

WORK SESSION FEBRUARY 16, 2010

Mayor Tedeschi called the meeting to order at 7:57P.M.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in the Record issues of December 18, 2009. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and work sessions.

PRESENT: Mayor Tedeschi, Deputy Mayors Swain and Weinstein and Councilmember Baratta. Councilmember Trawinski was absent this evening.

ALSO PRESENT: Acting Manager Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

Review of Tentative Agenda – 2/9/10

Assistant Municipal Clerk Bojanowski stated that the award of bid for police uniforms will be added along with the bid summary which had inadvertently been left off the agenda. Only two bids were received and one bid was not a proper bid. Deputy Mayor Swain asked if the bid should go out to a third vendor and Acting Manager Kwasniewski explained that a third vendor had responded but did not submit a bid.

Council Liaison Reports

Councilmember Baratta reported that last week's Property Maintenance Committee meeting and 501(c)3 meeting were cancelled due to the snow storm. The first meeting of the Community Garden Committee took place on February 3rd. The turnout was good and the property on Samson Road was discussed. The Committee wondered how much of the property they could use because they want to have 30 to 40 individual plots. They would like to use a bigger plot as a giving garden in order to donate produce to the Borough Food Pantry. Councilmember Baratta said that the main concern seems to be a fence for the property and they hope to pursue grant money for these types of things. At the next meeting, the Committee plans to put together their by laws.

Deputy Mayor Swain said that if the produce will be certified organic they can't do anything with the soil for three years. Councilmember Baratta said that they are not going to be certified organic but it will be noted that the garden produce is free from pesticides. Mayor Tedeschi asked if the people using the Food Pantry could participate in the Community Garden. Councilmember Baratta indicated that this could be done. She added that the Community Garden Committee is taking a table at the Green Fair and is working with Master Gardeners. There is grant money available through the Master Gardeners and the key is that the people involved are giving back to the

community. Councilmember Baratta said that the committee is comprised of a diverse group of people including some residents of the apartments in the area.

Deputy Mayor Weinstein reported that the Recreation Facility Committee will be doing a fourth tour of the parks and fields in Fair Lawn. Other related groups such as the Environmental Committee, the Green Team, the Garden Committee and the Open Space Committee will be invited this time. The tour will take place on April 24th at 9 A.M. Everyone will meet behind Borough Hall and the tour takes about two to three hours. Deputy Mayor Weinstein said that photos will be taken and posted on the Borough website.

Deputy Mayor Weinstein stated that a group is forming to promote Memorial Pool. When he their recommendations are received, he will forward them on the Mayor and Council for discussion, approval and any necessary action. Deputy Mayor Weinstein said that the EDC Market Study will be discussed on March 2nd. He stated that River Road is doing a contracted and complete market study and everyone in town will have access to the study and can come to their own conclusions.

Deputy Mayor Swain stated that she attended the Planning Board meeting on February 8th. A Planning Board Member was recently hit by a car and there was a discussion concerning the intersection of Maple Avenue and Henderson Street and whether the County should do a study there because it is difficult to cross this intersection.

Mayor Tedeschi stated that the Environmental Commission met and at the moment they are primarily working on the fair scheduled for February 25th. There are sixteen tables and the fair will begin at 6 P.M. with presentations starting at 7 P.M. The High School Environmental Club is involved along with the Green Team and Kelsey Kahn in particular. Acting Manager Kwasniewski pointed out that the Kahn family is a very active and enthusiastic environmental family.

Setting Schedule for Reviewing Borough Manager Resumes

Mayor Tedeschi reported that approximately 30 resumes have been received and he said that the Council needs to decide on a vetting process regarding these resumes. He proposed that the Council create a subcommittee consisting of Deputy Mayor Weinstein and Councilmember Baratta who could review the resumes and gather suggestions from Councilmembers. Mayor Tedeschi said that this process should begin immediately and Councilmembers unanimously agreed.

Procedure for Soliciting Special Counsel

Attorney Rosenberg has formulated an RFQ and Mayor Tedeschi asked how the RFQ would be made available. Acting Manager Kwasniewski stated that she would advertise in the newspaper and on the Borough website and she added that companies assign people to the task of looking at various municipal websites. She hopes to have the ad out next week and there will be a 30 day response time in which to submit the RFQs to

the Borough. Attorney Rosenberg and Acting Manager Kwasniewski will review the RFQs and bring their recommendations to the Council.

Health Insurance Due Diligence

Deputy Mayor Weinstein stated that the Council must take the necessary steps in measuring and weighing the various options concerning savings in terms of in- network and out-of-network doctors. They need to find out if there is any way that they could work with the union representatives in the hopes of remaining with Horizon Blue Cross.

Mayor Tedeschi commented that the Union representatives could offer to pay the \$1 million shortfall. Acting Manager Kwasniewski said that this should be discussed in Closed Session and Attorney Rosenberg agreed.

Background Checks for All Sports

Deputy Mayor Weinstein introduced Don Oliver of All Sports and Larry Heller, the Treasurer who were both part of the All Sports Background Check Committee. Deputy Mayor Weinstein pointed out that 300 parents have already registered for background checks for All Sport coaches overlapping with the Football Association. Deputy Mayor Weinstein recalled that last year the Council had discussed helping to subsidize the individual cost of \$26.25 for these checks.

Mr. Oliver stated that the \$26.25 cost per coach is putting a financial burden on All Sports, however, what they really need to look at is the burden over time. The fingerprinting background checks will be valid for three years which means that coaches' checks will have to be renewed every three years. He said that for the first year the checks will cost \$10,500 based on a total of 400 coaches. Mr. Oliver explained that every year an average of 50 coaches are lost and gained. This would be the case for 2011 and 2012 and he anticipates that about 300 coaches would have to have background checks in 2013. He added that the 100 coaches for 2011 and 2012 would be on a different cycle. Averaged over 7 years the cost of the background checks would be about \$4,500 and Mr. Oliver added that after some time passes the same number of coaches will be registered every year.

Mr. Oliver said that there are several ways to raise the money one of which is approaching the Council for any help they can provide towards this program. The other scenario is to raise rates which they would like to avoid. Mayor Tedeschi asked if there was any surplus money available. Mr. Oliver said that there is about \$70,000 in the bank that they would like to use to improve the fields in the town.

Mr. Heller explained that they have kept a stable registration fee over a long period of time. They used to have more money in the bank but they have used it recently for things such as field maintenance, replacement soccer goals, etc. Deputy Mayor Weinstein recalled that All Sports successfully applied for grant money in the amount of \$50,000 to help pay for clay fields and now they are responsible for the maintenance of

these fields. It is the hope of All Sports that the Borough would consider funding one third of the cost of these background checks.

Councilmember Baratta asked if the coaches have to have a full blown background check every three years or can they have a type of update. Mr. Oliver said that the full check has to be done. Deputy Mayor Weinstein commended Attorney Rosenberg for his help in researching the options surrounding the full blown background check to ensure that everyone is protected.

Councilmember Baratta thanked All Sports for doing this for the town. She has advocated these measures for some time and belongs to the group for Megan's law. She added that there is grant money available through the Megan Kanka Foundation. Mr. Oliver has contacted the group and said that there is a possibility that they will pay a large part of this \$10,500 for this year, and, in that case, they will not need any help from the Borough.

After some discussion, Mr. Oliver explained that All Sports pays for the background checks and has their own receipt, however, the Kanka Foundation requires the application with a sign off. Mr. Oliver stated that their biggest fear had been losing volunteers, however, the program has been extremely successful. Mr. Heller stated that the only complaint was from people who had gone through a similar process before, as a teacher or a State employee for example. They now have to go through the same thing again because the systems don't communicate with each other.

Deputy Mayor Weinstein explained that if the check uncovers someone who is not allowed to coach it is not up to the Borough to let them know. The guidelines are statutory and a letter would inform the person that a search has revealed a disqualifying event which is a group of convictions that the State has established. The coach is the only person who has a legal right to get a copy of the background check done by the State Police. There is an SOP that has been put together by All Sports describing what is necessary to file an appeal.

Deputy Mayor Weinstein recommended that the Council require that the coaches of any organized sport or private club in town must have completed a background check in order to be allowed to use the fields or any other facility in town. Ice hockey is the only sport not using Borough facilities, however, because the Borough contributes to ice hockey the coaches would fall under the same set of requirements.

Deputy Mayor Swain asked who would pay for the background checks in the case of a private soccer club. Mayor Tedeschi asked if All Sports is a quasi agency of the Borough and Attorney Rosenberg said that the Borough insures All Sports. He added that issue is whether or not they are using the Borough fields or facilities and whether the organization receives any funding from the Borough. He recommended that this requirement be put into an ordinance stating that if Borough fields or facilities are used or the sport is funded by the Borough, there must be a policy that goes through the background checks. Attorney Rosenberg added that the Council must determine who will keep these proofs. The Recreation Department or the Police Department is usually

keepers the records from the outside organization performing the background checks. Attorney Rosenberg said that some municipalities have a certification or verification card that every coach is required to wear on the field. This makes sense because on a busy Saturday people aren't going to have time to go back and look for evidence that a particular coach on the Borough field has gone through the background check process. Attorney Rosenberg pointed out that these are some of the policy decisions that the Council will have to deal with.

Mr. Oliver said that they will be issuing cards after the certification and background checks are complete. Several Councilmembers thought that a photo ID would make a lot of sense. Mr. Oliver stated that the card represents the fact that coaches have successfully met the criteria of the background check and that they have attended the annual three hour coaching certification session.

Mr. Oliver said that they are looking for Borough help to cover one third of annual cost of \$4,500. If the Council prefers, they could provide a report year to year. Deputy Mayor Weinstein commented that it is very important for the Council to hear about the efforts going on here.

There was a consensus of the Council to support the concept and Attorney Rosenberg was asked to draft the appropriate ordinance. Acting Manager Kwasniewski mentioned that this expense will have to be put into the budget. Mayor Tedeschi asked if the background checks should be required of all groups. Deputy Mayor Swain commented that when she coached track she found that many of the coaches dropped out. She hopes that this won't happen now that the Borough has invested money in them. Councilmember Baratta said that this additional requirement may help to root out anyone who is not really committed and Mayor Tedeschi pointed out that All Sports is responsible for two thirds of the cost and would be quite aware of the amount of people dropping out.

Walkway to Lubavitch Congregation

Acting Manager Kwasniewski said that new sidewalks were added at this location when the new crosswalk was striped. The ramp belongs to NJDOT and not to Fair Lawn. She added that it is difficult to see other cars coming and this becomes an enforcement issue. The Engineering Department will speak to the Region 2 DOT to see if there is anything that can be done.

Councilmember Baratta indicated that Councilmember Trawinski had some ideas on this situation and was on his way to the meeting. Council decided to discuss this further when Councilmember Trawinski arrived at the meeting.

Deputy Mayor Weinstein forgot to mention earlier that the DOT did a radar study on Broadway and have agreed to decrease the speed limit to 35 mph in the area from Elmwood Park to 30th Street.

Legislation Concerning Veteran Tax Deduction

Acting Manager Kwasniewski stated that there had been a suggestion from a resident that the Council look at legislation governing tax deductions for veterans. There is a list of various conflicts which are not considered wars but are in the category of peace keeping missions and police actions. In order to qualify for a \$250 deduction an individual must have physically served in a war zone. The resident suggested that the Borough do a resolution to change the requirements.

Mayor Tedeschi spoke to a member of the American Legion who didn't think it was appropriate to change anything because it is federal Statute. He said that he would ask the Commander to come and explain this rationale to the Council. Acting Manager Kwasniewski stated that the resident had brought this issue up at the Reorganization Meeting and the Council had asked her to look into it. Deputy Mayor Swain indicated that she isn't ready to tackle the issue.

Council Inviting Editor/Publisher of the Community News to Discussion with the Council

Councilmember Baratta referred to the last meeting when the Council had discussed the newspaper article written about the attorneys. There was language in the article twice referring to something contained in the attorney's contract that is not in that contract. She said that people think that whenever something is written in this newspaper it is true and in this case a retraction is necessary.

Deputy Mayor Swain said that the letter that was going to be sent on behalf of the Council, which was mentioned at the last meeting, is important. Mayor Tedeschi indicated that the Council should not be trying to shape the news. Councilmember Baratta said that the newspaper should be held accountable for printing inaccuracies. Deputy Mayor Swain said that the letter could ask for a retraction. Councilmember Baratta said that she wanted to know exactly what this reporter was looking at and Acting Manager Kwasniewski said that he was able to get copies of the actual attorney contract by means of an OPRAH request.

Miscellaneous Public Comments

Walter Weglein, 18 Ramsey Terrace, referred to Councilmember Baratta's comment on the newspaper article and recommended that she read the First Amendment. If an obvious mistake is made he felt that the reporter and the editor should be spoken to. Mr. Weglein pointed out that people rely on the Letters to the Editor. He said that he had worked for the Paterson News where he covered the Fair Lawn Council and, as a resident, he reminded everyone that reporters can write whatever they want to. If they make a mistake they should be held accountable but not brought into a Council meeting.

Councilmember Baratta said that she doesn't want to tell reporters what to write but she does want a retraction. She added that she has written many Letters to the Editor that the newspaper will not print.

Deputy Mayor Weinstein said that the reporter has a right to have whatever he wants to have printed and everyone else has a right to submit a Letter to the Editor. He pointed out that the reporter has an obligation to tell the truth and if he continues to write like this he won't go very far. Mr. Weglein reminded the Council that this reporter has a boss.

Mr. Weglein referred to the discussion on a new manager. He asked if Acting Manager Kwasniewski is no longer has an interest in this position. Mayor Tedeschi said that it would not be appropriate to respond to this question. Mr. Weglein said that this is an open meeting, however, Mayor Tedeschi said that the hiring or firing of anyone is a personnel issue. Deputy Mayor Swain said that the Council set a time line to discuss the applicants and all applicants will be discussed in Closed Session.

Mr. Weglein asked if they will ever know what is going on with Daly Field. Deputy Mayor Weinstein commented that they will know one day. Mr. Weglein questioned the procedure for soliciting special counsel. Mayor Tedeschi explained that a Special Counsel is an attorney with higher expertise or a better knowledge of a specific area of the law. Attorney Rosenberg said that the public will be made aware of exactly why a special counsel is needed and the contract will clearly spell out the reasons why the special counsel is being hired. He explained that there is nothing unusual about a municipality hiring multiple special counsels.

Craig Miller, 5 Ramapo Terrace, stated that the special counsel is listed on tonight's agenda but the Community News had it listed for last week. Mayor Tedeschi said that this was originally put on the January 6th work session when it was introduced as a concept. At the February 2nd work session, he asked the Acting Manager where this stood and today it is being discussed again.

Mr. Miller said that there have been numerous reporters at the Community News covering Fair Lawn. He felt that the Editor should come to a Council meeting because he is ultimately the person responsible for the stories written by the reporters. Mayor Tedeschi assumed that the Editor read the article and was very aware of what the article contained. It did not appear as though the fact checking was correct.

Pam Coles, 13-34 George Street, commended the Council for their support of background checks. She also thanked the coaches and volunteers for all of the time they give to the children and sports programs. She recognized Deputy Mayor Weinstein for the due diligence regarding the health insurance issue.

Mayor Tedeschi said that they have been trying to include employees in the health program for years, however, the employees have rejected the concept. Ms. Coles commented that these are different times and she is glad they are being given a voice.

Ms. Coles referred to the Council inviting the Editor of the Community News to a meeting. She said that there must be accountability to make sure that the facts are accurate. She indicated her support for a letter from the Council.

Closed Session:

Upon motion by Councilmember Baratta and a second by Deputy Mayor Weinstein, the following Closed Session resolution was unanimously adopted at 9:00 P.M.

WHEREAS; the Open Public Meetings 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 regarding Supervisors, Blue and White, PBA/SOA and Employee Benefits; Sale of Borough Property – Heights Avenue; Possible Acquisition of Property – Blue Hill & NJ Route 4; and Personnel – Police and DPW.

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 Tedeschi reconvened the meeting at 10:15 p.m.

Walkway to Lubavitch Congregation:

Councilmember Trawinski stated that he learned the DOT could put pins under the bridge so it stops the pigeons from nesting. He asked that Engineer Garrison look into this. Deputy Mayor Swain said they also talked about the crosswalk and stop sign. Councilmember Trawinski said he wanted to mention the pins because the first reaction they will get from Engineering is they cannot do it because it is part of the state highway. Acting Manager Kwasniewski stated that the Borough would have to pay for it. Councilmember Trawinski stated that Marlene Casey told him in regard to the walkway this could be eligible for discretionary aid. Acting Manager Kwasniewski said there was a walkway and has already been striped. Deputy Mayor Swain thought the problem in that area was the people coming off of Route 208 going through the stop sign and not seeing the people. Acting Manager Kwasniewski stated that is enforcement. Deputy Mayor Swain felt they should do something more like illuminating the stop sign.

Councilmember Trawinski thought there was something else they could do by changing the texture of the pavement at the end of the ramp. The Borough may need DOT's permission. Acting Manager Kwasniewski said the Borough would have to pay for it. Councilmember Trawinski said, again, they could put in for discretionary aid.

Deputy Mayor Weinstein spoke in regard to the rumble strips, which they have been talking about it in different areas for a while now. Engineer Garrison was to tell them about somewhere out west that has a surface on the road which is different and the drivers do slow down on it. Deputy Mayor Weinstein said they were still waiting for the Engineer's report. He thought there were other places it could be done on. Mayor Tedeschi thought they were supposed to get a report on those sticks they put in the road. It was going on two years now.

Deputy Mayor Weinstein thought the process was not that expensive. Acting Manager Kwasniewski reminded him that it was costly.

Mayor Tedeschi wondered when a Menorah becomes a sign on someone's lawn. Attorney Rosenberg advised him not to go there because it had to do with the first amendment. It is a religious first amendment symbol. Mayor Tedeschi said he was only asking because he has gotten a lot of complaints.

Councilmember Trawinski said he had gotten an inquiry from the Passaic River Coalition, they have asked whether or not there are any local businesses that would be willing to sponsor them. He thought of Inserra Supermarkets or Nabisco. They asked for small companies that maybe willing to do things that would like some exposure.

Acting Manager Kwasniewski stated this was not the place to be doing this. They should save it for the Canoe Regatta. She was concerned that this will not be a success which would ruin it for the regatta. Deputy Mayor Weinstein suggested Kuiken to donate. Acting Manager Kwasniewski said they never donate.

Adjournment

Upon motion by Deputy Mayor Swain, seconded by Councilmember Baratta, the meeting was adjourned at 10:24 P.M.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Joseph Tedeschi

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Steven Weinstein

Councilmember Ed Trawinski