

## WORK SESSION OF AUGUST 16, 2016

Mayor Cosgrove called the meeting to order at 7:00 p.m.

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

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

### FAIR LAWN MESH NETWORK

Karl Frank, president of the Radio Club was present.

Councilmember Peluso stated the Fair Lawn Amateur Radio Club was interested in using a mesh network. The Club would like to add several towers at the water tower, the Recycling Center or Borough Hall, which would allow them to communicate with the community. The initial cost for setting up the towers is \$2,000. The Club is seeking permission to install the equipment and possibly receive some funding towards the cost. Subsequent expenses would be the Club's responsibility.

In response to questions he received from OEM Coordinator Alvarez, Chief Cauwels and Chief Yuskaitis via email, Councilmember Peluso reported that the range of the network would depend on the number of backbone towers installed. The network would be available 24/7 and could be used with conventional cell phones, computers, cameras and tablets. No special equipment was needed. The Radio Club will take full responsibility for maintaining the equipment and will hire the certified climbers needed to install the equipment. Although Bergen County was looking to expand their network, this system would be more advanced.

Karl Frank, 12-23 Burbank Street, president of the Radio Club explained that amateur radio is used as backup system in the event of a major communication failure. It is not meant to replace the Borough's current system. The equipment would be maintained by the radio operators at very low cost. It would be beneficial to the Borough for the Radio Club to have access to antennas placed in higher points such as the water tower, the roof of Mondelez and the tower outside of Borough Hall.

Mayor Cosgrove suggested the Club meet with Neil Shore, Office of Emergency Management's radio expert, to make sure antennas do not interfere with emergency repeaters already located on the water tower and at Mondelez.

Deputy Mayor Lefkowitz thought it was great idea, but she wondered about security issues if the Borough were to use the system. Mr. Frank stated that they could password protect the frequencies. The risks would be similar to at-home Wi-Fi. They do not have a commercial license so they are not permitted to use high powered DES encryption.

There was consensus that the Radio Club meet with Neil Shore, who can then report back to the Council.

### **PROPOSED RESOLUTION ON CLIMATE CHANGE**

Councilmember Swain stated that the resolution includes criteria that would help the Borough reach its sustainable goals.

Mayor Cosgrove expressed concern that the wording will require the Borough to achieve these results by 2025 even if it is not financially possible. He felt it would be more appropriate to list the criteria as goals instead of concrete objectives. Councilmember Swain noted that this was a resolution, not an ordinance. Deputy Mayor Dunay understood that, but he worried about using words such as "commit" since he does not know how they could commit to attaining all the stipulations in the resolution. Attorney Mondello explained that from a legal perspective the term "commits" is different than "must" or "shall". The Borough cannot be sued if they did not achieve these goals. Councilmember Swain said the resolution states they are taking renewable energy seriously and they will commit to do what they can as a municipality to move these goals forward.

Deputy Mayor Lefkowitz suggested using the words "intends to" instead of "commits". Attorney Mondello stated using "intends to" softens the language without changing the intent. It might alleviate Mayor Cosgrove and Deputy Mayor Dunay's concerns.

Deputy Mayor Dunay felt it would be helpful to receive a report from the Borough Manager as to what steps they are taking to conserve energy and what they are buying from the co-ops. Manager Van Kruijning stated that he will prepare a report.

There was consensus to remove the word "commits" in the resolution and replace it with "intends to".

### **PAYMENT IN LIEU – 13-09 RIVER ROAD**

Attorney Mondello stated the development at 13-09 River Road has commercial uses on the first floor and five rental apartments on the second and third floors. Mr. Kantowitz, the attorney for 13-09 River Road, LLC, asked if the Council would

have an objection to a Payment in Lieu of the developer's affordable housing obligation. The Planner recommended that instead of setting aside one unit they could pay \$45,000 into their Affordable Housing Trust Fund.

There was unanimous consensus to accept a \$45,000 Payment in Lieu of the developer's affordable housing obligation from 13-09 River Road, LLC.

### **BOROUGH CALENDAR/BOROUGH NEWSLETTERS**

Manager Van Kruijning stated several years ago he began distributing the Borough newsletters and calendar in the Community News to reduce mailing costs. However, there are always residents who do not receive it so they end up mailing it to them. He saw a calendar from another municipality that contains information similar to what is included in the Borough's newsletters. He proposed preparing a Borough calendar in 2017 that also contained the information normally found in the newsletters and mailing it to every resident.

In 2015 they spent \$6,000 to print the newsletters and distribute it in the Community News. It cost \$7,600 to print the calendar, which is covered by a donation from Columbia Bank, and \$500 for the initial distribution through the Community News. He obtained quotes that ranged from \$6,865 to \$15,000 for printing. The cost to mail the calendar at its current weight to every resident would be \$2,000. Using the lowest printing quote of \$6,865, adding the \$2,000 mailing costs and deducting the \$7,000 donation from Columbia Bank, the final cost will be less than what they are spending now. He recommends they try this in 2017. Pertinent information such as Veterans' events in May or voting information will be listed both on the calendar and in calendar blocks.

Councilmember Swain suggested changing the paper to reduce the weight. Manager Van Kruijning stated they are looking into that. Councilmember Swain expressed concern about having to decide events like the fireworks far in advance. Manager Van Kruijning agreed that was an issue but the bulk of the dates are already listed in advance. Residents can check the website calendar as a backup. He even considered adding four or five pages to include the Recycling information.

Deputy Mayor Dunay asked the Manager to perhaps use the extra funds to upgrade the calendar on the Borough's website.

There was consensus to approve the Manager's proposal to include newsletter information in next year's Borough calendar and mail it out to every resident.

## **VOLUNTEER EMERGENCY RESPONDER PHYSICAL POLICY**

Manager Van Kruijning stated the Council established a Responder Physical Program in January, 2010 and then revised in 2014 requiring members of the Fire Department, Rescue Squad, Auxiliary Police, Office of Emergency Management and Ambulance Corps to obtain physicals. He asked Office of Emergency Management to provide a detailed report regarding the compliance of current volunteers and learned that out of 260 to 264 emergency volunteers, 75 still need to get a physical.

Both he and the Risk Manager have spoken to the various Chiefs to make sure volunteers know that this policy was not put in place to deter anyone from continuing to volunteer. The policy was put in place to protect the volunteers and the Borough. If something shows up during a physical an individual could still volunteer, although they might have restrictions as to what they can or cannot do.

The policy does not address a volunteer who refuses to get a physical. Councilmember Swain recalled that when the policy was put in place, some volunteers were concerned as to what physician they had to use. Manager Van Kruijning stated the policy was adjusted to allow them to use their own doctor and a form was created that the volunteer's doctor could complete and sign. He asked the Council what he should do if a volunteer refuses to get a physical. They can be placed on leave or asked to resign.

Mayor Cosgrove surmised that the 75 non-compliant individuals felt they would not pass a physical and would not be allowed to continue as an inside firefighter.

Deputy Mayor Lefkowitz asked what other towns do. Manager Van Kruijning stated some towns are very strict and have restrictions set by ordinance. Others have set internal controls on the tasks the volunteers could do.

Councilmember Swain felt that since this policy was for everyone's benefit, they needed to take a harder line. Volunteers should be given to the end of the year to obtain a physical. Deputy Mayor Lefkowitz stated they needed to decide what occurs if members have not had physicals by December 31<sup>st</sup>. Manager Van Kruijning stated he could advise a volunteer that he/she could no longer respond until they get a physical, but that stipulation must be added to the policy.

Manager Van Kruijning would like to give non-compliant volunteers four months' notice to obtain a physical and stipulate what is going to occur on January 1, 2017 if they do not. He currently follows this procedure with

Mandatory Blood Work Pathogen and Hazardous Communication (Right-to-Know training) with all volunteers, which is offered six to eight times per year or online. If volunteers have not taken this course by mid-summer, they are placed on Administrative Leave and cannot respond to calls, attend meetings or go to the firehouse, which prompts them to complete the course.

Mayor Cosgrove felt it was more appropriate to say a non-compliant volunteer was "out of service", which is a medical term, rather than barring them from the firehouse which implied a suspension.

There was consensus to have Manager Van Kruijning give non-compliant emergency volunteers four months' notice to obtain a physical and place them "out-of-service" if they have not done so by January 1, 2017.

### **CLOSED SESSION RESOLUTION**

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 7:45 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 – Police Department, Open Space Committee and Pending Litigation – Joseph Cabibbo vs. Borough of Fair Lawn, et al; 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.

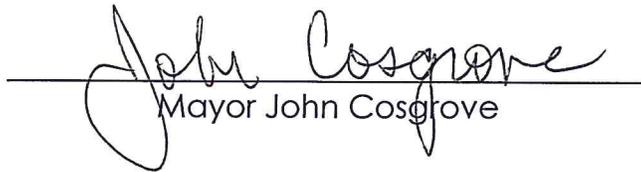
### **ADJOURNMENT**

Upon motion by Councilmember Swain and a second by Deputy Mayor Dunay, the Work Session was adjourned at 8:00 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

  
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Mayor John Cosgrove

  
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Deputy Mayor Daniel Dunay

  
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Deputy Mayor Amy E. Lefkowitz

  
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Councilmember Kurt Peluso

  
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Councilmember Lisa Swain