

## WORK SESSION OF MAY 7, 2013

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

**PRESENT:** Mayor Cosgrove, Deputy Mayors Baratta and Trawinski, Councilmembers Peluso and Swain.

**ALSO PRESENT:** Manager Metzler, Municipal Clerk Kwasniewski and Attorney Mondello.

### REVIEW OF TENTATIVE AGENDA:

Councilmember Swain asked about the two ordinances for the stipends. Municipal Clerk Kwasniewski explained that it was two separate ordinances. The ordinance for existing employees was tabled.

Municipal Clerk Kwasniewski stated that the Council had approved a fee for the multi use of the Community Center for everything but the theater. She will work with Cultural Planner Schamach so they will be able to introduce the ordinance next week. Manager Metzler added that the fees will be done by percentage. Currently they charge a \$40 maintenance fee and he had suggested they include it in the monthly rates for the rentals. They have added a clause the fee is up to \$40 an hour. It would give them the flexibility to charge different fees and also save on the legal advertising.

### COUNCIL LIAISON REPORTS:

Councilmember Swain reported that the Composting Workshop was a success. There were a lot of people there that had never composted before. Some people were already composting but needed some tips. There are pictures on the website. People were able to get an idea of the benefits of composting.

The Healthy Lifestyle program is a six week program they are doing in conjunction with Valley Hospital. There was a good turnout for that last week to start the program.

She was happy to report that RRIC has donated \$300 towards the Spring Walk which will offset the cost of the giveaways they are planning. The walk is Sunday, June 9th.

The ADA Committee has talked about going to see other inclusionary playgrounds. They would like to go as a group and wondered if there was a vehicle available to take six or seven people. Manager Metzler wondered who would be driving because anyone that drives the Borough vehicle would have

to supply a copy of their driver's license to have on file. He explained that Mayor Cosgrove would be covered under the Borough insurance because he is part of the Fire Department.

There was unanimous consensus to allow the use of a Borough vehicle for the ADA Committee to view the inclusionary parks.

Mayor Cosgrove stated that the Access for All Summit will be held on Saturday, June 1 at 10:00 a.m. at the Community Center. Deputy Mayor Baratta said that date might not be set yet.

Councilmember Peluso stated that he, Mayor Cosgrove and Construction Code Official Bolan went to the FEMA meeting sponsored by the County. There is a lot of confusion about the way the flood maps are drawn out. They received a lot of information so they can better help the residents.

He and Mayor Cosgrove attended the EDC meeting which was very informative. It was great to see so many residents being proactive in helping the business districts in Fair Lawn.

Deputy Mayor Trawinski said he attended the FEMA meeting.

Deputy Mayor Baratta said she was also at the FEMA meeting. She added that she had been composting for the last 10 years and all of her plants are in the ground.

Mayor Cosgrove echoed Councilmember Peluso's comments about the EDC. They have a good group of people involved. Maggie Peters from the County is offering to help out with a plan to help recruit businesses.

Property Maintenance is meeting on Wednesday. The Community Center meeting is next week. The Fire Department's two new pieces of apparatus will be delivered probably in October or early November. Fire Co. 1 is going to proceed with the construction that had been approved. They have a bill for \$6,000 for permit fees and wondered if the Council would waive the fee. Manager Metzler did not think there was any relief the Council could give them. Municipal Clerk Kwasniewski said the problem would be that the Borough would still have to give the State the fees. Manager Metzler said it was a very slippery slope. Mayor Cosgrove said he was not aware that the Borough still had to pay the fees to the State. There will be a plant sale at Co. 2 this weekend for Mother's Day.

Friday night is the Service above Self Awards night. The honorees are John Hoitsma and Doreen Yates from the Bridges Program at the High School and Columbia Bank.

He spoke about the event dedicating the tree outside of Borough Hall for Flossie Dobrow. Flossie's son will be present because he purchased the tree on her behalf.

Mayor Cosgrove spoke about Valley Hospital's outreach program. Fair Lawn has taken full advantage of it. They spoke about their expansion and having satellite spaces to do different things as opposed to a giant addition that has met opposition.

#### **TRACKING THE AMOUNT OF TIME SPENT ON OPRA BY THE MUNICIPAL CLERK:**

Municipal Clerk Kwasniewski stated that six months ago the Council asked that her office keep track of the OPRAS for the beginning of this year. Currently they are at 240 requests, last year for the same period the number of requests were 210. She spent 45 hours, Marianne spent 24 3/4 hours on commercial requests and 4 3/4 hours and Marilyn spent 20 hours. It does not seem like a lot of time but that is just her office. Every OPRA that comes in requires the departments to spend at least that much time or more depending on what is required. Some of the requests have been smaller. She takes care of the non-routine requests and Marilyn and Marianne handled the routine ones.

Mayor Cosgrove noted that it is a considerable amount of time spent on these requests. Municipal Clerk Kwasniewski said the bad part is 90% of the responses are e-mailed to the requestors so the Borough does not collect any fees even though the work is done.

Attorney Mondello said that he had spoken to Senator Gordon. He is finishing the Appellate Division brief and he reminded him of his legislation. Senator Gordon will be pushing that legislation this week. His legislation really defines what a public record is. He quoted Judge Doyne "if in fact the plaintiff wins, that they take a copy of his decision and share it with Senator Gordon and explain to him that this is a perversion of OPRA."

Deputy Mayor Trawinski thought they should ask Municipal Clerk Kwasniewski to take the data back to the Clerk's Association and explore with the Executive Board whether other clerks are experiencing similar ratios on commercial requests. If they are, perhaps the Clerk's Association would be willing to take the lead on behalf of or with the League of Municipalities. There should be a different fee schedule for John Q Public who make request as opposed to those who are using it to make money. They know the lawyers and the Tax Appeals

outfits are abusing OPRA at the expense of the taxpayers which he felt should not be the case. They should pay a fair share for this information. Municipal Clerk Kwasniewski stated they have seven firms that send in a request every Monday. The only plus is that they come in to pick it up. Mayor Cosgrove said the intent of the law was to be transparent for the residents but the Borough should be compensated for the time and effort. Municipal Clerk Kwasniewski said when the legislature changed the fees, the number of OPRA requests sky rocketed in every town. Now with the fee of .05 cents per page they don't bother to just look at the documents they want the documents faxed or emailed.

There was a unanimous consensus to authorize Municipal Clerk Kwasniewski to share this information with the Municipal Clerk's Association.

Deputy Mayor Trawinski asked for the number of Senator Gordon's bill.

#### **POLICY FOR COMMITTEES REGARDING GRANTS:**

Manager Metzler stated that the Council had requested a proposal which was distributed six weeks ago. He asked if they wanted to move forward with it.

Deputy Mayor Trawinski thought that grants which require a municipal match or another match should come through the Council. If they do not require a municipal match and do not impact the Borough budget, then the separate groups should be able to file for it. Mayor Cosgrove thought because money is so tight in the municipal and state budgets, committees all talk about grants. They need to know that money is not available. He felt that all grants should go through the Manager's office. He can approve them and not have conflicting grants.

Manager Metzler proposed that when it is a matching grant, the committees or organization requesting the grant must show that they have their share of the amount to match before the Borough moves forward. The Borough would commit to not using that parcel of land for anything other than the proposal for up to five years. When they have their share, then they go out and do the grant application. Historically the organizations come in asking for the money after they get the grant without the Borough's knowledge.

Councilmember Swain said the only problem with that are they as a nonprofit cannot have too much money hanging around. Manager Metzler stated if after the five years and they did not generate the revenue, the Council would be in the position to tell them they will not hold the site for them any longer. It would work if they can generate the money in a year or year and a half. As money gets tighter, it gets more competitive for the grants. Within the Council's budget

there is a line item for grants and there is not a lot of money there. Councilmember Swain thought it was incumbent on all of the Council liaisons to really let the committees know that no action can be taken until the liaison goes back to the Council to get a consensus from them authorizing them to move forward.

Mayor Cosgrove said the committees would have to show how they plan to raising the money and how much they have received. However, if they do not raise enough money, the Council should be aware of that because it may be a project that they feel should be done. Manager Metzler said that then the Council would take on the project not the committee. Mayor Cosgrove said someone would have to follow up with the committees when they are supposed to raise money and if they don't there won't be any more grants. The Council has to have the fiduciary responsibility to realize they cannot hand out \$100,000 grants and not get anything in return.

There was a unanimous consensus to authorize that the Council liaisons follow up with their respective committees when they are supposed to raise money.

#### **TABLED ORDINANCE NO. 2276-2013 STIPENDS FOR EXISTING EMPLOYEES:**

Mayor Cosgrove had forwarded information that some of the existing employees had presented to him. Attorney Mondello suggested that he send this to the Labor Attorney to render an opinion on whether or not a stipend is really just additional income that should be included in someone's salary.

Councilmember Swain wondered why the ordinance was taken off. Mayor Cosgrove said there was documentation that these are not stipends. Attorney Mondello explained that the Mayor had forwarded him documents from two employees along with an ordinance that was adopted back in 1989 showing the stipends. He would be more comfortable having the labor attorney take a look at this. Deputy Mayor Baratta asked if it would be introduced at the next meeting. Municipal Clerk Kwasniewski said it was tabled with no date to come back. Councilmember Swain said that means the stipends stay as is for now. Mayor Cosgrove said they want to make sure they are doing this correctly because of the language in the documents.

There was a unanimous consensus to authorize Attorney Mondello to forward the documents to the labor attorney for his opinion.

**SUNRISE ROTARY 5K RUN:**

Mayor Cosgrove stated that once again the Rotary will hold the First Day 5K Run on January 1, 2014 if the Council approves it tonight. It has been a very well attended event. They donate the money to a lot of Borough charities.

There was a unanimous consensus to approve the First Day 5k Run.

**PROCESS FOR REQUESTING INFORMATION:**

Councilmember Swain said that she had put this on the agenda because she had been requesting budget information from CFO Palermo and the information had not come directly to her, it had gone to the Manager. On one of the requests it happened to be a Friday because CFO Palermo said it would be in her packet, but the Manager was out that day so the information was not given to her. She thought that when Councilmembers request information from the CFO, who is appointed by the Mayor and Council, copies would be made for everyone but she did not realize there was another step in the process. She thought that was how it has been done and wanted to raise the question to see what the other Councilmembers thoughts were on this. One of the reasons she felt it was important to keep it the way she perceived it was because it does give them a level of transparency that the information is going directly to the Councilmember who was requesting it.

Manager Metzler said nothing has changed, it has always gone to the Manager, and then it goes back to the CFO to send to the Councilmember. Mayor Cosgrove said that what Councilmember Swain was requesting that they get the requested information directly from the CFO and not going to the Manager. Manager Metzler stated. CFO Palermo will tell him that she received a request and he may be able to tell her what they may be looking for from the meeting where it was discussed. Municipal Clerk Kwasniewski said that CFO Palermo has always shared what she has given to the Council with the Manager. She thought the only difference this time was a slight delaying otherwise the Council probably did not even realize how it was done. CFO Palermo was just sharing with the Manager what was requested from her.

Councilmember Swain said what if she asked for information and the Manager was away for a week, then what would happen. Manager Metzler explained there would be an Acting Manager or CFO Palermo would ask if you needed it right away. Councilmember Swain was told it would be in package that day and it was not. She thought they should have a process on which they all agree on.

Deputy Mayor Trawinski felt that no change was needed in the process that they were doing. He thought Attorney Mondello should take a look at the Faulkner Act to see if even though they appoint the Treasurer, Manager and Municipal Clerk whether the language in that act say that all dealings with those individuals has to be through the Manager or not.

Manager Metzler believed that Council has the authority to go to the CFO for what they were looking for but he did not think that was the issue here. Councilmember Swain said that wasn't the issue it was the process of getting the information. Manager Metzler said they look at Administration as a team effort and try to put out a quality product. It is really a matter of trying to make sure what they are requesting is accurate and is addressing the topic based upon what was discussed. Councilmember Swain said that in his absence if anyone asks for information maybe CFO Palermo could e-mail it or copy it with a cover letter stating the Manager has not seen this.

There was a unanimous consensus to proceed with Councilmember Swain's suggestion.

### **CAMPAIGN FINANCE REFORM**

Councilmember Swain stated a resolution was circulated to the Council that she would like to get support on. She realized that they would be starting on the local level but she felt a lot of change happens at the local level with many different issues. Since Citizens United has been introduced it takes the individual's right to free speech away. A corporation is not an individual. It gives the ability of foreign governments to have an impact on US elections and now free speech is in the hands of those with money. It also disproportionately elevates the role of wealthy special interests over those without the ability to obtain access or influence. So far there are twelve states that have proposed a constitutional amendment to overturn Citizens United. She was hoping they could get this started in Fair Lawn.

Deputy Mayor Baratta said she read about the case that went before the Supreme Court; they didn't just talk about corporations. She suggested adding unions to this because that is big money there too. Councilmember Swain said this particular one is about corporations. Deputy Mayor Baratta said what Citizens United was also about those entities having so much power. She would like to add unions to the resolution as well. Councilmember Swain stated that money is influential and it takes away the right of people without money. Deputy Mayor Baratta agreed and wondered why they would leave out labor unions.

Councilmember Peluso added that the labor unions always had the right to pick and donate to campaigns but corporations did not. This amendment just changed the part about corporations.

Deputy Mayor Baratta questioned a part of the resolution that stated whereas money is property not speech. She questioned if it was meant for corporations only and not for individuals. Councilmember Swain said that was the basis of this resolution. Deputy Mayor Baratta stated that the average citizen could donate money.

Deputy Mayor Trawinski stated that Citizens United was not about campaign contributions. They are about spending. It is saying that corporations have the same right to spend as private citizens do. It said that Federal Government cannot limit those entities, corporations, union associations or individuals from spending money to influence the outcome of elections because fines were imposed upon on all of those that violated spending limits. The Supreme Court went on to say, if the first amendment has any force it prohibits Congress from fining or jailing citizens or association of citizens whether they exist in the corporate form, unions, associations, or individuals from simply engaging in political speech. If there is to be an overruling of Citizens United, certainly an amendment to the Constitution is the way to do it but he did not think, as this group was proposing, that is the way to do it. He thought they should let it wind its way through the judicial process and see whether they want to comment on these cases.

Deputy Mayor Trawinski felt if the Council did want to deal with campaign contributions and spending limits, they should adopt a resolution condemning the Freeholder Board for discarding what Citizens Campaign has fought for and that was contribution limits to political parties and taking it from an amount that was \$2,500 per election cycle and allowing it to be \$2,600 per year which means that would be \$21,400 over a four year term of a County Executive or a State Senator. It also took out wheeling even though it said in the new ordinance that wheeling is prohibited. Wheeling does not occur to any great extent among Freeholder, Surrogate or Sheriff Candidates, but it occurs from Senate candidates in safe districts. Those Senators go out and raise a lot of extra money and then they wheel it into places like Bergen County. Citizens United is very upset about the changes the Freeholder's have made. He thought the changes Deputy Mayor Baratta suggested were appropriate changes to make based upon Citizens United and the Supreme Court.

Mayor Cosgrove stated in the last Council election there was a Senator from Essex County who donated \$500. Deputy Mayor Trawinski said a decade ago when he ran for Freeholder, ten days before the election, \$1.2 million dollars came into the Democrat's coffers from Camden County and Bergen County.

Mayor Cosgrove explained wheeling. He felt it was very important to stop wheeling in our form of government.

Councilmember Swain said the issue about the Freeholder Board is another issue. Tonight she wanted to address this one. If they all agree to add unions she would change the resolution. Deputy Mayor Baratta said some of the language should be changed. She specifically mentioned the sixth paragraph where it talked about giving \$500 to someone that would be considered her right of free speech to do that.

Mayor Cosgrove suggested taking some time to read it and make suggestions. Right now there are only nine municipalities that have passed this resolution. He felt they have to worry about the issues of Fair Lawn.

There was a unanimous consensus to go back to the resolution, make the changes and carry it to another meeting.

#### **LETTER FROM GLEN ROCK REGARDING PSE&G SUBSTATION:**

Councilmember Peluso spoke about a letter they received from residents in Glen Rock with concerns of what PSE&G was doing with their substation. He requested the Manager get more information on what exactly PSE&G was doing. He felt the letter was a little vague.

Mayor Cosgrove stated that he saw the Mayor of Glen Rock at Valley Hospital who commended Fair Lawn's Zoning Board for the way they handled themselves and how they handled the PSE&G application.

Deputy Mayor Trawinski stated PSE&G is upgrading the sub-station so the section of Fair Lawn that has historically gone down because of the problems at that substation has experienced will have some relief. Even if the Zoning Board was to say no, it is ultimately the Board of Public Utilities that gets the final say on it so they would approve it anyway because it is part of PSE&G's overall upgrade with their Energy Strong program. PSE&G is investing \$3 billion dollars in infra structure in the next ten years. The expansion of the substation is expansion of capacity which is not a huge physical expansion. It does change the magnetic field emissions from the substation. It has very little impact on those residents, if any at all.

Deputy Mayor Trawinski said he did agree with Councilmember Peluso that they should talk to Glen Rock officially to find out their point exactly.

There was a unanimous consensus to authorize the Manager to talk to the officials in Glen Rock.

Councilmember Swain expressed concern about the trimming job they are doing along Routes 4 and 208. The trees are so lopsided she felt they would topple over. All this trimming is going to cause another disaster. Deputy Mayor Trawinski said they get approval from the Board of Public Utilities to trim the trees. The real problem is that the power lines are above ground and the cost of burying them is not economically feasible. Councilmember Swain said they have been so active lately with all their trucks out however she cannot see the trees survive.

Manager Metzler said prior to Superstorm Sandy they used to put in 15 foot spruces but they are not allowed to plant them anymore because they know the growth will impact on the electric wires.

#### **GLEN ROCK REPEATER/ROOF COMPANY #2:**

Manager Metzler stated that the Glen Rock Police Department has requested permission to put a repeater on the roof of Fire Co. #2. This is similar to the arrangement they have with Nabisco who has allowed Fair Lawn to use their location for a repeater.

There was a unanimous consensus to approve Glen Rock putting a repeater on Fire Co. #2.

#### **AMENDING MEMORANDUM OF AGREEMENT FOR SHARED SERVICES BETWEEN FAIR LAWN BOARD OF EDUCATION AND THE BOROUGH FOR RESIDENCY ISSUES**

Deputy Mayor Trawinski stated that the Shared Service Agreement did not provide for all the good information that the school board gets through the Community School on people who are not properly registered in the school system. That information could then get turned over to the Borough of Fair Lawn and allow the Borough to verify an illegal two family or abuses of the property tax system because it is being used as a two family. There are a variety of other things the Borough could do with that information. He thought that the Shared Services Agreement should be amended to reflect the reality of what has taken place.

Councilmember Peluso stated the Board of Education is very happy with the results they have gotten. Deputy Mayor Trawinski thought that Attorney Mondello should reach out to their attorney, Paul Green. Councilmember Swain wondered if they were still moving forward with solar power. Deputy Mayor Trawinski said they were.

Deputy Mayor Trawinski said the Shared Service Agreement should be amended. Municipal Clerk Kwasniewski stated the Board of Education has

of the agreement. Deputy Mayor Trawinski stated now the Borough would have to pass a resolution. He suggested that Attorney Mondello review the amendment to make sure everything is covered.

**EMERGENCY VOLUNTEER PHYSICAL POLICY:**

Manager Metzler stated that in 2007 the OEM Coordinator had put together a Volunteer Emergency Responder Physical Program but the problem was that no one went for the physicals. Deputy Mayor Baratta stated that she and Councilmember Swain were on the committee. Manager Metzler stated in 2010 the Council adopted a policy that all active members of the Volunteer Fire Department, Ambulance Corps, Rescue Squad, Auxiliary Police, and Emergency Management personnel, after reaching the age of 45, had to have a comprehensive physical examination by the Borough's licensed physician annually. They have no record of anyone getting that examination since the policy was put in place. The physicals were not funded in 2013 because no one had the examination. Rescue Squad and Hazmat members have physicals every year because they are required to maintain their certification. New members joining must have a physical before they become members. This annual physical for members 45 years or older are not going. They are talking about \$30,150 at \$300 a physical. There are 52 firemen over 45, 5 in Auxiliary, 2 in Rescue, 1 in OEM and 35 in EMS. He wondered since this was a Council policy if they wanted to waive the physicals for 2013 or if they wanted to put the money in the budget so they can get the physicals. If they want to continue the policy he will send letters to the members who are required to have the physical. He also wondered what the policy would be if they do not get the physical.

Councilmember Swain thought there was a stipulation in it that they could go to their own physician because there was an issue with some of the women. She wondered if it was possible that some of the members have gone to their own physician. Manager Metzler stated if they did, they did not submit the paperwork to the Borough.

Deputy Mayor Trawinski thought they adopted this policy because there was a fireman who had a heart attack. They thought it would be a good idea to put this policy in place.

Deputy Mayor Baratta stated that she and Councilmember Swain had a lot of meetings and went through the various issues with the members. They were concerned that they may be deemed to not be healthy enough to be in the Fire Department. She said they had done carve outs in the policy so that everyone would be comfortable.

Councilmember Swain felt they should go back to it and find a way to better enforce the program. Manager Metzler said the policy stated that if they did not get the physical, they will not be able to respond.

Mayor Cosgrove said he cannot vote on this because he is directly affected by this policy. Deputy Mayor Baratta would like to hear his thoughts as a volunteer.

Mayor Cosgrove stated it was a good policy to keep people healthy but the bad thing is the inference of being forced out. Deputy Mayor Baratta said that was not the intent. Mayor Cosgrove said he realized that but it is something that has not happened for 30 years and one of the reasons no one went was because they did not want to go. Manager Metzler thought that was why they made it a Council policy. Councilmember Swain said originally they had the age of 40-42 but raised it after speaking with the volunteers. If someone fails maybe that would be the incentive to get in shape. If they want to serve they know what they have to do.

Deputy Mayor Trawinski stated that their overriding obligation is to protect the residents and the tax payers. It does not do them any good if a volunteer goes in to a situation and has a heart attack nor does it protect their pocketbooks because there could be a claim against the Borough. LOSAP did not exist when the legislature provided LOSAP. The former Council provided this to the volunteers and put it into effect. The volunteers did not have a problem with that legislative change so they should not have a problem with this legislation. Mayor Cosgrove told them that Deborah Hospital has a program for fire fighters where fire fighter can go there for free but they do not use it. That is the mindset they have.

Manager Metzler spoke about the language of the policy and that it said it would be determined to be fit for service or not. He had the volunteers lined up in his office against this. Deputy Mayor Trawinski said that Deputy Mayor Baratta and Councilmember Swain had met with them and addressed their concerns. Councilmember Swain said that she was upset to hear this. Deputy Mayor Trawinski said it was disappointing. Deputy Mayor Baratta wondered how many other Council initiatives have been ignored.

Mayor Cosgrove asked for a consensus to proceed as outlined by Manager Metzler. Councilmember Swain, Deputy Mayor Baratta and Deputy Mayor Trawinski agreed to Manager Metzler's plan and to have him find the money to put in the budget. Councilmember Peluso dissented feeling it would be better in 2014. Mayor Cosgrove abstained from the vote.

**USE OF MEMORIAL POOL:**

Manager Metzler said along with the Borough of Elmwood Park and the Township of Saddle Brook they have also received a request from the Borough of Prospect Park and the Community School. The Community School is done through the Shared Services and there are no fees.

Deputy Mayor Trawinski said in the past people have complained that they are effectively shutting down the pool because they were allowing too many other people in. He wondered how many people actually use the pool. Manager Metzler said 20 to 30 out of town people use the pool. Deputy Mayor Trawinski felt they should be good neighbors and allow them to use the pool. They provide a reasonable fee in the ordinance. In regard to the Community School, they should do as they have done in the past because it benefits the children of Fair Lawn residents.

There was a unanimous consensus to authorize the use of Memorial Pool by the residents of the Borough of Elmwood Park, Township of Saddle Brook, Borough of Prospect Park and the Community School.

**REQUEST TO HIRE PERSONNEL:**

Engineering Personnel – Part Time Position - Manager Metzler stated that historically when they had a number of large projects, they hire an engineering intern paying him a labor rate as a seasonal part/timer to oversee the ongoing projects. Currently they are doing road repaving, the bump outs on Fair Lawn Avenue, the park on George Street and a major sidewalk project that has to be done because of Superstorm Sandy. The Engineer has requested a temporary part time person to monitor these projects. Councilmember Swain wondered how much this would cost. Manager Metzler explained a laborer makes around \$17 dollars an hour. Councilmember Swain asked for how long. Manager Metzler stated six months. Manager Metzler stated they can charge some of the cost to the road repaving capital funds.

Deputy Mayor Trawinski said going back many years ago they gradually undertook a philosophy and a policy that has continued to trim back the Engineering Department saying for circumstances exactly like this where they would go ahead and bring in someone on a seasonal / part time basis and have done this throughout the years. He thought it made sense.

Manager Metzler stated that Mr. Van Kruijning is going to sit down with Engineer Garrison to review what is being done by the full time personnel to make sure that it warrants the additional body. He wanted to get Council's permission because these projects will be starting.

There was a unanimous consensus to authorize the Manager to hire a seasonal part timer.

Police - Manager Metzler shared with them in general terms the concern of the Interim Chief of Police with regard to the personnel status. As they know there are three officers in the Academy that are scheduled to graduate next month. They are expected to be on the road sometime in October. They currently have one officer out on extended Worker's Comp and another officer out with a personal injury. Effectively they have eliminated everyone from the Traffic Safety Bureau. The Chief is concerned that there might be a retirement in the next three months which will generate a tremendous amount of overtime. At this particular point he thought Council would have to think in terms of if they have an additional retirement in the ranks do they want to go with hiring someone off the Rice list to get them on the road quickly or do they want to put someone in the Academy for the fall class. He suggested they keep in mind that it would be a six month turns around.

Mayor Cosgrove thought they should hire someone from the Rice list so they can go on the road instead of waiting ten more months. There will be a big gap and the overtime will kill the Borough. Manager Metzler said they are working on the analysis for the breakeven point for personnel versus reduction of overtime.

Deputy Mayor Trawinski thought the estimate of someone graduating from the Academy and being on their own in three months is optimistic. He thought field training was six months. Manager Metzler stated Fair Lawn's is 90 days. Deputy Mayor Trawinski thought the bottom line was if the retirement happens, he agreed with Mayor Cosgrove to hire off the Rice list. It will cost a little more but in the long run the Borough would save and have the officer on the road faster.

Manager Metzler said the purpose of the request was if the Council said they want to go with officers in the Academy, they would need to hire them now. He was sure in the development of the budget next year there is going to be a big hit because they have to budget for three or more officers. Next year their contract expires so they will have to start paying into the insurance. For those that are eligible to retire there will be no incentive to stay.

Councilmember Swain wondered about the analysis and if that would include the number of officers this year eligible to retire. Manager Metzler said it would be a five year span. Mayor Cosgrove said 15 were eligible but that does not mean they would retire.

There was a unanimous consensus to move forward with Manager Metzler's suggestions.

**USE OF THE JIF 2012 BRONZE SAFETY AWARD:**

Manager Metzler stated the Borough received a safety award from the JIF along with \$750. Historically the money was to pay for either a breakfast or lunch for the employees. That stipulation has been removed by the JIF. He wondered if they want to do a breakfast to recognize the fact that the Borough received the safety award or put the money into surplus. Mayor Cosgrove asked if this was past practice. Manager Metzler explained that the JIF no longer tells them what to do with the money. Mayor Cosgrove thought that the employees are the ones that earned the award so they should give them a breakfast.

There was a unanimous consensus to provide a breakfast for the employees.

**MISCELLANEOUS PUBLIC COMMENTS:**

No one signed up to comment.

Manager Metzler asked to add to Closed Session under Personnel - Water Department and under Anticipated Litigation - Police Dispatch. Municipal Clerk Kwasniewski said that there was a resignation from the Ethics Board.

**CLOSED SESSION RESOLUTION:**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 9:00 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 Anticipated Litigation - Gaelic Communications LLC, Police Dispatch, Personnel - Planning Board, Municipal Court, Water Department and Ethics Board; and

**WHEREAS;** these matters are ones which permit the exclusion of the public from such discussions; and

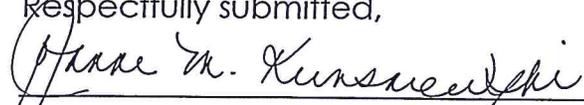
**WHEREAS;** minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

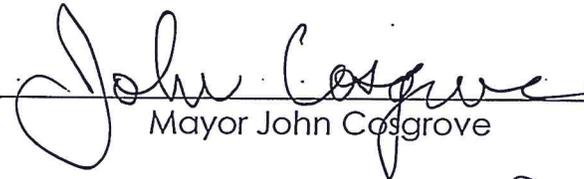
**ADJOURNMENT**

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the Work Session was adjourned at 9:25 p.m.

Respectfully submitted,

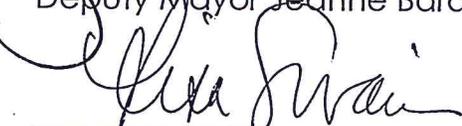
  
\_\_\_\_\_  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

  
\_\_\_\_\_  
Mayor John Cosgrove

  
\_\_\_\_\_  
Deputy Mayor Jeanne Baratta

  
\_\_\_\_\_  
Councilmember Kurt Peluso

  
\_\_\_\_\_  
Councilmember Lisa Swain

  
\_\_\_\_\_  
Deputy Mayor Trawinski