

## **WORK SESSION OF NOVEMBER 12, 2008**

Mayor Weinstein called the meeting to order at 6:30 P.M.

**PRESENT:** Deputy Mayor Swain, Deputy Mayor Tedeschi and Councilmember Baratta

**ABSENT:** Councilmember Trawinski

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

### **Turf Field**

Engineer Garrison reported that the Phase I study is underway and should be concluded by the second week of December. The soil borings will be conducted as soon as the football season ends after November 16<sup>th</sup>. They have come up with a concept for the insurance liability warranty which will include an annual testing of the fiber. All state and federal regulations as well as environmental, health and safety regulations must be followed by the vendor throughout the term of the warranty period. The Borough will be held harmless for any costs and expenses and the warranty will be in effect for eight years.

Engineer Garrison continued that the warranty is two fold. One covers the installer so that if the turf starts to rip it is the contractor's responsibility to perform the repairs. The manufacturer's warranty will cover the environmental issues.

This project will require a performance bond or insurance policy to protect the Borough. Engineer Garrison said that he doesn't want to go out to bid until the soil borings have been conducted and he anticipates the results by mid December. He expects to go out to bid in January, receive bids in February and begin construction in March. Superintendent Graft has agreed to rearrange the locations for the baseball season.

### **Change Order – Project #2107 Phase II Municipal Building Renovations**

Engineer Garrison reported that the second phase of the Municipal Building renovations has been completed. Most of the change order revolved around new security requirements for the Police Department and Municipal Court. These requirements included items such as scanners that were not anticipated initially. Engineer Garrison stated that the change order is \$15,308.

The consensus was to approve the change order and Municipal Clerk Kwasniewski indicated that the resolution will be on the November 25<sup>th</sup> agenda.

**Volunteer Emergency Physical Program**

Manager Metzler stated that they are struggling with this program. There was some concern about what the Police Department is doing although they are not involved in this program. He had received a letter from Carol Wagner on October 3<sup>rd</sup> as a result of a meeting with the Emergency Services Chiefs.

The following individuals were present: Jimmy Van Kruiningen of Emergency Management; Chief Eric Van Kruiningen of Rescue; Deputy Chief Carney of the Fire Department; Chief Magarelli of the Auxiliary Police; Fire Chief Yuskaitis and Carol Wagner who oversees the program.

The Chiefs generated a series of questions which would require a decision on the part of the Council. The first question was whether the physicals were mandatory which they are. He checked with the Borough's Risk Manager to find out if there were any benefits from the Joint Insurance Fund (JIF) which there are not. He found that no benefits were being offered other than the identification of people at high risk. JIF indicated that physicals were going to become mandatory for the emergency services sector and in the future.

Health Officer Wagner advised that 22 physicals have been completed with the Rescue Squad. The question of what the penalty would be for members who don't respond to the request for a physical was raised at their meeting in early October. Other questions include whether emergency responders will have to have an annual physical; will the service continue to be performed by Dr. Halejian; will the health screening include members of the CERT team and the Police Department and who will be liable if the emergency responder is permitted to be only a driver due to a medical condition which restricts that individual from duties and then this individual takes it upon himself to do a restricted task and gets hurt. Manager Metzler said that part of the medical screening program implemented in 2002 three individuals who were deemed not fit to wear SCBA's. In one case a member requested a follow up with his own physician and when his physician cleared him he was accepted. The other two individuals were restricted to light duty which meant they were able to drive the apparatus but not able to wear the SCBA's.

The main concern seems center around an individual who fails the physical and is no longer able to volunteer. The Council must address the conflict between the failure of a physical by a volunteer and what would happen if that individual died while continuing to volunteer on behalf of the municipality. Many volunteers wonder why this concern doesn't carry over into the police department. The volunteers must be reassured that the intent of this program is their well being. Deputy Mayor Tedeschi added that the primary intent was the individual, the people working with the individual and the cost of injuries to the Borough. There should be a mutually developed policy which states in writing what happens if someone fails the physical.

Mayor Weinstein commented that everyone agrees that the intention of the requirement for the physical is good and now each organization needs to discuss with its members what they believe is the best way to go about this. The Council needs input from the various departments in order to develop a procedure to protect everyone. Mayor Weinstein asked if there were any guidelines from the JIF. Manager Metzler stated that there is a written policy in place for firefighters which pertain to the SCBA's and three questions trigger a follow up physical. There is a policy that if Dr. Halejian finds someone unfit for duty that volunteer is allowed to go to their own doctor and if their doctor clears them it is acceptable.

Ms. Wagner said that she had conversations with the Ambulance Corps. and Manager Metzler to try to get this program off the ground. She was informed that Hazmat had started to tell their volunteers that they needed to go for physicals and a purchase order was drafted for almost all of the money in the budget so they can get started. The Ambulance Corps. indicated that they have their own internal policy for older members to ensure that they can still adequately respond to calls. There is no comprehensive cross the board policy. A meeting was held in October and Health Officer Wagner put the concerns that were discussed at the meeting in writing to Manager Metzler.

Deputy Mayor Swain said that it seems as though there has been some initial miscommunication, however, the Council was trying to ensure that all of the volunteers were being taken care of. Manager Metzler suggested that a draft policy be written and reviewed by the Chiefs in order to get their feedback. He reiterated that the main question is whether or not physicals are going to be necessary for all of the volunteer services.

Chief Yuskaitis suggested that they look at the written policy that has been in place for the past three years at the Wyckoff Fire Department and use that as a template.

Eric Van Kruiningen, of Hazmat, stated that they have worked with Dr. Halejian for 10 years. Health Officer Wagner said that she has had several conversations with Dr. Halejian and she was finally able to get him to list recommendations on what should be tested for each individual group. She distributed a copy of these recommendations for each group to the Council and noted that Hazmat volunteers had to complete the entire list. They have to decide what tests have to be done.

Mayor Weinstein recommended that within the next 24 hours a draft of this policy be sent over to the various departments to review so that a policy can be put in place. Deputy Mayor Tedeschi recommended moving a little slower in order to get all of the organizations on board with this concept since the procedure for a physical needs to be tailored to the individual organizations. Deputy Mayor Swain said that the intent was to have this physical conducted for the safety of the individuals volunteer as well

as the safety of the residents and other volunteers. The Council had agreed to the funding and assumed it would go to the different departments to be implemented.

Councilwoman Baratta asked if a sub committee should be formed to work on this so that it didn't need to come back to the full Council. Everyone agreed that this would be a good idea.

The consensus was the Manager proceed with information from Wyckoff and JIF and forward it to all the departments and that a committee be formed consisting of Deputy Mayor Swain and Councilmember Baratta.

### **Council Approval to Proceed with Rotary Clock**

Manager Metzler recalled that the Council had questioned the cost of the materials for the clock. He reported that the estimated cost of the materials is approximately \$500. Through the efforts of the Van Kruiningen brothers, Tanis has agreed to donate the concrete for the footings which brings the cost of materials down to \$200 for the electric work and the rods and tube where the concrete is poured.

The unanimous consensus was to move forward with the Rotary clock.

### **Holidays – ½ Day off for Employees Christmas Eve or New Year's Eve**

Manager Metzler stated that every year the Council must take action to grant approval for the employees to have half a day off on either Christmas Eve or New Year's Eve.

There was an unanimous consensus to grant approval.

### **Public Comments**

Harvey Rubenstein, 28 Rutgers Terrace, asked whether tomorrow night's meeting was an Open or Closed Session. Municipal Clerk Kwasniewski stated that this is a Closed Session Meeting. She explained that the public is allowed to speak at every Council meeting and the procedure calls for the meeting to be open when the resolution to go into Closed Session is read. The meeting will then be closed followed by an open session when the public will be allowed to speak.

### **Closed Session:**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 7:25 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 Personnel – Competivazation Committee;

**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 matter as set forth above are ones which permit the exclusion of the public from such discussions.

**ADJOURNMENT:**

Upon motion by Councilmember Baratta and second by Deputy Mayor Tedeschi the meeting was adjourned at 7:30 P.M.

Respectfully submitted,

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

The undersigned have read and approved the foregoing minutes.

\_\_\_\_\_  
Steven Weinstein, Mayor

\_\_\_\_\_  
Deputy Mayor Tedeschi

\_\_\_\_\_  
Deputy Mayor Swain

\_\_\_\_\_  
Councilmember Jeanne Baratta

\_\_\_\_\_  
Councilmember Edward Trawinski