

WORK SESSION OF JUNE 10, 2014

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

PRESENT: Mayor Cosgrove, Deputy Mayors Dunay and Lefkowitz, and Councilmembers Peluso.

ABSENT: Councilmember Swain

ALSO PRESENT: Manager Van Kruningen, Municipal Clerk/Deputy Manager Kwasniewski and Attorney Mondello.

RIVER ROAD IMPROVEMENT CORP PET WALK & FAIR

Don Smartt was present.

Mr. Smartt stated the first car show had 31 cars and was very successful. Everyone enjoyed themselves although the weather was not as warm as they would have liked. He thanked the Council for their support. The event ran flawlessly due to the support of the Manager and Borough staff.

He invited the Council to co-host a Pet Walk and Pet Fair, an idea suggested three years ago by Barbara Simon. The three hour event, to take place on Saturday, September 13, will promote organizations who recognize the close bond between pets and their service in keeping us well, safe and helping us live our daily lives. Three organizations - The Valley Hospital and its volunteer pet therapy program, which links pets with those who are ill as a source of comfort and support, The Bergen County Canine Unit and Morristown's The Seeing Eye, Inc., the oldest existing guide dog school in the world, have agreed to participate. They are reaching out to local businesses that are pet related. They have submitted a grant application to the Petco Foundation for \$1,750 to fund this event. Regardless, they intend to proceed with this event. Pets would be walked from station to station along River Road from Berdan Avenue to Fair Lawn Avenue. The three benefitting organizations will be stationed at key points and watering stations will be available for the pets. Local businesses outside of the area will be invited to participate for the three hour period.

Manager Van Kruningen explained that this is strictly a sidewalk sale and no roads would be closed. According to the ordinance the Council needs to designate the day as a sidewalk sale day, which they could do by resolution. A permit is required for participants but there is no fee. In discussion with the Building Department, he has found that the actual permit application does not exist, but the Construction Code Official who will create a basic form. The ordinance requires individual vendors indemnify the Borough.

Mr. Smartt noted that it is usually the vendor that gets the permit. Under their public liability policy they indemnify the Borough. Their public policy indemnifies the Borough. Manager Van Kruiningen referred that matter to Attorney Mondello, who indicated he would follow up on that.

Mr. Smartt explained that they will not be charging rent because they are making this available to local businesses that would want to come out and support the event. It is not a street fair. The only outsiders would be the three organizations and any other Fair Lawn based veterinarians.

There was a unanimous consensus to move forward with the Pet Walk & Fair.

COUNCIL LIAISON REPORTS

Councilmember Peluso reported that the Recreational Facilities Committee met. He was pleased that some improvements will be done at Memorial Pool, including a Zumba class and Aqua classes in the water, lap lanes will be installed so that people can do lap swims, one of the fountains at Walsh Pool will be relocated to Memorial Pool and there will be more recycling receptacles. These were some of the recommendations from the Pool Committee.

Councilmember Peluso stated he attended the EDC this morning with the Mayor and Manager.

Deputy Mayor Dunay stated that he has a Property Maintenance Committee meeting tomorrow night. June 16th is the meeting with the DEP regarding Blue Acres. Everyone is welcome to attend. Attorney Mondello advised that if the Councilmembers attend and do not participate it would not be a meeting of the Borough. They should also not talk about the Borough business.

He spoke about a comment that was made to him about the way pool passes have to be paid. He wondered if they moved to a system which made it easier to purchase a one day pass if it might increase attendance at the pool. He understood it might disenfranchise the people who want to buy the full seasonal pass. Councilmember Peluso said they currently have guest passes. Mayor Cosgrove stated that this matter had been discussed previously. Municipal Clerk / Deputy Manager Kwasniewski stated it was designed to discourage someone from purchasing a day pass, coming every day and end up paying less than the season pass. It might be beneficial for someone who wants to come once a week. Mayor Cosgrove stated that in the past they had reviewed different options and decided to leave it as it was. He asked that Manager Van Kruiningen send the list of fees to the Council.

Mayor Cosgrove suggested taking credit cards for payment. Manager Van Kruiningen said it will be coming soon since they approved the Community Recreational Program that will be expanded to the pool. They may eliminate the pool tags and use scanners at the gate.

Councilmember Peluso stated that the Pool Committee discussed ways to prevent people from sneaking into the pool without paying. They wondered about putting photos on the tags.

Deputy Mayor Dunay stated that the Open Space Committee approved the Recreational Open Space Inventory plan. He thanked everyone for looking it over. The number of acres reserved for recreational use and open space increased by a sizeable amount.

Deputy Mayor Lefkowitz stated that the Planning Board met and approved the new Sandvik sign that was very high tech. The Alliance for Substance Abuse Prevention met. They are coming to the end of the grant. The video project did not turn out very well. One of the videos was very good and she will see if Health Officer Wagner can display it somewhere.

Mayor Cosgrove stated that as Councilmember Peluso mentioned, he and Manager Van Kruiningen were at the EDC meeting this morning. They are waiting to get the scope of work from New Jersey Transit to the Planning Board, so that the Planner can look at it and incorporate as much as possible into the Master Plan.

The EDC is looking into choosing a project manager so they can monitor the discussions with New Jersey Transit and the County.

Mayor Cosgrove said he was asked to attend the Historic Preservation Committee meeting, where they will discuss possibly moving the Vanderbeck House. He will report back to the Council.

They are working with CarePLUS on the Stigma Free Zone. The Board of Education will be contacted by Care Plus representatives. They are going to engage the school system like they did in Paramus to distribute book marks, etc at no cost. They will be talking to President Quackenbush and Superintendent Watson to find out how they proceed.

Deputy Mayor Dunay asked the Borough Manager for a report on the current expenditure outlook on the Naugle property. When they evaluate whether the Vanderbeck house should move to the Naugle site they should have an idea of what has been spent. Manager Van Kruiningen will email it to the Council.

Mayor Cosgrove said that when he attends the Historical Preservation meeting he is just going to listen and report back to the Council. Manager Van Kruiningen reported that CFO Palermo will be coming to the June 24th meeting to talk about future budgeting and this is one of the topics. Mayor Cosgrove said he had written two letters to the County to see if they would be interested in taking over both houses but has not received a response. He has spoken to Freeholders Ganz and Felice, who said they would look into it further. The Council had a consensus that it would be good if they could get the County to take over the houses because they have the wherewithal to maintain them and do things that the Borough could not.

POLICY UPDATES FOR EMERGENCY SERVICE VOLUNTEERS

Frank Covelli was present.

He and Manager Van Kruiningen have been working on an alcohol and drug prohibition policy, with the help of OEM Coordinator Alvarez. He brought a sample alcohol and drug policy which was reviewed by Attorney Mondello and changes were made. The result is a simple policy prohibiting the use of drugs and alcohol for all emergency services volunteers: Office of Emergency Management, Fire Department, Rescue Squad, Ambulance Corps and Auxiliary Police. The Borough already has a drug and alcohol policy in its Policies and Procedures manual that impacts all Borough employees. A Police officer can be at a barbecue on Sunday and have a beer, but he knows when he is scheduled to work. An emergency volunteer is on call all the time, so they must balance their service with their personal life. The policy provides clarity in saying that the Borough has no tolerance. When a volunteer chooses alcohol, they have chosen not to respond to a call. They have added Appendix A, which reiterates there is prohibition for illegal drug use and that it will not be tolerated.

Each of the agencies' chiefs are assigned responsibility for monitoring compliance with this policy at their respective stations and with municipal apparatus and vehicles assigned to their respective agency. Any member of the Emergency Services has a responsibility to report observations of members who are in violation of this policy. Each volunteer is made aware of this or reminded of this policy and they will execute it on an annual basis.

Deputy Mayor Dunay asked what the penalty was for violation. Mr. Covelli stated any violation shall result in disciplinary action up to and including dismissal and may be subject to criminal prosecution, such as in the case of driving under the influence. If a volunteer was driving while drunk, it goes beyond the scope of the Emergency services organization and now becomes a legal issue for the volunteer.

Councilmember Peluso asked Manager Van Kruijning how he felt about this policy as an emergency services volunteer. Manager Van Kruijning stated that he was in total agreement with the policy. Mr. Covelli stated that they have already run the policy by the emergency services leaders, who were either neutral to the idea or favored it. They understood the necessity for being proactive and providing clarity.

Deputy Mayor Dunay questioned the varying language, such as a volunteer shall not operate a vehicle after consuming alcohol, while another section refers to a volunteer who has been consuming. He wondered if there was a difference. There is also a section that refers to someone who is impaired and yet another section references volunteers who are free from the effects of alcohol. He felt they should use the same language in all the sections if it meant the same thing or specify if they meant something different. Mr. Covelli stated they were trying to address different scenarios. They are saying that emergency volunteers should not consume any alcohol before they respond. They could be at a dinner or event for their organization where people have consumed alcohol. A duty crew should be formed from within or called upon from another community to service while that unit is out of service. The language refers to volunteers in different stages.

Deputy Mayor Dunay stated he could envision a circumstance where a volunteer knows they had a drink but did not feel they were impaired or were free from the effects of alcohol. Did they mean that if a volunteer had a drink they were not allowed to participate in any response? Attorney Mondello stated it was his understanding that someone drinking any alcohol fell into all categories. Deputy Mayor Dunay felt the policy should specify that any volunteer who consumed alcohol within a specific period of time is not to participate.

Mr. Covelli used the example of a volunteer who mows his grass and then has a beer. Two hours later an alarm goes out. Did the volunteer consume the beer and was it an impairment. The answer is that it probably was not. He felt it became burdensome when they became too specific. The volunteers are adults. If they believe they are under the affect or alcohol or will be, then they should release themselves. Attorney Mondello stated that the JIF has spent some time creating language. They should see if it works and tweak it a year from now if necessary.

Mr. Covelli clarified this was not the JIF's policy. He took something developed by another department and modified it for their use. However, the JIF has endorsed this type of process and felt Fair Lawn would be looked upon favorably. The Executive Director of the JIF called and asked why alcohol shouldn't be banned in every firehouse. Mr. Covelli told him they would not be

solving any problems. He believed this was the most prudent and proper way to proceed.

Deputy Mayor Lefkowitz stated she could imagine a scenario where an emergency services member who has consumed alcohol, but was not driving or operating the apparatus and was not responding in a personal or municipal vehicle, responds to a call (perhaps walking down the block) while they are impaired. She did not see any language barring them from participating in the emergency activity or performing an emergency service such as CPR. Mr. Covelli stated that if a volunteer who is impaired presents himself at the scene, the person in charge of the scene will make the determination as to whether the volunteer violated the policy. Deputy Mayor Lefkowitz felt there should be a statement barring an impaired volunteer from participating in the emergency event. Manager Van Kruijning suggested adding the wording "or shall not participate at any scene or activation" to the impaired section.

Deputy Mayor Dunay questioned the different standards, particularly one asterisked item. Manager Van Kruijning suggested removing that section because with the prohibition list on the sign in sheet that must be signed, they are basically stating zero tolerance. He wants volunteers to look at this in every possible way and realize they cannot participate. He does not want anyone responding to a scene under the influence of any amount of alcohol. Attorney Mondello stated that they would have to change item #5, because impaired does not equal a volunteer having a beer and then going on a call four hours later.

Mr. Covelli stated that they were trying to set a standard but not make it cumbersome on the volunteer. A reasonable person knows where to draw the line. Deputy Mayor Lefkowitz felt they could leave the policy as is and have the different standards. She agreed they should remove the starred item, as the acknowledgement part allows the volunteer to police himself.

There was consensus to amend the policy by deleting the asterisk on Appendix A and adding the wording "or shall not participate at any scene or activation" under prohibitions, with Mayor Cosgrove recused.

STIGMA FREE TASK FORCE

Mayor Cosgrove reported that CarePlus of New Jersey will be engaging the Board of Education. Tara Augustine and Maureen Moriarty will be working with the ADA Committee meeting. Manager Van Kruijning suggested doing a resolution establishing the Task Force and identifying the members.

There was consensus to draft a resolution establishing the Stigma Free Task Force.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk/Deputy Manager Kwasniewski stated that she is adding two resolutions: Approving the Work Session and Closed Session minutes for May 20th and awarding the Roadway Improvement bid.

She stated that the tentative agenda contains a renewal of a liquor license. There are five licenses that have not yet received their tax clearance and/or filed their liquor license application, despite letters and phone call reminders. One application is supposed to be dropped off tomorrow and can be added to the agenda. She may have to add a special meeting at the end of the Work Session to approve the others. Some are in danger of losing their license because they have not filed a renewal application. If the one applicant does not come in tomorrow the resolution will be removed. Two other organizations are working with the Division of Taxation and she checks the list daily to see if the clearance has come through.

Mayor Cosgrove stated that he wanted to mention the thank you card he received from the Palmieri family regarding the street naming at the Promenade in memory of Albee Palmieri.

WATER BILL WAIVER REQUEST: 11-01 LONG ROAD

Manager Van Kruijning stated that the Council authorized waiving a water bill charge as a result of a broken water pipe in the residence. At the time they received the documentation from the Water Department, it was in between billing periods. They waived the fee for the first billing period but the water continued to run for three more weeks, resulting in a second quarter water bill of \$1,703. Superintendent Neggia confirmed that Emergency Services responded and shut off the water and it has remained turned off due to significant damage to the home. The resident has asked the Borough to waive the charges for that three week period.

Deputy Mayor Dunay asked how much was waived the first time. Manager Van Kruijning stated that it was \$1,477. He suggested waiving half - \$850. Deputy Mayor Dunay suggested allowing the resident to pay the remaining half on a payment plan. Municipal Clerk/Deputy Manager Kwasniewski wondered if they should establish a time period for paying the balance. Mayor Cosgrove suggested the residents be allowed to pay \$850 over the next three months.

There was consensus to waive \$850.00 and allow the resident to pay the balance over three months.

SIGNAL OUTDOOR ADVERTISING BUS SHELTER AGREEMENT

Manager Van Kruijning explained that the Borough had an agreement with Amherst Advertising, which has been purchased by Signal Outdoor Advertising. The no-cost, full maintenance agreement included insurance, snow removal and advertising on four bus shelters: Broadway and 30th Street, Broadway and Whitehall Avenue, Fair Lawn Avenue and George Street and Plaza and Morlot Avenue. The 15-year agreement went into effect July, 1995 and expired in 2010. There has been no activity for the last four years.

The company submitted a new 15 year agreement that will pay the Borough \$1,200 per shelter. He recommended proceeding with the agreement, which is being reviewed by Attorney Mondello. The company is also willing to retro fit and redesign with NJ Transit's approval any other existing shelters that the Borough owns, place their advertising, maintain the shelter and pay the same \$1,200 fee.

Deputy Mayor Dunay asked if NJ Transit owned the shelters. Manager Van Kruijning stated that Signal Outdoor Advertising has an agreement with NJ Transit that allows them to do this, provided they put up a specific design shelter that meets NJ Transits requirements. There is a clause that allows the Borough to censure advertising they feel is not appropriate.

There was consensus to approve a 15 year agreement with Signal Outdoor Advertising as outlined above.

LEAGUE OF MUNICIPALITIES CONFERENCE

Manager Van Kruijning stated that last year the Council authorized paying the cost for employees to attend the League of Municipalities Conference for two nights and their registration fee, provided it was budgeted.

Since the League has expanded their training sessions, he would recommend allowing employees to go for three nights, provided it is budgeted and paying their registration fee. This item was cut from the Council's budget in 2012 and 2013, but Municipal Clerk/Deputy Manager Kwasniewski included the costs for the conference, registrations and hotels in this year's budget and it was approved. Superintendent Graff, Health Officer Wagner, Construction Official Bolan, Assistant Tax Collector Grassi, Municipal Clerk/Deputy Manager Kwasniewski, Manager Van Kruijning, Assessor Henderson, Planning Board Secretary Hochkeppel and the Planning Board Chairman have all expressed an

interest in attending. No one from the Zoning Board has expressed an interest in attending. All the people attending earn CEU's, including the Planning Board secretary who must maintain her Land Use and Affordable Housing certifications.

Councilmember Peluso asked if they have ever paid for a volunteer to attend in the past. Municipal Clerk/Deputy Manager Kwasniewski stated that they have allowed the chairs of the Planning and Zoning Boards to attend, as those Board members also have to obtain CEU's and there are sessions geared toward them. Councilmember Peluso wondered where they draw the line if the entire Planning Board and Zoning Board needed to obtain CEU's. Municipal Clerk/Deputy Manager Kwasniewski explained that the Council decided several years ago just to pay for the Chairperson, although anyone can attend at their own expense. Councilmember Peluso felt they should pay for employees to attend the conference but not the volunteer Zoning Board or Planning Board chairpersons. Deputy Mayor Dunay did not think they should pay for the Council. Manager Van Kruijningen stated the amount was included in the budget but it was the Council's decision.

Mayor Cosgrove agreed that the Borough should not pay for the Council's hotel costs, transportation and other expenses associated with the Conference. However, he felt the Borough should pay the \$50 registration fee. Councilmember Peluso felt the Borough should also pay the registration fee for the Planning Board Chairperson. Deputy Mayor Dunay stated that it was his understanding that it was highly valuable to attend the conference. He supported paying the registration fees.

Deputy Mayor Lefkowitz inquired as to the cost of the room. Municipal Clerk/Deputy Manager Kwasniewski stated that Taj Mahal was \$89 per night, but other hotels are \$129 - \$159 per night.

Councilmember Peluso suggested paying the registration fee for the Planning Board and Zoning Board members, provided they paid their other expenses. Deputy Mayor Lefkowitz stated that although the chairmen of the Planning and Zoning Boards are volunteers, they do a lot of work. The Council receives a nominal stipend but the chairpersons are not financially compensated. She felt they should cover the cost of the \$89 room.

There was consensus to pay for Borough employees to attend the League of Municipalities Conference for up to three nights, and pay the \$50 registration fee for all volunteers, the Mayor and Council and members of the Planning Board and Zoning Board, with Deputy Mayor Lefkowitz dissenting.

MISCELLANEOUS PUBLIC COMMENTS

Ruth Gormans, 39-37 Sycamore Drive stated that residents who use the mini bus seem to prefer the old system. However, she felt it was an important benefit that elderly people are being picked up at their home. Mayor Cosgrove stated that he and Manager Van Kruijningen were at the Senior Center and the new system got rave reviews. The new bus is beautiful and they now have a reliable substitute driver.

Ms. Gormans stated that when residents go to Shop Rite or Pathmark, the bus should not leave until a head count is taken to ensure that no one is left behind. She wondered if Shop Rite could announce that the bus was there. Mayor Cosgrove stated that they will talk to Shop Rite about making an announcement five or ten minutes before the bus leaves.

Ms. Gormans felt there should be extra seating or a tented area with seating at the Street Fair where people could sit and rest. Mayor Cosgrove stated that the event was run by the Chamber of Commerce, but he will bring it to their attention at their next meeting.

Craig Miller, 5 Ramapo Terrace felt the policy about liquor and use of Borough vehicles should be extended to all Borough employees. Mayor Cosgrove explained that the policy for volunteers was triggered by an incident that occurred in another town. They wanted to be proactive. The policy is already in effect for Borough employees.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, the following closed session resolution was unanimously adopted at 8:55 p.m.

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

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel - Shade Tree Advisory Committee, Fair Lawn Arts Council and Contract Negotiations - Rys 0-82/0-86 Saddle River Road; and

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

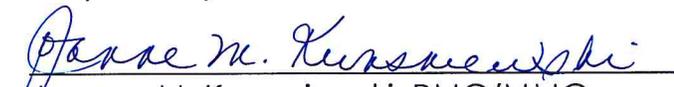
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

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.

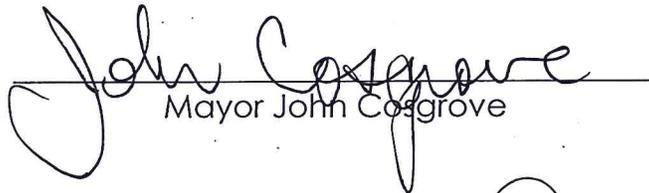
ADJOURNMENT

Upon motion by Deputy Mayor Lefkowitz and a second by Deputy Mayor Dunay, the Work Session was adjourned at 9:15 p.m.

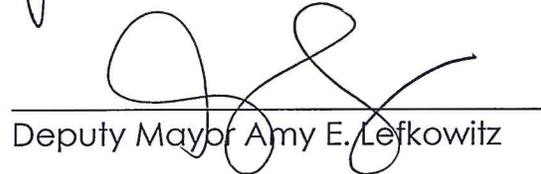
Respectfully submitted,


Joanne M. Kwasniewski, RMC/MMC
Municipal Clerk/Deputy Manager

The undersigned have read and approve the foregoing minutes.


Mayor John Cosgrove


Deputy Mayor Daniel Dunay


Deputy Mayor Amy E. Lefkowitz


Councilmember Kurt Peluso

ABSENT
Councilmember Lisa Swain

