

REORGANIZATION MEETING OF JANUARY 3, 2012

CALL TO ORDER BY THE TOWN CRIER:

Town Crier Tim Yuskaitis called the meeting to order at 7:10 p.m. and made the following statement: My fellow Americans, the ethics of this County of ours is that is up to the people, for the people and by the people. The United States of America is a Republic, a Democracy and as such, we the people gather each November in the election of our officials of government. We thank these people for exercising their voting privilege. Today, on this 3rd day of January in the year of our Lord 2012, the great citizens of this town of Fair Lawn which was built with a rich history and an overwhelming sense of community to celebrate this election process by the installation of our elected officials. May God grant these honorable persons the wisdom, stamina, courage and devotion to duty for surely they will carry the torch of freedom and stand guard of this communities well being. Thank you!

PRESENTATION OF COLORS BY POLICE DEPARTMENT AND EMERGENCY SERVICES HONOR GUARD

FLAG SALUTE LED BY ALBEE PALMERI

INVOCATION BY FATHER JOSEPH DOYLE:

Father Joseph Doyle

In accordance with the Open Public Meetings Act, annual notice of all meetings was published in "The Record" issue of December 16, 2011. Notices were also posted on the bulletin board located on the first floor of the Municipal Building; copies were mailed to The Community News and posted on the Borough of Fair Lawn website. The annual notice identified the meeting location and the time of Council Meetings and Work Sessions.

PRESENT: Councilmembers Cosgrove, Peluso, Swain, Trawinski and Baratta.

ALSO PRESENT: Municipal Clerk Kwasniewski and Assistant Municipal Clerk Bojanowski.

VOCAL PERFORMANCE BY ALLIE HAUSNER:

Allie Hausner sang the National Anthem.

SWEARING IN OF COUNCILMEMBERS COSGROVE, PELUSO AND SWAIN:

Former Assemblyman Felice swore in John Cosgrove as a Councilmember.

Assemblywoman Wagner commented that she understood the challenges that they all face together. She had the opportunity to campaign with Kurt Peluso. She sensed his enthusiasm, his love for the people of Fair Lawn and that's all good. She felt he would bring creative energy and he will add to what each person brings to the Mayor and Council so they best can serve the people of Fair Lawn.

Assemblywoman Wagner swore in Kurt Peluso as a Councilmember.

Assemblywoman Wagner said it was an honor to be swearing in Lisa Swain as Councilmember. This is the second time doing this for Lisa. She felt everyone should be so thankful to have leaders, such as Ms. Swain, in their community. Very often Ms. Swain had to make difficult decisions and she did so with grace, humility, dignity and respect for everyone. The residents in Fair Lawn are lucky to have Ms. Swain re-elected.

Assemblywoman Wagner swore in Lisa Swain as a Councilmember.

NOMINATIONS FOR MAYOR:

Councilmember Trawinski nominated Councilmember Baratta as Mayor for 2012. Councilmember Cosgrove seconded the nomination.

Councilmember Peluso nominated Councilmember Swain as Mayor for 2012. Councilmember Swain seconded the nomination.

Municipal Clerk Kwasniewski stated they vote on the motions as they were taken.

A motion by Deputy Mayor Trawinski to lay the second motion on the table was seconded by Councilmember Baratta and was passed with Councilmember Peluso and Swain dissenting.

ELECTION OF MAYOR:

There being no further nominations, the time for nominations was closed. Upon motion by Councilmember Trawinski and a second by Councilmember Cosgrove, Councilmember Baratta was elected Mayor for the year 2012 with Councilmembers Peluso and Swain dissenting.

NOMINATION FOR DEPUTY MAYOR:

Mayor Baratta nominated Councilmember Cosgrove as Deputy Mayor. Councilmember Trawinski seconded the nomination.

ELECTION OF DEPUTY MAYOR:

There being no other nominations, the time for nominations was closed. Upon motion by Mayor Baratta and a second by Councilmember Trawinski, Councilmember Cosgrove was elected Deputy Mayor with Councilmembers Peluso and Swain dissenting.

NOMINATION FOR DEPUTY MAYOR OF COMMUNITY AFFAIRS:

Deputy Mayor Cosgrove nominated Councilmember Trawinski as Deputy Mayor of Community Affairs. Mayor Baratta seconded the nomination.

ELECTION OF DEPUTY MAYOR OF COMMUNITY AFFAIRS:

There being no other nominations, the time for nominations was closed. Upon motion by Deputy Mayor Cosgrove and a second by Mayor Baratta, Councilmember Trawinski was elected Deputy Mayor of Community Affairs with Councilmembers Peluso and Swain dissenting.

SWEARING IN OF MAYOR AND DEPUTY MAYORS:

Governor Chris Christie arrived. He swore in Mayor Jeanne Baratta as Mayor.

Governor Christie swore in Deputy Mayor John Cosgrove as Deputy Mayor.

Governor Christie swore in Deputy Mayor Edward Trawinski as Deputy Mayor of Community Affairs.

NEWLY ELECTED MAYOR ASSUMES THE CHAIR:

Mayor Baratta assumed the chair.

REMARKS OF GOVERNOR CHRISTIE:

Mayor Baratta stated this is the third time she had the honor and privilege of hosting Governor Christie. She was able to introduce him with Deputy Mayor Trawinski when he was running for Governor. He was also in Fair Lawn last year at the Community Center. It was with great excitement and great privilege she introduced Governor Christie.

Governor Christie thanked the Mayor and Council for inviting him to perform the Oaths of Offices. The first of the year and the transformation of governments across the State as a result of the election held in November which is always a great time for our State. They should never ever take for granted the idea that people fight and die around the world to have the opportunity to do what they were doing tonight, peacefully and with great honor. To decide for yourselves who will govern your community, your county, your state or your country and that is why these type events are so important for him to come to as Governor.

Governor Christie reminded everyone that the authority that they have comes from the residents. The oath is very clear. It talks about governments established under the authority of the people. Sometimes in government they forget that the authority that they govern with comes from the people, not to them by birthright. That is what is so special and magic about our country.

He thanked Mayor Baratta for the invitation to be there tonight. It was a great opportunity to see some of those who he has known for several years to accomplish something that will not only be good for her but also for her community. He also congratulated the other members of the Council as well, on both parties. Governor Christie reminded them their responsibility is to be acquitted with as little regard to partisanship as possible and with the most regard for the best interest of the people in this community who pay the bills and do the work and make our State a great place.

Governor Christie felt it was wonderful to see everyone there tonight, taking time out of their schedule to acknowledge this great moment. He could not thank them enough for the opportunity to serve as their Governor. It was an incredible honor and something that he has been reminded of every day of how important it is to continue to understand that all that they do is to try to make this State a better place for all of us.

Governor Christie thanked the Mayor and Council and everyone present. He was thrilled to be in Fair Lawn, again and he will be back, he guaranteed it.

REMARKS OF THE MAYOR:

Mayor Baratta thanked the Governor for being there. She asked everyone to stand so that the Colors could be retired.

Lt. Kneer retired the Colors.

Mayor Baratta thanked Lt. Kneer and the Honor Guard.

She thanked Governor Christie again for traveling to Fair Lawn and for swearing her in. It was a great honor to have him here in Fair Lawn.

Mayor Baratta stated that admires County Executive, Kathy Donovan very much. She was a wonderful role model for so many of them. She has the privilege of working with her every day. She thanked County Executive Donovan for being there and for the opportunities she has given her.

Mayor Baratta thanked Assemblywoman Wagner for swearing in the other Councilmembers. It was always a privilege and a pleasure to have her in Fair Lawn. She thanked former Assemblyman Nick Felice, Mr. Fair Lawn. It was wonderful to have him here. For anyone that didn't know it, Mr. Felice sat on the Council as Mayor with Deputy Mayor Cosgrove's Dad back in the day. Mayor Baratta thanked Rabbi Yudin and Father Joe for being there and giving their blessings as well.

As a lifelong resident of this town, she was honored and humbled to be their Mayor. She thanked Councilwoman Swain for her service in 2011. She also wished the best to the new Councilmember Kurt Peluso and Deputy Mayor Cosgrove. She looks forward to working with them for the betterment of Fair Lawn.

Mayor Baratta thanked and acknowledged the many members of the volunteer boards who will be returning for another year and some who are not but they deserve our thanks and gratitude for giving their time to serve our town.

Fair Lawn is a special town. She knows that because of the number of people that she and her brother and sister went to school with that are still here or chose to come back to Fair Lawn. Many of them are integral parts of the community. They serve on our phenomenal Police force, as volunteers in our Fire Department, Ambulance Squad, and Rescue Squad and in so many other volunteer capacities. Right now, three of your five sitting Councilmembers are also

lifelong Fair Lawn residents and Fair Lawn High School graduates. That speaks volumes to what makes this such a great town.

Mayor Baratta stated that like the Country and the State, Fair Lawn is not immune and they are in very difficult financial times. Times where it was imperative to forget about party politics and campaign rhetoric to work together and concentrate on what is best for Fair Lawn. They need to be cognizant to the fact that their neighbors may be hurting, without jobs or going without raises or bonuses that they had come to expect. Because of this, they need to be prudent not to overburden them with wasteful spending that leads to high tax increases. They also have to balance that and be mindful that their residents have come to expect certain amenities and services that this fine town has provided them. Services and amenities that add to the character and charm of what Fair Lawn is.

Make no mistake about it, this is going to be a difficult budget process. She has been proud to be part of a Council that for the last six years that has brought stable municipal taxes to Fair Lawn. They need to continue in that vein, they need to be creative in these difficult times. Think outside of the box. Listen to the Borough employees who many are residents and tax payers of this town. They need to engage and listen to their residents. The fount of knowledge does not begin and end with the Council. She pledged to always listen, to always be available and realize that no idea is too small and she was sure her fellow Councilmembers would concur with that.

Mayor Baratta stated she attended her first Council meeting in 2001 after becoming involved with a local website called Fair Lawn News. She thanked Phil Plotch the then owner of that website and the reason she became involved in politics. She attended Council meetings, Zoning Board and Planning Board meetings for four years before she ran for Council in 2005. She was a fixture in that back row, listening and taking notes, learning everything she could about her local government. She encouraged anyone that was interested in getting involved in this town to do the same thing. Knowledge is power.

Mayor Baratta stated that she had many questions back then and continues to have many questions today. She was fortunate to have as her running mate, political veteran and a wealth of information in Ed Trawinski. He is one of the foremost land use attorney's in the State of New Jersey. In case you didn't know it, he served in the Kean Administration. She doesn't think she has ever met someone who is as generous with his time and with sharing his vast knowledge. Deputy Mayor Trawinski has taught her so much over the last couple of years that she should have an honorable law degree, for that she is forever grateful. Deputy Mayor Trawinski and she are as different as night and day but they make a pretty terrific team complementing each other. She was honored tonight that it was Deputy Mayor Trawinski that nominated her for Mayor. She thanked him.

In closing, she thanked her family that was there tonight. Her sister, Donna and her family, her big brother Pete and his wife traveled all the way from Pennsylvania to be here. Her sister-in-laws were also here. Her Aunt is also there. She thanked her Mom for being there and for holding the bible. She knows that her mother likes to stay in the background but she was sorry, not tonight.

She thanked her husband and children, Rich, Amanda, Ricky, Maria and future son-in-law, Matt. The wedding is in October and Governor you are invited to that as well. Her family is her rock and couldn't do this without their support and wonderful sense of humor which keeps her grounded.

For a moment, she wanted to talk about people they have lost. Peter Seiden, a man she had the utmost respect for and had the privilege to know because of politics and the honor of him supporting her for all of these years. He is greatly missed. Her father-in-law, Joseph Baratta, who was a true American hero. He parachuted behind enemy lines on D-Day and was such a humble great man. Her number one fan, her Dad, Robert Cartalemi, how she wished he could be there – he would be so proud.

Mayor Baratta thanked everyone for being there tonight and for giving her this extraordinary opportunity and the honor of serving Fair Lawn. Here's to a healthy, happy and prosperous 2012. God Bless all of you and may God Bless America.

REMARKS OF THE DEPUTY MAYOR:

Deputy Mayor Cosgrove wished everyone a Happy New Year and congratulated Mayor Baratta, Deputy Mayor Trawinski, Councilwoman Swain and Councilman Peluso on their election. He thanked the residents of Fair Lawn for giving him the honor and privilege to serve on this Council. There are so many people that helped him get elected that it would take all night to thank them all. He thanked his family, loved ones and friends for all their encouragement and support. He also thanked his two great running mates Pam Coles and Joan Fragala and our campaign committee for all their hard work in helping him to get elected.

He has been fortunate to live in Fair Lawn all his life. When his Grandparents traveled across the Passaic River and arrived here over 100 years ago they never dreamt that their Grandson would have the Honor of serving as the Deputy Mayor of Fair Lawn. He only wished that his parents were alive and able to be here tonight. They were the ultimate volunteers and instilled their love for Fair Lawn in me and it's because of them that I sit before you tonight.

As we all know these are difficult times but, he is looking forward to working with this Council to help shape Fair Lawn's future. Over the next 4 years he will have to deal with many complex issues while serving on this Council. He listed the goals he has set for himself:

- Try to limit the Tax burden on our residents
- Resist Overdevelopment and maintain the character of our Community.
- Create a positive environment where our employees and Volunteers can thrive.
- Maintain our local amenities, including the Memorial Pool and the Maurice Pine Public Library, to benefit today's residents as well as future generations.
- Create opportunities for commerce, assuring that our local businesses have the support they need to be successful, which will help to ease the tax burden on our residents.
- Listen to all residents about their concerns and work diligently to address them.

He concluded by saying that he is looking forward to working with the entire Council and have high hopes and great expectations for Fair Lawn's future. Thank You and God Bless You all.

REMARKS OF THE DEPUTY MAYOR OF COMMUNITY AFFAIRS:

Deputy Mayor Trawinski welcomed the newly-elected Councilmembers, John Cosgrove, and Kurt Peluso. He looks forward to working with them, Councilmember Swain and Mayor Baratta. It may not seem it tonight because there will be some issues we'll disagree on, but I'll tell you that 99 percent of the time we will agree on nearly everything. Every one of our hearts here is in the right place -- it's for the people of Fair Lawn. When we disagree, my hope is that we will learn not to be disagreeable, but to disagree like gentlemen and gentle ladies.

He will miss the healthy debates with Councilmembers and Mayors Joe Tedeschi and Steve Weinstein, but was confident that Councilmember Peluso and Councilmember Swain will provide a suitable alternative in their place.

He thanked the candidates who ran for election this year, Pam Coles, Joan Fragala and Cristina Cutrone for their willingness to step forward and run for office. Teddy Roosevelt recognized that a long time ago, when he said, it's not the person who runs for office and loses or doesn't get enough votes to win the seat, it's the rest of us when people are afraid to step forward and run, that lose. In his mind, they are winners even though they didn't get more votes than their opponents in this election. He hopes that the two of them will stay involved in whatever manner each finds appropriate.

This is the 11th Fair Lawn Council Reorganization meeting that he has had the privilege to serve as a councilmember on. It's the most invigorating that in this last election the people of Fair Lawn indicated that they didn't want a sea of change. They wanted a course correction, and a Council that would work tirelessly to solve problems and continue to do so in a cost-effective manner, as best they could, recognizing the balance that the Mayor spoke about between preserving services and cutting costs and stabilizing taxes. Anything that they can do to provide property tax relief is absolutely paramount in their minds. He renewed his pledge tonight, as in his first Council Reorganization meeting in 1996. He looked forward to working with all his colleagues on the Council in a bipartisan manner for the people of Fair Lawn.

REMARKS OF COUNCILMEMBER PELUSO:

Councilmember Peluso thanked all the dignitaries that were present. He felt it was great to see former Mayors of Fair Lawn coming to the meeting. It was an honor to campaign with Assemblywoman Wagner because it was definitely an inspiration to his campaign. He thanked County Executive Donovan for her hard work in the County and hoped that she continued to fight the good fight. He told Governor Christie that it was good to see him tonight. He too likes quotes. On April 2, 2009 the following was in the Star Ledger "Christie said he would urge lawmakers to ban anyone with a full time government job from also holding an elected position". He liked Governor Christie's fight on ethics and hoped he continued the good fight to clean up the State of New Jersey.

Councilmember Peluso thanked his family who was his inspiration. He spoke about the work his brother and sister have done for this town. His grandparents put inspiration in all of the grandchildren. He was proud of his Grandmother, Sylvia Sherman, who leads the line dance at the Senior Center. He also thanked his children, Austin and Dean Peluso, who are not here now. They are an inspiration to him to make sure Fair Lawn's good for today but also in the future. He thanked his wife Linda, his harshest critic and strongest supporter, with her by his side he felt there was nothing he couldn't do. He also thanked his parents for the work they have done in this town in education, All Sports and most recently in CERT. He felt they too have been an inspiration with the leadership they had provided.

His family does a lot for this town, and we are not unique. There are many families here in Fair Lawn that do a lot, as you see by my left in Councilman Cosgrove and his family as well. That's what makes Fair Lawn so great. We also have new families moving into this town, and they're an inspiration to us all because they don't take for granted, like so many of us do, what we have here in Fair Lawn. While we were walking door-to-door we ran into a neighbor who just moved from Cliffside Park and he couldn't believe how great Fair Lawn is, and he couldn't wait to get involved and help this town. And that's what I love about this community.

He looked forward to continuing his service to this community of Fair Lawn as he has his whole life, and he looks forward to doing that as a Councilman. There's been a lot of talk about bipartisanship. He looked forward to bipartisanship as well, but bipartisanship also means they need to let the others speak, even if they're in the minority. He was silenced tonight and it was very disheartening. He hopes they will continue to let them share their opinions with each other and work together as a bipartisan Council for what's best for the people of Fair Lawn.

REMARKS OF COUNCILMEMBER SWAIN:

Councilmember Swain welcomed the dignitaries that were present. She looked over at Nick Felice and was reminded that her father-in-law, Irv Bienstalk served with him along with John Cosgrove's father. Unfortunately he was not well enough to be there. She thanked the residents of Fair Lawn who demonstrated their confidence in her leadership as Mayor and Councilmember for the last four years and gave her the opportunity to serve for another four years. Her life has really been enriched by having the opportunity to serve them. While she will not be the Mayor this year she will always be available to them. She vowed to continue her coffee chats. Councilmember Peluso will also join her this year as they continue to listen to their neighbors. They will announce a schedule of coffees shortly.

This will be a challenging year for Fair Lawn. She understands the political realities but is disappointed by many of the appointments that will be made tonight. Most of the extremely qualified professionals, who had been working for the Borough and had reduced their fees in recognition of the tough economic times, were not reappointed. Many of the new incoming professionals have increased their fees which will have a direct impact on the budget. There were also many experienced and qualified volunteers that have served this community for years and were not reappointed on various boards and committees. It saddens her to see such highly partisan politics play a role in Fair Lawn which really doesn't serve Fair Lawn's best interest. Regardless of the political strife, she will do her best to deliver a fair budget, improve safety throughout the Borough and maintain the services that everyone relies on.

Councilmember Swain announced that the Borough of Fair Lawn has received bronze status in Sustainable New Jersey. She started the Green Team here and they have finally reached a point where the Borough will be certified with bronze status. They will continue to move on to silver and gold status.

As they embark on a new year it's important to reflect on what really matters. For each that is different, but what matters in Fair Lawn is that they support the community, that they help each other wherever possible and that they strive to make a difference and leave a positive impression on society. With that in mind, she wanted to thank her family and friends and members of the community for being so supportive so that she can try every day to make a difference in someone's life.

REMARKS OF SENATOR GORDON:

Senator Gordon offered best wishes to the new Councilmembers, Kurt Peluso and John Cosgrove.

Senator Gordon stated over the last 40 years he had served at every level of government, in Washington, the governor's office, the legislature now and 10 years as a Mayor and Councilman here in Fair Lawn.

He stated that as he looked back on that experience, he has to say that some of the most fulfilling and satisfying times were in this building, because at the municipal level, one person can have a real impact on public policy. You can walk into Room 201, and if you can convince a majority of people sitting around that table of the merit of your idea, you can see changes that will affect the quality of life of your neighbors. That is just extraordinarily fulfilling and my wish is that Councilmember Peluso, Councilmember Swain and Deputy Mayor Cosgrove, derive as much satisfaction from their service here as they begin this new chapter in their lives.

REMARKS OF BERGEN COUNTY EXECUTIVE KATHLEEN DONOVAN:

Bergen County Executive Donovan offered her congratulations to two of her own colleagues, Jeanne Baratta and Ed Trawinski.

She stated that she, Ed and Jeanne, have offices that are maybe about 20 feet from each other, so they work together, all day every day. Ed, as you know, is smart and his mind knows so many different things. You can ask Ed a particular question that perhaps we'd never have a discussion about before and he will have an answer. He's brilliant in what he does. She felt very, very lucky to have him as our County Administrator and she thanks him every day for saying yes when she asked him.

Bergen County Executive Donovan stated that her final comments were for Mayor Jeanne Baratta. She has been practicing that in her head for months, ever since the election in November. She felt it sounded wonderful, Jeanne. As everyone knows, Mayor Baratta is her Chief of Staff in the County. She also is terrific, hard working, smart and able to deal with tough issues day after day after day. Anybody in government knows that sometimes there are some

tough issues and people that are distressed and want to tell you about that, and Mayor Baratta deals with many, many things. She felt very lucky again that she said yes when she asked her to serve. She wished everyone well and she will see them tomorrow morning at work.

Daniel Dunay, 1 Hirshclau Lane, incoming President of the Republican Club, extended hearty congratulations to Mayor Baratta, Deputy Mayor Cosgrove and Deputy Mayor Trawinski and also Councilmembers Peluso and Swain. They are all very excited about the new administration and they know that there will be great things ahead. He offered a very special thank you to Governor Christie for coming to Fair Lawn tonight. He also thanked County Executive Donovan, Senator Gordon, Assemblywoman Wagner, former Assemblyman Felice and former Assemblywoman Rose Heck and to all former Mayors and Councilmembers for coming tonight. He acknowledged Barry Winston, the Democratic Chairman. He offered plaques on behalf of the Republican community for all of the Councilmembers. For Mayor Baratta they had a commemorative gavel.

Karen O'Shea, 13-34 Cummerford Place, stated it was with great pride and admiration and thanks from the Bergen Republican Committee. She congratulated all of them for their service. She stated she was so proud of Mayor Baratta.

MAYOR'S APPOINTMENTS

Mayor Baratta read the following appointments:

- a. Library Trustees –Pamela Coles, Diane Trawinski (Mayor's Designee)
- b. Environmental Commission Chairperson -Wendy Dabney
- c. Board of Education Shared Service Liaison – Councilmember Trawinski, Councilmember Peluso
- d. Planning Board designee – Thomas Carney
- e. Class II Planning Board Member – James Van Kruiningen
- f. Historic Preservation Commission – Maureen Moriarity (Class B), Amy Hummerstone (Class C)

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, the time for public comments on Agenda items only was opened.

There being no comments from the public, upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, the time for public comments was unanimously closed.

RESOLUTIONS BY CONSENT #1-2012 COUNCIL APPOINTMENTS:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, Consent Agenda 1-2012 containing the following items was unanimously passed with Resolution Nos 4-2012, 22-2012 and 46-2012 removed.

- a. Resol. No. 1-2012 - Professional Appraisal Services: Value

- Research Group
- b. Resol. No. 2-2012 - Professional Appraisal Services: McNerney & Assoc.
 - c. Resol. No. 3-2012 - Professional Bond Counsel Services: Hawkins, Delafield & Woods
 - d. Resol. No. 4-2012 - Borough Attorney: Ronald P. Mondello - *Removed*
 - e. Resol. No. 5-2012 - Professional Planning Services for Green Acres Services: Michael Hakim
 - f. Resol. No. 6-2012 - Professional Surveyor Services: Rigg Associates
 - g. Resol. No. 7-2012 - Professional Grant Writing Services: Capital Alternatives Corp.
 - h. Resol. No. 8-2012 - Professional Risk Management Services: Professional Insurance Associates, Inc. (PIA)
 - i. Resol. No. 9-2012 - Fire Officers
 - j. Resol. No. 10-2012 - Liaison to Fire Board
 - k. Resol. No. 11-2012 - Liaison to the Community Center
 - l. Resol. No. 12-2012 - Senior Citizen Advisory Board
 - m. Resol. No. 13-2012 - Rent Leveling Board
 - n. Resol. No. 14-2012 - Holiday Celebrations
 - o. Resol. No. 15-2012 - Property Maintenance/Facelift Committee
 - p. Resol. No. 16-2012 - Insurance Commissioners Self Insurance
 - q. Resol. No. 17-2012 - Fair Lawn Historical Committee
 - r. Resol. No. 18-2012 - Advisory Committee on the Americans with Disabilities Act
 - s. Resol. No. 19-2012 - Fair Lawn Borough Garden Committee
 - t. Resol. No. 20-2012 - Liaison to Alliance for Substance Abuse Prevention
 - u. Resol. No. 21-2012 - Appointments to Community Development
 - v. Resol. No. 22-2012 - Appointment of Municipal Court Judge - *Removed*
 - w. Resol. No. 23-2012 - Local Ethics Board
 - x. Resol. No. 24-2012 - Advisors to the Senior Citizen Center
 - y. Resol. No. 25-2012 - Health Educator - The Valley Hospital
 - z. Resol. No. 26-2012 - Liaisons to RRIC, BIC, EDC
 - aa. Resol. No. 27-2012 - Loss Control Services - J.A. Montgomery Risk Control
 - bb. Resol. No. 28-2012 - Child Care Physician - Edward A. Sciano, Jr. MD
 - cc. Resol. No. 29-2012 - Open Space Committee
 - dd. Resol. No. 30-2012 - Health Care Provider - Occupational Medical Assoc.
 - ee. Resol. No. 31-2012 - Public Action Compliance Officer
 - ff. Resol. No. 32-2012 - Shade Tree Advisory Committee
 - gg. Resol. No. 33-2012 - Interlocal Services Agreement with Ridgewood: Health Officer
 - hh. Resol. No. 34-2012 - Interlocal Services Agreement with Ho-Ho-Kus: Health Officer
 - ii. Resol. No. 35-2012 - Environmental Commission
 - jj. Resol. No. 36-2012 - Competivization Committee

- kk. Resol. No. 37-2012 – Appointing Joint Insurance Fund Commissioner
- ll. Resol. No. 38-2012 – Green Team Advisory Committee
- mm. Resol. No. 39-2012 – Broker of Medical and Dental: Professional Insurance Associates, Inc. (PIA)
- nn. Resol. No. 40-2012 - Health Advisory Board
- oo. Resol. No. 41-2012 – Environmental Consulting Services: Malcolm Pirnie, Inc.
- pp. Resol. No. 42-2012 – Health Care Physician – Dr. Marvin Wisch
- qq. Resol. No. 43-2012 - Volunteer Economic Development Administrator
- rr. Resol. No. 44-2012 - Authorizing Issuance of Request for Proposals for Various Professional Services
- ss. Resol. No. 45-2012 – Hold Over Appointment of Alternate Prosecutor, Claims Manager and Planner of Record
- tt. Resol. No. 46-2012- Removed
- uu. Resol. No. 47-2012 - Veteran and Volunteer Coalition

RESOLUTION NO. 4-2012 – BOROUGH ATTORNEY: RONALD P. MONDELLO

Upon motion by Deputy Mayor Cosgrove and a second by Deputy Mayor Trawinski, Resolution No. 4-2012 was discussed.

Councilmember Peluso stated he would be voting yes for Ronald Mondello but he wanted to point out that the majority did raise the hourly rate by 25%.

Councilmember Swain stated that while she will be voting for Ronald Mondello to be our new Borough Attorney, as Councilmember Peluso pointed out, Mr. Mondello did raise the fee. They were very fortunate that not only was Bruce Rosenberg an excellent Borough Attorney but he had reduced his fees seeing the tough time that the Borough was going through.

Deputy Mayor Trawinski said the 25% increase the public should understand that the rate goes from \$100 to \$125 an hour. He said if they could find an Attorney that would work for \$125.00 please let him know. The issue is never the hourly rate; the issue is the total fees. Look at the end of the year and see what the total fees billed by Mr. Mondello are and he doubted that the total fees that were paid to the prior attorneys and if they do they will limit Mr. Mondello next year. This is not about raising fees. It is about returning the rate to a reasonable rate.

There being no further discussion, Resolution No. 4-2012 was unanimously approved.

RESOLUTION NO. 22-2012 – APPOINTMENT OF MUNICIPAL COURT JUDGE

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 22-2012 was discussed.

Councilmember Swain stated that they had a Judge that was doing an excellent job, things were running very well and she saw no reason to make any changes.

There being no further discussion, Resolution No. 22-2012 was passed with Councilmember Peluso and Councilmember Swain dissenting.

RESOLUTION NO. 46-2012 - FAIR LAWN RECREATIONAL FACILITY REVIEW COMMITTEE

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, Resolution No. 46-2012 was postponed until the next Work Session.

RESOLUTION NO. 48-2012 - COMPETIVIZATION COMMITTEE

Upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 48-2012 was tabled with Deputy Mayor Trawinski and Mayor Baratta dissenting.

Mayor Baratta invited the new Borough Attorney to join them on the Dias.

Attorney Mondello stated that he was born and raised in Fair Lawn. He sat up there as Planning Board member, as Zoning Board member, as a Chairman of the Zoning Board, as a Councilman, this is so exciting for him to be here. He moved out of Fair Lawn in 2005 but his heart is in Fair Lawn. His office has been here since 1992. He was sorry to have already created some dissension, he was happy to reduce the rate to whatever the prior attorney rate was. It was not an issue. Mayor Baratta thanked Attorney Mondello.

RESOLUTION NO. 49-2012 - TAX APPEALS COUNSEL – JOHN J. O’HARA, III

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 48-2012 was discussed.

Councilmember Swain stated that this professional not only increased his fees to the Borough but he has filed 22 tax appeals against the Borough so she hoped that he would clear that up before he represents the Borough. He is also going to be charging travel time so coming from Berkeley Heights which would be an additional burden for the taxpayers of Fair Lawn.

Councilmember Peluso said he wanted to elaborate what Councilmember Swain said. The pay increase for Mr. O’Hara is 50% and hoped that he would negotiate like Attorney Mondello did. Also Berkeley Heights is 80 miles from Fair Lawn. There are a lot of fine attorneys here in Fair Lawn or in Bergen County. He did not know why they had to go to Berkeley Heights to find one for this department. He has sued Fair Lawn 22 times.

There being no further discussion, Resolution No. 49-2012 was passed with Councilmember Peluso and Councilmember Swain dissenting.

RESOLUTION NO. 50-2012 – ZONING BOARD

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 50-2012 was discussed.

Councilmember Swain stated there are a number of people, specifically Jane Spindel and Marv Diner who have given their heart and soul to this Board. Jane Spindel has been on the Garden Committee, has served on the Zoning Board for many years and has not been reappointed. Marv Diner who also is a member of the Knights of Pythias, has not been reappointed. She was disheartened that people like this were not reappointed to this Board.

Deputy Mayor Cosgrove thanked Jane Spindel for her service but Mr. Sacchinelli had been an Alternate for six years, passed over several times. They made changes to get fresh people on the Boards. Ms. Spindel is still on a lot of other committees.

There being no further discussion, Resolution No. 50-2012 was passed with Councilmember Peluso and Councilmember Swain dissenting.

RESOLUTION NO. 51-2012 – PLANNING BOARD

Upon motion by Deputy Mayor Cosgrove and a second by Deputy Mayor Trawinski, Resolution No. 51-2012 was discussed.

Councilmember Peluso stated that three members were taken off the Planning Board, Scott Osback, Joe Mele and Amy Hummerstone. He read their qualifications of the three. These are great professional who the Planning Board will lose because they are not involved politically.

There being no further discussion, Resolution No. 51-2012 was passed with Councilmember Peluso and Councilmember Swain dissenting.

RESOLUTION NO. 52-2012 – PRELIMINARY RESOLUTION UNDER AND PURSUANT TO N.J.S.A. 40:69A-93 REMOVING THE CURRENT BOROUGH MANAGER OF THE BOROUGH OF FAIR LAWN AND APPOINTING A NEW ACTING BOROUGH MANAGER

Upon motion by Deputy Mayor Cosgrove and a second by Deputy Mayor Trawinski, Resolution No. 48-2012 was discussed.

Councilmember Swain stated that this Manager left under a dark cloud a couple of years ago. Deputy Mayor Trawinski stated as a point of personal privilege, they have an agreement with the former Manager where they will not comment publicly, Councilmember Swain's comments expose the Borough to liability. He asked the Borough Attorney for his opinion.

Attorney Mondello advised if that agreement is in fact signed by the Mayor and Council and presumably executed by Mr. Metzler, they are constrained by that document.

Councilmember Swain said she would not say anything other than that. She asked Mayor Baratta about the dollar figures. She wanted to know how the current Manager would be paid for three months; they would also pay the Acting Manager. She wanted to know about the buy-out from the former Manager and if the Borough would still be paying him.

Mayor Baratta asked Attorney Mondello if the Borough would still be paying the buy out to Mr. Metzler. Attorney Mondello understood that it was a contract that was executed some time ago and it does in fact compensate Mr. Metzler so the Borough is obligated to him. Councilmember Swain said the taxpayers would be paying three people.

Councilmember Peluso said he would like to apologize to Mr. Metzler because he never had the opportunity to interview him or go through any process. He felt this was very rushed. As Councilmember Swain said, they are now going to be paying two Borough Managers for three

months. They make a six figure salary so they make a lot of money that the taxpayers have to pay. The taxpayers are who they should put first. If they really wanted Mr. Metzler to be the Borough Manager, he wondered why they couldn't wait a few months to save the taxpayers some money.

Deputy Mayor Cosgrove thought that Mr. Peluso should realize that the Borough has a lot of problems. There are millions of dollars in lawsuits and budget shortfalls. The highest ranking member of the Democratic Party stood in this room and called Mr. Metzler one of the best Managers in the State of New Jersey. They need to realize that they need someone that will hit the ground running and who knows the people and can deal with these costly lawsuits. Also he needs to motivate the employees and rejuvenate what has gone wrong here. He has worked with every Borough Manager since George Pellack over thirty five years ago and he has worked with Tom Metzler and is one of the finest Manager's he has ever met.

Deputy Mayor Trawinski thanked Tim Stafford for his service. This is not a reflection on Tim Stafford or his Managerial abilities. Tim was a good Manager but he believed that Tom Metzler was a better Manager. He wished Tim well in whatever the future holds for him.

He recalled in 2006 when he assumed office that they had a Borough Manager who did as good as she could do under the circumstances that she faced. He also recalled in the six years prior to him assuming office, taxes increased 66%, 11% a year on average. He recalled then Mayor Etlar approached Councilmember Baratta and himself and Mr. McCarthy about bringing Tom Metzler in as Manager at that time. They did. Under Tom Metzler's leadership the taxes increased a total of 6%. He believed there is no more tax payer friendly action that they can take as a Council then to bring back Tom Metzler as the Borough Manager. He believed that it rights an egregious wrong that was undertaken by some of his colleagues. If Councilmember Peluso complains about having no voice, he should have heard the people of Fair Lawn that had no voice that night when this Council Chamber was packed and trumped up charges were brought up to remove him so he didn't have to get paid. We elected to not bring up trumped up charges to Tim Stafford; instead they treated Mr. Stafford with the respect and dignity that he deserves. There will be some immediate dollar outlay to the taxpayers but he has no doubt that this outlay will pay the taxpayers of Fair Lawn huge dividends in property tax and spending relief that Tom Metzler will sheppard this Borough through. He will be voting very proudly for Tom Metzler.

Councilmember Peluso stated in reference to what Deputy Mayor Cosgrove said, with all due respect, Senator Gordon has his own opinions and so does he. He is his own voice. He was selected by the residents of Fair Lawn to have his own voice. They never had an interview; they never had a procedure that should be practical. As Borough Manager he hoped that Tom Metzler interviews his employees, he hoped that he just doesn't hire people for the various departments. By not going through the process, it is unfair to the citizens of Fair Lawn. He understood there were concerns in the past, but they should have gone through a process. They cannot right a wrong with another wrong. He was here that night of the hearing for Tom Metzler.

Councilmember Swain stated it was the Manager that requested the hearing. Everyone that came that night had an opportunity to speak that night. Everyone was able to state their opinion and was heard.

Mayor Baratta stated this was one of the proudest things she was doing tonight was righting the wrong that happened. As for an interview, Councilmember Peluso did not interview Manager Stafford either. Mr. Metzler has been interviewed. He had a very long interview with the Borough of Fair Lawn and she is proud to have him back.

There being no further discussion, Resolution No. 52-2012 was passed with Councilmember Peluso and Councilmember Swain dissenting.

At this time, Mayor Baratta invited Acting Manager Metzler to join them on the Dais.

RESOLUTION NO. 53-2012 – HOLDOVER APPOINTMENT OF AUDITOR

Upon motion by Councilmember Swain and a second by Deputy Mayor Cosgrove, Resolution No. 53-2012 was passed with Mayor Baratta and Deputy Mayor Trawinski dissenting.

MANAGER'S APPOINTMENTS

Acting Manager Metzler announced the following appointments: Prosecutor Marc Ramundo, Public Defender Vanessa Sinisi and Rent Leveling Board Attorney Charles Tregidgo.

RESOLUTIONS BY CONSENT #2-2012

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Consent Agenda 2-2012 containing the following items was unanimously passed with Resolution No. 60-2012 removed from Consent.

- a. Resol. No. 54-2012 - Cash Management Plan
- b. Resol. No. 55-2012 - Official Newspapers
- c. Resol. No. 56-2012 - Temporary Budget - Current Fund
- d. Resol. No. 57-2012 - Temporary Budget - Water Utility Fund
- e. Resol. No. 58-2012 - Petty Cash
- f. Resol. No. 59-2012 - Tax Assessment Interest
- g. Resol. No. 60-2012 - Removed
- h. Resol. No. 61-2012 - Defending Tax Appeals
- i. Resol. No. 62-2012 - Annual Sale of Delinquent Taxes
- j. Resol. No. 63-2012 - Authorizing Renewal of Massage Establishment and Massagist License: Massage Spa, Inc.
- k. Resol. No. 64-2012 - Authorizing Renewal of Massage Establishment License: BRC Sauna & Spa
- l. Resol. No. 65-2012 – Refund of Overpayment of Taxes
- m. Resol. No. 66-2012- Authorizing Renewal of Massagist License: Giselle Cavani

REMARKS OF FREEHOLDER JOHN DRISCOLL:

Freeholder Driscoll stated the Freeholder meeting was over before this Council meeting. On behalf of the Freeholder Board, Freeholder Ganz and he prepared a resolution in honor of Mayor Baratta. He congratulated her on becoming Fair Lawn's fifth female Mayor.

Mayor Baratta thanked Freeholders Ganz and Driscoll.

RESOLUTION NO. 60-2012 – ANNUAL MEETING DATES AND TIMES (COUNCIL MEETINGS ONLY)

Deputy Mayor Trawinski suggested bifurcating this resolution. If Councilmember Swain agreed because she asked for this to be pulled from the Consent Agenda, the section regarding the Mayor and Council be on Resolution No. 60-2012, the rest of the resolution would be done by Consent. Councilmember Swain agreed.

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 60-2012 was discussed.

Councilmember Swain stated the reason she pulled this off Consent was while she understood it was somewhat more convenient for less meetings and to start earlier, she thought that everyone in Fair Lawn is used to them having their meetings begin at 7:30 p.m. She felt the Council was there to serve the residents and they want to come at 7:30 p.m. The Council should continue with the same time schedule.

Mayor Baratta said that when they discussed this they were just going to try it out for a couple of months to see if it worked with everyone and if they needed to change it they would.

There being no further discussion, Resolution No. 60-2012 was passed with Councilmember Peluso and Councilmember Swain dissenting.

RESOLUTION NO. 60A-2012 – ANNUAL MEETING DATES AND TIMES

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 60A-2012 was unanimously passed.

RESOLUTION NO. 67-2012 – APPROVAL OF MINUTES:

Work Session 11/29/11
Closed Session 11/29/11
Special Meeting 11/29/11
Closed Session 11/29/11
Regular Meeting 12/6/11
Closed Session 12/6/11

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 67-2012 was passed with Deputy Mayor Cosgrove and Councilmember Peluso abstaining.

ORDINANCE ON FIRST READING:

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2232-2012

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000,
SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" MORE
SPECIFICALLY SUBSECTION 125-8**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 68-2012 introducing Ordinance No. 2232-2012 was unanimously passed.

MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, it was unanimously agreed to open the time for public comments.

Michael Rosenberg, 4-49 Hartley Place, congratulated Councilmember Swain on her re-election, John Cosgrove as Deputy Mayor and Kurt Peluso as Councilmember. On behalf of the Board of Education, they look forward to working with them on the Shared Services Committee. He told Deputy Mayor Trawinski that he has always been fair and he looked forward to hearing Councilmember Peluso's thoughts and what he has to offer.

Deputy Mayor Trawinski stated the people of Fair Lawn should know that long before the expression Shared Services was in vogue, the Mayor and Council have been engaged for almost twenty years with the School Board. He thanked the School Board for recognizing that the dollars come out of one pocket and to the extent that they can share services, it is a good thing for the taxpayers. Mr. Rosenberg agreed. He also wanted to congratulate Tom Metzler. When he first started on the Board of Education, Tom was Manager and he was always very fair.

Elisabeth Boas, 38-15 Pellington Drive, congratulated the people that have just been elected and she is so pleased that Jeanne Baratta was selected as Mayor. She thinks that women belong in politics. The town owes a lot to Deputy Mayor Cosgrove for all he has done for the Borough. To Councilmember Peluso, the young kid on the block, you have been involved but like all they have a lot to learn. She thanked Councilmember Swain for serving. She also thanked Deputy Mayor Trawinski. She welcomed Tom Metzler back. Ms. Boas wished everyone good luck.

Pam Coles, 13-34 George Street, felt the appointments to the various boards were done with integrity. They have seen the town over developed consistently. The members of this community have been over looked as Deputy Mayor Cosgrove mentioned. Thankfully the top Planning Attorney, Ed Trawinski, is now on the Planning Board. She knows the Planning Board is in good hands. The people that served in the past have served Fair Lawn well. The people that have now been appointed will bring the integrity and service to a higher level.

Ms. Coles stated that Fair Lawn has a history of rich leadership in Bergen County. Deputy Mayor Trawinski and Mayor Baratta have served not only Bergen County but also Fair Lawn well. They have cut costs and spending on the County level and know they will do the same for Fair Lawn.

She thanked Mr. Mondello for his services. It is a time of growth for him.

Ms. Coles stated that Tom Metzler's appointment was bringing just to an injustice. She was there that night and he said during his testimony that he had worked for the Council. She corrected him that he works for the people of Fair Lawn. People spoke that night but were not heard. Tonight they are being heard. She said "Welcome Home Tom Metzler".

Ms. Coles thanked Deputy Mayor Cosgrove for everything he and his family have done for Fair Lawn.

She told Councilmember Peluso it will be interesting to watch. She said she has been attending these meeting for the last ten years. She promised to challenge each and every one of them.

Jeffrey Klein, 0-57 Pine Avenue, congratulated everyone on their elections and appointments. He noticed that the majority of the Council was comfortable with using part of the two percent for services and other things. He wondered what services would be sacrificed for those fees and unnecessary salaries. He wondered what he will be losing out on for the three months salary for the Manager.

Mayor Baratta stated she was not sure about his comment about the two percent. Mr. Klein explained it was the cap that Governor Christie imposed on the Borough. Mayor Baratta thought they were in unison on how they would work together to keep the taxes stable while still providing the residents with the service they have come to know. Each and every one of them will think outside of the box and be creative during this budget process. Earlier Deputy Mayor Trawinski mentioned it was not only the hourly fee but it is quantity. They will take a look at the fees and see if they are exorbitant they will address it.

Deputy Mayor Trawinski wished that Mr. Klein was here when they were forced to pay Tom Metzler a buyout. He was glad that Mr. Klein was involved and hoped that he stayed involved.

Craig Miller, 5 Ramapo Terrace, congratulated all of them on their positions. He was glad that Tom Metzler has been reappointed.

Lisa Yourman, 66 Knottingham Road, stated she could tell by the standing ovation and the applause meter that Mr. Metzler was welcomed back to Fair Lawn. She also welcomed Ron Mondello back. The only other questions was under the old administration there were two attorneys and she wondered if money would be saved by hiring just one attorney. Mayor Baratta said that was something the Council would discuss.

Richard Trawinski, 42 Walnut Street, Elmwood Park, congratulated all of the elected and appointed officials and wanted to know how they got the Governor to come to their reorganization meeting. Elmwood Park's Mayor just entered his 11th term as Mayor.

Anna Bures, 2-27 Lyncrest Avenue, said she was a proud American and a proud Fair Lawn resident. She voiced her opinion whys Tom Metzler was removed. Tonight the right man has been put back into his job. He is a just and honorable man. She believed her faith in democracy has been restored. She congratulated everyone and especially Mr. Metzler

There being no comments, upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain the time for public comments was unanimously closed.

BENEDICTION BY RABBI YUDIN

Rabbi Yudin pronounced the benediction.

ADJOURNMENT

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Jeanne Baratta

Deputy Mayor John Cosgrove

Councilmember Kurt Peluso

Councilmember Lisa Swain

Deputy Mayor Edward Trawinski