

## WORK SESSION OF OCTOBER 23, 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 Trawinski, 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 Pending Litigation - Khorsonsky; Personnel – Update Cook Matter; and Contract Negotiations – Chief of Police; 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.

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

Municipal Clerk Kwasniewski stated that she would like to add Reorganization Meeting Date to the agenda, as Court needs to schedule a special meeting but will work around their schedule. Manager Metzler would like to add a professional services resolution regarding the Morlot Avenue Storage Tank.

There was consensus to add these items to the agenda.

**REVIEW OF TENTATIVE AGENDA:**

Municipal Clerk Kwasniewski stated that she was adding Approval of Minutes from the Closed Session, Work Session and Closed Session of October 9<sup>th</sup>. CFO Palermo asked to add an ordinance for Receipt of Funds for the Dube property purchase, which will allow them to accept the grant money from Green Acres and spend their Open Space funds.

**DATE OF REORGANIZATION MEETING:**

Municipal Clerk Kwasniewski explained that the law stipulates they must hold the Reorganization meeting within the first seven days of the New Year. They either have to schedule it for Tuesday, January 1<sup>st</sup> or another day during the week; they cannot wait until the following week. Deputy Mayor Cosgrove suggested scheduling the meeting on Thursday, January 3<sup>rd</sup>. The Council agreed.

**REQUEST FOR INCREASE TO WORK ZONE AND SECURITY RATES (PBA):**

Traffic Safety Officer Franco and Officer Rypkema, an officer in the PBA, were present.

Traffic Safety Officer Franco stated that the PBA would like to increase the rate in work zones from \$65.00 per officer per hour to \$75.00 per hour, which is equal to or lower than many surrounding communities. Most of the other towns give the officers the overtime rates which exceed \$75.00. There is no cost to the Borough because it is paid by the contractors.

Deputy Mayor Trawinski wondered when the last time it was increased. Municipal Clerk Kwasniewski said it was increased by ordinance in 2011 but before that it had not been increased since 2005. Traffic Safety Officer Franco explained the increases that were made.

There was a unanimous consensus to increase the rate in work zones to \$75.00 per hour, per officer.

Security Rates – Traffic Safety Officer Franco stated that they do not usually do security work for the Borough, but it is possible. He reviewed the rates charges by Fair Lawn and the surrounding towns, which were generally higher than what Fair Lawn charges. The officers feel they should be compensated more. Mayor Baratta wondered about charging for the vehicle and registrations. Traffic Safety Officer Franco said they charge a \$2 an hour administrative fee and usually do not charge for the vehicle because the vehicle is not used.

Councilmember Peluso wondered how much the Board of Ed and the Borough pay yearly for security and what the impact would be at the new rate. Officer

Rypkema explained it depended on the number of games. Traffic Safety Officer Franco added that they supply security for graduation and when PTO's hold carnivals, etc. They also work at the Temples for the holidays.

Manager Metzler recommended that they move forward with the \$65.00 fee. He referred to other towns that have their fees at that rate. He felt it was fair. Deputy Mayor Trawinski felt that the Police should be doing normal security work for the Borough on a normal shift and if it takes overtime then they get it. He felt they would be shorting themselves with this proposal. Officer Rypkema said they don't get many security details for the Borough. Councilmember Swain thought that by raising the rates the organizations might feel it is too high and hire someone else to do the work. Traffic Safety Officer Franco conceded that might be true. Officer Rypkema stated that they could not fill some of the security jobs for the temples who ended up using officers from Glen Rock at the rate of \$75.00, which they were not happy about.

There was unanimous consensus to raise the hourly rate for security work to \$65 per hour.

Municipal Clerk Kwasniewski stated that she would prepare an ordinance.

#### **SMOKE-FREE PARKS AND PLAYGROUNDS:**

Health Officer Wagner, Dr. Steven Canger and Dale Bellisfield of the Health Advisory Board, Al Ferrar and Allan Krantz of the NJ Global Advisors on Smoke Free Policies were present.

Health Officer Wagner stated that the Bergen County Department of Health Services received a grant from the State, which allowed them to successfully add Bergen and Hudson County into a Chronic Disease Coalition and to form an integrated Municipal Advisory Council to provide outreach information about the benefits of 100% smoke-free parks.

Mr. Krantz stated they have worked with a large number of municipalities in Passaic County and as a result, a large portion of the County is smoke free. Bergen County has ten parks that are 100% smoke free but not under this new initiative. They are optimistic that the Borough of Closter may be the first to adopt this initiative in Bergen County.

Mr. Krantz reviewed the packets that he distributed to the Council, which included a sample ordinance and list of other municipalities that had smoke-free parks. Smoke free parks are an easy policy option that has good results. Currently 155 municipalities have smoke free parks and there have been no reports of serious consequences. It reduces litter and sends a good message to the youth. Secondhand smoke is dangerous and harmful.

Attorney Mondello stated that he has seen the unexpected consequence of this legislation in Paramus, where he serves as Public Defender. Once you prohibit smoking outside, it enables the Police to issue summonses under Statute NJSA2C:33-13b. Young people caught smoking plead guilty and then have a record for five years. Mr. Krantz felt the ordinance was self-enforcing, as people will remind others that there is no smoking in the park.

Deputy Mayor Trawinski stated that he had a problem with a "no smoking" area in public places and parks because smoking has not been prohibited on a national level. People who smoke have a right to enjoy those facilities which are paid for with public tax dollars. He would support a designated smoking area as a compromise. Children can go home and have parents and/or grandparents smoking and also be exposed to second hand smoke.

Mr. Krantz stated that he would like to rewrite Federal law on tobacco regulation. There are appropriate times and places for various behaviors. Alcohol is legal but it is not allowed in parks. The same applies to smoking. They have found that smoke free policies increase the number of people trying to quit.

Councilmember Swain supported taking a stand to protect the youngest citizens and their caretakers who spend time at the parks and playgrounds. Fair Lawn is part of the Mayor's Wellness Program. Fair Lawn is part of the Mayor's Wellness Program. Fair Lawn has a Green Team. The Police have the ability to use discretion. Deputy Mayor Trawinski stated that they allow the students to leave school grounds during the day even though they smoke off school grounds.

Deputy Mayor Cosgrove stated that the Sunrise Rotary adopted Berdan Grove, which they clean once a month. They find hundreds of cigarette butts behind the shed which shows that teenagers are also smoking. Banning smoking in parks would give the Police more authority to enforce the smoking issue with teens. There was also a fire in a Borough park that was the result of children using matches. He was supportive of banning smoking in parks. Councilmember Swain stated that prior to having a smoking area at Memorial Pool, cigarette butts were found all over the place. Now the sand is much cleaner. Municipal Clerk Kwasniewski stated that initially there was a furor over the restriction but then things died down.

Mr. Krantz explained that there could be discretion in the ordinance as to enforcement. When New York City made their parks smoke free in 2011, they decided not to issue any tickets the first year. Signs were placed in the parks and the Police warned visitors not to smoke. Attorney Mondello stated that the Council could not direct the Police to issue more or less summonses. Mr. Krantz stated that an ordinance could have a grace period followed by an implementation period. Deputy Mayor Trawinski stated he would support a

designated smoking area within the parks. They set limits but rarely do they establish bans.

Mayor Baratta recalled asking a Police officer to speak to teenagers who were smoking at the Street Fair. She was informed there was nothing the Police could do because although it is illegal for underage teens to purchase cigarettes, there is no law against smoking them. Attorney Mondello stated that now there is a disorderly persons' violation that can be issued to underage smokers, which remains on their record for five years.

Mr. Ferrar shared information about the model currently being used by Passaic. He advised the Council that there were grants available to purchase signs, which can be personalized with the ordinance number. He reiterated the danger of second hand smoke and the diseases it inflicts on non-smokers, including 3,000 deaths a year due to lung cancer. It is difficult to stop smoking because the tobacco industry spends billions of dollars in advertising to lure young people to smoke. Tobacco is a big money maker in many parts of the country.

Deputy Mayor Trawinski asked if smoking bans would prohibit people from smoking medicinal marijuana. Mr. Krantz recommended using the definition of smoking that the State follows, which includes medicinal marijuana. Deputy Mayor Trawinski felt that people with serious medical issues had the right to smoke in environments such as a park. Mr. Krantz stated that medicinal marijuana could be sprayed or eaten. Deputy Mayor Trawinski reiterated that he would only support a designated smoking area.

Mayor Baratta stated that although she was a smoker, she was supportive of many of the initiatives although she felt people should be allowed to smoke on sidewalks. Attorney Mondello thought that the ordinance adopted by Passaic was unconstitutional because the field has been preempted as far as violations and fines by the State. Otherwise he did not see any other problems. Health Officer Wagner stated that the Health Advisory Board was seeking the Council's approval because there is an obligation to protect all residents, including children, especially since they are seeing increases in asthma.

Deputy Mayor Cosgrove suggested Attorney Mondello review the ordinance from Passaic. He was concerned about someone having a record for five years due to a smoking violation, although he supported the concept. Councilmember Swain suggested authorizing Attorney Mondello to prepare a draft ordinance appropriate for Fair Lawn. She inquired if they would receive enough signs for all Borough parks. Mr. Krantz stated that the signs from the state were on a first come, first serve basis.

There was consensus to have Attorney Mondello review the ordinance from the City of Passaic, with Deputy Mayor Trawinski dissenting.

#### **HISTORIC PRESERVATION COMMISSION – GRANT APPLICATION REQUEST:**

Grant Application Request - Amy Hummerstone was present and stated that the Historic Preservation Commission was applying for a County grant to make a brochure of Fair Lawn's ten historic sites, and they were asking the Council to provide the matching funds. The brochure will be used to make people aware of their historic sites and will also be available at the County's Office of Tourism. The cost for 5,000 brochures is \$2,000.

Deputy Mayor Trawinski did not have a problem with the concept but felt it should be part of a comprehensive plan. He encouraged the Commission to develop a comprehensive plan that includes touting the historic sites in town. The brochures should only be one part of the plan.

Manager Metzler stated that based on the surveys staff has to do a better job of educating the residents as to the services that the Borough provides. People are well aware of their neighborhood park, but have no idea of the full scope of the park system and amenities that are available to them. This is one reason he is pursuing an enhanced website and communication. Years ago they had a Welcome Wagon and then they mailed a Welcome Packet. He would like to get volunteers to restore those services to new residents so they know all the amenities the town offers. With a new website they could have a link to Fair Lawn's Historic Sites.

Councilmember Swain wondered if the brochures could be printed less expensively. Manager Metzler stated that the estimate was for a 16 gloss book color brochure, at a cost of \$0.384 cents per brochure. Ms. Hummerstone stated that the books would be distributed at the Library, the Community Center, the Cadmus House and Borough Hall. Deputy Mayor Trawinski suggested notifying the Board of Education that this information was available for when they study Fair Lawn history. Ms. Hummerstone stated that they are already discussing a youth program related to Historic Preservation.

Deputy Mayor Trawinski clarified that this grant was open to anyone in the County and he did not vote on the applications. Attorney Mondello confirmed that there was no conflict of interest.

There was unanimous consensus to allow the Historic Preservation Commission to submit a grant application requiring matching funds for the printing of brochures on historic properties.

Manager Metzler said his understanding was the County would approve the application. Municipal Clerk Kwasniewski stated that she would add it to the agenda for Tuesday's meeting.

### **REQUEST FOR FUNDING FOR FRAMING PROJECT**

Ms. Hummerstone stated that the Historic Preservation Commission was also requesting \$300 to \$350 to frame the two citations that the Commission received from the County. Manager Metzler explained they would need to use a purchase order because they were using Borough funds.

There was unanimous consensus to approve the framing cost of two citations in the amount of \$300 to \$350.

### **COUNCIL LIAISON REPORTS:**

Councilmember Swain reported that the new special needs soccer program began with 23 participants and now has 60 members. The ADA Committee had a table at the River Road Street Fair and displayed the plans for the barrier free playground, which were well received.

Councilmember Peluso stated that the Garden Committee was holding a Plant Swap and Sale on October 28<sup>th</sup> from 11:00 a.m. to 1:00 p.m. at the Recycling Center. The proceeds will be used to purchase gardening supplies to beautify Fair Lawn. He and Deputy Mayor Cosgrove will meet with the Fair Lawn Football Association tomorrow to continue talks on suggestions for Walsh Pool.

Deputy Mayor Cosgrove reported that the Fire Department had their 100<sup>th</sup> Anniversary celebration, but the official date was November 11<sup>th</sup>. The Cameos will be appearing at the Community Center on Saturday. The cost is \$60 per person. He spoke with Marlene Casey who advised him that he could apply for 501(c)3 foundation non-matching grants. He is also going to research if the ADA Committee can also apply for private grants. The Shade Tree Commission will be meeting on Thursday. They were not able to secure the particular tree they wanted to plant in memory of Flossie Dobrow.

Deputy Mayor Trawinski did not have a report.

Mayor Baratta stated that she attended the Property Maintenance Committee meeting. During September there were 191 new inspections and 190 re-inspections by the Code Enforcement Officer and 4 summonses were issued. All prosecutions were successful. The Committee asked Jim Van Kruningen to secure County prisoners to do clean ups in the Borough, as the last Clean Up Day was cancelled because there were no volunteers. Manager Metzler stated

that they were already issued a crew of prisoners who cleaned up the Naugle House.

She asked if any Councilmembers was interested in attending the Sustainable New Jersey luncheon at the League of Municipalities. Councilmember Swain would not be there on Tuesday, but Deputy Mayor Cosgrove stated that he might be able to attend.

Mayor Baratta stated that she, Chief Rose and Traffic Safety Officer Franco were attending the AAA Traffic Safety Luncheon tomorrow. Councilmember Swain noted there is an additional crossing guard in Radburn at Howard Avenue. Mayor Baratta stated that the principal was happy that Traffic Safety Officer Franco got the striping done before school started.

#### **FUNDING OF EMERGENCY CAPITAL WEBSITE AND EMAIL SERVER REPAIR:**

Manager Metzler explained that the Borough's email service provider went out of business, but they have been able to get back online. He has already begun the process for the 2013 Capital Budget on upgrades to their website. Councilmember Swain asked him to look into Government Interact and Government Delivery, which have now merged into one vendor called Government Delivery. He provided the links to the Council so that they could see the quality of the sites. Their rate is \$12,500 per year and the annual licensing and support fee is \$12,000 to \$18,000 per year, with a \$12,000 minimum, depending on what modular is purchased. He recommended using Q-Scend because dollar wise he believes it is the best service. They are on State contract and currently service 43 towns in New Jersey.

Council needs to decide if they want to leave the existing site as is. There are old bond ordinances that would provide the funding to purchase the software to get a new website up and running, which is a four to six month process. Deputy Mayor Cosgrove asked if there were any advantages to waiting. Manager Metzler did not believe there were any. The plan was presented on an emergency basis because they did not want to spend tremendous time rebuilding the current website. If that is adequate, there is no urgency.

He explained that the \$28,000 to \$29,000 charged by Qscend is the cost under the State contract for the software, which the Borough would own and the fees for rebuilding the website. The first year of support is included in the price. After the first year the fees are \$3,500 to \$4,000 per year for 24 hour support service. The fee will include on-site training for Ron Lottermann, the primary webmaster and Jim Van Kruijning.

Councilmember Peluso asked if Qscend was able to provide all the services available with Government Interact. Manager Metzler stated that they were

capable of providing the services, but the interactive link is not included in the Qscend price. They will be website interactive without the link for online payments. Councilmember Swain asked how much it would cost to add that service. Manager Metzler stated that the module is \$3,500. Mayor Baratta clarified that the cost figures were for the same current services. Manager Metzler stated that with Qscend they will own the software and then build the website accordingly.

Deputy Mayor Trawinski asked if the Department Heads will offer input in establishing the capabilities of the website, such as being able to pay a fine online or request a Police record. Manager Metzler stated they would not be able to add that module yet; the first step is to rebuild the website. Councilmember Swain stressed the importance of obtaining online payment capabilities. Deputy Mayor Trawinski agreed. Online service should also be available for paying property taxes.

Manager Metzler explained that Department Heads will have input as to the information on the website, but they will not have the ability to make changes or additions themselves.

There was unanimous consensus to authorize Manager Metzler to enter into an agreement with Qscend for the Borough's website.

#### **UPDATE – ROUTE 208 BUS ACCESS PEDESTRIAN SAFETY ISSUE:**

Manager Metzler asked that this item be rescheduled for the next Work Session, as he has a meeting with NJ Transit and Port Authority tomorrow afternoon. He felt there was progress on this issue because they have discussed alternate pick up and drop off areas.

#### **AUTHORIZATION FOR MUNICIPAL CLERK TO TRACK THE AMOUNT OF TIME SPENT ON OPRA:**

Deputy Mayor Trawinski suggested having Municipal Clerk Kwasniewski track the amount of time spent on OPRA requests in two areas: ordinary citizen requests and requests from businesses or corporation, such as lawyers seeking clients. He felt the Legislature had a tremendous lack of understanding as to the amount of time involved processing corporate requests which use this service to foster their own business needs. He would like to track the processing time for six months. Municipal Clerk Kwasniewski stated that they have at least seven companies that request motor vehicle accident reports on a weekly basis and three or four companies that request Edmunds tax data on a monthly basis, and receive the information for free via email.

Deputy Mayor Trawinski stated that the goal was to ultimately reduce the burden of work and have the Legislature reach a degree of reality. No one would oppose transparency in Government for legitimate citizen requests.

Attorney Mondello clarified that Deputy Mayor Trawinski was differentiating between residential and commercial requests. Municipal Clerk Kwasniewski stated that it was helpful that the Borough has so much information on the website, although some residents still request a printed copy. Deputy Mayor Trawinski stated there are also some incomprehensible requests from the press, who sometime abuse their first amendment rights.

There was consensus for the Municipal Clerk's office to track the time spent on OPRA requests for six months.

#### **NAMING OPPORTUNITIES FOR STREETS IN THE PROMENADE:**

Deputy Mayor Cosgrove had spoken to Mr. Lieberman, the Attorney for the Promenade, regarding the Borough naming opportunities for the streets. He would like to get a map and talk to Mr. Lieberman to see what streets were available. He thought it would be more suitable to have the streets named after some of the town's citizens.

Deputy Mayor Trawinski said they did that in Fair Lawn Commons. They asked the historical committee to give the Council recommendations that tied into the prior uses of the property. They would have to talk to the Post Office too.

Deputy Mayor Cosgrove said that he was the Fire Chief at that time and they also came to the Fire Department and five other agencies for names and that was how Hoitsma Court and Langan Way. He felt it would be a nice gesture to do.

Manager Metzler will get a map and put this item on a future agenda.

#### **DUMPSTERS AND CONSTRUCTION NOISE:**

Councilmember Peluso said they had spoken about this a month ago and asked Attorney Mondello to review some ordinances. He would like to change the time to 7:00 a.m. Attorney Mondello said he was comfortable with that because it is very reasonable. He advised that they could regulate the hours in order to preserve the peace and quiet in neighborhoods during the hours when most residents are asleep. He felt it was a reasonable time for dumpsters. Deputy Mayor Trawinski said this would not apply to garbage and recycling.

Manager Metzler said there are many situations where businesses have dumpsters that need to be picked up. Mayor Baratta thought they might want to talk to the Chamber of Commerce and the Improvement Districts to see if they thought it would cause any problems. Attorney Mondello said he knew there would be feedback because the businesses have contracts with their collectors. Deputy Mayor Trawinski felt 7:00 a.m. was not unreasonable but he supported talking to the Chamber of Commerce and the Improvement Districts to see how this would impact upon the businesses. Deputy Mayor Cosgrove said they could bring this up at the next Chamber meeting.

There was a unanimous consensus for Manager Metzler to talk to the Special Improvement Districts. This item will be on the November 20<sup>th</sup> agenda.

### **GREEN TEAM:**

Councilmember Swain stated that the Green Team will be meeting with Traffic Safety Officer Franco regarding walking and biking. One of the events they are thinking of doing is a Tour de Fair Lawn where there would be a bike ride around Fair Lawn combined with some other type of activity. Mayor Baratta suggested stopping at the various historical locations. Councilmember Peluso thought this event could be incorporated into the Fourth of July celebration at the park with the carnival, etc.

Councilmember Swain wondered if when roads are paved wide shoulders could be put in for cyclists. All that would be needed is the striping. Deputy Mayor Trawinski said they would need a Complete Streets Policy. Councilmember Swain thought what was done on Midland Avenue in Paramus was so much safer. Manager Metzler said they already have a bike route. Mayor Baratta felt this was something they should talk about while redoing the Master Plan. Councilmember Swain would like to see the striping done now wherever possible. Deputy Mayor Trawinski said the County Planning Department and Engineering Department has a wealth of information that may be helpful.

Councilmember Swain spoke about the solar meeting and wondered if anything came about. Manager Metzler stated that they had presented them with the right of way on Route 208 and 11<sup>th</sup> Street but it was deemed unsuitable because it was too shady. As of right now they have not come up with another site, however, there is going to be a shared services meeting with the Board of Education and he has put this on the agenda. He said the Borough had received a proposal from a company that was willing to make a capital investment in putting the equipment up but they were not able to achieve enough wattage. They asked for additional sites but those were not deemed suitable. Mayor Baratta wondered how big of a site they were looking for. She

thought of some of the parking areas such as the commuter parking lot on Fair Lawn Avenue. Manager Metzler said they had discussed that but the capital cost was too much and they were not willing to do that. Right now they were looking at the Library, the new Maintenance Garage, the old garage and the roof of the pistol range.

Councilmember Swain said the Green Team would like a link on the Borough's Facebook page so they would then create a Facebook page. Mayor Baratta said she wasn't sure they could put a link on Facebook. Deputy Mayor Cosgrove added that people could like it or share it. They could make it an event. Deputy Mayor Cosgrove said the link could be on the Borough's website page.

Councilmember Swain spoke about launching a new campaign called One Pound at a Time which is a three prong approach. It is all about sustainability and being more efficient and about being healthier by losing pounds. Ron Lottermann told her that if every resident reduced their garbage by one pound a week, \$35,000 per year could be saved and that amount goes up if the garbage is actually recyclables which can be sold and the Borough could get the revenue. The next phase was about the pounds and pumping up your tires because when your tires are fully inflated your car runs more efficiently. They thought about launching this on Black Friday. Mayor Baratta wanted to know what they wanted done. Councilmember Swain thought that Jim VanKruiningen could help with the flyer and the Green Team is setting a meeting to devise a marketing campaign.

### **NEW POLICE OFFICERS 2013:**

Manager Metzler said that normally he would introduce the concept of hiring new officers as part of the budget presentation but there is an academy class beginning in January. The officers that go into the academy will not go on the road until next October. There have been many complaints from residents about the number of officers on the road. He asked for Council permission to hire three new officers for 2013. He was going to put together a financial plan on how to pay for them. This is being done in anticipation of five plus officers that are eligible for retirement. He was not sure if they were retiring or not but he is extremely concerned that they would be critically low in manpower if they do so.

Deputy Mayor Trawinski asked if the five anticipated retired officers would be getting lifetime health care benefits. Manager Metzler indicated that they would. Deputy Mayor Trawinski wanted to be assured that the new hires would not be governmental transfers because if they go to the Academy at least they have the step and a half for their first year. Manager Metzler said if that is the

assurance they want, then yes. The last Rice list they had was pretty well picked through however the cycle recycles itself and new people would be added. He was not asking to increase the staffing above the 55 officers; he wanted to be prepared during 2013. Deputy Mayor Trawinski felt if they don't do this, over time the costs will skyrocket. By the time the officer gets through the academy and field training, it's about a year by the time they get on the road. In the interim period, the department would be filling the slots with overtime. Manager Metzler said the reason they start the process now is because they have to do interviews and background checks. Deputy Mayor Cosgrove stated that security is the number one priority for government and based on the facts presented by Manager Metzler, he would not want to see the Borough left with less officers.

Councilmember Peluso wondered what the process was. Manager Metzler said that the Borough has a list of people that have taken the civil service test and have ranked and get chosen from that list. Manager Metzler said they would be sworn in early January 2013. The funding for it would be included in the 2013 budget. He will figure out how to fund it. If they look at the history, they can either pay it in overtime or in a salary. Councilmember Swain asked to see figures before they had to agree to that. Manager Metzler said he could provide figures over the next twenty four hours. At a minimum they needed to get this process started. Councilmember Swain said if they hire the three officers and then the five possible retirees don't retire what would happen then. Manager Metzler said it was a risk they have to take. In 2014 the number of possible retirees rises to 10.

Mayor Baratta suggested taking a consensus vote with Manager Metzler providing the Council with actual figures.

There was a unanimous consensus to hire three new officers pending further financial information from Manager Metzler.

#### **ENDORSEMENT OF CDBG APPLICATION – CARE PLUS:**

Municipal Clerk Kwasniewski said it was usual request from Care Plus.

There was a unanimous consensus to authorize the endorsement of the CDBG application for Care Plus.

#### **MORLOT AVENUE WATER STORAGE TANK:**

Manager Metzler had a request from the Borough Engineer for the Council to approve a Professional Services contract to Utility Services Company for design and to provide the specifications on repainting the water tower in the amount

of \$16,900. They would be doing an inspection and evaluation of the tank including the interior, then they do a design specification, meet with Engineer, draw up the bid specifications and recommend awarding the contract.

Manager Metzler said since the regulations are different from 1994 regarding the paint on the tank and they don't know the condition in the areas they tested they will be completely new specs. They would do the inspection and if it needed to be spot welded they would identify it. This firm specializes in working on elevated tanks and works with Engineers to develop specifications based on the condition of the tank. Municipal Clerk Kwasniewski informed them it was the same company that did the tank last time.

Deputy Mayor Cosgrove questioned how long it would take to do the inspection and when do they foresee getting this done. Manager Metzler said it would be painted in April, and anticipates going out to bid in December.

There was a unanimous consensus to authorize a Professional Service Agreement with Utility Services Company.

Municipal Clerk Kwasniewski stated she would be sending the company Pay to Play information and there will be a Special Meeting on November 20<sup>th</sup> to pass a resolution.

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

Craig Miller, 5 Ramapo Terrace, spoke about the Zoning Board meeting where there was an application where the contractor was the presenter of the application. He thought the resident should be present. Attorney Mondello advised that the Board could proceed without the homeowner being there. Deputy Mayor Trawinski thought it raised a question on how they can find sufficient credible information upon which to base their decision on granting a variance relief unless the contractor has personal knowledge.

Mr. Miller mentioned that the new Borough website does not have a good calendar. Mayor Baratta said it is temporary until the new website was done.

Mr. Miller spoke about the clock in front of the Library. Municipal Clerk Kwasniewski explained that the clock was donated by Rotary to the Borough. Up until now Rotary has been paying for its repairs but they have now said it is the Borough's responsibility. The Borough electrician would not be able to fix it. Rotary is working on it.

Mr. Miller thought that enforcement was needed by the Police for smoke-free parks.

Rich Seibel, 33-07 Halsey Road, spoke about 43 names on the monument in front of the Municipal Building and wondered if any streets of the streets could be named after them. Deputy Mayor Trawinski said that many of the streets were already named after a great many of them. Mayor Baratta thought it was a good point.

Mr. Seibel mentioned that in April it will be 10 years since Mary Anne Collura's death and he thought that would be a fitting tribute.

Mr. Seibel felt with the luring incidents in Bergen County and Halloween next week they should warn the parents and children. Mayor Baratta said there are many agencies that are working on it. The media has been helping with this. Deputy Mayor Trawinski said the County Police are adding additional information on the County website specifically for Halloween but now especially for the luring. Manager Metzler said there has been a tremendous amount of interaction between the Police Department and the Board of Education. Municipal Clerk Kwasniewski said the PBA was at the Street Fair last Sunday and they had a tremendous number of people around their booth. Mayor Baratta said that schools have been sending e-mail blasts to the parents. There was another incident in Bergenfield today. Councilmember Swain said she heard that many towns were issuing a curfew and wondered if there has been any discussion about that.

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

Upon motion by Deputy Mayor Cosgrove and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 10:25 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; Fair Lawn Recreation Facilities Review Committee, Advisory Committee on the Americans with Disabilities Act, DPW; and Contract Negotiations – Blue and White Collar Association; 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 Cosgrove and a second by Councilmember Swain, the Work Session was adjourned at 10:45 p.m.

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

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Deputy Mayor Ed Trawinski