

WORK SESSION OF JUNE 11, 2013

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

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

ALSO PRESENT: Acting Manager Van Kruijning, Municipal Clerk Kwasniewski and Attorney Mondello.

CAPITAL ORDINANCE REVIEW

CFO Palermo was present.

Acting Manager Van Kruijning discussed a memo from CFO Palermo regarding changes to Capital projects scheduled for 2013.

He, CFO Palermo and the individual Department Heads affected by these changes, including the Fleet Maintenance Manager reviewed all vehicles in all departments. Since the budgets were submitted in October, 2012 they have experienced some maintenance issues with some of the vehicles. The street sweeper has accumulated \$14,000 in repairs. They have eliminated a dump truck and sewer truck from the budget because funds from previous capital ordinances are available, and have added a new mini bus due to expensive repairs to one of the mini buses.

CFO Palermo stated that she hoped to have the Ordinances ready for next Tuesday. Municipal Clerk Kwasniewski reminded her they were starting summer hours and the ordinances would need to be ready by Thursday. Deputy Mayor Trawinski asked for confirmation that to introduce the Capital Ordinances they needed a simple majority but to pass the Ordinance they needed a two thirds majority, since he would not be at next Tuesday's meeting. Attorney Mondello confirmed that that was correct. She will then email them to the Council on Monday.

There was unanimous consensus to approve the changes to the Capital Ordinance as outline above.

POLICE HIRING AND DARE PROGRAM

Interim Chief Cauwels was present.

Interim Police Chief Cauwels advised that a Sergeant is retiring on July 31st. He would like to start background investigations to fill the vacancy. Lt. Uttel reviewed the RICE list but did not find any valid candidates. He would like to do an inter-

governmental transfer, which would allow them to have an officer on the road in two or three months.

Interim Police Chief Cauwels added that they currently have three people out on disability and three officers in the Academy, so they are running the Department with 50 Police officers. It was important that they hire someone as soon as possible. Councilmember Swain asked if there was anyone in line for a promotion. Interim Police Chief Cauwels stated that they do not have a Sergeant's list right now so they cannot make a promotion.

Councilmember Swain asked where the candidate would come from. Deputy Mayor Trawinski stated that it would be someone looking to leave another town or governmental agency. Interim Police Chief Cauwels noted that the candidate usually came from a Civil Service department and the job notice would be posted on the Civil Service website as required. Acting Manager Van Kruijning stated that he agreed with Interim Police Chief Cauwels' recommendation because it will streamline the process and save months of training.

There was unanimous consensus to allow Interim Police Chief Cauwels to begin background investigations on potential candidates.

Interim Police Chief Cauwels stated that several candidates took the Sergeant's test on June 3rd. When he receives the results in September he would like to appoint one permanent Sergeant and one Acting Sergeant, who would become permanent at the end of the year. Acting Manager Van Kruijning stated that this complies with the Table of Organization. No one is being added, they are filling the void.

Councilmember Swain asked about the financial impact. Interim Police Chief Cauwels explained that currently they are operating without a Sergeant even though there is one in the Table of Organization. Acting Manager Van Kruijning stated that he will confer with CFO Palermo to obtain the cost.

Deputy Mayor Trawinski stated that he supported the appointment regardless of the financial impact and if there is no change to the Table of Organization. He felt to do otherwise exposes the Borough to litigation because of the lack of adequate supervision.

There was unanimous consensus to approve Interim Police Chief Cauwels' request to appoint one permanent Sergeant and one Acting Sergeant upon receipt of test results.

Interim Police Chief Cauwels stated that he would like to bring back D.A.R.E. in September for sixth grade students. Heroin arrests are up and prevention is the key. Manpower is low but they have devised a plan which would allow them to

earn comp time, but they would have to use it by a certain time so there would be no financial impact on the Borough. The Police officers want to do positive things in the town and this will get officers back in school. Everyone in the school is in favor of bringing back the program. Captain Kneer suggested that the officers walk through the schools during the day as part of their patrol plan. This would enable the Police to become familiar with the schools and be visible to the children.

Mayor Cosgrove asked if they had trained DARE officers. Interim Police Chief Cauwels stated that he had eight trained officers. Acting Manager Van Kruijningen stated that not every DARE class would generate comp time, but there may be times when there is less manpower on the road and they have to make adjustments. Interim Police Chief Cauwels indicated that will work out the arrangements through the Sergeant, who is also a DARE officer. Interim Police Chief Cauwels stated that he spoke to the unions and they support the idea.

Deputy Mayor Trawinski supported the idea but wondered about using retired officers to supplement the DARE officers. He suggested Attorney Mondello and Acting Manager Van Kruijningen confer with Labor Counsel to work out an agreement where they are not creating a past practice for the comp time under the labor contract. Interim Police Chief Cauwels did not support using retired officers because the information they receive in the schools can prevent and solve crimes. If they hire someone from the outside they are losing that vital communication.

Deputy Mayor Trawinski asked about using Class 1 and Class 11 Auxiliary officers. Interim Police Chief Cauwels stated that some would have to go through training. Using them would impact the Budget. Deputy Mayor Trawinski stated that the comp time can also have a fiscal impact on the budget, as sometimes the hours might have to be covered by someone incurring overtime. He agreed with Interim Police Chief Cauwels's argument that using regular Police officers brings familiarity.

Acting Manager Van Kruijningen recommended completing the fall and spring semester and then having Interim Police Chief Cauwels present the Council with a detailed report for their evaluation. They can decide next summer whether or not to continue the program.

Deputy Mayor Baratta asked if there would still be a Resource Office in the High School. Interim Police Chief Cauwels confirmed that. Acting Manager Van Kruijningen stated that he and Interim Police Chief Cauwels met with Superintendent Watson, who was very supportive of the idea. Councilmember Swain wondered if there were any studies supporting the effectiveness of the D.A.R.E. program in preventing drug use. Interim Police Chief Cauwels stated that he was never part of the D.A.R.E. program but now that he has children, he understands the impact of having a Police officer in the schools. Councilmember

Swain thought it was a great idea to have the Police officers stop in schools while on patrol, but she did not want the DARE program costing the Borough any more money.

There was unanimous consensus to approve the reinstatement of the D.A.R.E. Program, with the understanding that it be re-evaluated in one year.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk Kwasniewski stated that Mayor Cosgrove is requesting to have the cast of Fair Lawn High School's production "Runaways" at the next Council meeting. She is adding the award of bid for Bioxide and Extension of the Radio Maintenance contract. The minutes on the introduction to the Budget were corrected to reflect Deputy Mayor Baratta as making the motion and not Councilmember Swain. She also completed a sentence on page ten. Acting Manager Van Kruiningen stated that Resolution 236-2013 for 2013 Roadway Improvements is a 2012 funded project.

COUNCIL LIAISON REPORTS

Councilmember Swain stated that she and Acting Manager Van Kruiningen attended the RRIC meeting last week. The flag program is going well. They have 25 flags now but would like more for next year. There was a discussion about a possible new car wash across the street from Shop Rite. The RRIC is interested in the Master Plan and they were advised that the subcommittees were meeting.

Mayor Cosgrove explained that when he attended the first Access for All Summit, he offered to have the next summit in Fair Lawn. He did not realize that the County would be charged to use the facility. When Jim Thebery sent out the flyer it stated the event was sponsored by the County. Had the flyer said Bergen County/Fair Lawn ADA Committee "Access for All" there would not have been a fee. He felt they were charging another Government agency on a technicality after they were invited to use the Center.

Deputy Mayor Trawinski was recused.

Deputy Mayor Baratta asked if the County was charged the Governmental fee. Mayor Cosgrove stated that the ADA Committee was going to sponsor this event and under the 501(c)3 Committee would not have to pay. Mr. Thebery's flyer did not reflect the Committee's sponsorship and the Manager's office rightfully directed that the County be billed. Deputy Mayor Baratta asked if there was a cost to the Borough to hold the Summit. Mayor Cosgrove stated that the only cost was the \$100 fee for the light technician. He and Councilmember Swain discussed waiving the fee for the rental but charging for the technician. Deputy Mayor Baratta was not in favoring of waiving the fee.

There was consensus to waive the rental fee for the use of the Community Center but charge the County for the light technician, with Deputy Mayor Baratta dissenting and Deputy Mayor Trawinski recused.

Councilmember Swain stated that a member of the ADA Committee who is an advocate for a person with disabilities was upset by the way her client was treated in Municipal Court. There was rolling of the eyes and other behaviors which seemed to indicate that the person speaking before the Judge was not accepted or respected. She wondered if there was any training that the Court employees could undergo to make them better prepared to deal with people with disabilities, be it mental, physical or speech issues.

There were also concerns expressed about the mini bus. They need to come up with a better system. The bus stopped at 3:10 today so some people who went out in the morning could not get back. She stressed that she was not looking to discontinue the mini bus but was interested in supplementing the service. Pompton Lakes and River Edge have a taxi service manned by volunteers with riders paying a reasonable fee. She asked the Council's permission to have Acting Manager Van Kruijning look into such a program to supplement the mini bus.

Acting Manager Van Kruijning stated that the Council has authorized the replacement of one mini bus. He intends to present several plans for the mini bus at the June 25th Work Session. Mayor Cosgrove stressed that the entire Council supported keeping the mini bus, which was reflected in the purchase of a new bus. Acting Manager Van Kruijning agreed that they needed to look at some new options.

Councilmember Swain concluded by stating that the 3K Benefit Walk took place on Sunday with a nice turnout. Recycling Coordinator Lottermann provided canvas bags and they gave out reusable water bottles and tire gauges. The event raised \$325 for the Human Services Trust Fund. She thanked Acting Manager Van Kruijning for his help and Mayor Cosgrove for attending.

Councilmember Peluso echoed Councilmember Swain's comments about the 3K Walk. It was a great event. He attended the League of Women Voters' dinner. Mayor Cosgrove was the speaker and he did a great job. The event took place in Paramus because the League members could not find space in Fair Lawn. He asked Municipal Clerk Kwasniewski to place this item on a future Work Session. Mayor Cosgrove stated that when the League learned there was a working kitchen at the Community Center they felt that location might work. Councilmember Peluso reiterated that he would like to place this on the Work Session agenda to give the League a vote of confidence. They are a great organization who does a lot for the community. It was embarrassing not to have a place for them in Fair Lawn.

He concluded by reminding everyone that Poison Ivy was out and to be careful when they were gardening and cleaning their yards.

Deputy Mayor Trawinski stated that the BIC meeting was Thursday at 7:00 p.m. at the Community Center. He was not able to attend last night's Planning Board meeting. There was an application for a car wash next to the PSEG substation on River Road. He will receive transcripts from the Board secretary, who indicated there were several questions and concerns about traffic backing up on both sides of River Road. The hearing will continue next month.

Deputy Mayor Baratta stated that the next Open Space meeting is June 17th. Deputy Mayor Trawinski felt the meeting should proceed and perhaps another Councilmember could attend in his absence. Mayor Cosgrove stated that he will try to attend but it is also the All Sports dinner. Deputy Mayor Trawinski can attend if the meeting is moved to June 24th. Municipal Clerk Kwasniewski will look into changing the meeting date.

Deputy Mayor Baratta stated that she attended a "mass casualty" drill, with the scenario being a bomb scare at a football game at the Meadowlands that leaves thousands dead and others contaminated. People from surrounding states participated in the drill and she learned a lot.

Mayor Cosgrove attended the recent Access for All Summit. Speakers included Jim Thebery, Freeholder DiNicola, Mayor Aronsohn, who thanked the Council for inviting disabled residents from Ridgewood to use Memorial Pool and Lt. Devine. He spoke about the success of Fair Lawn's ADA Committee. He noted that Marianne Pettineo, Steve Weinstein, Superintendent Graff and Assistant Superintendent Homa will receive an award from the Arc of Bergen and Passaic County on June 20th. The Summit focused on transportation for individuals who are handicapped and providing access for all. Several participants shared their frustration about waiting at a bus stop in a wheelchair only to have the bus pass them by or not have a working lift, forcing them to wait for several more hours for a ride. There is transportation that goes north and south but not east and west.

They also discussed the abuse of handicap placards. A Police officer in Bridgewater did checks on the handicap parking spaces at the local mall and discovered that some people were using the placard of a deceased relative or utilizing fraudulent placards. He ended up bringing in \$164,000 in ticket fines. Karen Peterson has expressed frustration about people who park in the blue striped area next to the handicap spaces, preventing her from being able to utilize the lift in her car. They will try to make the public more aware. Other towns were in attendance and the ultimate goal is to get an "Access for All" committee in every Bergen County town. He was proud that Fair Lawn was leading the way.

The Shade Tree Commission gave out the lilac bushes donated by Mr. Paek, and the remaining two will be planted in the arboretum. He congratulated Jane Spindel and Jim Vander Beck for their hard work on the arboretum.

The Property Maintenance Committee was excited about the article in The Record stating that Fair Lawn was one of the towns trying to enforce their ordinance and do more about abandoned homes.

He concluded by stating that the two new fire trucks will arrive in October. Both committees have been working hard and have traveled to Pennsylvania for their inspections.

BOROUGH PROPERTY ON HEIGHTS AVENUE/LORETTA AVENUE

Acting Manager Van Kruijning stated that Manager Metzler sent surveys to residents within 200 feet of 97 Heights Avenue. Of the 20 surveys that were returned 14 requested a passive park, three requested a community garden and three favored a paved parking lot. Some suggested selling the property which they have tried to do twice. Engineer Garrison estimated that it would cost \$35,000 to remove the parking lot remnants, turn the ground over, install sidewalks, etc. to make it a passive park. Municipal Clerk Kwasniewski stated that she will forward an email she received regarding a new service to help sell municipal property to the Council.

Councilmember Swain suggested applying for a grant from Sustainable New Jersey for a passive park. Mayor Cosgrove stated that some residents feel Dobrow Complex is geared mostly towards sports so this location could be used to provide a neighborhood park. Deputy Mayor Trawinski stated that there may be Community Development Block Grant funding available. He supported a passive park over a house on an undersized lot.

There was unanimous consensus to have Acting Manager Van Kruijning research grants from the CDBG and Sustainable New Jersey to make a passive park on Heights Avenue.

Acting Manager Van Kruijning stated that he received notice that the deadline for the Bergen County Open Space Trust fund is August 29th. The new restrictions allow only one full park improvement grant per municipality. Councilmember Swain asked if it was possible to use another grant to pay for the matching portion. Acting Manager Van Kruijning stated that it was.

There was consensus to submit a grant application for Bergen County Open Space funding for the passive park.

CAMPAIGN FINANCE REFORM (RESOLUTION AGAINST CITIZENS UNITED)

Councilmember Swain stated that the changes Deputy Mayor Baratta suggested have been made. She asked for consensus to move forward with the resolution. Deputy Mayor Trawinski, Deputy Mayor Baratta and Mayor Cosgrove voted no. Mayor Cosgrove explained that he agreed with the concept but he will be introducing something to stop wheeling, which affects them locally. Councilmember Swain gave him some material to read on the background of Citizens United which had nothing to do with wheeling. Mayor Cosgrove understood that. He felt they needed to address wheeling in Fair Lawn first.

Councilmember Peluso stated that this is the third time they are discussing this resolution. Councilmember Peluso asked Deputy Mayor Baratta why she would have Councilmember Swain do extra work to make the changes as suggested when she was going to vote no anyway. Deputy Mayor Baratta stated that she was against the whole concept and leaving out the unions. She did not support this resolution at all. Councilmember Peluso felt she should have said that before Councilmember Swain went through the extra work of changing the wording. They should value each other's time.

Deputy Mayor Baratta stated that they have healthy discussions on items and do not have to agree on everything. Councilmember Peluso stated that Deputy Mayor Baratta told someone to do something. Deputy Mayor Baratta stated that she did not tell someone to do anything. Councilmember Peluso stated that they will look at the minutes as this was a recurring thing. They voted the last time Deputy Mayor Baratta was absent and the vote was 2 – 2. They brought it back up again tonight because Deputy Mayor Baratta was absent and it was their understanding that she would vote in favor of the resolution once the changes were made. Deputy Mayor Baratta stated that he misunderstood; she never said that. She did not make Councilmember Swain make the changes, she merely suggested them. Councilmember Swain stated that she was also under the impression that Deputy Mayor Baratta would support the resolution once the changes were made. Deputy Mayor Baratta stated that they misunderstood her.

Deputy Mayor Trawinski stated he did not support the resolution for different reasons. There was a common misconception that Citizens United allowed corporations to make campaign contributions in violation of the Tillman Act, which has been the law since 1907 but they did no such thing. It allowed corporations, associations and unions to make unlimited expenditures for candidates of their choice indicating that corporations, associations and unions also have First Amendment rights. The Court erred on the side of First Amendment issues. There is also a misconception that that case undid certain other provisions of how much a donor can contribute to campaigns, but that actually was decided by SpeechNow.org vs. Federal Election Commission and not Citizens United. He felt

the Court acted properly in overruling two other cases from 1990 and 1997 under Federal Election Law. He felt entities had the right to make those expenditures to candidates. Councilmember Swain stated that the origin had to do with Citizens United having an advertisement against Hillary Clinton before her campaign. It did not have to do with wheeling; it had to do with the ability to make contributions to organizations and then using the money.

Mayor Cosgrove felt that wheeling was the more pressing issue because it occurs in Fair Lawn. They should deal with issues that they can affect instead of sending "feel good" resolutions to the Supreme Court. Councilmember Swain did not view this as a "feel good" resolution. It was very important and impacted every resident. Deputy Mayor Trawinski thought it was the opposite. He quoted Justice Kennedy who said "if the First Amendment has any force it prohibits Congress from fining or jailing citizens or associations for simply engaging in political speech. The First Amendment does not distinguish between media and other corporations. These restrictions would allow Congress to suppress political speech in newspapers, books, television and blogs." He shares Justice Kennedy's concern about the broader First Amendment impact. They see Government limiting and abusing citizens' rights every day.

Deputy Mayor Baratta agreed. She felt it was ironic that unions were kept out of the original draft. Councilmember Swain stated that unions were included in the original decision but not in the resolution. She changed it to include unions because of Deputy Mayor Baratta's concerns.

CHASE PARKING LOT AGREEMENT

Attorney Mondello stated that former Manager Metzler had vetted the agreement with the appropriate department heads and Chase has met all of its obligations. The RRIC supports the contract. He asked the Council for a motion to move forward since the contract expires today.

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, it was unanimously agreed to extend the Chase Parking lot agreement for five years.

PROCEDURE WHEN BOROUGH MANAGER IS OUT OF THE OFFICE

Acting Manager Van Kruijning distributed copies of the procedure he drafted. Deputy Mayor Trawinski stated that it may sense, although it was more restrictive than necessary.

There was unanimous consensus to approve the procedure for when the Manager is out of the office.

LOCKERS IN THE PARK

Councilmember Peluso stated that after his son was cut at the park, he wondered about having a first aid kit in the park or having a locker system. They might be able to get lockers donated as schools retrofit their gyms. Each person could rent a personal locker for a small fee and use his or her own lock. Mayor Cosgrove stated that school lockers were made of steel, which will rust. They would need to have plastic lockers. Deputy Mayor Baratta thought they should discuss this with the Police Department and Recreation Department first. Acting Manager Van Kruijningen will look into it.

PEDESTRIAN SAFETY

Councilmember Swain asked for an analysis of pedestrian accidents that have occurred in the past six months of 2013 compared to last year. She wondered if there was anything they could do in terms of education to promote safety. The League of Women Voters sponsored the Pedestrian Safety Forum, which was very interesting and informative.

Mayor Cosgrove stated that the Fair Lawn Police conducted a sting operation and tickets were given out to people caught jaywalking. He was working with a Fair Lawn High School student to find a neon device that could be funded by a community organization and handed out to commuters at the train station. Deputy Mayor Trawinski stated that there was Bicycle Safety Report compiled in 1998. It might be interesting to review those statistics if listed.

Deputy Mayor Baratta stated that demographics in Fair Lawn have changed and culturally they are a different town. She would like to be able to reach out to the various ethnic groups who might have language barriers to get the word out about pedestrian safety. Councilmember Swain suggested having roving forums that take place in the Library or the Community Center. Deputy Mayor Baratta felt they should go to the residents with language barriers and find out where they are meeting. Acting Manager Van Kruijningen stated that the MEL issued a DVD that he would like to see air on Fair Lawn TV. Deputy Mayor Trawinski stated that in Morristown, pedestrians know that if they jaywalked they had a 50% chance of getting a summons. Driver's stopped for people in the crosswalks. He wondered what their Police and Council did to get the word out. He suggested having Traffic Safety Officer Franco talk to officials in Morristown.

USE OF MEMORIAL POOL

Acting Manager Van Kruijningen stated that Haledon and Woodland Park have requested permission for their residents to use Memorial Pool, similar to the agreement they have with other towns.

There was unanimous consensus to approve an interlocal agreement with Haledon and Woodland Park to use Memorial Pool.

COMMUNITY CENTER FEE EXEMPTIONS

Acting Manager Van Kruijning asked if the Council wanted to approve exemptions on a case by case basis or leave it to the discretion of the Manager. Councilmember Swain asked for some examples. Municipal Clerk Kwasniewski stated that Rotary will be applying for the third time to use the theater for their Spelling Bee. In the past they provided the insurance certificate but did not pay a fee to use the facility. Acting Manager Van Kruijning stated that the fee is also waived for the annual Knights of Pythias Awards Dinner. Mayor Cosgrove stated that the 501(c)3 Committee always felt the use of the Center would be free for charitable organizations in Fair Lawn, but they would charge other venues to supplement and cover some of the Center's expenses.

Acting Manager Van Kruijning stated that the current Ordinances states that civic and/or service organizations (not specific to the Borough) will have free use of the conference room, card room and theater from Monday through Thursday 6:30 to 10:00 p.m. based upon a policy set forth by the Borough Manager. Mayor Cosgrove stated that part should remain the same but he felt the Council should decide on exemptions for outside groups. The ordinance should also be amended to specify *Fair Lawn* civic groups. Deputy Mayor Trawinski felt they should give the Manager the discretion, provided he always advises the Council.

Deputy Mayor Baratta stated she did not have a problem with that but she did not want to see the Borough left with a tab for technician fees, maintenance or other associated costs, especially overtime. She wanted as many groups as possible to use the Community Center but she did not want the burden to fall on taxpayers. Acting Manager Van Kruijning stated that they created various levels of fees – corporate, resident, non-resident and governmental – so they would have the ability to recoup some of their operational expenses. Mayor Cosgrove explained that the County did not come and ask to use the Community Center, they were invited by the ADA Committee. As long as Fair Lawn civic groups could use the Center for free the Manager could bring other cases to the Council and they would vote.

Municipal Clerk Kwasniewski stated that the ADA Committee did not have the ability or power to waive fees. Mayor Cosgrove stated that the 501(c)3 Committee has the authority and the ADA Committee is part of the 501(c)3 Committee. Municipal Clerk Kwasniewski felt this was a slippery slope and a prime example of the tail wagging the dog. Councilmember Swain stated this is why the Manager should make a judgment. If a Councilmember has a question it can be brought up at a meeting. Acting Manager Van Kruijning stated that if he

approves a fee waiver he will notify the Council. This situation is occurring more and more frequently and he wanted to get it settled.

There was unanimous consensus to have the Manager approve requests to have the Community Center fees waived.

Acting Manager Van Kruijning stated that the current usage policy indicates that alcoholic beverages are not permitted in the Center; however, the Council has allowed alcoholic beverages to be served at some past events. He distributed his proposed changes to the ordinance for the Council to review.

Deputy Mayor Baratta noted that there would now be a \$100 fee to obtain a permit. Acting Manager Van Kruijning clarified that only non-profit organizations could apply. Mayor Cosgrove asked about the requirement to submit a drawing of the set up and listing the ages of the people attending the event. Acting Manager Van Kruijning stated that the State ABC required that information. Deputy Mayor Trawinski asked if they receive a certificate of insurance from the not-for-profits. Acting Manager Van Kruijning confirmed that they do.

There was unanimous consensus to approve the changes to the ordinance.

Acting Manager Van Kruijning stated that certificates of insurance and letter agreements for organizations such as the Girl Scouts, Boy Scouts, Knights of Pythias, All Sports, etc. are required to use the Community Center but some organizations are not supplying the required paperwork. He asked the Council if this paperwork should be required moving forward.

There was unanimous consensus that Acting Manager Van Kruijning obtains the required paperwork from any organization wishing to use the Community Center.

EMPLOYEE HANDBOOK REVISIONS

Acting Manager Van Kruijning referenced his memo dated June 3rd regarding additions to the employee handbook. The State statute requires that the Governing body may adopt a resolution regarding employees of the Borough that are active members of either the Fire Department, Rescue Squad or Medical Emergency that are able to respond to calls during work time. He would like to include the procedure that these employees must follow in the actual handbook.

Councilmember Peluso asked what the previous policy was. Acting Manager Van Kruijning stated that it was a case by case scenario in each department. All volunteer employees will receive this notice.

There was unanimous consensus to adopt a resolution allowing Borough employees who are active members of the Fire Department, Rescue Squad or Medical Emergency to respond to calls during work time.

PERSONAL RELATIONSHIPS

Acting Manager Van Kruijning stated that the procedure on Personal Relationships required an addition to the Handbook. Deputy Mayor Baratta asked Acting Manager Van Kruijning to have the Labor Attorney review the wording.

There was unanimous consensus to approve the addition of this procedure upon review by the Labor Attorney.

LEAGUE OF MUNICIPALITIES CONFERENCE

Acting Manager Van Kruijning stated that in 2011 the Council decided that they and the individual Department Heads would have to pay their own registration and hotel costs to attend the League of Municipalities Conference, and use vacation days. In 2012 the Conference was cancelled due to Hurricane Sandy. Municipal Clerk Kwasniewski explained that the Council had agreed, however, that Department Heads would be allowed to attend provided the conference costs were included in their budget and they were receiving CEU's. This item was removed from the Council's budget for 2012 and 2013.

Mayor Cosgrove asked how much the conference would cost. Municipal Clerk Kwasniewski stated that the registration has increased to \$50 and most employees budget several hundred dollars. The employees are allowed to go for two nights, but can personally pay for an additional night. She sent out a memo to all Department Heads and the only ones who have expressed interest in attending are Acting Manager Van Kruijning, herself, Assessor Henderson Health Officer Wagner and Construction Official Bolan. Superintendent Conte is not sure.

There was a unanimous consensus to allow the Borough employees to attend the Conference for two nights provided that the Conference was included in their budget.

COMMUNITY DEVELOPMENT APPOINTMENTS

There was a unanimous consensus to reappoint Councilmember Peluso to serve on the Community Development Program with Mayor Cosgrove being appointed to serve as the Alternate Member.

Deputy Mayor Trawinski stated that he was advised by the Borough Attorney that he did not need to recuse himself.

SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL ELECTION/REVISIONS TO COUNCIL MEETING DATES

Municipal Clerk Kwasniewski stated that there is going to be a special primary on August 13th and special general election on Wednesday, October 16th. Since the Primary will conflict with the August 13th Work Session, she suggested changing the meeting date to August 6th. The Regular Meeting will remain on August 20th. The October 15th meeting will also have to be changed since she will need to be in work at 5:00 a.m. the next day for the election. Since there are five Tuesdays in October, they can skip the meeting the week of the election and move all meetings one week. There are not any conflicts with Jewish holidays.

There was unanimous consensus to change the August and October meeting dates as discussed above.

Municipal Clerk Kwasniewski will email the new meeting dates to the Council.

Since they are on summer hours her staff are not allowed to be paid overtime, which is fine for Rent Leveling Board and Council Meetings. However, she felt it is unfair for them not to be paid overtime for working the Special Election in August. Deputy Mayor Trawinski indicated NJAC was working with Senator Sweeney and Governor Christie to have the State reimburse the Counties and municipalities for the expense of the elections. Municipal Clerk Kwasniewski stated that when they had an extra Presidential election in February the overtime expenses were reimbursed.

There was unanimous consensus to allow the Municipal Clerk's staff to receive overtime for the special Primary election.

MISCELLANEOUS PUBLIC COMMENTS

Ruth Gormans, 39-37 Sycamore Drive, felt the Council should ride the bus to listen to what the riders say. Mayor Cosgrove assured her that no one on the Council wants to eliminate the mini bus. Ms. Gormans continued that she heard that there was a petition against the dog park. She thought that the Animal Control Officer should do public service announcements about controlling your dog. Mayor Cosgrove advised her that they are only looking at the feasibility of a dog park. He offered to ride the mini bus. Councilmember Peluso offered to do so as well. Ms. Gormans concluded by saying that the route needed to be changed.

Craig Miller, 5 Ramapo Terrace, expressed concern about the drivers who do not stop for the pedestrians. He also felt that if meetings are cancelled the calendar on the website should be updated.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain the following closed session resolution was unanimously adopted at 9:15 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 Contract Negotiations – Hakim; Personnel – Sound Lighting Tech, Water Infrastructure Seasonal Employee, Seasonal Employee for Manager's Office, Garden Committee, Fair Lawn Arts Council and Green Team.

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

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

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

Mayor Cosgrove reconvened the meeting at 9:35 p.m. Deputy Mayor Trawinski had recused himself and left during the Closed Session.

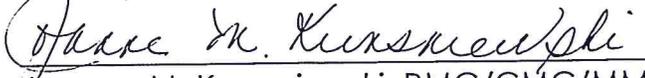
LOCAL ETHICS BOARD

Upon a motion by Deputy Mayor Baratta and a second by Councilmember, Peluso, it was unanimously agreed to appoint Richard Seibel to the Local Ethics Board.

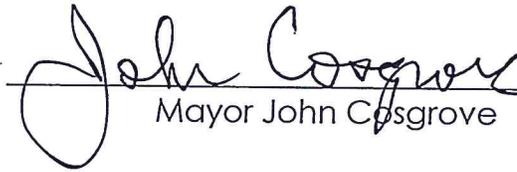
ADJOURNMENT

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, the Work Session was adjourned at 10:36 p.m.

Respectfully submitted,


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

The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



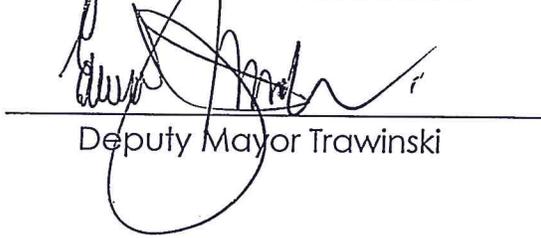
Deputy Mayor Jeanne Baratta



Councilmember Kurt Peluso



Councilmember Lisa Swain



Deputy Mayor Trawinski