

WORK SESSION DECEMBER 15, 2009

Mayor Weinstein called the meeting to order at 7:34 P.M.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in the Record issues of December 16, 2008. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and work sessions.

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

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

Closed Session:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following Closed Session resolution was unanimously adopted at 7:35 P.M.

WHEREAS; the Open Public Meetings 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 – Tax Appeals and Landmark.

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 Weinstein reconvened the meeting at 8:25 p.m.

Report of Competivization Committee

The following Committee members introduced themselves: Ray Hallock, Ray Vuoncino, Tod Christianson, Kevin Puzio, John Mancinelli, Lou Weiss and Howard Hyde. Mr.

Weiss stated that a year ago the Council had asked a group of business people to look at possible savings and additional income for the Borough. It was a challenge to obtain all of the necessary information and it was helpful to speak to Mr. Eccleston about this before he retired. This is not a final report but it is a list of some key items. Mr. Weiss stated that one of the key items was the tax growth in Fair Lawn, compared to towns of a similar size, and what could be done to reverse the downward slide.

John Mancinelli said that they saw a gradual change in the amount of tax revenue that is generated in residential vs. non-residential. The balance is tipping in favor of residential tax revenue which has a potential negative impact on the ability of home owners to remain in Fair Lawn. The group recommends formulating a new plan that would change the way Fair Lawn looks at future growth particularly as it pertains to the Master Plan process. There is a dependence on properties and they need to address what can be done so that tax growth doesn't fall heavily on residential ratable base.

Deputy Mayor Tedeschi said that in 1997 they analyzed the ratio of apartment buildings relative to their portion of the overall base. One of the problems was rent control and they had to encourage landlords to invest in their properties while dealing with rent control. They came up with the idea of decontrolling apartments for the purpose of modernization. Councilmember Trawinski said that this helped the ratable base and shifted the ratable base back without affecting affordability.

Mr. Mancinelli said that there are many encouraging signs for new development. The opportunity comes with the implementation of new Master Plan strategies that will allow the town to be ready for a real estate up turn. Councilmember Baratta said that incentives should be contained in the zoning ordinances. Deputy Mayor Tedeschi noted that the Borough is 98% developed and they are looking for redevelopment.

Mr. Weiss said that he received a list of the ratables and although it appears that some of the properties could be used to generate money, the list was somewhat confusing. The number of Borough vehicles could be reduced or replaced with more energy efficient vehicles. Deals could be made with manufacturers for free use of advertising or businesses could donate vehicles. Councilmember Trawinski stated that the Council has asked the legislature to change the law to allow high energy efficient vehicles to fall outside of the cap which could result in huge savings when the fleet is replaced.

Regarding the Borough surplus, Acting Manager Kwasniewski said that the largest amount comes from taxes. Mayor Weinstein said that each department has a budget and transfers are authorized in November. Councilmember Trawinski said that through the Reserve for Uncollected Taxes, the Council can plan for the utilization and generation of surplus and provide stability. Acting Manager Kwasniewski pointed out that there are not many ways of regenerating the surplus and the problem is that at some point there will be nothing left if it is not regenerated.

Mr. Weiss recommended more use of outsourcing and contractual services. Deputy Mayor Tedeschi agreed that outsourcing is a wonderful opportunity and can produce

tremendous savings. But this would have to be done with a specific plan in mind over time through attrition.

Mr. Weiss suggested reviewing Borough employee benefits and he noted that everyone except three employees are under some type of contract. Councilmember Trawinski said that more legislative incentives are necessary when towns are taken to arbitration. Mr. Weiss brought up the use of equipment in a shared services arrangement and commented that more could be done. Acting Manager Kwasniewski noted that they are actively working in this area with the schools.

Mr. Weiss said they looked at whether or not employee terminal leave could be capped. Deputy Mayor Tedeschi pointed out that forty years ago municipal employees were under paid and were therefore given good benefits and good vacation time, however, presently salaries have gone up. Mr. Weiss suggested the use of a staff grant writer to bring in funding. Mayor Weinstein said that a firm had been hired last year which has resulted in the Borough being more aggressive with grants. Councilmember Trawinski said that they have a person in-house who is responsible for tracking and files a periodic update report. This method ensures that the Borough doesn't lose out on a grant because of a failure to follow up.

Mr. Weiss spoke about insurance costs and said he was confused about the different locations of insurance. Councilmember Tedeschi said that there are internal allocations that have caused this confusion. There is an overall plan and they will be discussing health insurance later tonight.

Mr. Weiss said that they looked at the possibility of solar energy alternatives to help save money. Acting Manager Kwasniewski stated that there had been a kick off meeting today with the energy audit company and she spent time with the two people who are doing the audit. The final report is expected within sixty days. Mr. Weiss pointed out many things that can be done in-house that would produce substantial energy savings at an affordable pace. Councilmember Trawinski said that a company will be making an initial presentation on turbine windmills to the Council in February. He thinks that this may be superior to solar energy because there is not a lot of roof space needed. Mr. Weiss mentioned the possible use of the Clariant property as a solar or windmill field.

Mr. Weiss questioned the expected growth of Fair Lawn including the future redevelopment in the areas of River Road, Broadway and Radburn. Future growth is a big concern of some residents. He encouraged commercial development through sound planning and the utilization of the Borough Master Plan along with an update of the zoning ordinances.

Mr. Weiss stated that there is a possibility that United Water or a competing water system could submit proposals to purchase or lease the Fair Lawn water system. This would bring in a large cash infusion and a new ratable along with a reduction of operations that are costly for the town. He asked for Council support to look into this

future possibility and he said that the committee would be willing to make a presentation on this concept at a later date.

Acting Manager Kwasniewski wondered if employees were laid off who would do the plowing, leaf removal, etc. Mr. Weiss said that he has spoken with United Water about this possibility and they indicated that no one would lose their job as a result of a take over. Councilmember Trawinski recalled that they had looked at this with United Water in 1996 and 1997 and at that time they concluded that after the second or third year water rates would increase substantially. He asked if there was a way to protect against this but he encouraged the committee to look further into this possibility since it would be a huge cash infusion.

Deputy Mayor Tedeschi said that he had worked on a study for a number of years concerning whether not to privatize the BCUA. He said that you have to be very careful because in most cases costs double. Mr. Weiss pointed out that United Water said they would take over responsibility for the wells which is a huge environmental problem and he added that the infrastructure is old. Deputy Mayor Tedeschi recalled that United Water was rejected by the BCUA because they failed to produce the proposal requested.

Deputy Mayor Swain said that it would be a good idea to get more information on this possibility. Mayor Weinstein asked for consensus from the Council on directing the Committee to explore this possibility with United Water. Councilmembers agreed on going forward. Deputy Mayor Tedeschi said that the committee will need professional help and those costs will have to be included in the budget.

Mr. Weiss said that the Committee recommends new or updated financial computer software. The existing software is obsolete and doesn't give clear and concise information.

Mr. Weiss recommended an update of the Borough's zoning ordinances. He pointed out that houses of worship are allowed in every zone in the Borough. A plan that looks at the entire picture will be able to rationally recommend the best use for a piece of property for the neighborhood and the town because they can see it as part of a larger plan. Attorney Rosenberg said that the last Master Plan was done in 2004 and the Council has asked the Planning Board to embark on a new Plan. Councilmember Trawinski asked if the Committee had seen the Open Space and Recreation Master Plan and they indicated they hadn't. Councilmember Trawinski said they need to look at it because it ties things together and it will be part of the Master Plan in some form. Mayor Weinstein stated that before he came on the Council there wasn't an Open Space Committee, a Broadway Improvement Committee or a Green Committee, etc. and the time is right to do a full Master Plan to bring everything together.

Mr. Weiss said that there is a question of whether or not to have a Parking Authority to deal with the parking situation in the Broadway corridor. The problem with parking may be holding back the revival of the area and this could be included in the Master Plan.

Deputy Mayor Tedeschi said that this would have to be a parking utility not authority because a utility cannot be disbanded. Councilmember Trawinski noted that Broadway has a Master Plan but it has been stymied because of the Court order declaring that Fair Lawn's ordinances are not in compliance with the COAH rules and regulations. There has been a Court order stating that the Master might be able to move ahead with some of the zoning issues which is a goal for 2010. There was talk of possibility of coordinating with Elmwood Park but they will move ahead without them because Elmwood Park doesn't want to pay for this plan.

Mr. Weiss spoke about hiring more part time employees to keep benefit costs down. The Committee suggested reviewing all staff levels and reduction through attrition. It was suggested that the Borough consider using space on vehicles for rolling advertising. Acting Manager Kwasniewski explained that the Council had decided against this once before because the Borough wouldn't have any control over the content of the advertising but they could look at this again.

Mr. Weiss talked about the reducing garbage pick up to once a week. Acting Manager Kwasniewski said they are in the middle of a contract which gives them time to look at this possibility. He called for the review of union contracts which had been discussed earlier.

Mr. Weiss said that new members can be appointed to the Competivization Committee but he indicated that most members want to remain. Deputy Mayor Tedeschi thanked Mr. Weiss and his committee. Mr. Weiss commended the Council for already looking into some of their suggestions.

Update on Tanis Property

Attorney Rosenberg said that he and the Acting Manager would bring the Council up to date on this situation but any questions on strategy regarding enforcement should be discussed in Closed Session. Acting Manager Kwasniewski said that the day after the last meeting, Attorney Rosenberg, the Zoning Officer and the Assistant Zoning Officer visited the property. They used a Google map to look at the property, however, the site has not been updated since 2007. It appears that a violation notice was issued because trees had been removed without a permit and the facility may have been expanded without Borough approval. Acting Manager Kwasniewski explained that unfortunately Tanis has been there since before the site plan process was implemented. She was contacted by the Director of Operations for Tanis who said that he was aware of some but not all of what had transpired here. He was asked to put his solutions in writing to the Borough and Acting Manager Kwasniewski received an email this afternoon containing his response which she distributed to Councilmembers. She stated that some of the things he is offering to do should help the residents

Attorney Rosenberg said that Borough officials conducted inspections and a violation notice was issued on December 11th. In his response, the Director of Operations indicating a willingness to work with the Borough to address the resident's concerns.

Councilmember Baratta said she drove by the area and she didn't think that the area in question was as close to the properties as residents say it is. Deputy Mayor Tedeschi also went to the area and said that the cliff is not 40 ft. or 50 ft. tall but that it is probably about 35 ft. high. There are mature trees on the hill and the Director of Operations does say that they may have cleared some trees. Acting Manager Kwasniewski said that the Director of Operations indicated a willingness to meet with Ron Conte to discuss tree planting.

Councilmember Trawinski said that he believed that the Tanis family presented some of their site plans during the Scholastic Bus case. Anne Peck is checking the information in the Municipal Building and Councilmember Trawinski also suggested that they check with Ron Mondello who might have some files from that time. Councilmember Trawinski thought that they should check with Don Smartt of the River Road Improvement Corporation for a base line site plan. Councilmember Trawinski said that he is concerned about the proximity of the Passaic River to where the 4 ft. high concrete walls are being installed since this will trigger the necessity for stream encroachment permits for the flood plain. He noted that Tanis has 2,000 commitments remaining so there will be more noise, however, this doesn't mean that the Council is not following up on this issue. Attorney Rosenberg stated that the ordinance allows the work to begin at 6 a.m. and any discussion regarding the alleged 2 a.m. start will have to take place in Closed Session.

Councilmember Trawinski said that Tanis has indicated a willingness to resolve the situation and this is a positive start. Acting Manager Kwasniewski pointed out that there were only three complaints filed with the Police Department and they was nothing stating that work was being done in the middle of the night. Deputy Mayor Swain said that the residents need to be informed of what is happening and Acting Manager Kwasniewski said that she will draft a letter for review by Attorney Rosenberg that she will forward to the residents.

Council Liaison Reports

Deputy Mayor Swain reported on a meeting of the Green Team. There was a presentation on Eco Lighting which is induction lighting that is being installed on Broadway by PSE&G. Any light bulb can be replaced with induction lighting. She said that members of the Green Team are being asked for ideas regarding the Master Plan. Deputy Mayor Swain said that Rob Lotterman is putting together a Shredding Day that will take place for half a day in the spring. This will allow residents to shred confidential papers they don't want to put into recycling. Deputy Mayor Swain said that there is a Green Team member from the High School who reported that there are recycling bins in every class room. They are also encouraging students to turn off the lights when they leave the room.

Deputy Mayor Swain stated that Broadway Boys is now going to be a 7 Eleven. She reported that the Planning Board approved the plan for Peace Korean Church. Requests for Proposals are being sent out for the position of Planning Board Engineer.

Councilmember Baratta stated that she went to Trenton last week regarding the ordinance on hybrid cars. The bill passed the subcommittee and is now on its way to the Assembly. She attended the 501(c)3 meeting with Deputy Mayor Tedeschi and Acting Manager Kwasniewski. She had previously reported that they want to bring the senior citizens in for a lunch and show and the next step is a presentation to Directors of Senior Centers in Bergen County.

Councilmember Baratta reported on last week's Property Maintenance meeting. Correspondence had been received from the Acting Manager regarding absences, however, the Committee decided to leave it the way it always has been. They were asked for input on the Master Plan and they want to know if a representative from Property Maintenance Committee could be a part of the group reviewing the Master Plan. Acting Manager Kwasniewski said she would mention it to the Planning Board.

Councilmember Baratta said that the Property Maintenance Committee asked if the Borough was exempt from the noise ordinance. Acting Manager Kwasniewski said that the Borough is exempt but no work is done by any Borough employee until 7 A.M. She told the Committee that snow blowers are exempt from the noise ordinance to accommodate residents who report to work early. Councilmember Baratta said that Property Maintenance was very appreciative of the work done regarding the dumpster review and they want to know what the next step is. They suggested that the Master Plan require that dumpsters be enclosed.

Councilmember Trawinski had no report.

Regarding the 501C3 that Councilmember Baratta spoke about, Deputy Mayor Tedeschi said that he was approached by Caputo's Catering who is interested in serving a meal before the performances. The price of the meal would be included in the ticket price and Deputy Mayor Tedeschi felt it would enhance the program. He said that they should find out if any other restaurants in the Borough might be interested.

Deputy Mayor Tedeschi reported that the Environmental Commission is working on their fair in February and are hoping to work together with the Green Team. Acting Manager Kwasniewski said that although this is not strictly a fair, they are asking anyone with environmentally related subject matter to participate. She expects someone from recycling to be there. Deputy Mayor Swain said that the Green Team hopes to piggy back with the Canoe Regatta to have a fair with booths which would include the Environmental Commission.

Mayor Weinstein said that he attended the Beefsteak Dinner at the Fire House which was the final meeting of the year. He recognized Tom Carney for the wonderful job he has done as the Chief this year. Mayor Weinstein reported that the Fire Dinner will have a cash bar throughout the night.

Mayor Weinstein stated that he met Sue Johnson, Vice President of Bergen Community College, at the symposium in May. Ms. Johnson introduced an ESL program for the

parents and children who need the education after school. The program has been very successful and beneficial in helping people find jobs.

Sign for Community Center at Berdan Avenue Exit on Rt. 208 South

Deputy Mayor Swain said that there is no sign for the Community Center heading south on Rt. 208. Acting Manager Kwasniewski said that she will speak to Don Smartt and Rich Davis in order to get their contact name at DOT. The Council agreed that the Acting Manager should move forward with this.

Resident Complaint Procedure

Deputy Mayor Swain stated that Councilmembers should agree on how to proceed when complaints from residents are received. She said that the other question is whether all the Councilmembers need to know. Councilmember Trawinski suggested going back to the system that Tom Metzler had which was to make sure that all Councilmembers are aware of the complaint. Mayor Weinstein said that going back to the form is worth trying but there are some issues that can be resolved in a couple of hours. Acting Manager Kwasniewski said that she doesn't have the time to be doing everything in writing although she agreed that sometimes small items can become big ones and maybe that is a good idea.

Deputy Mayor Tedeschi stated that Mr. Metzler used the form very well and it is a good way to memorialize the complaint. The form could easily be copied to Councilmembers via email. Every Councilmember should be aware of the issue involved if residents are coming in to address the Council at a meeting. Acting Manager Kwasniewski said that she wasn't aware that residents were going to attend the Council meeting and complain about that Tanis property or she would have alerted them. Deputy Mayor Swain said that she had suggested that the resident who contacted her should come to a Council meeting with her neighbors.

Mayor Weinstein said that he tells the resident who is complaining or calling about an issue that he will report it to the Manager who will contact them in turn. Councilmember Trawinski said that when he receives a complaint he routinely copies all Councilmembers. This would take some of the pressure off of the Acting Manager; however, Acting Manager Kwasniewski said that she will use an electronic form.

Acting Manager Kwasniewski said that they are looking for training tapes on customer service for the employees. Although there are not many complaints, there are some employees who need to be reminded that they are in the customer service business and are accountable to the residents.

State Mandates

Deputy Mayor Tedeschi stated that it appears Fair Lawn has more encumbered dollars than the State. The State owes Fair Lawn \$230,000 which will not likely be recouped.

The State is setting rules for itself and he recommended setting rules for Fair Lawn including that until the State meets its financial obligations, the Council should consider all State mandated expenses paid for by Fair Lawn as outside the cap for the calculation.

Mayor Weinstein said that this should be done in the form of a resolution. Attorney Rosenberg said that defiance isn't the solution. Mayor Weinstein asked how fast Fair Lawn would have to move on something that is State mandated and Attorney Rosenberg suggested that they slow down the process. Councilmember Trawinski suggested that they say no to the next State mandate.

Mayor Weinstein agreed that a resolution should be done. Councilmember Trawinski said that the governor elect should be told to stop the State mandates.

Mayor Weinstein asked Attorney Rosenberg to prepare a resolution for discussion and Councilmembers agreed.

Request for Resolution Supporting Changes to PREDFA

Deputy Mayor Tedeschi said that he believes there should be democracy in Radburn and there is no reason to wait 90 days. Deputy Mayor Tedeschi prepared a resolution which he distributed to Councilmembers. He stated that this is a straightforward resolution that deals with the issues and he asked them to review it.

Mayor Weinstein pointed out that this resolution speaks not only to the situation in Radburn but to all of Fair Lawn. Deputy Mayor Tedeschi said that in Radburn democracy is an issue whose time has come.

Councilmember Baratta questioned the phrase "historical context of the creation of Radburn" in Section 3. Deputy Mayor Tedeschi explained that he fears that Radburn will cease being Radburn because it will be politicized. He believes it is important that the essence of Radburn should remain.

Councilmember Trawinski said that if everyone agrees this could be placed on the agenda at the Reorganization Meeting. He recommended sending it to Phil Plotch and Don Morris. He said that this is a better alternative than the stay and it allows for the petitioners to work with the trustees and the legislators.

Councilmember Baratta said that she discussed this with Senator Gordon when she was in Trenton. He said that he was concerned about what he had heard from Teaneck and Englewood. Mayor Weinstein suggested sending a copy of the resolution to Senator Gordon. Attorney Rosenberg said that this could be considered special legislation which is done regularly.

Discussion re: Proceedings for Special Meeting

Councilmember Trawinski explained that he and Councilmember Baratta seemed a little out of sorts at the Special Meeting on the democracy issue. He suggested making special meetings something that requires the agreement of all Councilmembers and, if procedures are going to apply, they also need to be discussed.

Councilmember Baratta commented that the meeting was so long because whenever anyone commented there was a line of people who wanted to respond. Attorney Rosenberg said that this falls under the category of decorum which cannot be codified in an ordinance. Councilmember Trawinski said that definite procedures are required and need to be recited at the beginning of a meeting of this type.

Acting Manager Kwasniewski said that she had no idea how this meeting was being set up. She pointed out that this was a work session and not a special meeting. She agreed that it would be useful to have a discussion on procedures beforehand.

Mayor Weinstein asked how this would be handled by future Councils and Attorney Rosenberg said that each Council is different and the Council sitting at the time will determine the protocol and decorum. Mayor Weinstein recommended that when a special meeting is scheduled they need to discuss procedure at the prior work session and Councilmembers agreed.

Portable Radios for the Auxiliary Police

Councilmember Trawinski stated that this was a partial purchase order that Acting Manager Kwasniewski pulled due to insufficient back up. She has now supplied the back up to himself and Deputy Mayor Tedeschi. Acting Manager Kwasniewski said that the radios are in the 2010 budget. There was a consensus to purchase the radios.

Implementation of the Contract Change

Councilmember Baratta recalled that the Council had discussed the garbage contract last December. The residents on Chandler Drive are not receiving garbage pick up and will be requesting tax refunds since they are paying for this service on their own. She asked if a change had actually been made. Attorney Rosenberg stated that this is an issue relating to Affiliated Management and some of the apartments they own. He recommended that this be discussed in Closed Session.

Water Rate Increase

Acting Manager Kwasniewski stated that the Water Utility is short on revenues for a number of reasons including the fact that the season was quite wet. Water conservation has been stressed and some of the water users are not purchasing water in the amounts that they did in the past. There is a \$370,000 deficit and canceling the 2008 appropriation reserves and the appropriation for water purchases 2009 is not the

answer. The only solution is a \$1 increase to take effect in January to cover the deficit that is required by law for self liquidating utilities.

Deputy Mayor Tedeschi asked when it had been discovered that they were falling so far behind in revenues. Acting Manager Kwasniewski said that this is the first time that CFO Palermo brought it to her attention. Deputy Mayor Swain questioned the deferred charges which went from \$220,000 in 2009 to \$400,000 in 2010. Acting Manager Kwasniewski wasn't sure and said she would get more information on what these charges were. She will also find out how the surplus is funded if the money wasn't borrowed.

Councilmember Trawinski asked if they could declare an emergency and fund the utility over five years. Acting Manager Kwasniewski said this couldn't be done with a utility. She said that they have a deficit in water almost every year and for some reason the water rate wasn't raised last year and the surplus was taken instead. Deputy Mayor Swain asked if the \$1 increase would cover the deficit and Acting Manager Kwasniewski said that it has been projected that the \$1 increase will cover the deficit and there will not be such a shortfall. Councilmember Trawinski said that they need to get actual month to month tracking for the water utility.

Deputy Mayor Swain questioned the software and Acting Manager Kwasniewski commented that this software does not provide for ease of reporting. They have limited accounts that can't be expanded along with being archaic. Deputy Mayor Tedeschi commented that they can't save money unless they can measure what is going on and he said that he is shocked that they are finding out about this now. Acting Manager Kwasniewski said that CFO Palermo and CFO Eccleston spent a month together and he didn't give her any indication of what was going on. He is coming in on Friday to see her and she has already had Wilcox in to verify her numbers. The anticipated revenues are down by \$1 million and Acting Manager Kwasniewski said that they are \$2 million over cap today and they do not have \$1 million in surplus. When Mr. Eccleston left he indicated to Acting Manager Kwasniewski that they would be fine in 2010 but they would have problems in 2011. Mayor Weinstein stated that this illustrates the importance of having a budget meeting in June or July.

Councilmember Trawinski agreed that the \$1 increase is needed before the situation gets worse. This will be an increase of \$18 quarterly for an average household. Deputy Mayor Tedeschi suggested waiting until Friday when Mr. Eccleston comes in because there could be something that they are missing. Acting Manager Kwasniewski said that the increase should be introduced at the Reorganization Meeting and Councilmembers agreed.

Councilmember Trawinski asked if the projection of revenue in 2010 is based on 2009 actual consumption or usage. Acting Manager Kwasniewski said that the 2009 numbers are used. She stated that the Borough needs to look at the way they are providing these services and how they are operating the utility.

Special Meeting

At 10:33 P.M. Councilmember Trawinski made a motion to adjourn to a Special Meeting. Deputy Mayor Swain seconded the motion which was unanimously approved. Councilmembers returned to the regular agenda at 10:34 P.M.

Miscellaneous Public Comments

Craig Miller, 5 Ramapo Terrace, referred to the State Mandate and the proposed resolution that the Council is considering. He suggested getting other towns on board along with contacting the Bergen Record to publicize this issue.

Mr. Miller asked whether the \$18 increase in water rates would be quarterly or annually. Councilmember Trawinski said that this is a quarterly increase. He commented that this type of increase will be another reason for conservation. He also expressed concern over how privatization will affect the rates.

Mr. Miller asked whether the business prior to 7/11 was open for 24 hours. Deputy Mayor Swain confirmed that Broadway Boys had been a 24 hour business. He questioned whether or not other towns have used advertising on their recycling trucks and Councilmember Trawinski said that a few towns have. Acting Manager Kwasniewski commented that some other towns may not have been as concerned about their image as Fair Lawn is. Deputy Mayor Tedeschi said that no offensive advertising would be allowed.

Sylvia Zasloff, 9 Maltese Drive, recalled that the Council had not been aware of the number of complaints in connection with the Fair Lawn Jewish Temple. As a result, the Council said that the police should let them know when multiple complaints are received on a particular property. She said that she remembered this when the residents were complaining about the Tanis property. She also recalled that a great number of complaints were filed regarding noise at the nursing home on Saddle River Road. The noise was a result of dumpster pick up and staff changes. Acting Manager Kwasniewski said that when residents complain they are very angry but the facts don't always bear out what they are saying. There have only been four recorded complaints over two years regarding noise at the nursing home.

Ms. Zasloff said that the reason this issue at the nursing home was resolved so quickly was that Senator Gordon got involved and wrote a letter to the town describing what had happened and noting that the nursing home was not complying with Borough ordinances. Councilmembers indicated that they were not aware of any problems at the nursing home. Acting Manager Kwasniewski said that in most cases the town is not aware of violations that are happening until the residents come in and make them aware of different situations.

Councilmember Baratta asked for the procedure on handling complaints. Acting Manager Kwasniewski explained that every call is entered by the police and can be

tracked according to addresses. She said that some residents are upset because they feel they are given the brush off when they call to complain. She recalled an incident when a resident called the police about a suspicious car blocking the driveway and the police said there was nothing they could do about it and nobody responded. The following week the house across the street was robbed and the resident informed the police that he had called the week before about the suspicious looking car. Councilmember Trawinski said that police officers at the scene were shocked and spoke to the dispatcher.

Deputy Mayor Swain asked how the dispatcher makes the decision to log a complaint. Acting Manager Kwasniewski said that the Police Chief decides whether or not to pass it onto her. She said that a lot of things that are called in don't seem like much until sometime in the future. Adding to the problem is that fact that there have been a successive turn over of dispatchers because the salary is not very good, the job is stressful and it is a job that is used as a stepping stone. The Police Chief has stressed that every complaint must be logged into the system. Councilmember Baratta said that this is what they were alluding to earlier about customer service and Deputy Mayor Swain stressed the importance of logging all calls.

Closed Session

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, the following Closed Session resolution was unanimously adopted at 10:45 P.M.

WHEREAS; the Open Public Meetings 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 Anticipated Litigation – Arbitrator; Contract Negotiations – Employee Benefits; Tanis Attorney and Scavenger Contract; 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 Baratta, seconded by Councilmember Trawinski, the meeting was adjourned at 11:40 P.M.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski