

WORK SESSION OF JULY 13, 2010

Mayor Tedeschi called the meeting to order at 7:30 p.m.

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

ALSO PRESENT: Manager Stafford, Municipal Clerk Kwasniewski, CFO Palermo and Attorney Rosenberg.

CLOSED SESSION:

Upon motion by Councilmember Baratta and a second by Deputy Mayor Weinstein, the following closed session resolution was adopted at 7:35 p.m. with Councilmember Trawinski dissenting. Mayor Tedeschi was recused.

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 Attorney/Client Privilege – Messina lawsuit; 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 8:00 p.m.

REVIEW OF TENTATIVE AGENDA (7/29/10):

Acting Manager Kwasniewski stated she had to add a resolution on the Farmer's Market similar to the one that was done last year.

POSSIBLE BUDGET AMENDMENTS:

Mayor Tedeschi said he spoke to the Acting Borough Manager about eliminating the call-in service for overnight parking. The Borough currently pays \$7,000 a year for this service. They have had very little need for overnight parking regulations because the summonses for that have gone way down. He proposed they remove from the budget \$3,000.

Councilmember Baratta stated she agreed with that proposal.

Deputy Mayor Weinstein said it could be done in house. The Police Chief will set it up the way he wants it. Councilmember Baratta asked if there would be any problems with changing it. She spoke to a number of police officers that felt it was an extra expense that they did not need. Mayor Tedeschi said that he called a few towns asking them how they do it in their town and they take the calls at the desk.

Councilmember Trawinski asked whether the Acting Manager and the new Manager have discussed this proposal and whether they have a recommendation. Municipal Clerk Kwasniewski said they may get away with it next year. Once they settle their contract it may revert back to the way it was and the reason they went to using the service was because dispatch could not handle the amount of calls. This was thought to be a more cost effective method of doing it by using the service instead of tying up the dispatch or a police officer by taking calls for parking. She thought that perhaps they could try it for this year and see how it goes.

Councilmember Trawinski stated that based on that he agreed. He asked that the bridge list be communicated to the new Manager with this added to it for them to look at next year depending whether or not they settle the contract soon and whether the number of summonses start to increase. Mayor Tedeschi stated in 2008 there were 3,174 summonses and so far this year there are 49. CFO Palermo questioned if they were going to amend the budget to decrease the Police budget. Mayor Tedeschi suggested they have to eliminate the expense but not take it out of the budget.

Mayor Tedeschi said he would like to talk about the Library in conjunction with the fireworks. Originally the Council said it was willing to pay up to \$8,000 to supplement the fireworks. Thanks mainly to Deputy Mayor Weinstein they raised \$34,185 so there is actually a \$2,600 surplus. The fireworks cost \$31,545. The reason he is mentioning this in conjunction with the Library was because he thought they should take the \$8,000 that they were willing to spend on the fireworks and put it specifically to the Library for Sunday use only. He asked Library Director Murphy to explain.

Library Director Murphy stated that there are three adjustments he was going to make. The employees have voted that Sunday pay would be regular time and not time and a half. They will be open one less hour on Sundays. They will open 13 Sundays beginning in October through the end of the year. In the past they have begun Sundays the first Sunday after Labor Day. He thought this was a reasonable compromise. Mayor Tedeschi said it was just not a credit to the employees; it is a real thank you to the people of this town for maintaining this institution. For the employees to step back and realize that some things are more important than others, tells you a lot about the employees at the Library. He thanked them.

There was a unanimous consensus to allocate the \$8,000 to the Library for Sunday use only.

Councilmember Baratta wanted to make it clear to everyone that was present that it is strictly for Sunday opening. Mayor Tedeschi said that a lot of people had valid arguments for different reasons but one thing they don't want to do is to dismantle the things that have become institutions. They know that the Library has suffered along with the Senior Center, Walsh Pool and the employees have suffered. This solves an immediate problem.

Deputy Mayor Swain commented that she wanted to extend her thanks to all of the employees who are taking 18 furlough days and are now doing this for the residents of Fair Lawn. Library Director Murphy said all the cuts were done and this was a painful year. This library was the first one in Bergen County to offer Sunday opening in 1971.

Councilmember Trawinski wondered if the employee that was slated for an almost 18% increase was still receiving that increase. Library Director Murphy said the employee will still receive that salary. Councilmember Trawinski wanted to point out that was over \$10,000. He felt giving an almost 18% increase to any employee was unconscionable. He appreciated the fact that the Library Director reduced his salary. He did not think they could look a resident in the eye and tell them that an employee was getting an 18% increase.

Deputy Mayor Weinstein thought it was very important for them as a community to remember what their values are. The Library is very important to this community as are all the other community events that bring them together. He thanked the Library employees for working together in this tough budget year.

CFO Palermo questioned the \$17,000 charge for the actual fireworks have been paid out of the Recreation budget. She wanted to be authorized to do a transfer from these trust funds to offset this cost.

There was a unanimous consensus to authorize the transfer.

CFO Palermo said she would make the \$8,000 adjustment to the Library in a journal entry. Mayor Tedeschi said the \$8,000 came out of the Mayor and Council budget. Councilmember Baratta questioned the revenue from the fireworks and wondered how the revenue was broken down. Deputy Mayor Weinstein stated they raised \$16,986 in cash from 56 participants who donated their dollars to the fireworks. The other \$17,199 came from the tickets sales.

Deputy Mayor Swain thought they should note that obviously the people spoke and they want their fireworks. The residents need some form of entertainment and some form of community to get together to celebrate what they have.

Mayor Tedeschi stated that was true and next year they will have to look at it again.

Mayor Tedeschi said he would like to talk about revenue in this budget. CFO Palermo explained the Construction Department could possibly be up \$10,000 over the anticipated budgeted amount. Councilmember Trawinski asked if that was with or without the increase in fees. CFO Palermo indicated it was without the increase.

CFO Palermo stated based on the six months projection Municipal Court revenue will be down \$150,000, under budget. Mayor Tedeschi said that last year it was \$480,000 and that was \$300,000 less than the previous year. CFO Palermo said it was even worse. Mayor Tedeschi said for the last two years, compared to the 2007 and 2008, the revenue is down about \$650,000 which is a huge hit.

CFO Palermo informed them that interest on investments was down. It is a double hit because interest rates are down and this is where the surplus number comes in. It is massively reduced since last year. Cash flow is very tight. The other revenue that is down is Hotel Tax.

Councilmember Trawinski wondered if the water restriction had resulted in a reduction in revenue. CFO Palermo said that since the weather was dry she was hoping they would be good. The problem is the bills don't go out until the end of the summer and the revenue does not come in until later. Also, the water restriction is voluntary. Councilmember Trawinski said they found in the past that the residents do participate in the restriction so the revenues do go down. That leads him to a possible budget amendment. They had talked earlier about selling the water department. He thought that before they concluded the budget process that the Competitization Committee would be coming back to the Council. Councilmember Baratta stated they had met with the Water

Department. Mayor Tedeschi said they did meet with them and they are coming with a recommendation to explore that probably next month.

Councilmember Trawinski said the second area of budget cuts were the more than 20 recommendations from the employees. He thought they implemented one of them and is not sure if they looked into the other ones. Mayor Tedeschi said they are on the agenda tonight. Municipal Clerk Kwasniewski stated they had intended to review the suggestions over the summer. Councilmember Trawinski thought there may be some ideas they can adopt as part of this budget process. Mayor Tedeschi said he did not think so. He thought when they get to that part of the agenda; he is going to propose that they do something similar to what they did with the grants. Get a matrix, see who is driving it and get the information from Manager Stafford.

CFO Palermo said that she had met with DPW Superintendent Conte regarding how much a storm costs the Borough in fuel and it is about \$2,800. Mayor Tedeschi stated if she looked at the Accounts Payable she would see the first purchase of gas or diesel did not occur until January 11 which meant they had a big inventory at the beginning of the year and he would rather get the inventory before the end of the year. Municipal Clerk Kwasniewski said that might have been the time the bill was paid from fuel purchased in October.

Councilmember Trawinski stated if there is not going to be a change in self-insurance he is not going to support adoption of this budget.

There was a consensus that the adoption of the 2010 Budget be put on the agenda for July 20, 2010, with Councilmember Baratta and Councilmember Trawinski dissenting.

DISCUSSION RE NEW STATE GRANT OPPORTUNITIES:

Marlene Casey and Len Carney were present. Ms. Casey gave an overview indicating the State has less money than Fair Lawn does. Ms. Casey said that she usually comes in earlier in the year with a list of programs the State or Federal government has for the year but it did not work that way this year. The State decided not to put out their regular programs this year until they set their budget.

The State put the DOT grants out at once with one deadline of August 13, 2010. They are one month away from filing the application. She is going on the presumption of the things they have discussed with her in the past. The two things they wanted to focus on tonight were pedestrian safety for Fair Lawn Avenue intersection and the streetscape for Broadway. She suggested that the Borough's application for this year's transportation trust should be under the

pedestrian safety and safe routes to transit program. The streetscape application will be under the regular DOT program.

Ms. Casey explained that this is the last year for the transportation program as they know it. She believed that it will take this governor and legislature more than a year to find a final financing solution. The governor is committed not to borrow any more money for the transportation trust. Normally it is a yearly program with four different arms that they would be successful under. In the past they have been successful under many of those arms. This year the competition is the stiffest she has ever seen. The money levels have been reduced to the levels of 2009. It is a smaller pot with tougher competition.

Ms. Casey suggested they apply for the first round for Broadway streetscape. The amount of money they can ask for is limited because the pot is smaller. She is hoping to ask for \$300,000 to \$400,000 which isn't a lot for what they would like to accomplish. However, if the application is successful and the Borough gets that money, there is another shot at it because the discretionary funds are coming in September. She will be able to double source this application and hopefully get the Borough some funds.

Deputy Mayor Weinstein said they were working in conjunction with Elmwood Park.

Ms. Casey spoke about the DOT letter that is encouraging her to come back and apply again. The last time there was some information missing but now Municipal Clerk Kwasniewski is working on getting all of the information. The Borough has lowered the speed limit on Broadway so now they have the material that they need. She hoped the application would be successful.

Mayor Tedeschi stated this will require the cooperation of the whole staff to get this in on a timely basis. Ms. Casey said it is a big application. If this one goes in, then they can apply for discretionary funds in September. Deputy Mayor Weinstein wondered how long it takes to get a response from the State. Ms. Casey said that she will know approximately one week after the deadline.

Mr. Casey referred to the pedestrian safety grant and right now they are working strictly on the intersection. They are looking at \$90,000 to \$100,000. Just for the pedestrian safety measures.

Ms. Casey indicated that as long as the Mayor and Council agreed, they can move forward with the necessary resolutions and they will take care of the applications. She will forward copies of everything they do. All of the applications are electronic so once everything has been done they will submit the application.

There was a unanimous consensus to authorize Capital Alternatives to proceed with applying for the grants as proposed above.

Ms. Casey said in the future she would like to come in and talk to them about other types of grants. She gave them a list of the projects she has been working on, for example, Fair Lawn Avenue and Abbott Road which application is still in Trenton being reviewed. Mr. Carney said he attached an info sheet to the project list.

COUNCIL LIAISON REPORTS:

Councilmember Baratta said the Farmer's Market will be open every Wednesday through the end of October. There is a new vendor that sells ice coffee. There are also selling nuts. The owner of the store on Broadway did not have the staff so members of the Garden Club is doing it for him.

Councilmember Trawinski stated that he and Deputy Mayor Weinstein will be going to the Open Space meeting on Monday. They have authorized the expenditure for the final survey so they can close on George Street as quickly as Green Acres can do its thing.

Deputy Mayor Weinstein spoke about the fireworks. He was surprised that the expenses were more than they expected but then they raised so much money from the sponsors but also from the ticket sales which was almost \$18,000. All of the places that sold the tickets said the Borough has to do it again next year. He suggested forming a committee consisting of the Chamber of Commerce and residents to explore other ideas, for example working with another town or come up with fund raising ideas. He felt now was the time to start. He thought if they end up with \$3,700 that would be seed money for next year. He felt they should start this by the end of the year. Mayor Tedeschi said that things are tough for everyone. He has spoken to Saddle Brook Mayor who said their fireworks are funded through the Veterans. Deputy Mayor Weinstein reiterated that they should put a committee together and see where it can go.

Councilmember Baratta asked about the ticket sales and wondered if it was up from last year. Deputy Mayor Weinstein explained that the average ticket sales were \$6,000 and this year was \$17,000. Municipal Clerk Kwasniewski said the crowd did not look any larger than previous years. It seemed that the residents came later in the evening. Deputy Mayor Weinstein thought there was more advance sales.

Mayor Tedeschi said the overtime was \$11,000 which seemed like a big number. Municipal Clerk Kwasniewski said there are a lot of people working that night.

There was a unanimous consensus to explore forming a committee for the fireworks event.

Deputy Mayor Swain said the Green Team was on vacation. The Planning Board met last night however they did not have any formal applications. They did review Ordinance No. 2189-2010 that was approved. They had two conceptual plan reviews – Kraft wants to put up a trailer on their property in the middle of the parking lot to sell their goods to their employees. Bris Avroham wants to put two pools in their backyard for four weeks. They are 30' feet around. They will have to talk to the Building Department and Health Department.

RISK MANAGEMENT CONSULTANTS RFP'S:

Mayor Tedeschi stated they received four RFP's. He asked if any of the Council had any recommendations. Councilmember Trawinski wondered if Manager Stafford had a chance to recommend anyone.

Manager Stafford stated that he did not have any recommendation because he has only reviewed their submissions. He has not spoken with them.

Attorney Rosenberg advised that the Borough received the RFP's on May 24th. The Borough can ask each vendor to extend the 60 day deadline.

Municipal Clerk Kwasniewski stated if they extend it too much longer, it would not make a difference. Payment to BGIA has been authorized through August. All of references were checked and nothing negative was reported. The only one that she knows is the Bozza Agency.

Attorney Rosenberg advised for purpose of disclosure, his firm works with one of the vendors.

Councilmember Trawinski suggested giving Manager Stafford until the next work session for a recommendation. Mayor Tedeschi thought they could ask the vendors to give the Borough 30 days and have the Manager come back as quickly as possible with a recommendation. Deputy Mayor Weinstein stated that would be the first work session in August.

Attorney Rosenberg stated they could extend the date of the resolution from August 1st. Mayor Tedeschi stated it would have to be extended for one month. He wondered if the vendors do not agree what would be the solution. Municipal Clerk Kwasniewski said they would have to go. Mayor Tedeschi stated that next Tuesday they will make a decision.

Councilmember Trawinski stated that practically whoever they pick will be a 15 or 16 month appointment.

Mayor Tedeschi suggested holding the work session prior to the regular meeting so they could appoint the firm during the meeting. Municipal Clerk Kwasniewski stated she would have a professional service resolution prepared and just fill in the information. Mayor Tedeschi stated the work session would be at 7:00 p.m.

SHARED SERVICES ANIMAL CONTROL:

Mayor Tedeschi stated that he put this on the agenda because if they are going to continue to try to do well, they will have to talk about shared services. He thought Animal Control was an excellent place to begin. He wanted to make sure the matter does not die. Both Elmwood Park and Saddle Brook have indicated they are interested. They should start reaching out to these towns.

Councilmember Trawinski thought they should ask the Manager to have someone work on this.

Mayor Tedeschi stated they need to find a customer, then price it out so that they can live with it, see if it would cost the Borough money or make money.

Municipal Clerk Kwasniewski said that Saddle Brook had expressed interest so she thought they should put together a proposal to send to them.

Councilmember Trawinski wondered about the towns that have been shut out by the County. Mayor Tedeschi said there were people leaving the County. Councilmember Trawinski thought they should consider the ones that are leaving.

Mayor Tedeschi said the fee is based on the population. The County charges \$1.56 per person based on the census. Elmwood Park and Saddle Brook have 28,000 people. Councilmember Trawinski asked that the Manager tell them if he can come back to them within the month or six weeks.

Animal Control Officer Coates asked if the ordinance would be changed to raise the fees. Municipal Clerk Kwasniewski stated it was done by ordinance already and become effective by the beginning of September.

REVIEW OF FEES FOR MEMORIAL POOL:

Mayor Tedeschi stated that he put this on the Agenda because a member of the pool pointed out to him that the husband and wife fee is more than the family fee. He proposed that they fix the fees now. Municipal Clerk Kwasniewski

stated they would not have enough time to get the ordinance done before the pool season ends. Mayor Tedeschi proposed that they fix it now and send them a refund as soon as the ordinance is effective. He did not think it was fair for them to hear that next year the Council will look at it. It has to be fixed as quickly as they can. Municipal Clerk Kwasniewski said this is the only person who complained about it but there may be others. Councilmember Trawinski said they should authorize a refund to this person and change the ordinance for next year.

There was a unanimous consensus to refund the \$10.00 to the resident and to change the fee ordinance.

PSE&G/RESIDENT COMPLAINTS:

Deputy Mayor Swain stated there seems to be two pockets in Fair Lawn where they lose power more often than other areas. One area is on the other side of Broadway and the other one is Barry Place. Last week they lost power. One of the residents called PSE&G who handled her in a rude manner. She thought the Manager could look into these areas to see if there is a problem.

Councilmember Trawinski stated when they last looked at this. They were told by PSE&G that it had something to do with the transformer on Route 208. PSE&G also said they were not going to fix it. He suggested that either the Manager or Mayor send a letter to PSE&G asking them for the data and then copy that letter to the BPU telling them that the Borough is looking at this and would appreciate if the BPU would take a look at it. The only authority that has the power to do something is the BPU. If it does not work at the BPU the buck stops at the Governor's desk.

Councilmember Baratta stated she would love to see the data. She once lived on the south side of Broadway and it just seems like the residents got used to power outages since it happened so often even without a storm.

Councilmember Trawinski suggested authorizing the Mayor or Manager Stafford to send a letter to PSE&G looking for the data, copying Senator Gordon and the two Assembly people.

STIPEND CONVERSION TO SALARY:

Deputy Mayor Weinstein said that they had previously spoken about this at budget meetings and he was interested to find out about the stipends. They were told by the former CFO that these stipends were converted to salaries some time ago. He would like to know when that occurred, if the Council

actually authorized the salary and if so to see that authorization and how do they undo them.

Mayor Tedeschi added that they should find out when did they authorized the stipends, when they got changed to salary and what was the basis of changing them.

Councilmember Baratta stated that only a couple of them have come to them since she has been on the Council. Councilmember Trawinski stated that some of them have a long, long history. The Planning Board goes back many years ago. The Housing Liaison Officer was salary not a stipend. Mayor Tedeschi said it was a stipend. Councilmember Trawinski thought it was done by a salary ordinance. Deputy Mayor Weinstein said they ended the stipend for the Rent Leveling Board.

Deputy Mayor Swain wondered if the employees who have stipends get their stipend separately. Municipal Clerk Kwasniewski said that is the problem because it is put together. Deputy Mayor Weinstein stated when they do payroll and there is vacation or overtime, separate checks are not given. Deputy Mayor Swain stated because of the longevity it was attached to the salary. Councilmember Trawinski stated that was never the intention when they approved the stipends to be part of the salary. Councilmember Baratta wondered if they do a salary ordinance that is what happens. Municipal Clerk Kwasniewski said these were done a long time ago. Councilmember Trawinski commented there is a legal issue here, it is past practice and the Borough may not be able to fix it.

Mayor Tedeschi stated it could be past practice but it could be argued it is a change in terms and conditions of employment. They would be changing someone's job description. Attorney Rosenberg advised that he would have to consult with Labor Attorney Giblin.

Mayor Tedeschi stated that they were never advised that these stipends would meld themselves into the salary and become permanent. It would have been easier to just tell the employee that another duty has been added to their job.

Councilmember Trawinski questioned the timeframe of when this would be back on the agenda. He asked Attorney Rosenberg to report back to the Council at the first work session in September.

Mayor Tedeschi indicated that at the Board of Education, there are employees that get paid from different accounts for doing different things. Instead of it being melded into the salary the integrity of why they are being paid is maintained. Municipal Clerk Kwasniewski stated she understood what he was

saying. Here people were given additional duties and additional pay. Councilmember Baratta said basically they were given raises which was not the Council's intent. Councilmember Trawinski commented that some of them were their intent because the employee was given additional duties consistent with the position that they held. They need to find out how it got to be the way it is.

Mayor Tedeschi asked Attorney Rosenberg to get the Labor Attorney's recommendation regarding a job description which they supplement and then they want to unsupplement the job, he thought that would be a problem.

DISCUSSION RE: REVIEW OF EMPLOYEE COST SAVING MEASURES:

Deputy Mayor Weinstein stated that maybe by the end of September they should put some type of matrix together on all the various ideas that the employees gave them. He felt they should prioritize them and then come back to us with the recommendations. Municipal Clerk Kwasniewski thought the matrix was started already because she had given it to the Assistant Support Specialist, Jim VanKruiningen. Deputy Mayor Weinstein thought there should be two different charts. One which will cost the taxpayers some money for services, the other chart would be for cost economy internally. Mayor Tedeschi stated the value or the perceived value of the suggestion should be given an A,B,C value, etc. Councilmember Trawinski said he would call it the low hanging fruit which is easy, simple and not controversial. Deputy Mayor Weinstein stated the goal here is not to increase the tax basis. Councilmember Trawinski said they should realize that all of these involve some sort of taxpayer impact. He felt that the Manager should tell the employees that this was on an agenda. He did not want the employees think that the suggestions were not paid attention to.

Deputy Mayor Swain stated that some of the ideas are great suggestions but might cost some money to get implemented such as looking into parking meters. She would like to see that on the list as well. There is revenue in that. Mayor Tedeschi stated it all comes down to what is the net benefit of the suggestion.

Councilmember Trawinski stated that one suggestion the employees did not add was a reassessment prototype by the Tax Assessor. Municipal Clerk Kwasniewski stated that Tax Assessor Henderson is already working on it. Mayor Tedeschi said he brought this up to him a few months ago. One of the things he asked him to look at was the actual cost of doing it and what the benefits were. This will not bring money back to the taxpayers but it will treat them fairly.

MORLOT AVENUE EXTENSION SPEED LIMIT:

Deputy Mayor Weinstein stated he met with Freeholder Ganz regarding the issue of getting on to Morlot Avenue from Route 208. There is a small extension of roadway where the speed limit is apparently 40 mph in front of a few resident's homes. There have been a lot of complaints. The County researched it and found it is Fair Lawn's roadway and not the County's. The County believes that the speed limit should be 25 mph. He thought the Manager should ask the Traffic Safety Officer to review this matter.

ALARM ORDINANCE AND COUNCIL INVESTIGATION:

Councilmember Trawinski thought they had a defacto Council investigation going on with respect to the alarms. He wondered if they should have a Council investigation into this or whether they should have a report from the Mayor who seems to be very interested in this topic so they can figure out what and where they are going with this. He believed that the memo back and forth between the Manager and the Chief is counterproductive. If the Mayor feels it is that important the Council should do it as a Council investigation under the Faulkner Act they should have the Chief come in and have a discussion and put the matter to bed.

Mayor Tedeschi stated he did not support that. He exercises his right as any other Councilmember could do to ask questions. It was not a defacto investigation. It was seeking information which is a part of oversight responsibility. He has gotten all of the information he needs and is satisfied with what he got. His first memo went out in January and some of the responses took a few weeks. He is done with it.

Deputy Mayor Weinstein said reading all the memos and documentation; he would not go any further with this situation. The problem was corrected. After listening to what some of the ideas the Ambulance Corps members have, he thought they should look in to additional fees.

Mayor Tedeschi stated the Village of Ridgewood has a \$25.00 fee to register the burglar alarms and fire alarms. Last month in the June Manager's Report, the Police Department reported that there were 164 alarms set off. Obviously it takes time and work to monitor this. These alarms should be registered. A fee should be set for the registration. This fee would be primarily for businesses and people that want to be monitored by the town. It may represent the Borough offering a service that they can charge for which will save the taxpayers. At the minimum they have to start by registering the alarms. He received a notice in his tax bill then called the Acting Manager who was not aware of it. Municipal Clerk Kwasniewski stated they send notices out in the tax bill to save on postage.

Councilmember Trawinski stated that what stopped them from doing this years ago was the potential liability issue which they should talk to Attorney Rosenberg about. They never really explored a thorough cost service analysis to make sure the Borough was getting into something that was worth doing. They need to have the cost service analysis.

Mayor Tedeschi thought that starting out with the registration was a good idea. They should look at what other towns are doing in regard to burglar and fire alarms to see if the Borough should be doing the same thing.

Councilmember Trawinski stated there is a potential for a win-win situation because what many of them are paying for a private alarm service may far exceed the cost of the Borough doing it. He thought the registration was important. Mayor Tedeschi felt if they are incurring expenses for doing these things they should be recouped for doing those things. This could be an opportunity to not only cover the expense but to increase revenue.

Attorney Rosenberg thought there were two aspects to what the Council had discussed. One was the registration fee and the other has to have more analysis because of the potential liability coupled with the cost benefits savings for direct response. He wondered if they should be bifurcate them. Mayor Tedeschi thought they should be bifurcated because one seems to be much simpler than the other. Councilmember Trawinski thought the registration seems easier. They could make an annual registration at the 1st of the year. They will have to decide what a reasonable fee is relating to what they are doing.

CLARIFICATION OF THE PROCEDURE FOR COUNCILMEMBERS TO OBTAIN VERBATIM PORTION THEREOF:

Councilmember Trawinski indicated that he has noticed that sometimes Mayor Tedeschi asks for verbatim transcripts where he does not feel comfortable doing that even though he would have liked to have them. He wondered if any one of the Council can ask for a verbatim transcript from the Clerk's Office or is it something they as a Council should authorize.

Mayor Tedeschi said that hopefully they will get the minutes a little faster than they have been getting them. He thought on the Agenda for next week they are approving minutes from March 27, 2010, which means they are three months behind.

Councilmember Baratta stated they still are not the website. She received an e-mail from Las Vegas that minutes were not on the website. Mayor Tedeschi said that the minutes they do here are called sense minutes because the person that

took the minutes is what they believed happened. He was looking at several towns that have verbatim minutes that require the Council to take action. When he asked for verbatim minutes it was for a two minute section he needed for clarification of what was said. Councilmember Trawinski said he did not have a problem with that. Mayor Tedeschi said he loves verbatim. Mayor Tedeschi referred back to a previous manager who they negotiated a reduction in health insurance costs and they did it very knowingly because it was the predicate to asking other employees to take the same but it was forgotten a year later. Municipal Clerk Kwasniewski said the Council voted on that. It was Closed Session and those meetings are not taped. Mayor Tedeschi said they could have spoken to the record also. He said what happened was the intent or the rationale was not in the minutes. The Closed Session minutes did not say anything about it. They were senses minutes. Councilmember Trawinski agreed.

Deputy Mayor Weinstein suggested they look at the minutes so if there is any particular Councilmember who would like that particular section verbatim before they get approved they can go back and change that section before they are approved.

Councilmember Trawinski stated he was not suggesting the minutes be verbatim but wanted to know how they collectively think they should do this. Mayor Tedeschi stated the reason why he asked for it was he wanted to know what he thought happened and he didn't know. He pointed out that senses minutes are done within a week. Councilmember Trawinski stated they strive for a month. Mayor Tedeschi referred to a town that had verbatim minutes available a week later. He realized there was a cost to do it that way but there could be a benefit too. He thought that if a Councilmember wants verbatim minutes, he should get it. Councilmember Trawinski stated that he absolutely agreed with that. He just wanted to make sure about it. Councilmember Baratta stated that in the past they had to ask as a group.

Attorney Rosenberg wondered if the Council should take a consensus that the policy of the Council is that basically any Councilperson has the right to request verbatim minutes.

Mayor Tedeschi said if there is a subject you want verbatim, they will have to talk about that. Councilmember Trawinski said he was talking about a subject. Mayor Tedeschi said that they have to be clear when they are asking for verbatim minutes.

Councilmember Baratta thought it should also be put into those minutes that the section was done in a verbatim manner.

Municipal Clerk Kwasniewski stated that those are not minutes once they start doing verbatim, those are called transcripts. Mayor Tedeschi said they are called verbatim minutes versus sensed minutes. When he got on the Council in 1992, Work Sessions were not even recorded. He wondered why they need to be recorded when someone is taking notes. He felt it helps to have it recorded for when they want to hear it.

Councilmember Trawinski stated it is a two part thought, one was to have the Manager and Municipal Clerk look at it, see what the cost would be to do the minutes verbatim.

There was a unanimous consensus that on a subject matter that any Councilmember has a right to request that a transcript be made of that portion of the meeting.

Councilmember Trawinski stated it would be copied to every Councilmember. Deputy Mayor Weinstein stated that it should be noted that it is verbatim. Mayor Tedeschi said it should also be noted that it was per a certain Councilmember.

Municipal Clerk Kwasniewski questioned if besides getting the tape they would now be asking for the minutes right now or when the minutes are prepared. Councilmember Trawinski said it depends on the Councilmember's discretion or the circumstances of the subject. If there is a pressing need, that Councilmember should be able to ask for that section or it could be in the ordinary course.

Mayor Tedeschi said the other point is that this Council is faced with the oversight responsibility of this town's business, this Council, if it wants verbatim minutes and agrees it wants verbatim minutes of a section, and they shall have those minutes. It may be difficult but this is what this Council decided it wanted.

There was a unanimous consensus that depending on the subject matter, circumstances, whether it be immediate, or whether it be down the road, depending on the Councilmember's request, the minutes will be done verbatim at the point the minutes are taken or as soon afterwards as possible.

Municipal Clerk Kwasniewski stated she wanted it to be clear instead of her office having to change or retype the sections. Mayor Tedeschi stated that verbatim minutes are never corrected or amended, they are the minutes. Municipal Clerk Kwasniewski stated if they receive a set of minutes and then decide they want verbatim minutes, then they should not approve the first set of minutes.

Mayor Tedeschi asked the Manager for a procedure that they should follow and memorialize that procedure so they all understand.

Deputy Mayor Swain asked Municipal Clerk Kwasniewski to tell them what could make this process easier. Municipal Clerk Kwasniewski stated that she would like to cut the minutes down. The minutes are excessively long and longer than many towns in New Jersey. Part of the reason she leaves things in is because this is part of the history of Fair Lawn and years from now no one will remember what happened.

Councilmember Trawinski asked Municipal Clerk Kwasniewski to come back to them with the process and then tell them about the verbatim minutes. Municipal Clerk Kwasniewski said it will be memorialized in the minutes.

Manager Stafford asked if they wanted an analysis of the cost of verbatim minutes of the entire meeting. Councilmember Trawinski stated not Closed Session minutes. Mayor Tedeschi said it would probably cost about \$700 - \$800 per meeting. Municipal Clerk Kwasniewski said with four meetings, the cost of verbatim minutes was not in her budget.

GRANT FUNDING CUT FOR HEALTH PROMOTION ACTIVITIES:

Manager Stafford stated that the Health Department has been advised by the State of New Jersey that its grant funding for 2010, which would have fully funded its public education programming has been cut. Unfortunately, they have a contract with Valley Health Systems for \$10,125 however, now the amount is about half of that. As a result of the state cutting the funding, and in light of the availability of only a little bit less than \$2,000 for the remainder of the year, the Public Education portion programming will have to be decreased. The outstanding contract with Valley Health will need to be amended to reflect the cut in funding. He asked for authorization to have the Health Department approach Valley Health System with this information to negotiate the amendment to the contract to reflect the reduction in grant funding. Manager Stafford stated that will continue to do the programming that is required as the statutory minimum beyond that they will not be able to do anything.

Councilmember Trawinski asked the Manager to put this on a Shared Service's list and look at other municipalities since all of them have this problem. He felt they may be able to pool their resources and see if it would make sense to do public education on an area basis, if the Health Officer thinks it is worth it.

Municipal Clerk Kwasniewski stated that a resolution is required to amend the contract since Valley Health System has already agreed to the amendment.

JOINT INSURANCE FUND COMMISSION:

Manager Stafford stated that traditionally the Borough Manager is appointed to the commission.

There was a unanimous consensus to appoint Manager Stafford to the JIF Commission.

PROCEDURE FOR COUNCIL PACKAGES/DEADLINE FOR AGENDAS DUE TO FURLOUGH DAYS:

Municipal Clerk Kwasniewski stated that furlough Fridays will be starting on July 23rd. She suggested that they should change the procedure for delivering packages to Mondays and Thursdays. The cutoff date for the agenda will be Wednesday afternoon at the close of business. If something happens over the weekend, an item can be added it at the meeting on Tuesday night.

There was a consensus to change the days for delivery of the Mayor and Council packages and to change the cut off day to add items to the agenda to Wednesday.

SPECIAL MEETING:

Upon motion by Deputy Mayor Swain and a second by Councilmember Trawinski, the meeting was adjourned to the Special Meeting at 9:45 p.m.

Mayor Tedeschi reconvened the Work Session at 9:50 p.m.

PUBLIC COMMENTS:

Craig Miller, 5 Ramapo Terrace, spoke about an article he read regarding a first responder who crashed into an oncoming vehicle. He thought a reminder could be given to the volunteers that they should follow traffic laws.

Mr. Miller noticed on the Fair Lawn website there are no actual dates for the recycling change to another day because of the furlough days. He felt it was confusing. Councilmember Baratta stated if that is something that has to be fixed, they will look into it. Mayor Tedeschi felt the key is to keep telling people as much as possible in multiple ways. Deputy Mayor Swain suggested they announce it next week at the public meeting.

Mr. Miller mentioned an article he read about the Library closing on Fridays, but on the BCCLS website it does not show that Fair Lawn will be closing on certain

days. Councilmember Trawinski felt that Manager Stafford should talk to the Library Director.

Mr. Miller spoke about the Municipal Court's revenue being down because of not enough fines being issued. Mayor Tedeschi said that everyone is obeying the law. Councilmember Baratta said they were very safe in Fair Lawn.

CLOSED SESSION RESOLUTION:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 9:55 p.m.

WHEREAS; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel – Grievances, Labor Negotiations – PBA/SOA, Anticipated Litigation Unfunded Mandates re Municipal Court; 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 10:50 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC,CMC,MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Joseph Tedeschi

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Councilmember Ed Trawinski

Deputy Mayor Weinstein