

WORK SESSION OF APRIL 18, 2005

Mayor Ganz called the meeting to order at 7:31 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etler and Weinstein, Councilmembers Caan and McCarthy.

ABSENT: Attorney Lustgarten

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski and Assistant Municipal Clerk Bojanowski.

Review of Tentative Agenda - 4/26/05:

Manager/Municipal Clerk Kwasniewski stated there were no changes or additions at this time.

Deputy Mayor Etler stated he would like to add to the May 3 Work Session an ordinance to allow parking on Chandler Drive. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to tell Chief Rose that the Council would like to discuss this at the next work session. He asked to have the ordinance drafted to accomplish this goal so that if the Council decides to allow parking on Chandler Drive, it would be ready. Manager/Municipal Clerk Kwasniewski stated they should discuss this first. Mayor Ganz stated he wanted the ordinance there that night because it will give the Council the general language for overnight parking.

Property Maintenance Committee Concern:

Deputy Mayor Weinstein stated that Property Maintenance has been questioned about tree plantings. Mr. Bate researched doing an ad in The Shopper News. The quotes he got was \$485 for a full page ad and \$292.75 for a half page ad, running just one time. He felt the Council should approve running an ad so that it would go out to the whole town. Deputy Mayor Etler felt it would be worth it to run the half page ad twice. Councilmember McCarthy felt they should use the free resources that are available such as the website and channel 77. They have the procedures in place and should let the residents know how to take care of the trees.

There was a unanimous consensus to authorize placing two half page ads in The Shopper.

June Meeting Schedule:

Manager/Municipal Clerk Kwasniewski stated that Councilmember McCarthy pointed out that Work Session scheduled for Monday June 6 because of the Primary is the same day as the golf outing and beef steak dinner. Mayor Ganz suggested skipping the June 6 meeting and having a Work Session at 6:00 p.m. on June 14 with the regular meeting to follow at 7:30 p.m.

There was a unanimous consensus to cancel June 6 and combine it with the regular meeting on June 14.

Saddle River Park Estates - Maltese Drive:

Manager/Municipal Clerk Kwasniewski stated she had received a letter from Jodi Price, Property Manager of Saddle River Park Estates requesting the Borough take over Maltese Drive which is a private road. If the Borough accepts Maltese Drive, it would be responsible for road resurfacing, cleaning the storm drain and sewers, plowing, patching pot-holes and repairing curbs. The street may not be up to today's standards. Mayor Ganz stated that he saw there is parking on the street which is very narrow. He asked how it became private. Manager/Municipal Clerk Kwasniewski stated it was part of a subdivision. Mayor Ganz asked that this be put on the Work Session in two weeks and to pull the Planning and Zoning Board minutes.

Manager/Municipal Clerk Kwasniewski stated that under the Kelly bill, the Borough reimburses them for their expenses such as street lighting and snow plowing. Mayor Ganz wanted to know how much this would cost the Borough and to ask the Engineer for a time estimate. Deputy Mayor Etlar felt that they should tell the Property Manager that if the Borough takes over the street it must be up to Borough standards. The association would have to make the repairs. Councilmember McCarthy felt they should be aware of the Borough ordinances that they would have to follow such as overnight parking. Manager/Municipal Clerk Kwasniewski stated she would send them a letter.

DPW Parking Lot Improvements Project:

Manager/Municipal Clerk Kwasniewski stated this is an unfortunate situation. The contractor was awarded the contract but did not start the job before he went out of business. Mayor Ganz suggested the bankruptcy law that may precludes any action on the Borough's part. He felt the Borough could not void the contract. He asked that Attorney Lustgarten ascertain in Newark if the contractor did file for bankruptcy.

There was a unanimous consensus to rebid the project.

Fire Company No. 2 ADA Modifications - Professional Services:

Manager/Municipal Clerk Kwasniewski stated she had received a proposal for architectural/engineering services from Edward A. Levy, AIA for the installation of an elevator Fire Co. #2 which is required by the Americans with Disability Act. She explained that this is Phase II of the modifications of Fire Co. #2. The Borough received an additional CD Grant to fund this phase of the project. Mr. Levy's proposal is for \$6,500, Borough Engineer Garrison has requested an additional \$500 be added to this proposal for various printing expenses. She recommended awarding a professional services contract to Edward Levy, AIA, at a cost not to exceed \$7,000.

There was a unanimous consensus to authorize the award of the Professional Service agreement to Edward A. Levy.

Disabled Veteran Property Tax Exemption:

Manager/Municipal Clerk Kwasniewski stated that this is a policy decision. There is a veteran that has been declared disabled. It takes so long for the Veteran Department to make a decision. They set an effective date of November 2003. They requested that the Borough refund to the resident his taxes back to December 2003. The Borough would owe him all of 2004. The Council needs to make this decision.

Mayor Ganz stated that would be last year and one half of this year. He would like to know the amount involved.

Councilmember Caan felt that he should get the money back if he is entitled to it.

Mayor Ganz felt it was a policy call by the Council but they should wait for Attorney Lustgarten.

Bike Route:

Manager/Municipal Clerk Kwasniewski stated that Deputy Mayor Weinstein had asked about this. TSO Franco was to look at the route. She did send a note to Chief Rose. Mayor Ganz asked that she report back to the Council on May 3. He thought there was an issue with the County roads. He suggested she call Gary Ascolese in the County.

Collura Memorial:

Manager/Municipal Clerk Kwasniewski stated that as the Council has committed \$40,000 towards the memorial. They would need a professional services resolution to award it to the sculptor.

Manager/Municipal Clerk Kwasniewski stated that they need the clay and several engineering projects. Mayor Ganz spoke to Ed Hynes who believed it can be done through the BCIA. Manager/Municipal Clerk Kwasniewski stated they should do a bond ordinance for these projects which can be done quickly.

Deputy Mayor Etlar stated that before the Borough uses the BCIA again, he wanted to know the cost of using it. Mayor Ganz asked for a report from CFO Eccleston for the cost comparison of the BCIA and bonding.

Deputy Mayor Etlar stated that they have not seen a full picture of where the memorial is going to be and what it even looks like. He advised that the Council was shown a mock up of it. Deputy Mayor Etlar stated that he is committed to spending \$40,000 but he felt they were shooting in the dark. Mayor Ganz asked if Deputy Mayor Etlar would like the sculptor to come back with a mock up of the memorial.

Councilmember Caan explained that it would be placed to the right of the Fire Monument. Mayor Ganz asked that Engineering lay it out with pavers and to do a site plan.

There was a unanimous consensus to bond the \$40,000 for the memorial.

Deputy Mayor Weinstein stated that the Borough still does have the clay. Mayor Ganz advised that the BCIA can bond clay. Deputy Mayor Etler stated he wanted to see the numbers.

Chandler Drive:

Councilmember Caan stated the parking problem is something that he is well aware of. The Council needs to correct the problem. It is unanimous what the residents want. Mayor Ganz stated that TSO Franco will draw up an ordinance.

Café Ordinance:

Deputy Mayor Weinstein stated business owners have to reapply for this yearly. He would like to have the Building Department send out letters to the businesses who got a permit last summer to see if they would like to renew their permit. Manager/Municipal Clerk Kwasniewski stated that it could be done on a yearly basis like they do gas pump licenses. A reminder letter would go out to the businesses.

Special Meeting:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was recessed to the Special Meeting at 8:06 p.m.

Mayor Ganz reconvened the meeting at 8:16 p.m.

Miscellaneous Public Comments:

Harvey Rubinstein, 28 Rutgers Terrace questioned the cost of advertising for open space. Mayor Ganz stated that the Borough pays for advertising by the inch. Mr. Rubinstein asked how many veterans receive tax refunds. Mayor Ganz stated there are approximately 290 veterans but did not know if they are homeowners. Mr. Rubinstein spoke about the antenna on the water tank. He said there was information on the website about this and in particular a case in Maryland. He asked why it couldn't get placed on the pole by Route 4 and 208. Mayor Ganz stated they would have to go to the State since it is not a permitted use.

Closed Session:

Upon motion by Deputy Mayor Etler and seconded by Councilmember McCarthy, the following closed session resolution was unanimously adopted at 8:25 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 Contract Negotiations and Personnel; and

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

WHEREAS, public disclosure of the results of these discussions shall be made relating to Contract Negotiations after contract settlement or formal resolution and relating to Personnel upon appointment by the Borough Manager and or the Mayor and Council within 90 days; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Governing Body of the Borough of Fair Lawn.

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 Etlar and a second by Councilmember McCarthy, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor David L. Ganz

Councilmember Allan Caan

Deputy Mayor Martin Etlar

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein