

## **WORK SESSION OF DECEMBER 18, 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.

Mayor Baratta asked for a moment of silence in memory of those who were killed in Connecticut.

### **COUNCIL LIAISON REPORTS**

Councilmember Swain suggested adopting a resolution to be sent to Newtown, Connecticut stating that Fair Lawn shares in their community's sorrow.

There was unanimous consensus to adopt a resolution to send to Newtown, Connecticut.

Municipal Clerk Kwasniewski suggested adding this item to the special meeting.

Councilmember Swain suggested adopting a resolution banning assault weapons with extended clips, increasing support for mental health program and closing the gun show loophole.

Mayor Baratta stated that she would need to review the resolution first. She did not want to politicize the tragedy. Attorney Mondello stated that Senator Feinstein from California had proposed legislation. Councilmember Swain did not feel there was a reason for citizens to have access to semi automatic weapons.

Deputy Mayor Trawinski agreed but he would like to see the resolution's language first. When the ban on assault weapons was put in place, a ten year supply of assault weapons were purchased before the ban went into effect and the same thing is happening now. However, it would be a mistake not to try to curtail these weapons. Deputy Mayor Cosgrove was also in support. Deputy Mayor Trawinski would like to see more extensive background checks not only on the purchaser of the gun but also family members in the household.

Municipal Clerk Kwasniewski will add this item to a Work Session agenda in January.

Councilmember Swain stated that the video on pedestrian safety and streetscapes from the MEL contained some good ideas that should be added to the Master Plan. Deputy Mayor Trawinski stated that he will bring her suggestion to the attention of the Planning Board and Cheryl Bergailo. He also wanted them to review the Pedestrian/Bicycle Safety Report because there were still some elements that were not implemented.

Councilmember Swain reported that the ADA Committee discussed that the fee for Club fun had increased from \$75 to \$90 but activities such as soccer and day trips have been eliminated. The Ambulance Corps had volunteered to be present at the last dance but did not show up. Three participants tripped on the turned up edges of the floor mats on the gym floor and required minor first aid, but the Community Center staff could not find a first aid kit. Deputy Mayor Cosgrove stated that there are kits available but they may have been put back in a different location.

Deputy Mayor Trawinski asked if there were defibrillators and/or oxygen available at the Center and at Borough Hall. Deputy Mayor Cosgrove stated there was a defibrillator at the Center. Manager Metzler stated there was a defibrillator at Borough Hall but not oxygen. There was also a defibrillator at the Senior Center.

Councilmember Swain reported that the Green Team had posters and brochures for the One Pound at a Time campaign, which provides tips on losing weight, reducing waste and inflating your tires. She and Manager Metzler attended the meeting with the RRIC, who would like to have a link on the Borough's website that would go to their website, the BIC and the Chamber of Commerce.

Councilmember Peluso expressed sadness at what occurred in Newtown. He thought the Police and School Board did an excellent job in being proactive by being there for the students and having Guidance Counselors on hand.

He, Deputy Mayor Cosgrove and Manager Metzler attended the Fire Board Meeting. He congratulated the new officers and thanked those who had served in the past.

He went to the Borough's Retirement Luncheon, which was well attended. He congratulated the employees and retirees who were honored for their years of service.

He thanked Rich Siebel for arranging the Wreaths across America program at Borough Hall, which gave them an opportunity to thank the veterans for the services that they provided.

He stated that the Alliance for Substance Abuse Prevention will be meeting tomorrow evening at 7:30 p.m. The public is welcome to attend.

Deputy Mayor Cosgrove stated that he met with the people from the Old Library Theater, including three members who had recently resigned. Five new people were elected as officers. They discussed the By-laws, which will be reviewed by the Borough Attorney.

He attended the Fire Board Installation dinner where several new officers were sworn in along with Chief Greco. Chief Reamy was thanked for doing a great job the past year.

The Shade Tree Department was planting new trees today.

He and Councilmember Peluso met with members of All Sports Association regarding their master plan for Walsh Pool, which he would like to discuss at a January Work Session. Budget information was requested. Municipal Clerk Kwasniewski will add this to the agenda for the first Work Session in January.

Deputy Mayor Trawinski reported that there was a brief Planning Board meeting to discuss housekeeping matters. The resolution for Landmark will be discussed at the January meeting before the reorganization of the new Board.

Mayor Baratta stated that she attended the Menorah lighting at Borough Hall and the children at Bris Avrohom made a beautiful Menorah out of cake.

She attended a Mayor's roundtable sponsored by the Governor's Office on Economic Development. Fair Lawn is better off than many districts with regards to business districts. The Governor's office is available if the municipalities need help bringing business to Fair Lawn. They talk to businesses to see what they are looking for and then they try to fit them to the community.

Deputy Mayor Cosgrove commented that he will be meeting with EDC members and New Jersey Transit to discuss Radburn being the busiest station on the line and to figure out where they can go.

#### **REVIEW OF RFQ FOR HEALTH EDUCATOR**

Manager Metzler stated there was a question whether they would be able to provide the same service by hiring the current nurse full time. After doing the cost analysis it is still less expensive to use Valley Health. The cost difference would be \$3,000. He recommended that they stay with Valley Health for another year.

There was a unanimous consensus to reappoint Valley Health as the Health Educator.

### **REVIEW OF LEAF PROGRAM FOR LANDSCAPERS**

Deputy Mayor Cosgrove commented that the Shade Tree Commission feel that many landscapers were violating the rules for leaf collection. They wanted to know if anything would be done differently next year.

Manager Metzler distributed copies of a plan he presented last year. There were about fifty cases where it the landscapers had been witnessed dumping leaves in the street or they were told by the homeowner who the landscaper was and had them come back and clean up the roadway. Until the Borough registers landscapers, it will be an issue. He would be more than happy to continue the discussion in January. He hoped that no one had complaints about leaf removal by the Borough. The employees did a phenomenal job this year. Mayor Baratta added especially in light of coming off that storm. Deputy Mayor Cosgrove said they did a phenomenal job.

Manager Metzler said they do have a plan which would include a registration fee for the landscapers. It may have an adverse effect on the public, if the landscaper has to pay a registration fee and they would pass on to the homeowner. If the Council were to introduce an ordinance requiring bagging the leaves, the bags would far exceed any costs for registration. According to the survey, overwhelmingly the public has said in order to keep taxes stable, they would pay for the services by a service type fee.

Deputy Mayor Trawinski said this is a recurring issue. He felt it was easy to blame a landscaper but if they are going to fix it, it has to be fixed with the residents. The biggest offenders are the residents with leaf blowers. When they tried to enforce it, there were a lot of dismissals in Court. He thought they would be imposing unnecessary fees and costs on the residents. They cannot effectively enforce the ordinance.

Deputy Mayor Cosgrove said almost every member of the Shade Tree Commission called him with landscaper's names. He realized that Superintendent Conte said if they bag leaves it would be a much harder process to pick up. Councilmember Swain reminded them that different equipment would be needed to pick up the bagged leaves. Deputy Mayor Trawinski felt it was the price they pay for the wealth of trees that the Borough has.

Councilmember Swain said even though she does not like the piles of leaves in the street, it does slow down traffic. Deputy Mayor Trawinski stated as long as

the Borough workforce can do the excellent job they did picking up the leaves before the first snowfall, the system works.

Deputy Mayor Cosgrove realized that it would be hard to put ordinances into effect that they could not enforce. He will go back to the Shade Tree Commission and tell them what the Mayor and Council thought. Councilmember Swain said they were open to suggestions

#### **REQUEST FROM CHAMBER OF COMMERCE (TASTE OF OUR TOWN) - WAIVER OF FEE AND PERMISSION TO SERVE ALCOHOL**

Manager Metzler stated that historically the Council has waived the fee for the Chamber of Commerce to host the Taste of Our Town program at the Community Center and has allowed them to serve wine at their event. Deputy Mayor Cosgrove said they would do the Social Affairs Permit with the State.

There was a unanimous consensus to waive the fee for the Chamber of Commerce to host the event at the Community Center and to give permission to serve alcohol.

#### **WEEKEND LABOR FORCE**

Manager Metzler stated that there is currently a hiring freeze. He would like to advertise for part time weekend positions. There are employees are working overtime every weekend. He believed that a part time work force would save money over time. He gave various examples of the workers that have to come in on weekends.

Deputy Mayor Trawinski agreed conceptually with the Manager but wanted to see a cost benefit analysis.

There was a unanimous consensus to authorize Manager Metzler to advertise for a weekend labor force.

#### **REORGANIZATION MEETING DETAILS**

**INVOCATION** – Municipal Clerk Kwasniewski asked who was going to do the invocation. Deputy Mayor Cosgrove said that Detective Boone would do it.

**VOCALIST** - Deputy Mayor Cosgrove said the vocalist would be Bridget Maresca.

**BENEDICTION** - Deputy Mayor Cosgrove is waiting for a response from someone.

**SWEARING IN** - Deputy Mayor Cosgrove informed them that Judge Miguel Dela Carrera would be swearing him in as Mayor.

Municipal Clerk Kwasniewski said that every resolution was on consent and wondered if that was how they wanted it.

### **SPECIAL MEETING**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, the Work Session was adjourned to Special Meeting at 8:05 p.m.

Mayor Baratta reconvened the meeting at 8:10 p.m.

### **MISCELLANEOUS PUBLIC COMMENTS**

Rich Seibel, 33-07 Halsey Road, spoke about the last time he was there he spoke about an event with a pedestrian by CVS. On the way to the meeting last week, he and Councilmember Swain were witness to another occurrence and it had to do with a baby carriage also. He thought that the pedestrians were not looking both ways. The people driving the cars are oblivious. It is a frightening thing but does not know what the solution is. He suggested making people be aware.

Manager Metzler said they have heightened enforcement to help the driving public refocus. He knows that the Police Department is currently reworking their shifts so they can reinstitute the Traffic Division. They know for a fact when they had a dedicated force doing it, the numbers were much better because they could do targeted enforcement. However, public education is the key. People step off the curb thinking the cars will stop for them. One time he had Traffic Safety Officer Franco in the car with him and told him that the pedestrian should be in a crosswalk in order for the vehicle to yield to them.

Councilmember Swain commented that the situation she witnessed was the car stopped for the woman with the baby carriage but the person behind that car went around and almost hit the woman. Manager Metzler said the only way they could prevent it would be to have bump outs like on River Road. The grant they are receiving will cover some bump outs but not all of them.

Mr. Seibel spoke about the multifaceted problem with pedestrians and vehicles. Manager Metzler short of doing target enforcement they don't know what the quick fix is.

Mayor Baratta asked Manager Metzler if he could ask Traffic Safety Officer Franco if there are any Public Safety Announcements which could air on to FLTV.

Mr. Seibel spoke about the catastrophe in Newtown, Connecticut and how the school children are trained for fire drills, he thought it was time for them to be trained for other things. Deputy Mayor Trawinski said the training in the schools has been going on for ten years. Manager Metzler said the Fair Lawn High School evacuation plans are used in Columbine. The Emergency Management Office has conducted the evacuation and relocation exercises for the last fifteen years. The Police Department in coordination with the Board of Education has run lock down procedures and simunitions where they have shooters in the school firing paint balls at each other. They actively had been doing that up until two or three years ago when the budget crunch came. He reached out to Chief Rose to see if they could contact the Board of Education and do a shared purchase type of agreement. Obviously the Police need the training and the Board of Education benefits from that.

Deputy Mayor Trawinski spoke about the press conference that took place between the County Executive and the Prosecutor who advised that for the last eighteen months, the Prosecutor has been preparing two new training videos – for the educators and the school systems. The County is also changing its policy that all law enforcement officers will be trained as first responders to an active shooter situation. They cannot wait for the SWAT team anymore. Manager Metzler said that Fair Lawn officers have been trained for years to do that. Deputy Mayor Trawinski suggested having the Chief check with the Prosecutor for forfeiture funds for ammunition for training purposes.

Councilmember Swain requested they could get an update from the Superintendent of the Board of Education and the Chief of Police of any changes they are making that could be said in public. Manager Metzler said that may be a little premature. He explained that there will be an after action report of what took place at that event. As a result of that report, a video will be prepared and based on that new models are formed.

Councilmember Swain wanted to know if anything was going to be done now to make things safer. Deputy Mayor Cosgrove stated he went to the anti-bullying assembly at TJ. When he rang the buzzer, two people came to the door. He was not sure if that might have been the policy before. Councilmember Swain residents should know that things are changing.

Councilmember Peluso said that he had received a reverse 9-1-1 call from the Superintendent, flyers were sent home and guidance counselors were present. As a parent, he felt that his kids were safe in school with what they have been doing. Deputy Mayor Trawinski was concerned that the religious schools and parochial schools were not getting the same information. The County Executive and the Prosecutor have jointly reached out to all the religious institutions in the

County to enable the Prosecutor to address it from his side and from the mental health side through the County. They have also done a joint one to all of the schools. There has been heightened security throughout the County.

Mr. Seibel thanked them for the Wreaths across America and it looks great on the front lawn. A lot of veterans are asking if this could be done every year. He mentioned the passing of Senator Daniel Inouye from Hawaii. He was a real patriot and a hero. He felt it was time to say thank you to these guys and gals because the clock was ticking.

Howard Mark, 12-23 Ferry Heights spoke about the tragedy in Connecticut and mentioned the NRA and the Bradley Bill. He suggested more limitations should be put on people who use guns. He also felt there should be a background check of anyone living in the household with mental issues when someone applies for a gun permit.

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

Manager Metzler added Shared Services – Hawthorne Animal Control and Recycling Coordinator. Municipal Clerk Kwasniewski said she had questions about appointments on committees. Attorney Mondello added State vs. Markovic.

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain the following closed session resolution was unanimously adopted at 8:30 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, Shared Service – Saddle Brook – Vehicle Maintenance; Shared Service – Hawthorne – Animal Control; Recycling Coordinator, Shared Service – Ridgewood – Health Officer, Pending Litigation Stave vs. Markovic and Appointments ADA Committee; and

**WHEREAS;** these matters are ones which permit the exclusion of the public from such discussions; and

**WHEREAS;** minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

**ADJOURNMENT**

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, the Work Session was adjourned at 9:10 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

\_\_\_\_\_  
Deputy Mayor Ed Trawinski