

## WORK SESSION OF MAY 1, 2012

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

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

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

### **CREDIT CARD ACCEPTANCE BY MUNICIPAL COURT:**

Court Administrator Claire Cabbibo was present. Manager Metzler stated that he was approached by the Court Administrator who would like to accept credit cards for payments on violations.

Court Administrator Cabbibo stated the other Municipal Courts that have been using credit card report increased collections. At one point the Borough had an ATM machine in the lobby but that has not been here for the past six months. The ATM had a limit of how much cash could be taken out which was problematic. She spoke to one Municipal Court who entered into an agreement with a local bank. The way they achieved no cost credit card use was to agree to move all of their accounts to that bank. She realized that would be up to CFO Palermo to negotiate something with respect to that.

Mayor Baratta stated that the majority of the Council has been in favor of this for a number of years. She wondered what the drawback would be

Municipal Clerk Kwasniewski stated the Borough had not wanted to pay the fees and also they did not want to lose interest on the accounts in the bank. The person using a credit card to pay their tax bill is paying the fee so not many people took advantage of it. She felt that things may have changed since then.

Deputy Mayor Trawinski stated he received an e-mail today from "govpay.com" that that might be helpful. The interest rate they are getting is small that if collections improved more than five percent that would offset the cost of not getting any interest.

Manager Metzler said it may be possible to negotiate with the banks to see if they would waive the fees. Once that is known, the Council can decide. Once again it is another way to collect revenue that they were due.

There was a unanimous consensus to move forward with credit card acceptance by the Municipal Court.

**FAIR LAWN ALL SPORTS COACHING CERTIFICATION PROGRAM:**

Jeff Mazzola, the President and Don Oliver, former president of Fair Lawn All Sports was present. Deputy Mayor Cosgrove was told that Fair Lawn is the only town that makes all the coaches get certified every year. It would be a cost savings to All Sports to change it to every three years.

Don Oliver stated that the Rutgers's certification has become the gold standard. It is a three hour class which is good for life. Once they are certified there is a certain level of immunity. There has not been one successful lawsuit brought against a Rutgers's Certified Coach. The Rutgers's class would cost between \$25 to \$30 per coach which Fair Lawn All Sports would absorb. They would like to have that expense be a onetime only expense. They do back ground checks which cost \$20.00 for each coach was All Sports also pays. It will be a more protective environment for the Coaches and the Municipality.

Mr. Mazzola said their intention was to have regular meetings with the Coaches to reinforce the elements of the Rutgers's Certification program.

Mayor Baratta stated it made sense to her. Councilmember Peluso asked if Rutgers's supplies materials once the Borough gets certified. Mr. Mazzola said they do update their material.

Mr. Oliver was dealing with the Canka Foundation and they have helped them fund the fingerprinting for the last three years and they have a promise for this year but they have said they do not know how much longer their funding will hold up. Those funds could be lost at any time.

Deputy Mayor Trawinski supported the change provided the JIF accepted the Rutgers's certification.

Mr. Oliver said that some of the out of town leagues they are playing are now requiring coaches to be Rutgers's certified.

There was a unanimous consensus to approve the change with the approval from the JIG Risk Manager's authorization.

**REVIEW OF TENTATIVE AGENDA**

Municipal Clerk Kwasniewski said she had two items to add, a rejection of bids for installation of a new chiller and some overpayment of taxes that must be refunded.

Deputy Mayor Trawinski wondered if these Police Rules and Regulations were identical to the ones they already saw subject to their comments. Mayor Baratta said yes.

## COUNCIL LIAISON REPORTS

Councilmember Swain stated the ADA Committee held a dance Friday night at the Community Center. The dances are being sponsored by the Democratic Organization, the Republican organization and the Cosmos Club. Benny Solarno is going to be the liaison to the Fair Lawn Athletic Club and he is personally going to be sponsoring the September dance. The Rothman's are donating 100 tickets to a Jackals Game in August. On June 22 there will be a teen movie at the Community Center. At the meeting in May there will be an announcement about work with housebound seniors. It will be a program with kids that want to volunteer and work with the seniors.

On May 22<sup>nd</sup> the Green Fair will be held at the High School.

Councilmember Swain said they have to start conserving water since the area has not had much rain. Mayor Baratta suggested putting up a slide up on Fair Lawn TV.

Councilmember Peluso said that next week he, Deputy Mayor Trawinski and Manager Metzler will be going to the Shared Services meeting with the Board of Education.

Deputy Mayor Cosgrove said he met with the Shade Tree Committee. Flossie Dobrow's son wants to dedicate a tree in her memory to be planted on the front lawn of the Municipal Building. Manager Metzler said he was approached by the Garden Committee indicating that they would like to donate a tree. Deputy Mayor Cosgrove said it is the same tree. Manager Metzler said they had asked it to be put in the park that is going to be named after Vi Etler. Deputy Mayor Cosgrove said they wanted it in the front of the Borough Hall. Deputy Mayor Cosgrove said he would contact Mr. Vanderbeck and Councilmember Peluso can reach out to Mrs. Spindel.

The Shade Tree Committee had questions about the Landmark Development's landscape plan that was presented at the Planning Board. They wanted to know through the Planning Board who would be responsible for the trees and if there was going to be a sprinkler system.

They also wondered if there were any grants available for Shade Trees. Mayor Baratta thought there were funds in the budget for trees that weren't spent. Deputy Mayor Cosgrove said that now there is an arboretum which they want to build into a destination place. Deputy Mayor Trawinski thought the Manager could ask the grants firm. Mayor Baratta said they talked about this in the past for buying gator bags, etc. and it was determined that money would come out of Shade Tree Department budget.

Deputy Mayor Cosgrove said the 100<sup>th</sup> Anniversary of the Fire Department will be held at Memorial Park on June 16<sup>th</sup> from 1:00 p.m. through 5:00 p.m. There will be a celebration with a band, rides for kids and food.

Manager Metzler said the Borough has been named Tree City USA for the 10<sup>th</sup> consecutive year.

Deputy Mayor Trawinski gave materials from the Broadway Improvement Corporation to the Municipal Clerk for circulation. It is their latest financial statement, marketing report and more details about the bump outs on Broadway.

Mayor Baratta wondered if Jim VanKruiningen was having a meeting about the Canoe Regatta. She asked that he contact her because there is a lot going on that day. Manager Metzler said he knows he has been receiving checks and registrations. Mayor Baratta said she is meeting with the young girls from Milnes that want to do a bike marathon. They want to raise money for St. Jude's Children's Hospital.

Councilmember Swain spoke about the playground and there was a consensus from the ADA Committee to move ahead with Berdan Grove and not Walsh Pool for the barrier free playground. Mayor Baratta said that it would be in addition and not replacing anything. Councilmember Swain said they would be adding equipment.

#### **OPEN SPACE:**

Possible Purchase of Wagaraw Road and Dunkerhook Properties – Attorney Mondello advised that the purchase of the Dube property was \$292,000 with \$146,000 coming out of the Municipal Open Space Trust Fund and the other \$146,000 is coming from Green Acres that is part of the \$280,000 that is in that fund. Attorney Mondello said that reduced the amount to \$174,000 in Green Acres funds which was left to purchase the two properties. Deputy Mayor Trawinski suggested that they ask the Manager, the Borough Attorney and the Tax Assessor to review the assessed values and recommend which one of the two properties would fit with the remainder of the Green Acres funds and the appropriate match. They have been told by the DEP that if they don't use the Green Acres funds by the end of this year the Borough would lose the funds. Mayor Baratta stated that she signed the letter drafter by Mr. Hakim adding all of the other properties to the Open Space Inventory.

Deputy Mayor Trawinski thought they should authorize the Manager to put Senator Gordon's phone number out there to let the residents call him because he wrote a letter to the editor saying that Blue Acres and or Green Acres will most likely happen. That is not what this Council has been told by anyone at the State level. This would take the pressure off the Manager's office and the Clerk's office and let the residents know who to contact.

There was a unanimous consensus to authorize the Manager to have the Tax Assessor present the values of both properties.

Deputy Mayor Trawinski said they need to do this as soon as possible because this will take a month or two to negotiate a contract, get the appraisals done and then get it into Green Acres. He suggested this come back to the Council in two weeks.

There was a unanimous consensus amending the previous consensus to have this back to the Council in two weeks.

### **RECOMMENDATIONS ON RFQ'S:**

Planner – Deputy Mayor Trawinski said based upon the RFQ's there is no reason why they should switch from Cheryl Bergailo. Ms. Bergailo has been an asset and particularly with the Landmark application pending before the Planning Board he thought it was important that the one who worked through the Court proceedings and knows what was discussed and knows what took place, etc. should be the planner. He suggested that Ms. Bergailo continue to be the Borough of Fair Lawn's Planner of Record.

There was a unanimous consensus to appoint Cheryl Bergailo as Planner of Record.

Labor Attorney – Deputy Mayor Cosgrove recommended Matthew Giacobbe based on what he has seen and the conversations he has had with people in the Borough Hall who have dealt with him in the past.

There was a unanimous consensus to appoint Matthew Giacobbe of Cleary/Giacobbe/Alfieri/Jacobs, LLC as Labor Attorney.

Auditor – Councilmember Swain recommended that the Borough stay with Steve Wielkotz since he has been the Auditor, has done a great job and knows Fair Lawn. She felt she could use the same rationale for Steve Wielkotz as Deputy Mayor Trawinski used for Cheryl Bergailo.

Deputy Mayor Trawinski stated that he has never voted for Steve Wielkotz and he does not intend to support him at this time. He was a major Pay to Play contributor, it was discovered that there were double purchases and materials that were paid for by the BCIA in the past that were never delivered. He does not know if it is tied to Steve Wielkotz but he was the Auditor at that time those things occurred at the authority. He is not suggesting that he did anything improper but it is being looked into by the authority and for those reasons he will not support Steve.

Deputy Mayor Cosgrove proposed Lurch, Vinci and Higgins which is a Fair Lawn firm. He has looked through their RFQ and they do a lot of municipalities.

Councilmember Peluso stated that Wielkotz got bi-partisan support from the Freeholder Board. He is a great auditor. Deputy Mayor Trawinski stated that issue is still in litigation. Councilmember Peluso said the vote was taken by both Democrats and Republicans. Mayor Baratta stated she was at the meeting and knows it was very political.

Mayor Baratta stated that she never supported Wielkotz because they are a big pay to play firm. She will not support them now.

There was a consensus to appoint Steve Wielkotz as Borough Auditor with Mayor Baratta, Deputy Mayor Cosgrove and Deputy Mayor Trawinski dissenting.

There was a consensus to appoint Lurch, Vinci and Higgins as Borough Auditor with Councilmember Peluso and Councilmember Swain dissenting.

Alternate Prosecutor – Municipal Clerk Kwasniewski stated that the Borough's Code states that the Alternate Prosecutor was an appointment by the Mayor and Council, not the Manager.

Deputy Mayor Trawinski stated he was not familiar with any of the lawyers that put in an RFQ. He asked Attorney Mondello if he knew any of them. Municipal Clerk Kwasniewski stated the only RFQ they received was from Brown and Brown.

Deputy Mayor Trawinski suggested they have the Borough Attorney check with the Lawyer's Disciplinary Review Board if there were any issues with that firm. Mayor Baratta reminded him that they need to appoint an Alternate Prosecutor as soon as possible because the Prosecutor will be getting married and will be away for the month of July.

There was a unanimous consensus to appoint Brown and Brown as Alternate Prosecutor pending the Borough Attorney's review of the Lawyer's Disciplinary Review Board.

#### **LANDMARK AT RADBURN:**

PREFDA – Deputy Mayor Trawinski stated that based upon the Attorney's memo, he did not think there was anything for the Council to do. They should leave the Radburn issues to Radburn. There is no role for the Planning Board to play on it. A few years ago, they tried with an Ordinance but it was stricken by the Court.

Attorney Mondello stated he went back to review what Deputy Mayor Trawinski had mentioned to see whether or not there was an order or directive changing the way the Trustees are appointed or changing the way members become part of the association and he could not find anything. Landmark may or may not decide to

restrict or limit who becomes a member much like in Radburn where there are only 30 members and there are a lot more residents. Attorney Mondello advised that whatever Landmark decides to do it will have no impact on the current situation but there was legislation pending that may change that.

### **ZONING BOARD ANNUAL REPORT:**

Deputy Mayor Trawinski stated they had received the statutorily required annual report in a timely fashion as they have been doing the last several years. This report makes some recommendations to the Mayor and Council. He proposed that they ask the Planning Board to review three of the four recommendations sooner than later and the fourth one, the Planning Board should wait until the Master Plan re-examination.

There was a unanimous consensus to send the recommendations regarding impervious coverage provision and off street parking to the Planning Board.

The third one was in regard to the Lentini litigation that was a three year litigation after they held six hearings that the use of the term encourage was an issue that was raised in Court saying it was vague and needs to be a defined standard. The Zoning Board suggested strengthening the language of the site plan ordinance and the related provisions dealing with parking provisions. They also thought they should look at cooperative and shared parking. He proposed they take review the third recommendation as well.

There was a unanimous consensus to have the Planning Board review the third recommendation.

Deputy Mayor Trawinski stated the last recommendation was designated uses. They pointed out in 2011 they received two applications with respect to Tattoo Parlors. They are not a permitted use under the Borough code. He thought the appropriate plan should be to give this to the Planning Board sub-committee to review as part of the Master Plan review.

Deputy Mayor Trawinski thought they proposed that they resurrect the Planning Board Sub-Committee. He felt they should proceed with it. Municipal Clerk Kwasniewski stated that the Council had told the Planning Board they would not fund it so it was put on hold. Deputy Mayor Trawinski felt the Manager should look at it in the 2013 budget but in the meantime have the Planning Board resurrect the sub-committee on the Land Use element.

Deputy Mayor Trawinski wanted someone to report to the Zoning Board that their annual report did not fall on deaf ears and it was paid attention to. Attorney Mondello will call the Board Attorney.

**INCREASE IN BREAK-INS AND ROBBERIES:**

Deputy Mayor Cosgrove mentioned that the media has reported that there has been a 5% increase in break-ins and robberies. He asked the Manager to let them know what is being done. Manager Metzler shared the numbers that have been reported. He did not think it was advisable to report what the Police Department is doing. The Police Department is very well aware of the statistics. They have made a few arrests with career thieves.

Councilmember Swain noticed one of the good things with the Police Department is they are very good at closure.

Manager Metzler mentioned the graffiti in the parks and the Mayor suggested reaching out to someone in the County which they did. The Police Department has taken steps to remedy this.

Deputy Mayor Trawinski felt the public should understand that the Prosecutor duties coordinating all the policing activities, not only for the County but also the municipalities. One of those obligations places upon all of the law enforcement agencies is to share information. If there is an increase or a pattern noticed, there is a stepped up throughout the County.

**BUDGET CONCERNS FOR 2013:**

Deputy Mayor Cosgrove said the Manager had discussed with the Council that next year it was possible there could be a \$500,000 to \$900,000 shortfall and would like direction from the Council. He would like to see the Council build a consensus to give the Manager to go forward and prepare a plan that gives them different options for cuts in services and how much would be saved in each cut so that they are prepared when they go into 2013. It would be helpful to know what the biggest cuts will be.

Mayor Baratta wondered what a reasonable time frame would be for that request. Manager Metzler said 45 to 60 days. He encouraged Council to consider developing a survey that would go out with the tax bills and find out what services they want and don't want. They could ask about changing the Library hours, etc. He felt it should be an on-going document between him and the Council. Once they agreed it can be sent out with the next tax bills. In addition to that, following the last Work Session he sat down with the Department Heads. There were valid questions about the ratio of supervision and the Department Heads will be doing an assessment of where the Borough is. Just because the Borough has operated for the last twenty years a certain way does not mean it has to continue to operate that way now. He thought 60 days would be a reasonable time. Every Work Session should have the survey on it so they could share information.

There was a unanimous consensus to authorize the Manager to prepare this plan for them.

Councilmember Swain wondered about the people who pay their taxes through the mortgage company. Deputy Mayor Trawinski said by law they get an advice company in the mail. Deputy Mayor Trawinski asked that the tenants of the large apartment complexes be included.

#### **SEWER SYSTEMS 1<sup>ST</sup> AND 2<sup>ND</sup> STREETS:**

Deputy Mayor Cosgrove stated that they all know from the meeting on March 27 those residents on 1<sup>st</sup> and 2<sup>nd</sup> street have been flooding. He would like to see the Borough Engineer take a look at this and tell them what it would take to correct these problems. Manager Metzler said he could probably have that report next week. Manager Metzler said they will put it on the agenda and have the DPW Superintendent and Borough Engineer come to the meeting to give an overview.

#### **DEDICATION OF PARK:**

Councilmember Swain stated this was to follow up about the park for Vi and Marty Etlar because the last time they spoke they mentioned June for dedicating the park. Manager Metzler said he spoke with Marty Etlar within the last two weeks. The sign is ready. Mayor Baratta said they were leaving it up to Marty to decide on the date. Manager Metzler said he left it up to the Borough. He will look at his notes. He will decide whether to do it at 6 p.m. or on a Saturday. Deputy Mayor Trawinski stated that since Vi was so involved as a State Committee woman, in addition to everything else, he thought they should notify Lou Stilato and Bob Yudin to let them notify any other elected officials.

Deputy Mayor Cosgrove wondered if the sign would say Etlar Park. Manager Metzler stated the sign would read "Violet and Martin Etlar Park".

#### **DANCING IN THE STREETS:**

Councilmember Swain stated that Dancing in the Street was very successful last year in Radburn. She thought they should hold it on River Road. That would give the businesses there a chance to stay open late. She wanted Council's approval to move ahead with that. Last year it did not cost anything. She received donations and will do the same this year.

Mayor Baratta wondered who the liaison to River Road was. Councilmember Swain said she was. She was tempted to bring it up at the last meeting but wanted to discuss this first with the Council.

There was a unanimous consensus to have Dancing in the Streets on River Road.

**SHARED SERVICES – GLEN ROCK TO USE FAIR LAWN'S POLICE PISTOL RANGE:**

Manager Metzler stated they have a tentative agreement for shared services with Glen Rock to use the Fair Lawn's Pistol Range for a total of four days a year. Glen Rock will pay \$500 a day to use the facility from 10:00 a.m. to 10:00 p.m., however there will be no outside use of the range after 5:00 p.m. The rifle training would not be done at Fair Lawn's facility. Manager Metzler recommended that they move forward with this.

Deputy Mayor Trawinski believed they should make sure that Glen Rock does not shoot on Saturdays or Sundays. He wondered if Glen Rock was a member of the JIF and make sure they provide the insurance so that does not affect us. Manager Metzler said they have already addressed these issues.

Mayor Baratta asked Attorney Mondello if he had any concerns about this. Attorney Mondello advised that he had reviewed the information which was the noise and language in the agreement but everything has been addressed.

Councilmember Swain questioned the four day Glen Rock would be using it, would Fair Lawn be using it the same day and what happens between the hours of 5:00 and 10:00 p.m. Manager Metzler said they would be shooting indoors.

There was a unanimous consensus to enter into an agreement with Glen Rock to use the Fair Lawn Pistol Range.

Manager Metzler said there are continuing negotiations on the Maintenance Garage. They are also negotiating fuel purchases through Fair Lawn's pump adding a gallon on diesel fuel. This is an opportunity to generate revenue from resources they have. Manager Metzler stated they will be charging the same fee for every municipality.

**DISABLED VETERAN APPLICATIONS:**

Councilmember Swain stated that she would be recusing herself on the Bienstock discussion.

Bienstock – Block 1606, Lot 5 – Manager Metzler stated he had forwarded a memo from Tax Assessor Henderson regarding the disable veteran tax deduction. The Council has a precedent in place to make it retroactive back to the time the individual was certified as totally disabled. He recommended that they continue with this practice.

Deputy Mayor Trawinski said he was not relying on the precedent or to bind future Council's but he has no problem supporting this. It is the least they can do for the veteran.

There was a consensus to approve the Disabled Veteran Deduction for Mr. Bienstock, Block 1606, Lot 5, with Councilmember Swain recusing herself.

There was a unanimous consensus to approve the Disabled Veteran Deduction for Mr. McGinn, Block 5411, Lot 8.

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

Barry Wisse, 5-02 2<sup>nd</sup> Street asked for clarification on the letter sent to the DEP. Mayor Baratta explained that the list was sent to Lisa Stern at the DEP and all of the homes were included on that list. Manager Metzler explained that they were already on the list because when Blue Acres transferred it to Green Acres it is good for the year. The action the Council took was to make sure he stays on the approved list from that point on. Technically they are on the list right now. Mr. Wisse asked if the Dunkerhook and Wagaraw Road properties were bought yet. Mayor Baratta said that has not been decided yet.

Mr. Wisse said he did not understand why the Dube's property was being bought and not theirs because they flood just as much. Deputy Mayor Trawinski stated that about four years ago the Dube's came to the Council asking the Borough to buy their house. An application was filed with the FEMA. At that point no one else came to the Council to ask to be bought out. FEMA denied it. They told the Dube's because they came to them first they would continue to work with them as circumstances permitted. It does not mean that their problem is any less.

Manager Metzler said that Senator Gordon was going after a considerable amount of funding from Blue Acres and Green Acres. At some point there will be hearings in Trenton and he suggested the Wisse's go and speak up. Mayor Baratta asked Mr. Wisse if he reached out to the Senator.

Laurie Wisse responded that Mr. Metzler gave her the phone number to call.

Deputy Mayor Trawinski said he would like to echo what Manager Metzler said. It is very easy for legislatures to sit in their home districts to say they were going to advocate the cause but when it gets before the committee, sometimes their memories fail them. When the residents show up and voice their concerns more attention is paid. Senator Gordon has to deal with the twenty other Senators. He suggested getting a group together to attend the hearings and letting one person as the spokesperson.

Manager Metzler said they can encourage the Senate to have hearings in this district.

Councilmember Swain stated that during the terrible storms, Fair Lawn did not get what they thought they should get but putting a face to the flood would make a difference. Other towns also flooded but got the attention when Fair Lawn did not. She agreed if they were at the hearings it would make a difference.

Jack Sheehan, 39-42 Pellington Drive, stated that over the last few years that have witnessed the erosion of their quality of life. Previously they would tell friends they did not need Police presence now they are requesting Police presence at Beaver Dam Park. They have young adults using the facility. Dogs are brought in to run loose, garbage is not put in the proper container, possible alcohol is being consumed and the brook is somewhat compromised with various articles strewn in it. On Friday April 27<sup>th</sup> a lazy boy chair was put on the basketball court. The Parks Department removed it on the following Monday.

On April 21<sup>st</sup> around 7:00 p.m. the Police Department was called in because of the dogs running around and coolers were out. On a Sunday morning he found paper plates strewn all over the place along with various beverage containers.

Mr. Sheehan asked the Council what could be done.

Manager Metzler said that he and Mr. Sheehan have been speaking to each other and there was a letter from Mr. Sheehan that was signed by numerous residents. He met with Chief Rose, Captain Cook, Jim Graff and Bob White with regard to his request. He asked the Chief about the dogs in the park and the Chief said the officers told the people to remove their dogs and they complied. Ultimately it is the Police Officer's discretion whether or not to write a summons. The 40 people in the park may seem like an issue to Mr. Sheehan but to the Borough it is a public park. If they are rowdy or illegal activity going on that would be different. Even though the people had a cooler, the Police were not allowed to search the cooler because the people have rights too.

As a result of the first meeting, in response to the first petition, he knows that memos have gone out to the Patrol Division asking to give special attention to that particular park. He asked the residents to call the Police as soon as possible so cars could be sent over promptly. He did not believe there have been any other incidents since the letter was received. He knows that Chief Rose reached out to Health Officer Wagner to have Animal Control physically check the area for dogs and to give warnings. The end result is to educate people that dogs do not belong there.

Mayor Baratta said the park closes at 7:00 p.m. and wondered if there was a problem at night time. Manager Metzler said it tends to be. When they looked at all of the parks, they were not seeing an excessive amount of complaints about that park. That

park is unique because it is kind of isolated. Mayor Baratta wondered if they should be patrolling these types of parks. Manager Metzler said they should but it was difficult with five officers on the road. Deputy Mayor Cosgrove suggested using the Auxiliary Police. He found it alarming while cleaning up Berdan Grove approximately 400 cigarette butts were found in the playground which has the same material as Brookdale Park. They hide behind the building and throw their cigarette butts into the park. Manager Metzler said that since the beginning of the year there have been 17 occasions where Police observed something out of the ordinary, investigated and documented the incidents.

Mr. Sheehan stated tickets should be written to the people who bring their dogs into the park. The entrance of the park has a wide macadam driveway so he wondered why an auxiliary officer couldn't drive down there one a day to check it out. It is distressing.

Deputy Mayor Trawinski thought they should direct the Manager to direct the Police Chief to put in place a plan to for enhanced stepped up enforcement there and report back to the Council the result of this.

Mr. Sheehan felt if that happened they will see these people disappear or obey the rules. Deputy Mayor Cosgrove said that Police presence is good but he would like to have the Chief look into working with the Auxiliary Police of possibly setting up a car there. Deputy Mayor Trawinski said they have done that before in certain circumstances where the residents have had issues. He wondered if they could explore the feasibility of webcams or some type of camera that could monitor the park. He thought they as a Council could discuss this further. If they have reduced manpower they must find other alternatives. He thought they should ask the Manager to consider it and discuss it with the Borough Attorney and come back to the Council with suggestions at some point in the future.

Councilmember Peluso wondered if there were certain days or nights where there are problems the Auxiliary Police or the Police could go through the park to observe what is going on.

Mayor Baratta wondered if this is something new or something that has gotten worse. Mr. Sheehan said it has been brewing for three or four years but getting worse. Councilmember Peluso wondered if this was in relation to the County Park across the street.

Janet Sheehan, 39-42 Pellington Drive, thanked the Council for allowing them to voice their concern. She explained what her husband picked up after the weekend that had a lot of people at the park. They have noticed people relieving themselves in the brook. She would appreciate anything they could do about this situation.

Mrs. Sheehan spoke about Beaver Dam Brook, last October they had water almost to their house. She inquired about whether they would be in the Blue Acres or Green Acres. Manager Metzler said FEMA has written a project worksheet to dredge Beaver Dam but it has to be cleared through the DEP. They will provide the funding.

Deputy Mayor Trawinski suggested that the Manager contact Senator Gordon to help get the DEP approval. Manager Metzler said he will check with FEMA to see where it is now.

Councilmember Swain wondered if Mr. Sheehan could make a note of when the people come to the park. Mr. Sheehan said around 5:30 p.m. They can look down Pellington Drive so when they see a lot of cars that park is full.

Maureen Moriarity, 14 Burnham Place, explained the Court ruling about Radburn. The Court ruled that not all homeowners have to be members of a condo or homeowner association. So now in the State if there are new associations there is no guarantee if they are going to be democratic communities. Previously the State always made sure they were set up as a democratic community. It is a State issue.

Howard Mark, 12-23 Ferry Heights, spoke about security on homes. Mayor Baratta said the Police Department will go to your house and tell you where there are security problems and what kind of locks and windows. Manager Metzler said there is one officer that will do that. Mayor Baratta said the last time they spoke about this, Deputy Mayor Trawinski had given him a number to call. Deputy Mayor Trawinski told him again the person to contact, Ernie Villa. They do what Mr. Mark's was talking about. Mayor Baratta suggested he look on the Police Department's website.

#### **CLOSED SESSION RESOLUTION:**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain the following closed session resolution was unanimously adopted at 9:15 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 Attorney/Client Privilege – Brookdale Park Fire; 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.

**ADJOURNMENT**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, the Work Session was adjourned at 9:30 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

\_\_\_\_\_  
Mayor Jeanne Baratta

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Deputy Mayor John Cosgrove

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Councilman Kurt Peluso

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Councilwoman Lisa Swain

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Deputy Mayor Ed Trawinski