mailing out.

Councilmember Peluso recommended that if they went with Option 4, if either the Borough Manager or the Council, write an editorial in The Community News explaining that the procedure was changing.

Mayor Cosgrove said he liked the savings but thought that people would inundate the municipal offices saying they did not receive the handbook. He thought they may be biting off more they can chew as far as handling this.

He felt posting it on the Borough website, having additional copies available and putting it in The Community News would be the best way because people still look at the book and keep it handy.

Municipal Clerk / Deputy Manager Kwasniewski commented that people call all the time asking what section they live in and saying they lost their handbook. She wondered if it will be permanently on the website. Manager Van Kruiningen stated if they do it that way, it will have its own tab on the home page where they can just click on it.

Councilmember Swain wondered if the cost would not be more than the \$1,098. Manager Van Kruiningen said there would be a cost of .70 cents every time a resident requests that the handbook gets mailed out. Mayor Cosgrove stated there was a cost of handling the calls and mailing the handbook out.

Manager Van Kruijning suggested continuing the way they have been doing it for the last four years. It will be delivered through the Community News, posted on the website with its own tab on the home page, placed in all the facilities and on the mini bus.

Councilmember Swain said her only concern was that people have told her they do not get the handbook. Manager Van Kruijning said they can call his office and get the phone number for the carriers. He will do a press release to let the residents know the phone number to call.

There was a unanimous consensus to continue using the same procedure.

NJDEP BLUE ACRES - LETTER OF INTENT/MEMO OF UNDERSTANDING:

Mayor Cosgrove stated he received a letter from the State asking the Borough to write a letter of intent/memo of understanding regarding the residents of the seven homes that are on the Blue Acres list. Essentially what it said was if the State were to buy out the properties that the Borough would assume the maintenance on the property. Borough Attorney Mondello had advised that there was no harm in that and the Borough would be aiding the seven residents that are on the list.

Attorney Mondello advised that the State would pay 100% to purchase it and pay for the demolition as well. It will be property that was purchased with State funds which can be used by anyone. Mayor Cosgrove commented that the Borough did not want to be a road block for the residents because he assumed if the Borough did not sign a memo of understanding the process could be halted.

Councilmember Swain questioned if they agree to this whether the residents would deal directly with the State. Attorney Mondello advised they would as far as the closing is concerned but the Borough would have to figure out what to do with the property understanding that it had to be accessible to anyone. Manager Van Kruijning explained that the applications will be accepted through the State. Negotiations with the property owners for acquisition of such properties will go through the State. The municipality does not get involved. Upon the acquisition of each parcel, the State will inform the municipality in writing, in advance of the closing that the residents will be advised to vacate their homes. Keys will be given to the municipality so that effective measures can be taken to secure the structure, monitor the premise for loitering, vagrancy, and vandalism until demolition work is concluded.

Councilmember Swain thought it was a concern if the State purchases a home in the middle of a neighborhood that property will be open to anyone. Mayor Cosgrove stated they could control those types of situations. He felt they were letting the State control it and give the residents an opportunity to be part of the process.

Deputy Mayor Lefkowitz stated this was not a guarantee but if they wanted to continue the process the Council would have to agree to be responsible. Manager Van Kruijning stated this was not a commitment from the State to purchase the properties. This was also not a commitment on behalf of the Borough to assume the property and maintain it. It will be between the State and the property owners.

Mayor Cosgrove clarified that this would just be a memo of understanding if it did go through that the Borough would have obligations.

There was a unanimous consensus to authorize the Manager to prepare the letter of intent to the State of New Jersey.

EV AWARENESS EVENT:

Councilmember Swain introduced Sam Polyak who works with someone that converts gasoline powered cars to electric powered cars and was interested in having a demonstration so that the Council could see how it worked.

Mr. Polyak stated his partner uses his own car for the demonstration and would only be able to do it on October 21st. He would like to invite a reporter from The Record along with a few other people.

Manager Van Kruijning suggested holding the demonstration at 7:00 p.m. on Tuesday October 21, 2014. The Council concurred.

CODIFICATION OF THE ELIMINATION OF ELECTED OFFICIAL HEALTH BENEFITS:

Attorney Mondello advised that the Council had unanimously voted to eliminate health benefits for Councilmembers. This would codify it and protect the Borough.

There was a unanimous consensus to move forward with the codification of the elimination of elected official's health benefits.

Municipal Clerk / Deputy Manager Kwasniewski informed them they could introduce the ordinance next week.

EASEMENT REQUEST - 2 BEEKMAN PLACE:

Manager Van Kruijning stated that he had received a request from a resident at 2 Beekman Place to replace an 18 inch garden wall which faces the street and their driveway is in the Borough easement. Looking at the survey they could see where the wall is located. Engineer Garrison has looked at the property and has no objections as long as the standard license agreement gets put into place.

Attorney Mondello suggested to the Manager if they were constructing a new wall they should get it off the Borough property. Further investigation discovered that most of the neighbors follow this line and it would take a lot of work to remove all that dirt, etc. Councilmember Swain wondered how far the wall goes into the Borough property.

There was a unanimous consensus to approve the easement agreement for 2 Beekman Place.

WAIVER OF WATER BILL: 23-07 MAPLE AVENUE:

Manager Van Kruijning stated that Glen Motors received their water bill which normally averages \$700 to \$1,000 per quarter. They received a water bill with a use of three million gallons of water for \$18,540. Upon receipt of the water bill they called the Water Department. The Water Department checked the meter, and the facility to see if there are any leaks. They walked the entire property to see if there was any pooling of water. The Borough staff continued to check further and located the leak beyond the meter underneath the service department cement floor. When the water line broke, a large portion of it ran out into the storm drain so it was undetected. Glen Motors has made the necessary repairs to the line and have paid what they believed to be owed which is in the amount of \$1,000.00. The Borough waived the late fee. The balance that they would like waived was \$17,465.00.

Manager Van Kruijning spoke to Borough Attorney Mondello who said that because the water was beyond the meter it was technically the property owner's responsibility. Glen Motor's referenced in their letter that they should have been notified about the excess water use within the first couple of weeks. He reminded the Council that the Borough does not have staff that monitors water use. Manager Van Kruijning said he would like to either speak to the owner or one of the manager's to see if they could work something out. Since they owe \$17,465 he would suggest to them to possibly donate a vehicle to work with the Borough.

Attorney Mondello stated it was an interesting case. Technically the Borough does not have responsibility to check the water meter every month. It is the property owner's responsibility. In lieu of litigation, perhaps the Manager can work it out with some type of vehicle that they no longer need.

Manager Van Kruijning said they could process the resolution to waive the fees and allow him to work it out with Glen Motors. This organization did donate a pickup truck to the Rescue Squad in 2002.

Mayor Cosgrove thought that Manager Van Kruijning should reach out to them.

There was a unanimous consensus to authorize the Manager to reach out to Glen Motors to seek an arrangement for the balance due.

BEST PRACTICE INVENTORY:

Manager Van Kruijning stated that CFO Palermo prepared the Best Practice Inventory via e-mail. The total score for the Borough meant there was no penalty to State Aid for the Borough. Municipal Clerk / Deputy Manager Kwasniewski will have to certify it.

There was a unanimous consensus to move forward with the certification of the Best Practice Inventory.

Councilmember Swain wondered about getting the number higher. Manager Van Kruijning said they were working on it and making changes.

Municipal Clerk / Deputy Manager Kwasniewski said that she, CFO Palermo and Manager Van Kruijning worked on it. They reviewed it and there were three revisions prior to the actual submission. Manager Van Kruijning stated that the State revised the form several times.

JerseyON PROGRAM:

Councilmember Peluso recused himself from this discussion.

Manager Van Kruijning stated that JerseyOn is a nonprofit organization that has focused on low income families that are in dire need of internet service for school projects. He has spoken to Liz Twiggs in Human Service and Health Officer Wagner and both said there are families in town that do not have internet access. It is strictly confidential and would go through the Health Department.

If the Council was willing to support the program a resolution would be done stating the Borough was an enrollment partner with JerseyOn. If JerseyOn is to apply for a Community Development Block Grant, the Borough would support it.

There was a unanimous consensus to move forward with JerseyOn. A resolution will be prepared for the October 14th meeting.

MEETING DATES IN DECEMBER:

Municipal Clerk / Deputy Manager Kwasniewski stated that she received a call from the Board of Education about a referendum they are holding on December 9th. They are going to pose a question to the voters about expanding Westmoreland School with eight classrooms and repairing roofs in other schools. The December meeting dates need to be changed since a regular meeting was

scheduled for December 9th. She suggested holding a Work Session on December 2nd, the Election on the 9th and the Regular Meeting on December 16th. Should there be a need they can also hold a Work Session after the meeting on December 16th.

Mayor Cosgrove wondered if that would mean all day kindergarten throughout the district. Municipal Clerk / Deputy Manager Kwasniewski stated that was one of the things they would try to do. The Westmoreland Principal informed her about the Special Needs program and how they never have a home school, and do not have the experience of going to one school grades K-5. One project would eliminate that. They would be able to have a program that would house K-5 in one school. The price tag for that program is hefty. They face an uphill battle. Unfortunately December is a bad month for an election but the State only allows the elections on certain days. The Board of Education would like to have the work done on the schools by September.

Councilmember Swain wondered about the expense of the election. Municipal Clerk / Deputy Manager Kwasniewski stated the Board of Education will reimburse the Borough for the expenses.

There was a unanimous consensus to change the meeting dates.

Mayor Cosgrove mentioned that he saw the good news today that the State would be reimbursing the Borough for the Special Elections held last year.

MISCELLANEOUS PUBLIC COMMENTS:

No one wished to be heard.

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 8:40 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 - Green Team, Anticipated Litigation - Sandvik, Pending Litigation - Parents Expecting Traffic Safety and Contract Negotiations - PBA/SOA; 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

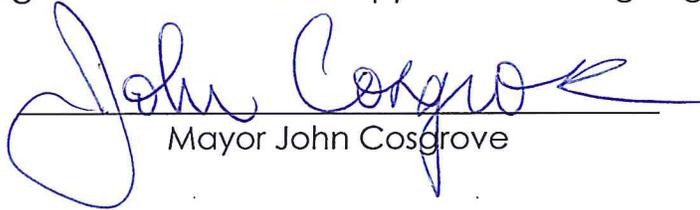
Upon motion by Councilmember Peluso and a second by Deputy Mayor Lefkowitz, the Work Session was adjourned at 9:45 p.m.

Respectfully submitted,



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

The undersigned have read and approve the foregoing minutes.



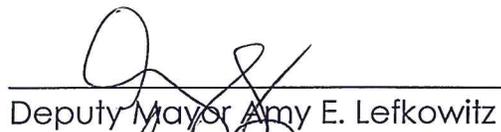
Mayor John Cosgrove

Absent

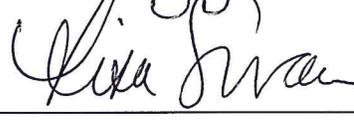
Deputy Mayor Daniel Dunay



Councilmember Kurt Peluso



Deputy Mayor Amy E. Lefkowitz



Councilmember Lisa Swain