

## WORK SESSION OF OCTOBER 9, 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:** Manager Metzler, Municipal Clerk Kwasniewski and Attorney Mondello.

### **CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Swain and a second by Deputy Mayor Cosgrove, the following closed session resolution was unanimously adopted at 7:35 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 – Health Care; 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.

Mayor Baratta reconvened the meeting at 8:15 p.m.

### **REVIEW OF TENTATIVE AGENDA**

Deputy Mayor Trawinski inquired about item 9f - Sponsoring the Community Center for Quasi Entity Insurance Coverage through the Bergen County JIF. Municipal Clerk Kwasniewski stated that the Council had decided they were going to include the Community Center in the JIF as a quasi entity. Deputy Mayor Cosgrove explained that it was a \$200 policy, similar to what All Sports has.

Municipal Clerk Kwasniewski stated that the "a" and "b" items depend on the outcome of tonight's meeting. If they are not ready they will be removed.

Mayor Baratta asked if they were doing the proclamation for Pancreatic Cancer at the next meeting. Municipal Clerk Kwasniewski stated that it will be presented at the October 30<sup>th</sup> meeting.

### **COUNCIL LIAISON REPORTS**

Councilmember Swain stated that she attended the Historic Preservation Commission presentation on the 100<sup>th</sup> Anniversary of the Fire Department, which was very informative and well attended.

She attended the EPA meeting the next evening, which was also interesting. It was unfortunate to learn that Fair Lawn has to pay for the maintenance of the tanks that process the water and she was concerned it was going to be a long term expense. She asked Engineer Garrison, who attended the meeting, to separate the cost analysis for the air strippers and scrubbers. Councilmember Swain felt they should keep this cost in mind when dealing with the Clariant and Topps sites as the costs are ongoing and continue after the clean up.

Attorney Mondello inquired about the contracts. Deputy Mayor Cosgrove stated they were from the late 1980's. Councilmember Swain explained that Fischer Scientific, Sandvik and Kodak entered into an agreement with the Borough and gave them a certain amount of money for the cleanup and to pay for the tanks with air strippers that process the water going through them. Deputy Mayor Cosgrove stated that Engineer Garrison mentioned that there was an agreement for the companies to provide the maintenance for ten years.

Deputy Mayor Trawinski stated that he was the Planning Board attorney at the time the Borough entered into the agreement with Fischer Scientific. The Borough did it because they wanted to make sure that if the issue went longer than a decade it would be properly maintained; they did not want to leave it up to a third party. All of the air strippers go directly into their wells. Engineer Garrison, the Borough's Licensed Water Operator checks these strippers before he certifies the drinking water.

Deputy Mayor Cosgrove agreed they should take this into consideration in the future. Deputy Mayor Trawinski stated that remediation on the major sites is just about taken care of. They don't have any other industrial or commercial sites akin to this except the Exxon Station, which was remediated and maybe one or two other gas station sites. Deputy Mayor Cosgrove asked about Borden Chemical. Deputy Mayor Trawinski thought that was shut down 60 years ago, with remediation taking place through natural attenuation. Sandvik is the biggest remaining project.

Councilmember Swain reported that the Green Team is meeting tomorrow night at 7:30 p.m. and the ADA Committee is meeting next Monday night at 7:00 p.m.

Councilmember Peluso stated that he and Deputy Mayor Cosgrove attended the Columbus Day Poster Contest at the Knights of Columbus. The Recreation Department did a good job and there was a magic show for the children. The Cosmos Club was also involved. The children learned a lot about the holiday and Columbus himself.

He asked to remove Item #8 from the agenda. He did not need it rescheduled.

Deputy Mayor Cosgrove reported that the Shade Tree Commission has selected a particular type of tree, which will be planted in memory of Flossie Dobrow on the Parmelee Avenue side of Borough Hall. Ms. Dobrow's son, who donated the tree, will be invited to attend the ceremony.

He learned that the specifications have been sent to Purchasing for two new pieces of apparatus approved by the Fire Department. This will go out to bid shortly.

The Cameos will be performing at the Community Center on October 27<sup>th</sup> at 7:00 p.m. Tickets are available in Borough Hall at the Cultural Office and at the Recreation Department in the Community Center. They are selling plaques which will be placed on the back of the seats in the Community Center. The plaques cost \$100 and look very nice. The cast of the Old Library Theater is going to purchase a plaque to commemorate each show. Anyone who is interested in purchasing a plaque can contact Deputy Mayor Cosgrove or obtain a form from the Cultural Office or Recreation Department.

Deputy Mayor Trawinski stated that next Monday night is the continuation of the Landmark application before the Planning Board. Chairperson Kortright is cautiously optimistic that testimony may conclude this month, but he feels it will continue into November.

Mayor Baratta reported that she had a Property Maintenance meeting tomorrow.

### **2013 ITEMS – FAIR AND OPEN VS. NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACTS**

Municipal Clerk Kwasniewski distributed a list of all professional service contracts awarded in 2012, indicating the vendor, service and whether or not an RFQ was issued. There were five RFQ's issued in 2012. There were also reappointed Professionals from previous RFQ's. If the Council wants to appoint from RFQ's in January they will need to start the process soon; otherwise, they could carryover appointments from this year. They could also do professional service agreements, although that would not bode well with their Best Practices as the State prefers competitive contracting. Some services do not lend themselves to RFQ's. Mayor Baratta stated that she would prefer to do RFQ's. Deputy Mayor Trawinski agreed, with the exception of a few services such as Childcare or Healthcare Physician.

Municipal Clerk Kwasniewski noted that Loss Control was handled by J.A. Montgomery through their Right to Know.

Councilmember Swain expressed concern that they did not necessarily get a price quote with an RFQ. Deputy Mayor Trawinski stated that was correct, although a price can be requested. After the RFQ is received they can also solicit an RFP from qualified applicants. Municipal Clerk Kwasniewski stated that the State would like to stop using RFQ's because it is supposed to be competitive contracting but unlike the bid process, they don't necessarily make the decision based on lowest price. They could ask applicants to attach a cost proposal. Deputy Mayor Trawinski and Mayor Baratta supported that idea.

Deputy Mayor Trawinski stated that if Municipal Clerk Kwasniewski notices other professional services contracts that might not make sense to send out for RFQ's she should notify the Council via email. Councilmember Swain questioned if they needed to go through this process again if they know certain consultants are going to be reappointed, such as the Planner. Deputy Mayor Trawinski did not have a problem going through the process again if the RFQ's were done last year. The County goes out annually.

There was unanimous consensus to send out RFQ's for professional services and ask that the respondents submit a cost proposal.

#### **TELECOMMUNICATIONS RESOLUTIONS (LIGHT TOWER FIBER LONG ISLAND AND CROSS RIVER FIBER)**

Attorney Mondello stated that the Resolutions were ready to be added to the agenda.

#### **FOLLOW UP ON SPEED TABLES ON BELLAIR AVENUE**

Deputy Mayor Cosgrove inquired about the study that Traffic Safety Officer Franco was supposed to do regarding the possibility of a speed table on Bellair Avenue.

#### **WALSH POOL IMPROVEMENTS**

Councilmember Peluso stated that he has received feedback from Fair Lawn All Sports and Fair Lawn Football Association about improvements to Walsh Pool. He felt there were other organizations and/or individuals with ideas. He suggested having an open meeting so that people could share suggestions and ideas. Although the Manager's plan was good, he felt they should get input from the groups that use the facilities all the time.

Mayor Baratta suggested that he and Deputy Mayor Cosgrove schedule a meeting regarding improvements at Walsh Pool and then report back to the Council with their findings.

There was unanimous consensus that Councilmember Peluso and Deputy Mayor Cosgrove schedule a meeting to discuss suggestions and ideas regarding improvements to Walsh Pool.

### **RECOGNIZING THE RETIREMENT OF NICK MESSINA**

Councilmember Peluso said that Nick Messina of the Community News has recently retired and was honored in several towns. Mayor Baratta suggested honoring him on October 30<sup>th</sup>. They will reach out to him to see if that date is acceptable.

There was a unanimous consensus to honor Nick Messina at the next meeting or when it is convenient for him.

### **RETIREE'S LUNCHEON:**

Acting Manager Henderson said a memo was sent by Manager Metzler. The luncheon used to be held across the street at the Fair Lawn Athletic Club but the last two years it has been held in the Municipal Building. The cost for the last two years was \$995.00. Manager Metzler proposed to hold the luncheon across the street for a cost of \$1,750.00.

Mayor Baratta wanted to know if CFO Palermo confirmed that funds were available in the operating budget. Acting Manager Henderson said they were.

Councilmember Swain thought the reason they switched the luncheon to the Borough Hall was because the attendance at the Athletic Club was very poor. Municipal Clerk Kwasniewski confirmed the luncheon was poorly attended but the climate has changed since they are negotiating and there were no furloughs.

There was a unanimous consensus to hold the retiree's luncheon at the Fair Lawn Athletic Club.

### **NEW YEAR'S EVE DAY/CHRISTMAS EVE DAY:**

Acting Manager Henderson stated in the past when Christmas Eve and New Year's Eve falls during the week, the Governing body has allowed employees to leave early on either Christmas Eve or New Year's Eve, provided the offices remain open.

There was a unanimous consensus to authorize the Manager to allow the employees a half of a day off on either Christmas Eve or New Year's Eve provided the offices remain open.

**ENDORSEMENT OF CDBG APPLICATION – AAH of BERGEN COUNTY, INC.:**

Municipal Clerk Kwasniewski said AAH of Bergen County has asked for endorsement of their Community Development application in the amount of \$15,274 each year for permanent, supportive housing. It is the same application they put together. Deputy Mayor Cosgrove asked what AAH was. Municipal Clerk Kwasniewski explained that it is the Alliance Against Homelessness, who has group homes throughout Bergen County. Mayor Baratta explained that they need the Mayor and Council's endorsement of their application. Deputy Mayor Trawinski added that there was no financial obligation by the Borough.

There was a unanimous consensus to approve the endorsement of the CDBG Application by AAH of Bergen County, Inc.

**MISCELLANEOUS PUBLIC COMMENTS:**

Rich Seibel, 33-07 Halsey Road, inquired about the work being done by PSE&G. Mayor Baratta stated they were installing a new main line. Municipal Clerk Kwasniewski said that Traffic Safety Officer Franco had sent an email stating that it will take a several weeks to complete the job. Mr. Seibel felt it was going to hurt the shopping areas. He wondered if they worked at night. Deputy Mayor Trawinski stated they did not because it costs the rate payers more money. Even if the Borough asked them to do it, it would be subject to the Board of Utilities. Deputy Mayor Cosgrove stated that there has been a slow gas leak there for quite some time, which numerous residents have called about. It was determined that the structure was no longer repairable and had to be replaced.

Mr. Seibel stated that there was a ceremony called Wreaths across America, whereby wreaths are placed at every headstone in Arlington National Cemetery on December 15th. On December 8<sup>th</sup>, 18 wheelers, fire trucks, Police cars and motorcycles start the parade from Maine to the cemetery to deliver 90,000 wreaths. They will be stopping at the 9/11 site and Shanksville, Pennsylvania. They have programs in towns all across America, placing seven wreaths at a veteran's memorial that honors all branches of the service. He wondered if they could reach out to the Veterans' organizations about the program. Mayor Baratta suggested speaking to the American Legion and the other organizations to see if they would like to be involved.

Mr. Seibel stated that the organization picked the towns they stop in. The closest town on the list is Wayne, although he did not know if they were going to stop there. The program is growing and 500,000 wreaths were placed in 2010. He would like to see them use the monument at the Avenue of Heroes.

**CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Swain and a second by Councilmember Peluso, the following closed session resolution was unanimously adopted at 8:45 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 Contract Negotiations - Animal Control (Saddle Brook, Lodi, Garfield and Hawthorne); 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 8:50 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.

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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