

Work Session - May 4, 1999

Deputy Mayor Ahearn called the meeting to order at 7:35 p.m. Assistant Municipal Clerk Dugan read the statement of compliance with the Open Public Meetings Act.

PRESENT: Mayor Ganz late. Deputy Mayor Ahearn, Councilmembers Dobrow, Trawinski and Tedeschi.

Also present: Manager Sacks, Assistant Municipal Clerk Dugan, Attorney Lustgarten and CFO Eccleston.

Tentative Agenda of May 11, 1999 - Assistant Municipal Clerk advised there were two Resolutions in regard to the TEA - 21 Grant to be added to the Agenda, one was authorizing Capital Alternatives to work with the Borough in applying for the grant and the other is expressing the Borough's endorsement of the application grant.

Sheriff's Family Day - The Council discussed the Sheriff's Department's use of Memorial Park for their Family Day function. Manager Sacks suggested the Council take an active role if the Sheriff's Department will be selling items. The Council asked if liquor was going to be involved, how many people are expected to attend, if they would be supplying their own security and who would be responsible for cleaning up.

Bus Stop at Terhune on Saddle River Road - The Council discussed the Bus Stop being placed on Saddle River Road at Terhune Road. The bus stop will be on the south side of the intersection. Attorney Lustgarten advised the Council that as a matter of courtesy they should notify all the people involved.

Schedule Meeting with Financial Planning Committee - The Council discussed the scheduling of the Financial Planning Committee. It was agreed that Municipal Clerk was to contact John Keith to come in at the next Work Session on May 18, 1999 to give the Council an update.

Police Residency Requirement - The Council discussed the Police Residency Requirements. Attorney Lustgarten stated the Borough cannot request residency according to State Statute, NJSA40A:9-121.

Resolution of Thanks & Appreciation - Councilmember Trawinski stated the Council should send a resolution of thanks and appreciation to Larry Schwarts for creating and maintaining the first Fair Lawn Website. He also asked for a resolution of thanks to Norman Leibrock for his suggestion to get cellphones to the crossing guards in case of an emergency.

The Shoppers Lack of Reporting Student Activities - Councilmember Dobrow discussed the Youth Advisory Committee meetings and about the Future Business Club having placed third in the State. She said the Shopper News does not publish any of their articles. Councilmember Trawinski suggested to contact the Editor. The reporter from the Shopper was present and stated he would bring this to the Editor's attention. Attorney Lustgarten suggested the Council do something to recognize these students.

Bullet Proof Vests - Manager Sacks advised the Council of a grant that was available for Bullet Proof Vests for the Police Department. The grant is matching funds with the Borough investing 50%. She spoke to Acting Chief Marshall who stated he only needed 20 -25 vests. The Council asked CFO Eccleston to do some calculations and get back to them.

Prosecutor's Payment (\$12,000) - The Council discussed the Prosecutor being paid by voucher. Attorney Lustgarten will prepare a Professional Services Agreement between the Borough and the Prosecutor.

Capital Budget Review with CFO & Borough Manager and Bond Ordinance - Councilmember Trawinski stated he said what he had to say in the Public Meeting. He is convinced the need is there and feels the computers, copies and police light bars should not be bonded. Deputy Mayor Ahearn stated he looked into the Borough's computer inventory and has noticed the life span of the computers and copies are over four or five years.

The Council discussed the process in which the Budget was reviewed this year. They spoke of amending the Capital Budget which CFO Eccleston said could be done once it was adopted.

Mayor Ganz arrived at 8:40 p.m. Attorney Lustgarten reviewed the issues with Mayor Ganz. It was agreed to do the fast track ordinance. Attorney Lustgarten proposed adopting Bond Ordinance No. 1755 tonight, have the Council go back to take a look at the Capital Budget to narrow it down and consider returning to the old process of reviewing the budget. He stated that for the record this leaves the issues open for further discussion with the Council agreeing to do go back and revisit these issues within thirty days. Councilmember Trawinski withdrew his motion to divide the question. The Council unanimously consented to what Attorney Lustgarten summarized.

Special Meeting

Upon a motion by Councilmember Trawinski and a second by Councilmember Tedeschi the work session was unanimously recessed to a Special Meeting at 8:50 p.m.

Mayor Ganz reconvened the Work Session at 9:15 p.m.

Proposal for a Joint Meeting with Board of Education re: Alcohol and Drug Problems in Fair Lawn/School District Security

- Councilmember Tedeschi stated he thinks it is time for the community sit down and bring together all the assets they have to solve these problems. He proposed a joint meeting between the Board of Education and the Council that says to define the problem as the kids in Fair Lawn are what matter. He proposes that at the Liaison meeting the Council propose to have a town meeting with the Board of Education, the town Council and the citizens to see what they can do collectively for the kids. Mayor Ganz stated the concept was excellent and it is important for the Council and the Board of Ed to work together to resolve this problem. He is uncertain of the format of simply calling for a meeting is going to resolve anything. He suggested, as an alternative, that before they have a town meeting they form a committee existing of appropriate members of the Council and the Board of Ed to work towards a common agenda to bring to the public. The consensus of the Council was to have a meeting with the Board of Ed.

Street Naming Honoring Veterans

Mayor Ganz suggested naming the circle at the end of Avenue of Heroes - Veterans Circle. He suggested having the formal naming ceremony on Memorial Day. Councilmember Tedeschi suggested getting the consensus of the veterans councils explaining there are forty nine stones in that circle with names of people from Fair Lawn who died. Mayor Ganz asked Manager Sacks to check with the veterans council assuming it is affirmative they will proceed for the ceremony on Memorial Day.

Distribution of Information/Council, Borough Manager and Borough Clerk/Review of Current Protocol

Councilmember Tedeschi suggested, and the Council agreed, to hold off discussing this until the Municipal Clerk and Council are present at the first available meeting which will be June 1, 1999.

Press Release Issued by Borough Manager to the Bergen Record on the Budget - Councilmember Trawinski stated he had no recollection of the Council authorizing Manager Sacks to issue a press release. Councilmember Tedeschi stated The Record felt it was a political piece. Manager Sacks stated she was told they would run it when they cover the budget. Councilmember Trawinski asked who authorized her to do this press release and why it was only cc'd to the Mayor. Manager Sacks responded it was Mayor Ganz' release. Attorney Lustgarten stated in essence that it should be the collective will of the Council for the staff to issue a press release with political overtones. The consensus was for Manager Sacks to copy the Mayor and Council on all items she sends out.

Police Chief vs. Director

Manager Sacks prepared a critique and researched information in regard to the ordinance allowing for a police director. The report in its entirety is attached as Schedule A to these minutes.

Councilmember Trawinski thanked Manager Sacks for what she did and to the Council for supporting his suggestion of getting this critique but stated the report falls short of the mark. He named several sets of minutes where the Council discussed Police Director vs. Police Chief that were not referenced in this critique and they are as follows: September 2, 1997, Closed Session, Page 2; October 7, 1997, Work Session, Page 2; November 10, 1997, Closed Session, Pages 1&2; December 2, 1997, Closed Session, 7:35 p.m.; December 2, 1997, Closed Session 10:10 p.m., Pages 1&2; February 3, 1998, Closed Session, Page 1; February 10, 1998, Public Meeting, Pages 1&2 and March 5, 1998, Closed Session, Page 1. There were also a series of memos where the topic of Police Director were discussed that were not appended to this package including the Borough Attorneys several memos on the topic. Also there were other sets of Minutes that dealt with topics that were critical to this subject such as the January 22, 1997 Work Session where the Council reviewed the Buracker Report along with the June 16, 1997 and July 15, 1997 Minutes and finally a copy of an article that was given to the Council from former Manager Kendall that appeared in the New Jersey Conference of Mayors magazine entitled "Municipal Control of Police Departments" which dealt with the issue of Police Director vs Police Chief and points out what the New Jersey trends and national experience are. He stated his concern is this memo paints a picture of the issue was that there was not meaningful and substantive Council discussion on this. He stated that he was the one Councilmember who when Councilmember Dobrow raised the issue of Police Director on February 3, 1998, the Council had a feeling that with Manager Kendall leaving they must hire a civilian director, he was the one Councilmember who abstained. They had extensive discussion on this matter on March 5, 1998 where Councilmember Tedeschi thought we should delay hiring a Police Director until there was a new manager. He was the last one to agree to hiring a civilian Police Director. He has wrestled with the decision and still believes the morale impact is the most significant. He also commented that he was under the impression, according to a memo from Captain Marshall, that the JIF would be rewriting the rules for the Police Department and would continue with yearly updates from them. He was taken aback that the Borough is now doing this on this own and wanted to know who took the JIF out of the process.

He stated he disagrees with Manager Sacks conclusion that both the national and New Jersey trend is moving away from Police

Chiefs to Civilian Directors. He said for him the issue is compounded because he lacks confidence in the Manager's judgement. He stated he will come down on the side of returning to a Police Chief. His hope for the people of Fair Lawn is that the Manager makes a good solid decision that enables this department to continue on the road to stability that Bob Martin started it on. He stated he will support the Council returning to the Police Chief.

Manager Sacks stated that in respect to the Minutes she asked the Municipal Clerk to pull every set of Minutes that had any discussion of having a Police Director and the Minutes that you see are exactly what were pulled. She also stated that in regard to the JIF it was put on hold in early 1998 but is now back on track and is in a final edit stage. The Council will get a copy for their review and if the Council likes it they can adopt it.

Deputy Mayor Ahearn thanked Mangers Sacks for her report finding it very informative. On the improvement he asked about some type of certification that is available.

Attorney Lustgarten stated that when Joe Garger was Manager on the national scene the International Association of Police Chiefs came up with a certification program where a Police Department had to meet a certain number of criteria. The pitch was made to the Council by the Police Department to get certified. There was questions as to how much it would cost and what did it mean if they were certified. The cost was given, which was a low ball figure, and the certification they would get did not seem to have many benefits to it. Former Manager Garger took one of the Sergeants out of the Detective Bureau to do the research. The certification process never got off the ground even though it was in the works. Manager Sacks said the only advantage of being certified was getting a reduction of the insurance premium. The JIF towns got together and said they could bring down their own insurance costs if they did some type of certification within themselves.

Deputy Mayor Ahearn asked if there was an independent agency that could inspect the Police Department and give them something good for their morale. He stated he will go along with this because it is the Manager's recommendation. He feels the morale is the most important factor they are dealing with. The ordinance that is in place, he is not going to support any move to change that because he wanted to make sure the Borough would still have an option to bring in a civilian Police Director in the future.

Councilmember Tedeschi stated that former Manager Kendall did a wonderful job when the Council set him up as the expert in a lot of these processes. When he was hired his number one priority was to reorganize the Police Department. The Council was asked to establish priorities. On December 2, 1997 he proposed that the Police Director position be eliminated, it did not get Council support. He had a copy of the comments that were made at the meeting of December 2, 1997 which Mayor Ganz asked that they be incorporated in full in the Minutes and they are hereby attached and made part of as "Schedule B". Councilmember Tedeschi stated he thinks the Council has accomplished the goal they set out to do when they hired the Police Director and he believes it is time to go back to a Police Chief.

Councilmember Dobrow stated she is in agreement to back to a Police Chief.

Mayor Ganz stated it is unanimous to go back to the Police Chief.

Councilmember Trawinski stated he agreed with Deputy Mayor Ahearn's suggestion to retain the Director in the Ordinance. Manager Sacks stated her report assumed they would leave both in the Ordinance so that in the future they have that option.

Mayor Ganz stated he found the Manager's report very useful and the tape that Councilmember Tedeschi suggested we acquire was extremely helpful. He said it found it amazing that she had the intellectual courage to take something that you at first did not agree with like going back to a Police Chief. Based on the unique circumstances in Fair Lawn, at this time, it is the right thing for the Borough to do today. He congratulated the Borough Manager for her decision. He feels that overall the Borough will be better off with this. He thinks that Officer and Patrolmen aspire to be Chiefs and it is entirely appropriate to go back to a Police Chief. He congratulated those members of the Council who previously voted to establish the position of Police Director.

Manager Sacks stated she would continue the process which raised the question of leaving vacancies all along the line. She said she needed to fill the vacancies.

Mayor Ganz asked for a formal consensus to return to a Police Chief, all were in favor.

Attorney Lustgarten agreed with the Council's decision to go back to a Police Chief. It was never the intent of the Council to go to the permanent position of a Police Director.

Mayor Ganz asked the time line for returning to a Police Chief, Manager Sacks stated it was immediate.

Manager Sacks asked they make a note about the memo she handed out about the Fireman's Parade on the 15th.

Mayor Ganz stated he received a letter of thanks from Paramus Mayor Gennarelli thanking the Borough Fire Department for their

help at the Jose Tejas fire last month. He said he would entertain the idea of the Council issuing a Resolution congratulating the Fire Department.

Manager Sacks stated she met with the Elmwood Park Councilmember in charge of public safety and talked about the first response. Mayor Ganz asked the Manager to have the Fire Chief come in to speak to the Council and tell them what the specifics of the agreement are and to give them a two year history of how many times the Borough went to Elmwood Park and how many times Elmwood Park came to Fair Lawn.

Councilmember Trawinski stated May 19th at 6:00 p.m. will be the next Walsh Pool Committee meeting where they are making significant progress.

He also stated that one of the reasons he supported the movement up through the ranks is that he thought the process for selecting the new Captain, when she was first here, was among the fairest processes he has ever seen instituted in this municipality and in that regard that is why he supports building the ranks.

Attorney Lustgarten stated the Municipal Clerk had circulated a memo in regard to appointments to Cable Television Board and to the Pedestrian Safety Task Force. Mayor Ganz stated they did not have to do Cable Television Board tonight but would like to do Pedestrian Safety. He stated he was not prepared to do the Cable Television Board as he did not have his files with him.

Closed Session Resolution - Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, the following closed session resolution was unanimously adopted at 10:20 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 and property acquisition; and

WHEREAS, these matters permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn on or before 60 days for disclosure of personnel and 120 days for accusation of property at the resolution of these matters; and

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

ADJOURNMENT - Upon motion of Councilmember Trawinski and a second by Deputy Mayor Ahearn the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk

Closed Session - May 4, 1999

Mayor Ganz reconvened the meeting at 10:25 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

Also present: Manager Sacks, Assistant Municipal Clerk Dugan and Borough Attorney Lustgarten.

Personnel - Redacted

Acquisition of Property - Attorney Lustgarten stated he received the Englewood agreements from Fred Fish and asked the Council for permission to contact Englewood's attorney about TREECO and Mr. Fish.

Mayor Ganz stated he spoke to Mr. Shmalo, Managing Member of the Real Estate Equity Company, LLC, who remains enthusiastic about this project. It is his belief that this project is beneficial to both them and to the Borough. The Borough needs to engage a planner suggesting they should take a look at Broadway, Memorial Pool and River Road. The planner should report back to the Council very quickly making a recommendation for them to act on. He raised the issue about timing and was assured that the type of tenants are insulated from market trends. Mayor Ganz thought Councilmember Trawinski's suggestion of moving the train station was a good one and was doable. He stated further that he spoke to several elected officials about starting this process

in Closed Session.

Manager Sacks stated that the Borough should be focused with the planner as they charge on an hourly basis and they should focus to control the costs. Mayor Ganz suggested narrowing the area down to Broadway.

Councilmember Tedeschi requested they have planners come in to talk with the Council.

Councilmember Trawinski questioned the process of how they were going about this in Closed Session. Councilmember Tedeschi asked when does it become public knowledge because the tenants and property owners have a right to participate. Mayor Ganz stated if they decide to hire a planner, a letter will go out to everyone. Attorney Lustgarten stated the process has to be Closed Session.

There was a consensus to get two or three planners to come in to submit their proposals before the next Work Session with Councilmember Trawinski abstaining.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk