

WORK SESSION OF JUNE 22, 2010

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

PRESENT: Mayor Tedeschi, Deputy Mayors Swain and Weinstein, Councilmembers Baratta and Trawinski.

ALSO PRESENT: Acting Manager Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

REVIEW OF TENTATIVE AGENDA (6/29/10):

Acting Manager Kwasniewski stated she needed to add a resolution authorizing the skate park and a resolution authorizing a refund of overpayment of taxes.

RESOLUTION IN SUPPORT OF ISRAEL:

Deputy Mayor Weinstein stated that a number of residents have called him about what is happening in Israel.

Mayor Tedeschi asked if any of the residents present would like to speak.

Sam Heller, 7-07 Fair Haven Place, stated he had come up with an idea for the Borough to sponsor a resolution supporting Israel defending herself. They care and are willing to take a stand. Deputy Mayor Weinstein felt they should support this resolution and send a copy to Congressman Rothman.

Councilmember Trawinski agreed but felt the resolution does not go far enough. He felt they should call upon the President to take a stand support Israel.

Mr. Heller said that under international law, Israel had a right to do what they had to do. Councilmember Trawinski said he could not support it without calling upon the President. Deputy Mayor Weinstein said he would support it.

There was a unanimous consensus to pass a resolution in support of Israel.

CLOSED SESSION RESOLUTION:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 7:45 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 Pending Litigation – Landmark and Contract Negotiations – Health Benefits; 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 Tedeschi reconvened the meeting at 8:30 p.m.

BUDGET AMENDMENTS:

CFO Palermo distributed a sheet explaining the budget status as of today. When she transmitted the file to the auditor for his review there was a \$65,000.00 difference. The 4% Tax Cap with full pension bill changes the tax increase by \$296.34. The allocation of proposed increases was for medical insurance switch on August 1st in the amount of \$43,000.00, FSA costs \$2,500.00, Payroll deficit \$1,400.00, Social Security Adjustment \$5,000.00, paper purchase \$6,500.00 and snow plow repairs expense \$25,000.00 for a total of \$83,400.00. Unallocated Expenses is set aside for the proposed arbitration.

Councilmember Trawinski asked if the Borough could use the amount saved for each furlough day. Acting Manager Kwasniewski said they could not. Councilmember Trawinski stated that the Council does not have a choice with this budget concerning they are facing a 2.5% cap next year.

There was a unanimous consensus to approve CFO Palermo's amendments to the 2010 Budget.

The budget will be introduced at the Regular Meeting on June 29, 2010.

ACCREDITATION – COL. FRANK RODGERS:

Acting Manager Kwasniewski reported that Chief Rose had advised her that there is a Bergen County bid and resolution that extends the County pricing to all members of the Bergen County Cooperative. The Rodgers Group, LLC has been awarded the contract. This company will assist the Police Department in obtaining national recognition from CALEA.

Chief Rose, along with Col. Frank Rodgers and Fred Carrubia were present from The Rodgers Group, LLC. Colonel Rodgers explained that he employs eleven people.

They work with defense litigation and also with the JIF. They are part of the cooperative plan in Bergen County. He is currently in contract with six Police Departments. He began his company to show people what the standards were for a Police Department. He is well aware of the budgets that towns are facing right now.

Colonel Rodgers explained how his company will work with the Police Department. They will inspect the department. There are 453 national standards to follow. They would look at the Rules and Regulations of the department. He said it takes about six months for the polices to fall into place. He explained that CALEA is the accrediting unit for the Police Department.

Councilmember Trawinski wondered if it addressed to the leadership, rank and file. Colonel Rodgers said that he would want all levels of the Police onboard with this project. The New Jersey State Police have adopted this program.

Colonel Rodgers continued that every three years they will come back in to assess the department to make sure there is a proof of compliance. If the department had not kept up with the program they will fail. Once a Police Department has been accredited, there is no option for them not to abide by it. The JIF's have been educated about the benefits of accreditation.

Councilmember Baratta wondered if the standards evolved over the years. Colonel Rodgers explained that there have been minor changes such as the Attorney General has revised vehicular pursuits.

Chief Rose said they can pay for this project out of the forfeiture funds from the Prosecutor's Office. There is a County bid and he has received written permission from the Prosecutor to use the funds.

Attorney Rosenberg questioned if their firm qualified as a Professional Service. Chief Rose said they would as long as they have the contract signed prior to September 1. The next step would be for them to make a decision.

REQUEST FROM EAGLE SCOUT ERIC SIMEONGLOU:

Acting Manager Kwasniewski stated that Eric Simeonglou had contacted her about building an Indian village on the banks of the Passaic River.

Eric Simeonglou was present. He explained that he wanted to build a wigwam and fish rack. After it is completed, it will be displayed at the Paterson Museum. Mayor Tedeschi asked how long he anticipates it will take him to complete this project. Mr. Simeonglou said it depended on the weather and the amount of time he can donate to the project.

Councilmember Baratta felt the Borough should give him something in writing saying he is allowed to build this project. Councilmember Trawinski felt someone should get in touch with Jane Diepeveen and Felice Koplik to inform them of what he is doing.

Acting Manager Kwasniewski stated the reason she invited Mr. Simeonglou to the meeting was due to the fact that one of the residents had complained about it. The Borough needs to know what is going on.

Councilmember Baratta suggested he speak to FLTV about them filming it.

There was a unanimous consensus to allow Eric Simeonglou to build the Indian Village

RESCUE ANNEX BUILDING LOCATION CHANGE:

Acting Manager Kwasniewski stated there was a change in the location of where they wanted to build their annex building. They would also like to mirror the previous agreement they had with the Borough when they built their building.

Rescue Chief Eric Van Kruijning, Jim Van Kruijning, Michael Rosenberg and Lou Weiss were present.

Chief Van Kruijning handed out photos of where the building will be relocated. He also had a draft of what the structure would look like. The fence would have to be relocated. They felt there would be more security with the Water Department nearby.

Mayor Tedeschi asked about the cost. Chief Van Kruijning said it was about \$168,000. Mayor Tedeschi inquired about the time frame from start to finish. Mr. Weiss said it could be completed in six weeks.

Chief Van Kruijning said that he had spoken to CFO Palermo about the bank requesting three years of statements.

Mayor Tedeschi asked them if they had looked into Community Development funds. The application has to be submitted by October 8th. Chief Van Kruijning said they had wanted to be done by December so any grant application would only delay the project.

Attorney Rosenberg advised them to apply to the Planning Board since they are not exempt.

Chief Van Kruijning said through the bond ordinance they would be able to use up to \$100,000.00. Mayor Tedeschi said the Borough's share would be coming from the sale of Heights Avenue.

There was a unanimous consensus to authorize the Rescue Squad to move forward with the project and for the Borough to be consistent with what was done in 1999 when the Rescue Building was built.

COUNCIL LIAISON REPORTS:

Deputy Mayor Weinstein stated that he had met with the Ambulance Corps. regarding the third party billing. The Ambulance Corps. is committed to keeping their organization a volunteer organization. They want something in writing from the Borough that it will not change their status. Councilmember Trawinski stated they cannot bind future Councils. Mayor Tedeschi stated that is in their existing charter.

Ambulance President Gail Cebular was present and said they did have a charter. Attorney Rosenberg advised that he would look at it for them.

Councilmember Trawinski stated they have to make it remain a volunteer organization. It can be memorialized in a resolution; however, it was not the Council's intention to take that away from them.

Deputy Mayor Weinstein stated their second concern was the start up process. They would have to remove the lettering on the four ambulances. They had concerns about training expenses that the State now pays for.

Mayor Tedeschi wondered if the Council could enter into an agreement with the Ambulance Corps. stating that the Borough would be responsible if they are worried about the concept. Deputy Mayor Weinstein stated they may need additional scanners.

Deputy Mayor Weinstein felt that whether they got out to bid or do a RFP, the Ambulance Corps should be a part of it. Attorney Rosenberg advised that the startup costs should be part of the process.

Several questions were raised such as the Ambulance supplying assistance to a person to go up and down the stairs, taking patients from a nursing home and mutual aid. Mayor Tedeschi felt that all of these concerns would have to be specifically laid out in the specs.

Deputy Mayor Weinstein stated they were also concerned about their annual fundraising. He said they will meet with the Ambulance Corps. on July 28th. Mayor Tedeschi suggested an information package be put together.

Dave Epstein, a member of the Ambulance Corp suggested the possibility that the Borough bill the auto insurance for Police OT when accidents occur. He also thought they should look at a flat rate for false fire alarms. Also insurance companies should be billed for the Police OT for policing fires. He also thought they could charge a flat

rate for responding to fires. Councilmember Trawinski felt they should put that on the bridge list. Acting Manager Kwasniewski stated they would have to see what is allowed to be charged.

Councilmember Baratta said she could not believe how upset people are over a community garden. They are worried about it bringing rodents, kids, etc. They have performed a soil test, looked into getting a fence and some funding. She spoke to the Manager of the apartment building who thought the garden would enhance the area. She felt because of that, they would make sure that everything is done right. Acting Manager Kwasniewski said she would work on the grant application.

Deputy Mayor Swain stated she had met with River Road. They spoke about the survey and the results that were coming in were good.

Deputy Mayor Swain said the Green Team had a good meeting and one of the things they discovered was that Century Gothic font uses the least amount of toner. They spoke about the Energy Audit. She handed out information from DPW Superintendent Conte. If anyone had questions they can talk about it at another time.

Deputy Mayor Weinstein stated he met with the Borough Attorney, Manager and the County in regard to the Naugle House and the property. The County is continuing its commitment to the Borough. There is no problem filing an extension for the first two grants they received. The Borough received \$92,500 in 2008 and \$91,000 in 2007. Both of them are actually past the two-year deadline but the County has given the extension. The Open Space grant of \$509,000 has been extended to April 2012. They did suggest that in order to help out with the restrictions that they might somehow sub-divide the 1.67 acres with the Naugle House and the property surrounding it because of certain restrictions for Historic Preservation. One of the options is possibly to resell it for residential use. Those grants are the only money they will receive from the County. It is a matter of getting funds from other sources. Councilmember Trawinski said that was a good meeting in which the County was clearly supportive of the Borough. The County mentioned additional rounds of grant funding from the state, the Preservation Trust Fund and suggested consulting with conservation groups.

Deputy Mayor Weinstein advised the final tally for the fireworks is \$18,006. They are also getting an in kind contribution from the Community News and an in kind donation of \$2,000 from the company making the signs announcing the supporters of the fireworks. Ticket sales last year were over \$6,000. Mayor Tedeschi estimated the total cost to be about \$27,000. Right now with donations and the estimated revenue staying the same 90% of the funds were either contributed or paid for people who are going to use them. Acting Manager Kwasniewski stated the \$18,000 before they sell the tickets pays for the fireworks, the port-o-johns, the printing of the tickets and fliers.

BIC VISION PLAN:

Acting Manager Kwasniewski stated the BIC has been working diligently on improvements to Broadway. Mark Gordon who has been working along with them on the enhancers was present.

Acting Manager Kwasniewski stated that Mr. Gordon drafted a letter asking the Mayor of Fair Lawn and the Mayor of Elmwood Park send this letter to New Jersey Transit because some of the things that they have asked New Jersey Transit to do has not moved along. Mayor Tedeschi stated they are not even cutting the grass.

Mr. Gordon said they have been doing pretty well with the Department of Transportation. The signs have been installed. They preapproved a welcome sign. The speed limit has been decreased to 35 mph. In regard to the pedestrian cross walk, Acting Manager Kwasniewski has told him that although NJ Transit has been agreeable to what they proposed, things have been dragging. The BIC felt that a letter sent from both Mayors would help. He urged that the Mayor and Council approve the actions taken by the BIC.

There was a unanimous consensus to put the letter on the Mayor's letterhead.

Acting Manager Kwasniewski said that in order to do the welcome sign they have to sign an agreement with the Department of Transportation, a resolution has to be done and Engineering has to look at it. She sent Attorney Rosenberg the agreement to review to see if there were any problems with it. As any State Agency, they have their requirements of what the Borough has to do.

Attorney Rosenberg advised that he did review the contract and found the only thing that was a little different than the standard agreement is that the Borough is the signatory. They cannot have an agreement with the SID but throughout the agreement it is made clear to the DOT that the BIC is going to be responsible for a lot of the maintenance and upkeep. Mr. Gordon said the BIC has agreed to pay for the sign and they have agreed on a monthly basis to maintain the area around the sign.

Acting Manager Kwasniewski stated there is a standard resolution the Council would have to adopt.

Mayor Tedeschi asked Attorney Rosenberg if he was comfortable with that. Attorney Rosenberg advised that the Borough would be insuring the sign. That would be a tri-party. He felt that they should have a separate side agreement between the Borough and the BIC to indemnify the Borough.

There was a unanimous consensus to authorize the second agreement with BIC and to approve the welcome sign.

HEALTH DEPARTMENT – ASSISTANT POUND KEEPER:

Councilmember Trawinski was recused.

Health Officer Wagner was present. Acting Manager Kwasniewski stated the reason this was being discussed in open session is because the employees that were given the Rice notice asked for it to be in open session. At the last meeting she had proposed that they add a part time person, an Assistant Pound Keeper, at a considerably less cost at \$15.00 per hour. Her rationale for suggesting that was one of the part time employees cannot answer the call because of his work schedule. The other part time employee was not always in the area and cannot answer calls. The Animal Control Officer has had to be called out at a higher rate. The Animal Control Officer actually suggested this person who is a certified Animal Control Officer. She knows this is bad timing with layoffs and furloughs but if they cannot get either of the part time employees because they are not physically able to respond, the Borough is spending money. If the Animal Control Officer is the only one available, it becomes a burden on her. Mayor Tedeschi stated that at one time there were four people doing and they used to rotate. Acting Manager Kwasniewski stated right now they are down to the two part time and one full time employee.

Health Officer Wagner stated they would not be working at the same time. Only one would respond. The individual is at a lesser cost. Acting Manager Kwasniewski stated they would set up the salary scale for that lower amount. She needs a consensus from the Council to hire this person because there is a hiring freeze. Mayor Tedeschi wondered what the purpose of the Rice notice was. Attorney Rosenberg advised since they were talking about adding another employee which could impact the current employee's rotation and hours, he felt the Rice notice was required.

Deputy Mayor Swain asked Animal Control Officer Coates if she knew this person. Animal Control Officer Coates said she did and actually it was Mr. Timmins who recommended this person.

Councilmember Baratta wondered if this was going to be a cost savings or will they expend more money. Acting Manager Kwasniewski stated they would be saving money. Councilmember Baratta stated she is concerned about how it looks laying employees off and now adding an employee. Acting Manager Kwasniewski stated they have to provide the service in the most cost effective manner. If any of these employees are not available, Animal Control Officer Coates has to be called in at a considerably higher rate. Mayor Tedeschi stated it is on an as needed basis at a reduced cost. Acting Manager Kwasniewski stated it has the potential to save money because they can call out someone who gets paid less.

Councilmember Baratta wondered what would be the emergency call. Animal Control Officer Coates said any sick or injured animal, live or trapped animal, a dead

skunk or a dog or cat hit by a car or a wildlife animal in living quarters that would need to be immediately addressed. If someone is arrested and has a dog in their possession, the dog would have to be taken to the pound. If someone finds a dog, it is not a good idea to tell the resident to keep the dog in their house overnight.

John Timmins stated that last year they only had three of those types of calls. On the weekends he has been covering the overnight shift seven days a week.

Richard Dubarton said he worked last year and made \$2,300 for the whole year.

Animal Control Officer Coates said that Mr. Timmins and Mr. Dubarton have been with the Borough for the last eight years. Mr. Timmins came from the County as a certified animal control officer so he did not cost the town anything.

There was a consensus to approve the Manager's plan, with Councilmember Baratta dissenting.

CURRENT STATUS OF ANIMAL CONTROL:

Mayor Tedeschi stated he received some preliminary interest on sharing animal control services that he forwarded to everyone. Acting Manager Kwasniewski stated they are only paying \$20,000 to the County. Fair Lawn has to provide the service for less money than the County or they are not interested. Mayor Tedeschi said or they have to give better service. He wondered if anyone has run projections on the costs and what the complimentary balance would be. A model that says how it would be done, what the assumptions are and how much it will cost needs to be done. He gets the sense that the administration does not want to do it. Acting Manager Kwasniewski stated they have not even looked at it yet. Right now they cannot provide service to another town with the personnel they have.

Acting Manager Kwasniewski stated they would have to look at all the factors. Deputy Mayor Weinstein said they would have to change the rates. Mayor Tedeschi wondered if the County dedicated a full time person to Saddle Brook or Elmwood Park. Acting Manager Kwasniewski did not think so. Mr. Timmins said he works for the County and does not understand why it would be a problem to do that here. Acting Manager Kwasniewski stated because there is over time and comp time with one town so how does it work with more than one town.

Mayor Tedeschi said he would like to know how many calls the County made to Saddle Brook and Elmwood Park and how it was handled.

Mr. Dubarton said that if even if they did it for a lesser amount, it would bring revenue into the town.

Health Officer Wagner said that Fair Lawn does a remarkable job responding to all of the Animal Control calls. She has a strong feeling that once they start providing

service to other communities, they will get more calls. The numbers of calls from the surrounding towns have not been that many. Mayor Tedeschi said the County charges per capita.

Acting Manager Kwasniewski stated they will explore it further. Deputy Mayor Swain asked to get the response time so they could justify increasing the fee.

Mr. Timmins said that at times it can take him two to three hours to respond while working for the County. The County is losing towns because they are over burdened.

ALARM ORDINANCE AND COUNCIL INVESTIGATION

Councilmember Trawinski suggested that he would be willing to discuss this at the July 13th Work Session.

CLARIFICATION OF THE PROCEDURE FOR COUNCILMEMBERS TO OBTAIN VERBATIM MINUTES OR PORTION THEREOF

Councilmember Trawinski stated he would like to hold off discussing this until the next Work Session on July 13th.

SUPPORTING LEGISLATIVE ACTION – PROPOSED 2.5% CONSTITUTIONAL PROPERTY CAP:

Councilmember Trawinski stated the State PBA and the State FMBA have taken a position against the hard cap. The League of Municipalities has taken a position against the hard cap. He felt they should support the notion of the hard cap the way the League is suggesting it. They have imposed 16 conditions. They have said the toolkit should be enacted. He proposed that they support the notion of a cap but a cap along the lines recommended by the League of Municipalities.

There was a unanimous consensus to approve a resolution as proposed by Councilmember Trawinski.

VALLEY HEALTH NURSING CONTRACT:

Deputy Mayor Swain mentioned that this item was brought to her attention through an e-mail and by the time she was able to read the e-mail, the deadline had passed. She suggested that the Mayor and Council stick to their original deadlines or do it by phone calls. Acting Manager Kwasniewski suggested putting a list of items that come in after the deadline on the bottom of the agenda. Councilmember Trawinski felt that was a reasonable and smart way to do it. If anyone objects it won't be discussed. Mayor Tedeschi said it would have to be determined if time was available for that matter.

Acting Manager Kwasniewski stated the only reason this came back again was because they discovered there was the wrong timeframe in the contract. They had

discussed whether or not to change the nurse. At the time, there was a lengthy discussion in which she pointed out that with the H1N1 plan the part time nurse would have not have time to do anything else. The Borough has had the H1N1 grant which has paid for a considerable amount of work relating to H1N1.

Councilmember Trawinski stated there was a corrected e-mail on the amount. Acting Manager Kwasniewski stated it was a 2% raise. Councilmember Trawinski thought they should go forward with it being where they are in the year.

There was a consensus to approve the Valley Nursing Contract.

FOLLOW UP ON LOCATION OF DUMPSTERS:

Attorney Rosenberg stated there was a presentation by the Property Maintenance Committee, who raised the issue of whether or not the Council should consider an ordinance that would require screening dumpsters as they do in Hawthorne. He met with the people in Hawthorne responsible for the program. He distributed the information that he received to the Council. One item was the Notice of Violation sent out by the town to non-compliant properties. Hawthorne amended its Solid Waste and Recycling Code, which is what they would have to do as well. This would enable them to implement the ordinance under Police powers instead of under the Land Use Regulation.

He noted the language Hawthorne amended in item B: All trash, recycling and other waste receptacles, when not placed at the curb for collection, shall be kept in a location behind the front line of the house or building; and C - Commercial dumpsters shall be screened from view. Implementing items B and C is the way Hawthorne has, since 2006, been trying to deal with the same kind of issues that the Property Maintenance Committee raised. They admitted to him, however, that this only applies if the dumpster can be seen from the street. It is commercial dumpsters that they are trying to regulate with the requirement for screening. He specifically inquired if there were any challenges to the ordinance and he was told there had not been any challenges to its implementation. They give property owners ample opportunity to comply with the requirements and Hawthorne has apparently had success. He was not going to proceed with any drafting of an ordinance for Fair Lawn until such time as the Council decided how to proceed with this idea.

Councilmember Baratta inquired if this was a way to get out of the grandfathering issue. Attorney Rosenberg stated they have not been challenged on the grounds of retroactive application of dumpster location. Someone could claim they were grandfathered and received site plan approval, but the Borough and Council would take the position that this was under the Police power and a health and safety issue.

Councilmember Baratta thanked Attorney Rosenberg for his work on this issue. She informed the Council that the Property Maintenance Committee did not meet during the summer, so the Council had some time to make a decision.

Attorney Rosenberg stated that his recollection was that many of the properties they were discussing were in the BIC district or RRIC. He suggested the Council ask those groups for their opinion and see what the property owners think; they might get a lot of push back if they try to implement this ordinance. Councilmember Baratta stated that the whole purpose of having the improvement districts was to make improvements and make the areas more desirable.

Acting Manager Kwasniewski asked what type of screening was used. Attorney Rosenberg stated that one of the things he did not like about Hawthorne's ordinance was that there was too much discretion. If the Council authorizes him to draft an ordinance he will be more specific. It cannot be left up to the discretion of the property owners. Councilmember Baratta stated that currently they put up fencing with the slats. Prior to that there were dumpsters, like Domino's, that were eyesores. This would add the provision that they had to also be covered. Acting Manager Kwasniewski stated that they have issued summonses for property owners who do not keep the dumpsters closed. They are generally left open because everything cannot fit.

Councilmember Trawinski felt it was the wrong time to proceed with this ordinance. It is not a catastrophic problem and is sometimes only a problem in the eyes of two or three people. The way to address this is as it comes up in a site plan review. It belongs in a Zoning ordinance, not a Police power ordinance. Businesses are struggling. To impose an ordinance such as this in these economic times may be the tipping point for a business. This is the last thing they need to do, because every time they drive a business out it places a burden on the residential property owners. The time to do this is when they come in for a site plan or site plan review.

Councilmember Trawinski suggested using stricter enforcement on people who are leaving the dumpsters messy. Councilmember Baratta thought the ordinance would give them the tool to deal with the handful of business owners that don't take pride in their property. Councilmember Trawinski stated that it is already there under the General Maintenance Code. Broadway, compared to most central streets in other municipalities, is relatively clean. Mayor Tedeschi stated that the same people who are not maintaining their property when business is bad also did not maintain it when business was good. Councilmember Trawinski reiterated that the BIC and RRIC should be given an opportunity to review this, and also take a more active role with their businesses.

Deputy Mayor Swain asked if anyone knew the cost of the fencing. Attorney Rosenberg stated the cost will vary according to the size of the dumpster. Councilmember Trawinski stated that if the ordinance is not properly implemented in conjunction with the site plan, the carter cannot get in to properly remove the dumpster. Fences could be knocked over. It should work as part of an integrated site plan as cars flow in and out and someone has looked at the whole picture, usually an engineer.

Mayor Tedeschi asked how they could enunciate that to the person who is going to make sure this is in the site plan. Attorney Rosenberg stated the requirements are in there now. Mayor Tedeschi felt people still needed to be motivated. Acting Manager Kwasniewski asked if the Planning Board has been looking at this. Deputy Mayor Swain confirmed that they have. Councilmember Baratta stated that they have also been addressing this on the Zoning Board level. Mayor Tedeschi suggested sending a memo to the Planning Board to reinforce this and notify them they have concerns about this. One solution is a more detailed site plan review with regards to dumpsters. Acting Manager Kwasniewski confirmed that the information would also be sent to the BIC and RRIC for their review.

Councilmember Baratta asked if Hawthorne indicated what their motivation was for adopting this ordinance. Attorney Rosenberg stated it was a resident with a complaint.

It was the consensus of Council that Acting Manager Kwasniewski send a letter to the Planning Board regarding reinforcement and also survey the BIC and RRIC for their opinion on the proposed ordinance.

VACATING OF THE UTILITY EASEMENT FOR 12-65 BURBANK STREET:

Acting Manager Kwasniewski distributed the tax map. Engineer Garrison said there is no need for it at all. It has been capped and plugged and no longer required. The telephone pole in the easement has nothing to do with the Borough. Councilmember Trawinski said the resident would have to contact Verizon.

Attorney Rosenberg said the intention of the Council was for the property owner to go to the Zoning Board for a variance because of an undersized lot. The Attorney had indicated to him that they are trying to acquire the property from another property owner. Councilmember Trawinski stated the Tax Assessor should know that there is no utility easement required on those properties.

There was a unanimous consensus to allow vacating the easement.

REQUEST FOR CONSTRUCTION OF WALL – 13-21 11TH STREET:

Acting Manager Kwasniewski stated that the Borough Engineer has always taken the position that nothing belongs in the right-of-way. She noted that on the adjoining properties they are well maintained and have the same slope. Engineer Garrison has a problem with putting that type of structure on the Borough right-of-way since it is not the same as a fence which could be easily taken down. She explained that if the Borough had to get into the right-of-way, there would be a stone wall there making it harder to get access.

Mayor Tedeschi asked if they all could become caveats, if they want the wall, they would have to agree to pay to restore the wall. Councilmember Baratta said that has been done in the past. Councilmember Trawinski felt it might be acceptable as long as this license is recorded with the County.

Deputy Mayor Swain was concerned that the wall would be in the way of people walking. Acting Manager Kwasniewski said the Borough Engineer is absolutely not for it.

Councilmember Trawinski said that Deputy Mayor Swain raised a good point that it would not fit in well with the neighborhood.

There was a unanimous consensus to not approve this request.

Councilmember Trawinski felt an explanation should be given to the property owner as to why they decided against them constructing a wall on their sidewalk because it is a permanent structure and the need for the Borough to have access to the area.

Councilmember Baratta noticed on the photo of the area that the strip of land between the sidewalk and curb was covered with pavers which are not allowed.

RISK MANAGEMENT CONSULTANT:

Acting Manager Kwasniewski had previously given them the report of the RFP's that were received and the executive summary of each so they had something to base their decision on. Everything that was requested has been complied with by the RFP. One thing they will notice is that one firm bid 5% fee instead of 6%. The Bergen JIF does not allow a lower fee than 6%.

Councilmember Trawinski stated they should ask the Manager to check the references on all of them and put it back on the agenda as soon as they can.

Acting Manager Kwasniewski stated that BGIA has not gotten paid for the work they have performed so far this year because the Council never reappointed them. The JIF advised her that if the Mayor and Council chose another firm in August, BGIA would have to get paid from January through July. Mayor Tedeschi stated that BGIA is a holdover and technically is the broker. Acting Manager Kwasniewski stated since the Borough did not appoint them, according to the JIF, there is no such thing as a holdover. They need to do a resolution or a contract with them. They can do a resolution from January to August so they can get paid for that time frame. Deputy Mayor Weinstein stated normally they would have been appointed in January and would have gotten paid quarterly. They should get paid.

There was a unanimous consensus to authorize supporting paying BGIA for the time that they have been performing the services.

GOVERNOR'S OCCUPATION SAFETY AND HEALTH AWARDS PROGRAM:

Acting Manager Kwasniewski stated Water Generating, Engineering, Maintenance Garage, Road Department, Sewer Department and Parks and Recreation have received the Governor's Occupation Safety and Health Citation of Merit. Last year the Borough sent all of them to a dinner but this year she proposed that they invite the employees to a televised meeting to present them with the plaque.

There was a unanimous consensus to present the plaques to the various departments at a televised meeting.

Acting Manager Kwasniewski stated she will contact them to see if they can all attend the next Council meeting.

REQUEST BY FAIR LAWN FOOTBALL ASSOCIATION – CAR SHOW:

Acting Manager Kwasniewski stated that the Football Association has asked permission to hold a car show as a fundraiser in the Vander Platt parking area sometime around September.

There was a unanimous consensus to allow the Football Association the use of Vander Platt parking area for a car show.

COUNTY TELEPHONE ALERTING SYSTEM:

Acting Manager Kwasniewski stated that the Borough has been advised that Bergen County has upgraded the County-wide emergency notification system. The County has approved Citizen Communication Center (C3) to provide the service. The service has been enhanced. The service is digital and the Borough can maintain control through a web-interface. There would be no cost to the municipality.

OEM Coordinator Marks has met with Lt. Rozzetti to confirm that there is no fee and the problems that occurred in the past have been eliminated. He recommended that the Borough participate and use the County as back-up to notify Rapid Response.

Acting Manager Kwasniewski said the contract with Rapid Notify is \$2,052 annually. The Borough has activated the system 32 times. She suggested that they participate and try them for the next six months if the need arises.

Councilmember Trawinski stated he would support trying it for six months. Deputy Mayor Weinstein said he was not comfortable with it. Mayor Tedeschi said they already pay for a service and built a meaningful list.

FEES:

Mayor Tedeschi and Councilmember Trawinski said they went over the proposed fees and did not have a problem with them. Deputy Mayor Swain questioned the elevator fee. Councilmember Trawinski said that was regulated by the State. Deputy Mayor Swain questioned the Fire Prevention Bureau fees. Acting Manager Kwasniewski said she met with the Fire Marshal who wrote up the current and proposed fees. He is asking for the increases because they spend a significant amount of time on inspections and nothing gets done right the first time so they end up going back. If they have to go back 4 times, they continue to do that. There was a question of what the common areas is and that is almost everything, the hallways, the boiler room, the lobby, the stairs, etc. He also looks for the Exit signs and self closing doors and if they have fire alarms. The storage use is for warehouses where they look for sprinklers and the emergency lighting. She spoke to him about fire safety on hot work operations which are things that already have a spark such as soldering. Each visit is about 3 hours. They spend a lot of time on each of these inspections.

Councilmember Trawinski asked if she was satisfied with explanation. Acting Manager Kwasniewski said she was.

There was a unanimous consensus to authorize the increase in fees.

Councilmember Trawinski stated just by going to what State law would allow the Borough to charge, the Borough will gain \$9,000. He felt that Construction Code Official Kolano did an excellent job with all of the backup information.

ALTERNATE DISPOSAL SITE FOR SOLID WASTE:

Acting Manager Kwasniewski stated that the contract allows a change in disposal site as long as it is done by resolution. The vendor has requested a change in the disposal site to the Advanced Enterprise Recycling. The site is closer and the Borough stands to save about \$17,000 on fuel and reduced tipping fees. Acting Manager Kwasniewski stated they need to do a resolution allowing them to do this.

There was a unanimous consensus to authorize the resolution.

USE OF MEMORIAL POOL – TOWNSHIP OF SADDLE BROOK:

There was a unanimous consensus to authorize the use of Memorial Pool by the Township of Saddle Brook.

DAPHNE'S HALLMARK STORE WATER BILL:

Acting Manager Kwasniewski stated she has been working with Jim and Ruth Gordon, the owners of Daphne's Hallmark store on River Road on their \$3,233.50 water bill. The Water Department has checked the reading which they found to be

accurate. Mr. Gordon advised that he had a toilet that needed repair. Apparently it just kept running for three months. The new reading showed a significant drop in usage in line with their normal usage once the toilet was repaired. She had received a letter from the owners asking her to abate their bill. She does not have the authority to do so. This is a policy decision.

Councilmember Trawinski felt they should negotiate a reasonable installment plan without interest as long as there is no default. Mayor Tedeschi asked who owns the property. Acting Manager Kwasniewski stated they are the tenants. At first they believed they were connected incorrectly to the laundromat because of such a large bill but that was not the case.

There was a consensus to authorize a reasonable installment plan as proposed.

JULY / AUGUST MEETING SCHEDULE:

Acting Manager Kwasniewski confirmed the meeting dates during the summer. July 13th Work Session, July 20th Regular Meeting, August 10th Work Session and August 17th Regular Meeting.

PUBLIC COMMENTS:

Craig Miller, 5 Ramapo Terrace, questioned how long the Ambulance Corps has been in business. Acting Manager Kwasniewski stated since 1948.

Mr. Miller wondered if the Borough would issue a permit to Landmark without Radburn's approval. Attorney Rosenberg advised that would not be a condition nor subject to their approval.

Tracey Coates, Animal Control Officer, expressed her appreciation to the Mayor and Council for everything they did. She wondered if that was the end of the RICE notices for her department. Mayor Tedeschi said no, they do not know what is in the future. Acting Manager Kwasniewski reminded her to work on the research for the other towns.

CLOSED SESSION RESOLUTION:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 11:20 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;

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Attorney / Client Privilege – Affiliated Management and Kem Properties, Contract and Negotiations – Borough Manager, Personnel – Police Department; 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 Weinstein and a second by Councilmember Baratta the meeting was adjourned at 12:01 a.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Joseph Tedeschi

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Councilmember Ed Trawinski

Deputy Mayor Steven Weinstein