

WORK SESSION OF FEBRUARY 7, 2012

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

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

ALSO PRESENT: Acting Manager Metzler, Municipal Clerk Kwasniewski and Attorney Mondello.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk Kwasniewski stated that Councilmember Peluso had requested that she remove the award of bid for Ambulance Corps supplies from the Consent Agenda as he would be abstaining. CFO Palermo advised her that the BCIA was going to Division of Local Government Services to obtain approval on the refinancing. She is adding a resolution to authorize them to do so.

Councilmember Swain stated that February was Black History Month and Women's Heart Health Month. She suggested doing proclamations in recognition of these events.

Attorney Mondello stated that he wanted to add Dube Contract Negotiations and Messina under Closed Session for tonight's agenda.

Municipal Clerk Kwasniewski stated that she emailed the Council about adding a discussion on the Van Duren Avenue property. After a brief discussion Mayor Baratta agreed to add this item to the agenda. Municipal Clerk Kwasniewski also added the letter received from Freeholder Hermansen to tonight's agenda.

COUNCIL LIAISON REPORTS

Councilmember Swain stated that she and Deputy Mayor Cosgrove attended a meeting sponsored by the DEP which updated residents on the steps taken at the Topps property since 2005. Two additional wells will be installed and there will be further investigation. The source of the contamination had been eliminated, so they are now only monitoring the plume that spread around the area. The concentrations of PCE were dropping significantly. The issue will be naturally mitigated by 2052. Deputy Mayor Cosgrove stated that the residents on Eastern Drive and 20th Street expressed concern that they were not previously advised they were in the plume. Councilmember Swain stated that there was discussion on future home sales and the residents were advised that they must disclose whether or not they had a well. She presented informational brochures

to Municipal Clerk Kwasniewski to keep on file. Deputy Mayor Trawinski suggested posting the information on the website. Municipal Clerk Kwasniewski stated that she will scan the material and send it to the webmaster.

Mayor Baratta stated that the Environmental Commission was concerned about building on Daly Field and had inquired about additional testing and/or capping. Deputy Mayor Cosgrove stated that the DEP reported there had been testing on Daly Field and there was no contamination from Topps. Deputy Mayor Trawinski stated they raised the issue extensively within the context of builder's remedy action and the judge rejected their arguments pertaining to the contamination on Daly Field as a basis for the Borough not doing a re-zoning and doing a new fair share plan. They argued that the site did not meet the affordable housing standards because of the potential remediation. The builders will have to get the necessary approvals from the DEP regardless of the Borough's position. The judge and master still have control of the case.

Councilmember Swain stated that Jim Van Kuiningen submitted the necessary paperwork for bronze certification on the Green Team's behalf. The Green Fair will be May 22nd in the D Cafeteria at Fair Lawn High School. They are starting a new program called "Getting to School Safely" which will be coordinated with the High School. A committee member, Monica Moscovici is working on rain gardens with school students and helping to develop curriculum.

She attended the ADA Committee meeting. The new co-chairs are Marianne Pettineo and Steve Weinstein. The Committee will be reviewing by-laws. The next dance is March 2nd and the Committee has secured funding for the DJ. There will be a pool party at the Ridgewood Y in April. The Committee now has liaisons from the Chamber of Commerce, Knights of Pythias, Sunrise Rotary, St. Ann's Knights of Columbus, the Cosmos Club, the Lions Club and Fair Lawn Veteran's Council.

The Committee would like the Council's permission to allow the Arc of Bergen and Passaic County to schedule additional dances in the Community Center in September and November, 2012 and January, March, May and June, 2013. She asked Acting Manager Metzler to speak with Superintendent Graff about scheduling these events.

There was consensus that the Arc of Bergen and Passaic County be allowed to schedule dances at the Community Center in September and November, 2012 and January, March, May and June, 2013.

Councilmember Swain stated that she and Acting Manager Metzler attended the RRIC meeting. The donation of the Lackland property on Wagaraw Road was not completed. Acting Manager Metzler confirmed that he was waiting for

them to sign the deed. Councilmember Swain stated that the River Road businesses would like to be kept informed as to the Council's decision regarding Memorial Pool. They discussed the fact that Kuiken Lumber was celebrating their 100th year.

The Committee asked for support from the Council to keep the River Road Post Office open. Charles Wrubel, owner of the property on River Road, was willing to expand for pedestrian safety. Acting Manager Metzler stated that the Committee would like the Council to send a letter of support to the district office for the Post Office. Mayor Baratta suggested putting this on the next Work Session agenda as there was not unanimous consensus to do so. Deputy Mayor Trawinski stated that he did not support keeping the Post Office open. They cannot say they support the consolidation of services and then say that Fair Lawn needs three offices. Acting Manager Metzler stated that under the plan the space will remain a Post Office, but there will not be a walk up window. Both the BIC and RRIC were in favor of closing the Warren Point office. Deputy Mayor Cosgrove felt they should keep the River Road office open, as the increased traffic at the Radburn office will cause safety issues due to increased traffic and congestion.

There was consensus to send a letter to the Postmaster General in support of keeping the River Road Post Office open, with Deputy Mayor Trawinski dissenting.

Councilmember Peluso stated that he and Deputy Mayor Cosgrove attended the Bergen County Community Development meeting. There have been some significant reductions. Community Development received \$4.7 million worth of requests, of which they will fund \$1.2 million. Deputy Mayor Cosgrove stated that Engineer Garrison had requested \$225,000 for paving in the Chandler Drive area. He suggested that Engineer Garrison prioritize which streets needed to be done first. The next meetings are February 22nd and 29th.

Deputy Mayor Cosgrove stated that he attended the Fire Board meeting. The Fire Houses are putting together their budgets. He asked to be provided with a chronological list of apparatus, as PIA advised them that they will not be eligible for full replacement of engines that are over 15 years old. The Fire Department responded to 837 fires last year, including 46 mutual aid calls.

He met with the Shade Tree Advisory Commission who wants to make some revisions to the ordinance. He asked Acting Manager Metzler to speak with Superintendent Graff about leaving lights on for a long amount of time at the Complex and Street Hockey Court, since doing so can cause damage to trees.

The Commission planted shrubbery and donated lilac bushes to the bird sanctuary.

Deputy Mayor Trawinski stated that he attended the Planning Board meeting with Mayor Baratta. At the request of the BIC, the Board unanimously agreed to submit a report to the Council asking them to consider rezoning the two OBS2 zones on Broadway into B2 zones like the rest of Broadway, based upon the master plan study for Broadway which was done four years ago. The BIC pointed out that 17 out of 35 properties in the OBS zone were non-conforming. Amy Hummerstone was replaced on the Master Plan sub-committee with Brent Pohlman. Tod Malkin is still the chairperson and Kenesha Braithwaite is the other member. There were no applications to be heard, but the Board was advised that the Radburn application will begin at the March meeting.

He and Mayor Baratta attended the Open Space Committee meeting. The Committee resubmitted their application for the Planning Incentive Grant for 2012. They were theoretically entitled to \$3,382,000 with a 50% match but \$900,000 was a more realistic amount. Since there are still some funds leftover in the Planning Incentive Grants, the Committee unanimously voted to have Acting Manager Metzler send out letters to see if any other property owners were interested in selling their properties.

He stated that Mr. Hakim reminded the Committee that they have not updated their Open Space Recreational Plan in its entirety for several years. Since it has been amended four times, however, they decided no further updates were necessary. Mr. Hakim confirmed that the failed Blue Acres application submitted on behalf of the Dubes would automatically be considered for Green Acres funding.

He and Councilmember Peluso attended the Shared Services meeting with the Board of Education. The Board was concerned about switching the school board election. He and Councilmember Peluso advised the Board that this would be their decision, even though the Council has the authority to make that decision. Acting Manager Metzler will be meeting with the Board's Business Administrator to discuss other opportunities for shared services. They discussed paving plans and janitorial services. They also discussed fees that the Board and Borough charge each other, which they felt were basically a wash and only created administrative work. Municipal Clerk Kwasniewski reminded them about the camp. Acting Manager Metzler stated that there would need to be an ordinance change on the billing fees for the use of the Community Center. Deputy Mayor Trawinski asked that this matter be placed on a future Work Session agenda.

Mayor Baratta stated that the Borough received a \$500 check from New Jersey Tree Foundation, which was issued on behalf of PSE&G.

She stated that Wendy Dabney, Chairperson of the Environmental Commission believes that the town is owed \$7,000 from ANJAC for an Environmental Resource Inventory. Municipal Clerk Kwasniewski stated that she submitted the required paperwork. She will follow up on this.

Mayor Baratta stated that she met with the church elders from Jesus Sarang Church located on 30th Street. They would like to give back to the community and inquired about the various volunteer organizations. She asked Acting Manager Metzler to inform the church elders about the neighborhood watches. Since they have a large congregation of 250 people perhaps the Police could advise them on parking. Councilmember Peluso stated that Sgt. Schultz should be given their contact information so that they could be included in the Interfaith Meeting that was scheduled for February 16th.

Deputy Mayor Cosgrove stated that the Shade Tree Commission mentioned there was an Environmental Resource Map that is supposed to be displayed at all Zoning and Planning Board meetings, but that does not always happen. Mayor Baratta recalled seeing the map at the Planning Board meetings.

Mayor Baratta stated that she received a letter and an American flag from Governor Christie for the Borough of Fair Lawn that was flown at Ground Zero on the tenth anniversary of 9/11. She would like to display both items at Borough Hall. Municipal Clerk Kwasniewski suggested that Jim Van Kuiningen put the flag and letter in a shadow box.

LEAVES

Superintendent Conte stated that they discussed bagged leaves last November. When he started with the Borough in 1972 they picked up loose leaves at the curb with vacuum trucks, trailer mounted vacuums, dump trucks and bucket loaders. In 1988 the ordinance was changed to source-separate leaves and homeowners bagged their leaves, which were picked up and brought back to the Recycling Center. It was a disaster because the bags had to be cut open, dumped and removed. This was prior to them having garbage trucks.

Leaf removal usually takes six to eight weeks, beginning on Election Day and finishing up by December 10th. This year the crews picked up both the leaves and the brush from the October snow storm and were finished in five weeks. He felt their current leaf removal procedure is the quickest and best way to pick up

leaves. Bagged leaves require someone to load the back of the truck and this is where most injuries occur with yard waste.

The total four year average is 14,500 cubic yards of leaves. There were no overtime expenses in 2010 because of furlough days and none in 2011. Bagging leaves would be difficult because they still have to pick up leaves that fall naturally in the streets. There will be problems with some elderly homeowners. Bags now cost \$1.25 each and it could become expensive for some homeowners. Their current ordinance states that only the leaves ten feet from the edge of the curb can be raked into the road. They have found that 70% of the yard waste generated at the curb comes from landscapers. They have stopped violators and one was brought to court.

He and Recycling Coordinator Lottermann discussed suspending Recycling during leaf season but there was concern that residents would then put their items in the solid waste collection. They would like to require all landscapers working in Fair Lawn to register with DPW. Landscapers currently pay \$100 for a 90 day permit which allows them to dump an unlimited amount of leaves at the DPW Complex. Under their proposal, a landscaper would have to come to DPW and purchase a permit or license to do business in Fair Lawn. They would have to show a valid driver's license, registration, proper liability insurance and provide a list of homes where they will be working.

He suggested issuing an automatic fine to any landscaper caught working without his business registration or caught placing debris in the street without the proper sticker on his truck. He suggested charging a substantially higher permit fee which includes a dumping fee and allows landscapers to dump at the center. This way no money would be collected at the site. It would also allow them to charge for additional vehicles used by the landscaper.

He acknowledged there would be problems with enforcement. They would need to train the supervisors and assistant supervisors to look out for landscapers without permits. They could enlist the Property Maintenance Committee. The downside is that landscapers may charge the residents more for their service. He compiled a list of how other communities handle this matter and he will provide the Council with copies.

This year 29 landscapers paid \$100 for permits, bringing in \$2,900 in revenue plus \$700 for additional vehicle fees. If they increased the fee to \$200 they could bring in additional revenue and remove many cubic feet of leaves from the street. Under their DEP permit they are allowed to put 16,000 cubic yards of leaves at the complex. The compost company grinds what they have and reduces their volume by 40%, bringing them well under their DEP level. He

reiterated his belief that bagging leaves was not the way to go. He felt the current procedure was the best way to handle leaf removal. It puts their workforce out in the public and shows them the services they are receiving.

Mayor Baratta stated that this was really a matter of enforcement. She expressed concern about increasing the cost of the permit, as the cost will be passed on to the homeowners. Acting Manager Metzler stated that the residents with landscapers had all of their leaves placed at the curb while other residents only place leaves that fall within the ten foot area.

Councilmember Swain felt enforcement under their ordinance was a problem since someone must actually see the landscaper dumping the leaves and then driving away. Acting Manager Metzler stated that the new permit will require landscapers to provide a list of customers. This will enable them to see if leaves were left in front of a registered home.

Deputy Mayor Trawinski agreed that the ordinance is unenforceable. There is an environmental consideration as well. He asked Attorney Mondello to pull the Borough's storm water management plan which contains the DEP requirement that leaves not be placed in the street. He felt they should also impose some responsibility on the homeowners to police their landscapers and make sure their leaves are disposed of properly. Residents need to be educated. He knows some residents will be upset but this will also address their environmental obligation that leaves not be dumped in the street. He thanked Councilmember Swain for raising this issue as it was the right thing to do.

Superintendent Conte clarified that the Storm Water Regulation states that leaves cannot be put out within seven days of being picked up and must be ten feet away from the catch basin.

Mayor Baratta suggested that Acting Manager Metzler and Attorney Mondello prepare a draft on the fees and enforcement issues. She will discuss this at the next Property Maintenance meeting. Acting Manager Metzler stated that they will need to establish an ordinance with a fee schedule. He asked Municipal Clerk Kwasniewski to add this to the next available agenda.

NOTIFICATION OF PROPERTY OWNERS ON MUNICIPAL GREEN ACRES/RECREATION LIST

Acting Manager Metzler stated that the property owners in question have been notified. He has received a phone call from a resident who is interested in selling his property and so has Attorney Mondello.

POSSIBILITY OF A SPEED TABLE ON BELLAIR AVENUE FROM RIVER ROAD TO BUSH PLACE

Deputy Mayor Cosgrove stated that some of the residents on the section of Bellair Avenue down to Bush Place have requested a speed table to slow traffic down. Mayor Baratta asked if there were any stop signs along that stretch of road. Deputy Mayor Cosgrove stated they were not. Acting Manager Metzler stated that he will have Traffic Safety Officer Franco research this and report back to the Council.

GRAFITI ON GODWIN AVENUE AND GARWOOD ROAD

Deputy Mayor Cosgrove stated that the painted footprints have been removed.

MEET THE MAYOR, COUNCIL, MANAGER BREAKFAST SPONSORED BY THE CHAMBER

Deputy Mayor Cosgrove stated that the Chamber of Commerce would like to host a "Meet the Council" breakfast with their membership on March 28th at 8:00 a.m. at Oceanos. Councilmember Swain stated that Wednesdays are difficult for her. Deputy Mayor Cosgrove will see if they can move the event to March 29th. He will get back to the Council when the date has been confirmed.

MEMORIAL POOL

Councilmember Swain stated that she would like Acting Manager Metzler to do a preliminary analysis of Memorial Pool to determine DEP requirements, alternate locations, etc. before they have a committee meet to look into this. She did not want them to suggest ideas that may not be feasible. She also requested current membership figures for the pool.

There was consensus that Acting Manager Metzler prepares a preliminary analysis of Memorial Pool that would provide guidelines for the Pool Committee as to what is feasible.

Acting Manager Metzler stated that the current demolition permit requires a 30 day holding period from when the permit is issued before the demolition can proceed. Property owners within 200 feet must also be notified. He would like the Council to waive these requirements so that he can begin the demolition on the pool trailers as soon as possible. Councilmember Swain asked if there were any homeowners within 200 feet. Acting Manager Metzler stated that residents were 500 feet from the trailers.

There was consensus that the demolition requirements for this project be waived so that Acting Manager Metzler could begin demolition on the trailers at Memorial Pool.

BLUE CROSS/BLUE SHIELD RUN OUT

Councilmember Swain stated that she would like Acting Manager Metzler to look into whether there are any funds leftover from the Blue Cross/Blue Shield run out. She would like any existing funds to be placed into a Health Insurance Fund as discussed by the Council when they switched to self-insurance.

There was consensus that Acting Manager Metzler look into whether there were any leftover funds from the Blue Cross/Blue Shield run out that could be transferred to a Health Insurance Fund.

PROCLAMATION FOR KUIKEN IN HONOR OF THEIR 100TH ANNIVERSARY

Councilmember Swain suggested doing a proclamation honoring the 100th Anniversary of Kuiken Brothers. Mayor Baratta suggested finding out from them when would be a good time to present the proclamation. Deputy Mayor Cosgrove stated that the Chamber of Commerce will be honoring them at their dinner at the end of April. He will ask Doug Kuiken about attending a Council meeting in April. Mayor Baratta suggested having the Town Crier attend as well.

HOUSES THAT HAVE ROUTE 208 ADJOINING THEIR BACKYARDS

Councilmember Peluso stated that residents on Southern Drive have expressed concern about the lack of trees in their backyards, which is a result of many trees dying over the years. They understand that Route 208 is a state road and have contacted their State officials but nothing has happened. He noted that PSE&G just gave them a \$500 grant to plant trees and wondered if trees could be planted in this area. Acting Manager Metzler stated that there was a continuing plan in place. Over 100 pine trees have been planted on the north side of Route 208 as part of the State DOT plan that will eventually work its way down the south side. Mayor Baratta asked Acting Manager Metzler to follow up on this and report back to the Council.

2009 BERGEN COUNTY OPEN SPACE TRUST FUND MEMORIAL PROGRAM AWARD WARREN POINT SKATE PARK EXTENSION

Acting Manager Metzler stated that they had a \$35,000 matching grant from the County that was spent on equipment for the skate park, which is now in storage. The County has given them an extension until June, 2012 to complete

the project. He suggested relocating the skate park to Walsh Pool as there is plenty of parking. It is a large track of land and away from residential areas. He needs direction so they do not lose the funding.

Deputy Mayor Trawinski asked Acting Manager Metzler if he would be filling in the pool. Acting Manager Metzler stated that he would. He did not have a cost analysis yet but will obtain one if Council agrees. Deputy Mayor Trawinski did not think they would ever refill the pool as attendance was extremely low. Research showed there was no deed restriction. Councilmember Swain stated that it would be nice to offer beach volleyball or other activities in addition to the skate park. Acting Manager Metzler noted that the Capital Budget he will soon be presenting did not contain any provisions for Walsh Pool.

Councilmember Peluso inquired if they could extend the pavement on the basketball court at Walsh Pool and put the skate park there. Municipal Clerk Kwasniewski stated that Superintendent Graff had cost estimates for this since they had already looked at this location. The tennis court near Warren Point annex already had the base and the fencing so that was a less expensive option. Mayor Baratta stated that some parents had expressed concern that the skate park would be relocated somewhere where it would be difficult for kids to get to.

There was consensus to research moving the skate park to Walsh Pool, provided the costs were not prohibitive.

Deputy Mayor Trawinski suggested that All Sports be informed that the Council was looking into this move.

LIBRARY ROOF REPAIRS

Acting Manager Metzler stated they had bonded \$100,000 for the replacement of the lower Library roof. The project was held up because they were looking into solar panels. The leaking has increased and the roof must be replaced now. The upper roof has starting leaking and repairs will cost an additional \$100,000. He could pursue solar options for that roof if the Council desired him to do so. Deputy Mayor Trawinski stated that wanted to pursue solar panels because most of the solar providers were willing to fix and reinforce a roof at no cost if solar panels were purchased. He did not think they should wait any longer to repair the lower roof, but they should look into the solar panels for the upper roof.

There was consensus that Acting Manager Metzler proceeds with having the lower Library roof repaired immediately and look into solar options for the upper roof in conjunction with other municipal projects.

EMPLOYEE ASSISTANCE PROGRAM

Acting Manager Metzler stated that they do not have an Employee Assistance Program. He is meeting with Attorney Mondello and the Risk Manager on Friday to discuss options. He was advised that employees could access this care through their health care provider, but they have some employees who do not have health insurance. Deputy Mayor Trawinski stated that social services agencies all have programs they offer to municipalities.

Councilmember Swain inquired what they have done up to now for the situations that have arisen. Municipal Clerk Kwasniewski stated that on two occasions they have made emergency arrangements through the West Bergen Mental Health Center. Acting Manager Metzler stated that they had an informal arrangement with the Mental Health Center. The Council made a contribution to that facility in the amount of \$20,000 per year. He has reduced that amount to \$10,000 as part of the budget reduction plan. He would not be recommending that they continue that donation anymore. He would be recommending that they utilize the money for EAP.

WATER BILLING

Acting Manager Metzler stated that there has been an usually large number of water main breaks due to an aging infrastructure. He has a \$1.5 million capital request to paint the water tower.

Acting Manager Metzler stated that their current charge is \$5.00 per quarter for the 5/8 residential meters. He suggested increasing it to \$15.00, which will generate an additional \$440,000. This increase coupled with their current rates put them in the same range as the neighboring communities. They are generating \$220,976 on their current service charges which will increase to \$661,160 the second year. They have had a 10% increase from United Water effective January 1st and a 5% increase from Passaic Valley. They obtain 15% of their water from United and 40% from Passaic Valley. The balance is from their own wells. Acting Manager Metzler referenced his chart that showed the proposed changes the second year. The other meters fees will increase as follows: 1" meter \$6 to \$20, 1.5" meter \$8 to \$25, 2" meter \$10 to \$30, 3" meter \$20 to \$45 and 4" meter \$45 to \$75.

Councilmember Peluso asked if a resident would still be charged the quarterly fee if they were away for the winter. Mayor Baratta clarified that they would still be charged the \$5 to have the service. Councilmember Swain asked about the resident who was home. Acting Manager Metzler stated that they would have the basic \$15 fee plus the charge of \$5.50 per thousand gallons. The increased fee is still half what neighboring towns are charging their residents.

Deputy Mayor Trawinski asked if this issue was raised to pay the bonding for painting of the water tower or other anticipated capital improvements for the water utility. Acting Manager Metzler stated that they have taken a major hit with the water main breaks. They have to start finding new sources of income.

Deputy Mayor Trawinski stated that he did not object to a phased in fee increase, but he felt an increase to \$15 per quarter was too steep. He wanted to see that these funds be used to fund the capital infrastructure needs of the Borough.

Acting Manager Metzler stated that the Borough would have to generate \$1.5 million to \$2.5 million dollars in new revenue to prevent an impossible situation next year. They are taking a look at every operation and comparing it to what other towns charge to see if it is cost effective. Councilmember Swain stated that they just had a water increase. She felt this was too much of an increase all at once. Mayor Baratta stated that she would prefer starting with \$10.00. Deputy Mayor Trawinski agreed. Acting Manager Metzler asked if the Council would prefer an ordinance establishing a \$20 increase over the next the next three years.

There was consensus, with Councilmember Peluso abstaining, to prepare an ordinance to increase the service charges over the next three years.

FAIR LAWN FOOTBALL ASSOCIATION PRESS BOX BUILDING

Acting Manager Metzler stated that the Fair Lawn Football Association wanted to remove their trailer and build a press box with donated resources. The Association has coordinated with Superintendent Graff and All Sports and would like the Council's permission to proceed. The building will be turned over to the Borough once the project is completed. Attorney Mondello stated that he would like to look into this. He wondered if they had to go out to bid since the Borough owed the property. Deputy Mayor Trawinski pointed out that the Football Association and not the Borough was building the press box.

There was consensus, contingent on Attorney Mondello's findings, to allow the Fair Lawn Football Association to build a press box.

POLICE ACCREDITATION GRANT

Acting Manager Metzler stated that the JIF will be offering a \$25,000 grant towards Police accreditation. He will process the paperwork once the program begins.

There was consensus to authorize Acting Manager Metzler to apply for a grant towards Police accreditation.

S-3148 – ESTABLISHING PROCEDURES FOR MOVING SCHOOL BOARD ELECTIONS TO GENERAL ELECTION SIGNED INTO LAW

Municipal Clerk Kwasniewski stated that Superintendent Watson had anticipated that the Board would move the School Board Election but it now appears that some of the Board members are not in favor of the change. The Board can save \$30,000 to \$50,000 by moving the election to November. Some residents feel they should be allowed to vote on the School Board budget even if the budget doesn't exceed the 2% cap. The majority of the school districts in the County are making the change. The Council can make the decision. The yes vote takes precedent. The Council would need to do a resolution Tuesday. Deputy Mayor Trawinski stated that he would like to wait. He did not want to intrude in the School Board's decision. Deputy Mayor Cosgrove agreed.

There was consensus to wait to let the Board of Education make the decision.

VAN DUREN AVENUE

Acting Manager Metzler stated that the Mayor received an email from a resident expressing concern about teens loitering near Milnes School. He spoke to Chief Rose and was advised that the Police Department has been actively involved with both the resident and the Board of Education. The Chief will instruct Lt. Bastinck to reach out again to the resident and assure her that they will keep on top of this situation. The resident sent him a follow up email acknowledging that this issue was taken care of in a prompt manner by the Police Department in the past and that she was satisfied by the actions of the town and Board of Education.

TODAY IN AMERICA TELEVISION SHOW

Mayor Baratta stated that she and Acting Manager Metzler were contacted by "Today in America", a television show on the Discovery Channel hosted by Terry Bradshaw. Acting Manager Metzler explained they wanted to do a five minute

promotional video on Fair Lawn which would air 20 times. The fee is \$19,800. Mr. Bradshaw would read an approved script in a studio and does not actually visit the town. If the Council is interested, he recommended asking the Chamber of Commerce or the SID's for financial sponsorship. The Borough does not have the funds to do this.

Deputy Mayor Cosgrove stated that he would bring this up at the next Chamber meeting. Acting Manager Metzler stated that Today in American was calling him back tomorrow, but he had already advised them that he would not be able to commit by then. Mayor Baratta agreed they should see if there is interest from the business groups; she would not spend taxpayer money on this project.

There was consensus that Acting Manager Metzler reach out to the Chamber of Commerce and the SID's to see if they would like to sponsor the promotional video.

LETTER FROM FREEHOLDER HERMANSEN

Mayor Baratta explained that they were invited on short notice by Freeholder Hermansen to attend a presentation on de-snagging the waterways. However, the meeting was cancelled. Deputy Mayor Trawinski stated that when the presentation is rescheduled municipal officials will receive ample notice so that they could attend.

MISCELLANEOUS PUBLIC COMMENTS

Pam Coles, 13-34 George Street stated that she bagged all the leaves from her backyard and placed them at the curb. Acting Manager Metzler clarified that according to their ordinance, no leaves from the backyard are allowed to be placed at the curb even if they are in bags. A resident can only place leaves that fall within ten feet from the curb in the road. It is the resident's responsibility to remove all other leaves. Deputy Mayor Trawinski did not realize that. If they change the ordinance, they should offer the option of placing bagged leaves out on the curb to the residents.

Deputy Mayor Cosgrove asked if they were supposed to put the leaves in their car and drive them to Recycling. Acting Manager Metzler confirmed that. Deputy Mayor Trawinski stated that they cannot tell residents they want to have trees and not make it practical for them to get rid of the leaves. Ms. Coles stated that if she did hire a landscaper, she would not want the town to know who she did business with. Acting Manager Metzler stated that anytime she took out a building permit it listed the name of the contractor.

Deputy Mayor Trawinski stated that he disagreed with Acting Manager Metzler. He read a section of the Ordinance that said "during leaf collection season, as designated by the rules and regulations, no person shall sweep, rake or deposit leaves into any Borough right of way or public place within the Borough, except those leaves that fall within said right of way. All other leaves must be bagged in recyclable biodegradable leaf bags, which shall be placed at the gutter line in front of the property and shall thereafter be subject to collection by the Borough collection of leaves according to the rules and regulations published by the Borough". His understanding has always been if you bag the leaves in recyclable bags they can be placed at the curb and the Borough will pick them up.

Ms. Coles wondered if a landscaper could bag the leaves or place them in a recyclable container. Deputy Mayor Trawinski stated that would not be allowed. Mayor Baratta stated that education would play an important role.

Ms. Coles stated that her water bills have increased from \$62 to \$92. She was concerned about the increase in the service charge. Deputy Mayor Trawinski stated that the bill was based upon consumption. If there is a leaky or running toilet it can generate a significant increase.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain the following closed session resolution was unanimously adopted at 9:50 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 – Appointments – Alternate Public Defender, ADA Committee, Health Advisory Board, Keyboard Operator Layoff Restoration, Policy on Unused Sick Time for Returning Personnel and Interim Claims Management; Pending Litigation – Hiram Taylor vs. Borough of Fair Lawn and Messina vs. the Borough of Fair Lawn; Contract Negotiations and Dube; 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 the 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.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Jeanne Baratta

Deputy Mayor John Cosgrove

Councilman Kurt Peluso

Councilwoman Lisa Swain

Deputy Mayor Ed Trawinski