

WORK SESSION MAY 4, 2010

Mayor Tedeschi called the meeting to order at 7:44 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 18, 2009. 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 Tedeschi, Deputy Mayors Swain and Weinstein and Councilmembers Baratta and Trawinski.

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

Review of Tentative Agenda – 5/11/10

Acting Manager Kwasniewski stated that she is adding the ordinance which provides funding from the County to cover the ADA ramps and curbs.

BIC – Grunauer Place

Charles Tredigo, Chairman of the Broadway Improvement Corporation (BIC), and Don Smartt were present. Mr. Tredigo stated that some time ago the Council changed the ordinance to allow parking on Grunauer Place. At this time, he doesn't think that the signage on the street is accurate. The ordinance provides for a two hour parking limit on both sides of Broadway for the business district. The BIC had suggested that parking be allowed on both sides of Broadway, each day of the week for a maximum of two hours. There is no signage indicating that there is a two hour parking limitation from where the "No parking here to corner" is located to the residential district on either side. The signage that exists for the residential area also needs clarification. Mr. Tredigo said that the idea was to provide parking for the merchants in this area which will not affect the homeowners and he asked the Council to look into this because it will help the merchants.

Mr. Tredigo said that this idea was experimental and the BIC believes that the experiment has succeeded. He is now asking to have parking extended to the westerly side or northbound side of Broadway. He suggested that parking be expanded to other streets with similar restrictions for the first 100 ft. area of land which would provide three additional parking spaces for streets that are now alternate side of the street parking only. With the exception of signage, there is no cost involved and BIC would probably cover the cost of these signs.

Mr. Smartt stated that the north side of Broadway lacks parking spaces and he proposed the complete elimination of alternate side of the street parking with signs

displaying appropriate arrows pointing towards Broadway denoting two hour parking within the 100 ft. strip.

Councilmember Trawinski had suggested that Mr. Smartt and Mr. Tredigo explain the situation to the Council to avoid confusion. He also recommended that this proposal be reviewed by the Traffic Safety Officer. Mr. Smartt said that it was the lack of arrows on the sign that caused the confusion and he said they would assume the cost to have the signs clarified. They have been working with the DOT and they now have signs noting that this is the Broadway District.

Mayor Tedeschi asked how many streets they have identified and Mr. Smartt said there were ten streets. Mayor Tedeschi asked if they should do this all at one time or street by street. He also questioned the affect on the residents. Mr. Tredigo said that as long as they are dealing with the same 100 ft. strip, the residents would not be affected. Mayor Tedeschi indicated that the residents on those streets need to be notified and Mr. Tredigo agreed to do whatever is necessary to give them notice.

Councilmember Trawinski suggested a meeting with the residents independent of the Council to give an explanation. Mr. Tredigo said that they would do this and he stressed that this is only occurring in the business zone. Deputy Mayor Swain felt that a letter from the Council to the residents is necessary to indicate that everyone is working together. Mr. Tredigo asked the Council to let the BIC know how they would like this to be handled and they would handle it as advised.

Councilmember Trawinski suggested a joint letter to be signed by Mayor Tedeschi identifying each street as noted in the Master Plan. Acting Manager Kwasniewski asked Mr. Tredigo to get the list of streets to her and she would forward it to the Traffic Safety Officer.

Budget Items

Mayor Tedeschi asked Acting Manager Kwasniewski give a brief overview of the budget. Acting Manager Kwasniewski reported that the Borough remains \$1.2 million over the tax cap levy. She is frustrated because every time they have something under control, the State changes its mind and prevents them from going forward. The one bright spot has been excellent cooperation from the unions, however, the bottom line is that they are still \$1.2 million short.

Acting Manger Kwasniewski has identified items that they could review and the Council will have to make the final determination. These items are going to be discussed tonight and they will begin with services that will have the least amount of impact to the residents.

Karen Palumbo, the Borough CFO, explained that a law passed three years ago regarding the tax levy CAP notes the maximum amount that taxes can be raised. This base is established and determined by the Governor. When the Acting Manager initially put the budget together, they were under the CAP levy. Since that time, the Governor

has decreased State Aid by \$1 million and the Borough is faced with a loss in State Aid that cannot be raised through taxes. There is no other alternative but to eliminate items from the expenditure portion of the budget to fall within the CAP levy.

Mayor Tedeschi asked the Acting Manger to explain the possible wage freeze. Acting Manger Kwasniewski spoke to one of the unions that received a raise in 2010 due to a settled union contract. Those representatives are not necessarily against a wage freeze, however, they want to see what other changes they are going to be asked to make. These employees would have to agree to a voluntary furlough in order to give back the portions of the raise that they have already received. Negotiations have not begun yet with the other unions.

Police Rank

Chief Rose summarized the needs of his department. In 2004 he outlined the need for additional rank and there are only two towns in Bergen County that have a lower ratio of officers to rank. They have lost staff due to the budget cuts; however, they must look towards the future to address problems in a way that respects that this is a difficult time. Two sergeants are retiring. They could either fill the spots with overtime which would cost a minimum of \$26,000 or they could be replaced with two interim sergeants.

Two additional lieutenants are also being requested. The Department has asked for a lieutenant for numerous years for community policing and he would also like to have accreditation for the Police Department which takes a lot of time and effort. Chief Rose said there is a company that works with the Bergen County Prosecutor's Office and the Sheriffs Office which would help the department become accredited in a shorter period of time at a cost of \$34,000. He recently received confirmation from the Bergen County Prosecutor's Office that the forfeiture funds can be used towards accreditation. It would be necessary to have an Accreditation Officer which is the reason why he is requesting a second lieutenant.

Chief Rose discussed with the Acting Manager the timing that could minimize the cost and he met with the CFO to discuss cost. The CFO determined that the cost to do this in 2010 would be \$9,200, which would be considerably less than would be paid to cover the overtime of the two sergeants that are retiring. Chief Rose felt that this will help the Borough move forward in a difficult budget year.

Chief Rose confirmed for Mayor Tedeschi that the \$34,000 paid to an outside company would come from forfeiture funds. The Borough would pick up the cost of one lieutenant and \$49,000 would be spent over the next three years.

Councilmember Trawinski said that due to the external events that have occurred in 2009, he feels that appropriate supervision is needed in the Police Department. If that is not done, they would have to downsize the department substantially in order to change the supervision ratio. He indicated that he supports the requests highlighted by Police Chief Rose. Although they would be creating a rank, he thinks there could be significant savings and next year they may not have the ability to fill the position for

officers who are retiring. Councilmember Trawinski stated that the two police cars that were requested have been rejected and he feels that there are good management practices at work here.

Deputy Mayor Weinstein said that looking forward, management is very important and based on what has happened this year, he would support Chief Rose's request. Councilwoman Baratta said that she had been undecided on this question, however, she now agrees that there is a need for an extra rank. She said she was under the impression that this wouldn't go into effect until October and Chief Rose said that this was correct

Chief Rose confirmed for Deputy Mayor Swain that the cost of the individual retirements has been incorporated into the budget. She said she supports the proposal and thinks that there should be a stronger management presence in the ranks. She hoped that this would make a difference in police activity.

Mayor Tedeschi stated that management is increased by increasing leadership and he made a motion to support the lieutenant but not the other ranks. Councilmember Trawinski seconded the motion stating that he would support the one lieutenant for accreditation first. On roll call, the motion was unanimously passed.

There was a consensus to approve the additional rank with the caveat that the second lieutenant doesn't join the ranks until October 1st and the sergeants follow consistent with the time frame that was previously discussed, with Mayor Tedeschi dissenting.

Elimination of Mini Bus Services, Cashier, Animal Control

Acting Manager Kwasniewski has tracked the mini bus service. If one bus were cut, over \$90,000 would be saved. She recommended leaving the Saturday bus service alone for now. Councilmember Trawinski said that he is troubled by the fact that someone will be losing their job as a result of this cut.

Deputy Mayor Weinstein agreed with Councilmember Trawinski and suggested that they look into the situation further to see if there is some way this service could be maintained.

Mayor Tedeschi asked anyone wishing to comment about the mini bus to come forward.

Joan Carr, 3 Andrew Place, stated that she is a retired mini bus driver who drove the bus for 15 years. She said that many people depend on this bus and if the service is cut they will be in dire need of help.

Ruth Kahn, 40-06 Northern Drive, said she has lived in Fair Lawn since 1970 and has paid her taxes for all these years. She now needs the mini bus to get around to do her shopping. The bus helps to support local merchants and facilities and she urged the Council to keep the mini bus.

Sarah Turitz, 2601 Warren Place stated that she is very concerned about the elimination of one of the two mini buses in Fair Lawn. She stated that many taxpayers, both adults and seniors, depend on the buses and many supporters of the bus couldn't be here tonight because they had no means of transportation. Many people use the bus to help keep the economy of Fair Lawn running. The bus is also used to travel to the Senior Center and the pool. Young adults use the bus to get home after school and for after school activities. Many special needs adults also use the bus to get to and from doctor's appointments. She asked Councilmembers to reconsider the elimination of one bus.

Mayor Tedeschi stated that the Council has anguished over the fact that when all said and done they have to come up with \$1 million of cut backs. The Council is trying to make choices.

Deputy Mayor Weinstein explained that Saddle Brook is looking for money for a mini bus and a driver and he has asked them to consider working with Fair Lawn to see if something could be worked out to share bus service between the two towns. Saddle Brook could rent the bus from Fair Lawn. He added that they considered cutting bus service a few years ago but held off, however, at this point they must save \$1.2 million and the Acting Manager has done the best she could to come up with the various options to get to that amount.

Mayor Tedeschi said that he wants to allow young people on these buses but because the mini bus was not restricted to senior citizens their grant application was denied.

Josephine Boroughs, one of the mini bus drivers stated that senior citizens get picked up first by the mini buses. The young people are welcome but the seats go to the seniors first. She said that there must be other things to cut such as the fireworks on July 4th. She added that the bus drivers personally help the senior with groceries, etc. and help them into their homes if they are having difficulty getting around.

Johanna Weinberg, 35-05 Lennox Drive, agreed that the seniors do come first and the kids are trained to go to the back of the bus because seniors need to be seated at the front of the bus. She said that she is concerned about the employees who have dedicated themselves and their lives for the benefit of helping others in the community. There is a large elderly population in Fair Lawn and it doesn't seem right to take away services from the most vulnerable ones. Ms. Weinberg thought that this would create problems in the near future. She pointed out that Americans stepped up to help when the earthquake hit in Haiti, even though times were difficult, and we need to help families and friends on a local level. Ms. Weinberg suggested that some adjustments be made in the mini bus schedule because some of the older riders are not physically able to wait at Shoprite for two hours for a bus. They need reliable service with a back up bus to cover break downs.

Ann Moskowitz stated that she is 93 years old and the only reason she can live alone is thanks to these two bus drivers who take her shopping and to the Community Center.

She could not continue to live alone without the mini bus and she asked the Council not to eliminate this service.

Jennifer Sansone, 11 Prescott Place, stated that she is a high school senior and during snow storms she is able to take the mini bus home safely. It has been very helpful for many students who have driver's licenses but are not able to afford a car.

Deputy Mayor Weinstein stated that they could explore further options.

Lawrence Lacasse, 1923 Chandler Drive, said that the Saturday bus service should be cut to save funds. Most people take the bus on weekdays and he didn't think that a total of 30 people take the mini bus on Saturday.

Craig Miller, 5 Ramapo Terrace, voiced his support for the mini bus and suggested that they investigate shared services through the Board of Education in order to maintain the service. School bus drivers could keep the mini buses operating during their down time.

Carl Streda, spoke in support of continuing the mini bus service.

Carol Wagner, Director of Health and Human Services, stated that they have counted the passenger loads for both mini buses one day a month for the past two years. The numbers average from 35 to 67 people per day, Monday through Friday. They recently began taking the tally on Saturdays. Ms. Wagner said that she is concerned about the seniors and disabled citizens who would not get out if it weren't for the mini bus service and she agreed that that it could take some time for a bus to pick someone up in certain areas of the Borough at certain times.

Ms. Wagner said she would look into Deputy Mayor Weinstein's suggestion of a shared bus service with Saddle Brook as well as Ridgewood and Glen Rock. She thanked the senior citizens who attended the meeting this evening.

Deputy Mayor Swain said that there is a Glen Rock mini bus that stops on the corner of Fair Lawn and G Streets and perhaps shared services would work in that part of town. Hopefully they could work with Saddle Brook in the other area. Ms. Wagner added that using school buses for seniors would not work because it would be difficult to get on and off of the buses.

Mayor Tedeschi thanked the senior citizens for what they have done for the town and he recognized that there are 6,000 seniors in the Borough. He said that he understands how difficult it is during these times.

Cashier

Acting Manager Kwasniewski stated that the tax office is inundated with people wanting to pay their tax bills at certain times of the year and a cashier is needed, however, during the rest of the year the office is not very busy. She felt that this office could manage with someone coming in during tax season only. They had looked into this last

year when one of the employees indicated that they were going to retire but then changed their mind. She suggested that they go forward with the arrangement of having someone come in during tax season and to cover the office during vacations. Acting Manager Kwasniewski anticipates savings in the area of \$75,000 and she believes that this arrangement will provide the coverage that is needed.

Councilmember Trawinski asked if there had been a recommendation from the Department Head. Acting Manager Kwasniewski has discussed this arrangement with the Department Head who believes that the proposal will work.

Mayor Tedeschi stated that the budget process consists of three parts. The first part is the budget that is presented by the Acting Manager and the CFO, followed by a review of the budget by the Council where specific recommendations were made for cost reductions. At this time, the Council has to come up with cuts that will equal \$1.2 million. The town is using \$5 million in surplus to keep the town running, however, this will not be available next year which means it will be more difficult next year. He concluded that systemic changes must be made this year.

Deputy Mayor Swain stated that she is uncomfortable making these types of decisions when she doesn't have all of the information. Councilmember Trawinski agreed stating that he wants to be sure that they have exhausted everything else before considering lay offs. He said that the two items for consideration were the elimination of one mini bus along with the elimination of animal control. The Council needs to discuss these proposals again at a wrap up session.

Mayor Tedeschi stated that this will never be easy but they have to make difficult choices. Deputy Mayor Weinstein echoed other Councilmembers stating that they need an entire list to review.

Barbara Davis stated that she is the cashier and she asked what would happen when her partner is out sick. Acting Manager Kwasniewski said that coverage would have to be provided by someone from another department.

Animal Control

Acting Manager Kwasniewski stated that the current cost for Animal Control is almost \$140,000 consisting of \$120,000 in salaries along with vehicles and maintenance. The total expense includes \$12,750 for a veterinarian. Other options were explored and she found that they could use Bergen County and save \$90,000. The DPW would have to be responsible for picking up dead animals which the DPW does in many other towns. She warned that there may be a delay in response by the DPW, however, this is a \$90,000 savings. Councilmember Trawinski commented that this option needs to be explored. Mayor Tedeschi was concerned about the fine print in the agreements with the County.

Tracy Coates, 47 Dewey Avenue, Clifton, stated that she is the Animal Control Officer for Fair Lawn. She said that she received a certified letter on April 30, 2010 informing

her of tonight's Council meeting. She was never asked to prepare a cost analysis or justification of the service she provides to the Borough.

The chart comparing the Borough Animal Control and Bergen County Animal Control services is incorrect because it doesn't reflect income to the Borough through fines and fees collected in the amount of \$23,845. The actual savings would be \$65,700. If the Borough Animal Control Department adjusted the fees for the pick up of dead animals from \$5 to \$25 to \$30 per animal they would still be below the \$55 to \$75 charged by Bergen County. Ms. Coates recommended that dog and cat licenses should be raised for further revenue.

Ms. Coates stated that she is a State certified Animal Cruelty Investigator who could respond to Borough cruelty complaints. This means that 50% of the fines collected would stay in the Borough instead of going to the County. She agreed that Shared Services are important and she would be able to provide services to other towns in order to save the Fair Lawn Animal Control Department.

Ms. Coates pointed out that the County only has six to seven animal control officers serving 42 towns. The response time is very long and the County lost four towns last year. She explained that eliminating Fair Lawn Animal Control services would cause many problems for residents including the fact that they will have to travel to the Bergen County Animal Shelter in Teterboro to pick up their lost pets.

Ms. Coates explained that she acts in a supervisory position and she is held accountable for any decisions concerning animals. She did not go through a desk audit as many employees have done recently which is costly for the Borough. She said that she would like an acknowledgement of her 24 years of service that includes coming out at any time of the day or night no matter what the weather. She recalled delivering a trap to Mayor Tedeschi's home in order to alleviate the problem he was having with ground hogs. Ms. Coates said that she would appreciate the opportunity to discuss this further with the Council and she resents the fact that she was totally blindsided by this turn of events.

Ms. Coates added that she issued 269 summonses last year. This process includes typing two envelopes, one by regular mail and the other by certified mail and the completion of an affidavit on each summons along with a possible court appearance.

Mayor Tedeschi stated that Ms. Coates' presentation emphasizes his earlier comment on "fine print". He asked the CFO to look at what the revenue for fines, etc. would be if fees were raised in the Animal Control Department. Deputy Mayor Swain asked what would happen if people felt the fees were too expensive. Ms. Coates stated that the residents can dispose of dead animals on their own. She again stressed Shared Services with Saddle Brook and Elmwood Park at a cost of \$1.25 per person.

Councilmember Baratta apologized to Ms. Coates for being blindsided. She asked that Ms. Coates give the Council the numbers that she spoke about in writing. Ms. Coates said she would and she reiterated that the fees need to be adjusted to be more

consistent with today's market. She felt that residents should be given all the information about the kinds of services offered and the length of the response time if this department is taken over by Bergen County.

Councilmember Trawinski also apologized to Ms. Coates. He questioned her comment about a part time person and Ms. Coates stated that this individual would have the title of "pound keeper". She pointed out that their hourly rate is not much different than hers.

Ms. Coates said that having an Animal Control Department is an asset to the town and she added that once the pound is closed they will never be able to get it back because it is grandfathered. She added that she provides every service, works closely with the veterinarian and participates in the spay/neuter program with the State.

Deputy Mayor Weinstein suggested that they look at Shares Services as well as increasing the fines, licenses and other fees. Mayor Tedeschi said that there are some great ideas on the table and the key is to find a neighboring town that is interested in sharing in the cost.

Alan Alexander, 0-84 Fair Lawn Park Way, stated that Ms. Coates recently removed a skunk from his property. She was prompt and very helpful at a cost of only \$5. He urged the Council to raise the fees for the services she provides because they are definitely needed.

Jane Diepeveen, 14 Ryder Road, asked if there is a difference between a dead animal in the house and outside of the house. She said that several times in the past she contacted Animal Control about an animal inside her house and she was told to call a private person for removal. Ms. Coates said that if the animal is in an attic or crawlspace she is not required to remove the animal by State law due to the homeowner's liability. If there is a public health or safety hazard in the living quarters of the home she will respond.

Pat Ennis, Registrar in the Borough of Fair Lawn, 102 Van Blarcom Street, Midland Park stated that she has worked with Ms. Coates since 2000. She praised Ms. Coates for the time she has given over the last 24 years to ensure that animals are given a fair chance at life whether it is the family pet or annoying pests. This may not be the case if the County takes over animal control in Fair Lawn. Ms. Coates and the staff of the Animal Control Department do wonders with what they are given and this is one of Fair Lawn's greatest assets.

Mayor Tedeschi said that he has known Ms. Coates for 20 years and it is gratifying to hear residents who recognize the wonderful job she does. He is aware of this but the question is how to pay for it. Everyone must keep in mind that the Council asked the Acting Borough Manager to look for areas of cost savings in the budget and it has nothing to do with the individuals.

Ms. Ennis said that the Borough needs to look at the entire picture and can't afford to be penny wise and pound foolish. She commented that she sees waste on a daily basis

but no one asks her opinion. Mayor Tedeschi said that he asked for suggestions at a recent meeting. He has done 35 public budgets but has never seen anything like this and there is going to be pain because there isn't enough money to go around. Ms. Ennis stated that there is no stability in hiring the County and there may be other jobs that will eventually go elsewhere which is a fear for all the employees. Mayor Tedeschi stated that Ms. Coates has shown what she can do for 24 years and hopefully they can turn this around by finding some money

Jeannie Farrell, employed in the Police Records Department, residing in Hawthorne recalled that employees were asked to present their suggestions on how to save money. She asked if any of these ideas were being considered. Councilmember Trawinski said that they are. He added that they have two lists of suggestions, one of which is a more long term list. They have received approximately 15 suggestions that they are reviewing.

Jane Young, 38 Pomona Avenue, said that Ms. Coates is irreplaceable. She helped her trap three cats in order to have them neutered and several years ago when a dog killed one of her cats Ms. Coates responded immediately. It is tragic that so many cats and dogs are multiplying and Ms. Coates is someone making an impact on this situation.

Alan Alexander, 0-84 Fair Lawn Park Way, asked if employees would be willing to take a reduction in salary in order to the save jobs of fellow employees.

Cecilia Franco who works for the DPW said that the town is having fireworks, which doesn't make any sense when that money could go towards keeping employees.

Deputy Mayor Weinstein said that the Borough spent \$18,000 on fireworks last year. This year he has sought out pledges to cover the cost of fireworks and as of today he has successfully obtained \$16,000. The cost of fireworks with overtime is \$28,000.

Ms. Franco said that attendance at the League of Municipalities is quite expensive and was fine when everything was going well, however, it seems as though the employees are being punished now that everything has gone bad. Mayor Tedeschi pointed out that this year everyone who attends is paying for themselves. She added that any Councilmembers who are getting insurance from another source shouldn't be getting it through the Borough as well. Mayor Tedeschi said that none of the Councilmembers are covered by insurance from two sources.

Dr. Lisa Metzler Press, 15 Allan Place, stated that she is both a resident and veterinarian in Fair Lawn. She said that she works closely with Ms. Coates and suggested that the Council investigate everything she does and how much it would cost for someone else to do this job. Ms. Coates has the ability to pick up a rabid animal within the hour but it could take days for Bergen County to respond and by then the skunk could infect a number of pets or even a child. Ms. Metzler Press stated that wild life is increasing in the Borough and the Council must consider the health of people as well as pets which is all connected.

Rene Sussman, 5 Allen Place, stated that she is speaking on behalf of Ms. Coates and every other resident of Fair Lawn. She has two dogs who wander off from time to time and she would happily pay \$25 per dog to have them returned to her by Ms. Coates. She said that she was appalled at the condition of the pound when she first visited to get her dogs back. It didn't look healthy for the animals or for Ms. Coates who spends a good deal of time there and what she does with the budget she has is extraordinary. Ms. Sussman urged the Council to keep Ms. Coates and the services she provides.

Carol Wagner of the Health Department stated that last year there were 4,930 calls handled by Animal Control. She said she would work with Ms. Coates to see if they could come up with a shortfall to cover expenses and she will provide more information for the Council to consider.

Recycling Barrels

Acting Manager Kwasniewski stated that presently if a recycling bin is stolen and the resident files a police report, the container is replaced without a fee. She stated that the Borough should not have to pay for the containers and she suggested using stickers that people could put on their own garbage can. Councilmember Baratta agreed and Mayor Tedeschi said that people could be given the option of be given a sticker and supplying their own barrel or they could purchase a barrel for \$25. Councilmembers agreed with this recommendation.

Claire Carrick, 304 Bergen Avenue, stated that she works in the Tax Office. She recalled being told that if each person in the Borough saved one pound of garbage it would result in a savings of \$65,000 which could be enough to save a job. She asked why this fact hadn't been publicized. She suggested getting children involved through poster contests to get the message across to their parents.

Councilmember Baratta said that last year the Property Maintenance Committee sponsored a poster contest for fourth graders about keeping Fair Lawn green. She agreed that this is a great idea but the Community News only prints sensational stories. Acting Manager Kwasniewski stated that there are messages on the Fair Lawn website regarding this topic.

Jeanne Farrell said that she has been working for the Police Department for 28 years, and she feels that every department, both outside and inside, is essential. Praise is given to different associations in the Borough such as the Boy Scouts, but she has never heard any given to Borough employees.

Councilmember Trawinski said that he always recognizes Borough employees for their contributions. Mayor Tedeschi stated that in 1996 the Council initiated an awards dinner in December to recognize and thank employees. Ms. Farrell said that if it wasn't for all of the employees the Borough wouldn't run and everything seems to be taken away from them.

Harry Poster, 13-10 Second Street, said that after a few years the recycling barrels fall apart. Much of this is attributed to the weather and the way they are handled and he suggested that they consider another manufacturer if the Borough is going to sell them for \$25. Mayor Tedeschi said that the barrels were estimated to last five years in 1994 and he still has his original barrel.

Sewer Rodding

Mayor Tedeschi stated that Fair Lawn is the only town in Bergen County that provides a lateral cleaning service. Acting Manager Kwasniewski said that they spend approximately \$25,000 in overtime to perform this service which requires two people. For years, there have been recommendations to eliminate this service by DPW Supervisor Conte.

Councilmember Trawinski commented that it is time to eliminate this service and Councilmembers agreed.

Other Budget Items

Mayor Tedeschi asked how much the Borough charges PSE&G and Verizon for police department supervision. CFO Palermo said that she didn't know. Mayor Tedeschi requested an update on the desk audits. Acting Manager Kwasniewski stated that two desk audits are currently being processed and sent to DOP. Mayor Tedeschi recalled that he had asked for an analysis of stipends. Councilmember Tedeschi wondered if the Affordable Housing Officer could be a part of a Shared Services arrangement.

Jane Diepeveen pointed out that this room is always cold and she suggested that the temperature be turned up at night to save money on air conditioning.

Possible Sale of Borough Owned Property

Acting Manager Kwasniewski stated that this item will be discussed in Closed Session.

Councilmember Trawinski announced that all of the personnel issues that were discussed at this meeting were subject to RICE notices.

Property Maintenance – General Cleanliness, Dumpsters, Clothing Bins and Enforcement

Ray Vuoncino, 1-36 27th Street, stated that over the past few years he become involved in volunteer committees in the Borough including the Garden Committee and the newly founded Community Garden Committee as well as being the Vice Chairman of the Property Maintenance Committee. A few weeks ago, he discussed the litter situation with Mayor Tedeschi who indicated that he would put this on the work session agenda for discussion.

Mr. Vuoncino stated that tonight he wanted to focus on cleanliness, dumpsters, clothing bins and enforcement. He distributed information to Councilmembers and stated that the Property Maintenance Committee has divided the problem into three segments consisting of the business district, the residential districts and the public sector including municipally owned properties. The handout contained photos which Mr. Vuoncino described throughout his presentation referring to overflowing conditions in dumpsters and litter on parking lots as well as unkempt parking lots.

Mr. Vuoncino noted graffiti on a dumpster at Citizen's Mortgage and he asked whether there was an ordinance regarding this. Acting Manager Kwasniewski stated that she had been advised that the dumpster would be removed and replaced by the end of the week. Deputy Mayor Swain asked if the new dumpster would be in the same location and Acting Manager Kwasniewski said she didn't know. She added that certified letters have been sent to many of the property owners where dumpsters are located.

Attorney Rosenberg recalled that last October the Zoning Board provided the Council with an analysis of all of the issues regarding the dumpsters including their current conditions. The recommendation was to do an analysis of the site plan approvals in order to find out if the location of these dumpsters violate site plan approval. The process is very time consuming and he suggested that the Council may want to tell the Zoning Board to move quickly because this issue is urgent. Attorney Rosenberg pointed out that there are ordinances that give the Borough the ability to issue summonses; however, the overriding issue is whether or not a dumpster is in its proper legal location.

Mayor Tedeschi asked who should be issuing the summons and Attorney Rosenberg said that he will have to analyze the ordinance. From a quick review it appears that a law enforcement officer or special officer would be responsible. Mayor Tedeschi said if someone other than a police officer could issue these summonses it would be done faster.

Councilmember Baratta stated that this is a big task for the Zoning Board. She referred to the condition of the dumpster on 27th Street and Broadway which is extremely unsightly and needs to be corrected immediately. Acting Manager Kwasniewski said that this is the electronics or stereo store and the sister of the property owner is working diligently to get the property cleaned up. Mr. Vuoncino stated that this property borders a residential area which makes this condition even more unacceptable. Acting Manager Kwasniewski pointed out that many of these photos are at least two months old and a lot of these conditions have been corrected.

Mayor Tedeschi referred to the earlier presentation by the BIC asking for expanding parking areas to benefit businesses. He said that the BIC needs to commit to keeping business areas clean and litter free. Acting Manager Kwasniewski stated that they have hired an outdoor cleaning service that cleans from April to November. She noted that outdoor cleaning is not feasible from April until November, however, Mr. Vuoncino said that the ordinance doesn't specify that businesses can let their properties go during

that time. The ordinance states that these properties must be kept clean throughout the year.

Mr. Vuoncino noted that there are numerous waste receptacles which appear to have had lids that were never replaced. He referred to the Fair Lawn Avenue Bridge that should be cleaned, however, Councilmember Trawinski said that the bridge is owned by Passaic County. Mr. Vuoncino stated that the Garden Committee notified the State about the condition at the Plaza Road turn around and the State did clear the area of litter and did some plantings.

Mr. Vuoncino recognized that there are laws in place dealing with litter but not enough is being done to modify behavior and ensure compliance. The Borough ordinance provides penalties for offenses and this would be a source of income. He asked how many maximum penalties have been levied over the years and how much money was collected in fines last year. Acting Manager Kwasniewski pointed out that the Judge sets the amount of the fine and she will find out the amount that was collected in 2009.

Attorney Rosenberg referred to Chapter 170 which states that "the exterior of all premises shall be kept free of refuse". This is enforceable by either the Health Officer and or by the Code Enforcement Officer both of which are authorized to delegate enforcement to the Assistant Code Enforcement Officer, Property Maintenance Officer or the Borough Sanitarian. This section of the ordinance does not provide for enforcement by the police department and Attorney Rosenberg said that the Council may want to consider amending this section of the ordinance.

Councilmember Trawinski stated that it is almost impossible to change people's behaviors. He said that he appreciates the efforts of Mr. Vuoncino and the Property Maintenance Committee; however, it is more important for the Police Department to catch the crooks, speeders and unsafe drivers. He suggested that this issue should be referred to the Broadway Improvement Corporation and the River Road Improvement Corporation because he does not think that resources should be redirected to property maintenance.

Mayor Tedeschi disagreed; however, Councilmember Trawinski stated that governing is about setting priorities. Mr. Vuoncino said that they should consider disbanding all of the volunteer organizations if this is the case. Councilmember Trawinski responded that he is objecting to increasing the duties of police officers and targeting property maintenance as a priority. Mayor Tedeschi stated that it is obvious that the Property Maintenance Officer cannot handle this alone and they need to explore other ways to take action. Mr. Vuoncino said he was only making the suggestion that the police report property maintenance violations and Mayor Tedeschi agreed because the Property Maintenance Officer can't be everywhere at the same time.

Acting Manager Kwasniewski explained that even if these conditions are reported they don't have the manpower to respond effectively to these situations. Route 208 is the responsibility of the State and the State doesn't have the resources needed to respond either. Mr. Vuoncino asked about the response time by the Borough to these conditions

and Acting Manager Kwasniewski reiterated that she doesn't have people to send out to remove litter and the response time would be the same as it is presently.

Mr. Vuoncino recommended the following actions:

1. Enforce the litter ordinances and set a fair tone.
2. Focus on high traffic areas.
3. Budget for success.
4. Engage the police.
5. Utilize community service participants and prisoners for clean up.
6. Eliminate or revamp the Litter Marshall Program.
7. Communication efforts via the community news, internet and through the Council.
8. Youth education efforts (e.g. poster contests).
9. Remove clean Highway sponsor signs.
10. Increase penalty amounts.
11. Review the dumpster ordinance to include possible fencing of dumpsters.
12. Once a week cleaning of commercial and high traffic areas by the street cleaner.
13. Appoint a Litter Czar.
14. Coordination of efforts with the State and County.

Acting Manager Kwasniewski stated that prisoners participate in clean up. Deputy Mayor Weinstein suggested more receptacles in parks for garbage and recyclables. He said that everyone should be focusing on this and peer pressure is a great way influence.

Mr. Vuoncino asked if there could be a requirement to fence existing dumpsters. Attorney Rosenberg stated that it is difficult to impose retroactive site plan changes. Mr. Vuoncino said that he thinks that this was done in Hawthorne and Councilmember Trawinski suggested that Attorney Rosenberg speak with the Planning Board attorney in Hawthorne about this.

Mr. Vuoncino said that they need to have someone who is ultimately responsible for the litter problem. He concluded by stating that if everyone wants to make Fair Lawn a clean community it can be done if everyone puts forth the effort.

Canoe Regatta – Commemorating Bob DeVita

Deputy Mayor Weinstein stated that Bob DeVita who initiated the Canoe Regatta passed away this year. He suggested that the regatta be dedicated to Mr. DeVita and Councilmember Baratta will be in touch with his family about this.

Policy on Homicide Leave

Acting Manager Kwasniewski stated that this does not happen often but since the Borough pays people when they are called for jury duty they should also allow someone five days without loss of salary in order to attend a trial. Councilmember were unanimous in agreement.

Public Comments

Craig Miller, 5 Ramapo Terrace, asked if there currently was an ordinance regarding fencing dumpsters. Councilmember Trawinski said that there is no requirement, however, if commercial developers show it on a site plan it becomes a condition of site plan approval. Attorney Rosenberg indicated that a dumpster fencing requirement is currently part of the site plan check list.

Mr. Miller suggested that the River Road and Broadway Improvement Corporations should hire a contractor to do the street cleaning.

Closed Session:

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta the following Closed Session resolution was unanimously adopted at 11:06 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 Contract Negotiations – PBA/SOA; Personnel – Appointment to Open Space Committee; Health Department; Tax Assessor; Tax Collector; Manager; and Sale of Borough Owned Property.

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 Deputy Mayor Swain, seconded by Councilmember Baratta, the meeting was adjourned at 12:21 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

Deputy Mayor Steven Weinstein

Councilmember Ed Trawinski