

WORK SESSION OF MARCH 1, 2005

Mayor Ganz called the meeting to order at 7:34 p.m.

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

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

Review of Tentative Agenda - 3/8/05:

Manager/Municipal Clerk Kwasniewski stated there were no changes.

Scheduling of Field/Pool & Guest Fees:

Superintendent of Recreation and Parks George Frey was invited to discuss the field and fees. Mr. Frey explained the procedures that the Recreation and Parks Department have followed for 25 years. He explained the recreational programs have first priority then to the mens and women's leagues, Fair Lawn All Sports Association and the Fair Lawn Board of Education. Once those are taken into consideration then they go to the letters of requests.

They look for 3/4 Fair Lawn residents on a roster. When they send it out they ask for a roster with names, addresses and phone numbers. After the residents they go to tax paying businesses, for employees no sponsorships.

Mr. Frey explained all of these require a certificate of insurance. He signs off on the request then it is forwarded to Manager/Municipal Clerk Kwasniewski for her approval. Once they have the schedules for leagues they start issuing permits.

Deputy Mayor Weinstein asked if 18 Fair Lawn residents wanted to use the field three weeks from today could that be done as long as the field was not taken by the priority list. Mr. Frey stated that was correct. Deputy Mayor Weinstein asked if they needed insurance.

Mr. Frey explained if they want a permit from the Recreation Department they must have a certificate of insurance. Mr. Frey stated if a field is available and someone just went down to use the field they are considered walk ons. If the field is open then they can play. He added if someone else comes with a permit then they must leave.

Fees for Memorial Pool:

Councilmember McCarthy asked whether an increase in guest fees and swim lessons is warranted. He felt they should try to increase attendance to the pool just as they did last year. There were more people last year then they have had in years and they should raise the fees for all users of the pool for next year. This year they should concentrate on drawing in more members again. He asked when the last increase was.

Manager/Municipal Clerk Kwasniewski believed is was in 2000. She suggested to Mr. Frey they raise the guest fees from \$7.00 to \$10.00. He felt that was too much but perhaps raising it \$1.00 this year and \$1.00 next year. She added they also spoke about the swim lessons which are currently very inexpensive. They receive three weeks, Monday through Friday, ½ hour lessons for \$10.00. She suggested \$25.00, Mr. Frey felt that was too low and suggested \$30.00. They also felt for the 45 minute lessons they could go up to \$45.00.

Councilmember McCarthy stated it is still cheaper than what other groups charge so if they could do a minimal increase it would be okay but they do not want to make it a deterrent to people because they want them to still enjoy the pool. If the pool is empty because they increase the fees that does not serve the public purpose. He was in favor of a slight increase of the guest fee and swim lessons. He added after the season they could talk to Mr. Frey and look into greater detail as to what other towns are charging.

Manager/Municipal Clerk Kwasniewski suggested doing that in October so they could introduce ordinances and have them in place for next year if that is the Council's pleasure rather than waiting for the budget's sessions.

Mayor Ganz asked if the prices lists and schedules have been published yet for this summer. Mr. Frey stated they do not go to the printer until April. Mayor Ganz suggested they have an additional discussion on this later.

Blue Ridge Manor Condominium Association Parking Concerns:

Manager/Municipal Clerk Kwasniewski stated they had asked for the input of the Traffic Safety Officer Franco, the Police Chief and for a map which had all been supplied to them. She stated there were 16 or 17 requests over the last two months from the same two or three people. Officer Franco felt permitting overnight parking on Dobrin Court would not be a problem. They received a letter today from another area of town that stated if they are considering this then what about Chandler Drive. Mayor Ganz asked if Dobrin Court was a public street that the Borough maintains. Manager/Municipal Clerk Kwasniewski stated it is a public street but she was not sure about the maintenance of the street.

Borough Attorney Lustgarten believed the Council had asked the Condominium Manager to come back with the number of vehicles and permits and did not believe they had that piece of information. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to go back to the Association and tell them the Council would be happy to consider their request when they give the Council the information that they requested.

Deputy Mayor Etlar stated Officer Franco felt that parking on Virginia Drive would be a problem. Mayor Ganz agreed that it would be a problem. Manager/Municipal Clerk Kwasniewski explained she had been through there when there was car parked on the street with the snow and it was hard to even make it through on Virginia Drive.

Borough Attorney Lustgarten stated the dead end street of Dobrin Court is comprised of Jan Court Apartments which is a separate entity. If the Council was inclined to follow any recommendation about this parking, they cannot just say they will give it to Blue Ridge Manor and ignore Jan Court if they have a problem because it is the same geographic area. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to find out that information.

Cell Tower Request by AT & T:

Manager/Municipal Clerk Kwasniewski stated she sent them a drawing from Engineering which shows two co locators. It was tight but could fit but it will make maintenance a bit difficult. Mayor Ganz stated that would depend on whether the co locator is willing to stack their equipment. Borough Attorney Lustgarten explained they would not stack their equipment and felt that was the same with most of the carriers. Mayor Ganz felt in this case the number co locators is going to be limited by the size. Borough Attorney Lustgarten stated they have to comply with the Federal Act if they agree to go forward with this and has to be done on a non discriminatory basis and have equal access to the bid. He added the representative from AT&T would be willing to come in to show the Council how this would be laid out and what the tower and antenna would look like. Mayor Ganz felt they should have the representative come in and show them what it is going to look like and whatever graphic they have and from there they will make a decision.

Councilmember McCarthy explained there was also a request made of the Engineering Department as to what the spill radius would be. They wanted to know if it leaked and the tower spills how devastating the damage would be. Manager/Municipal Clerk Kwasniewski stated she would remind Engineering. Borough Attorney Lustgarten asked the company if putting the antenna on this would impact the water tank and they told him it has never happened. He added they would have to have absolute guarantees from a structural standpoint and would have to show to the Council's satisfaction that this would not happen. Mayor Ganz stated he was not interested in AT & T coming in and showing them from a structural standpoint, he is not qualified to judge that, he wants them to have sufficient insurance. He asked Borough Attorney Lustgarten to have them come in to make a presentation.

Substitute Prosecutors:

Manager/Municipal Clerk Kwasniewski stated she received a memo from the Judge stating there is a case that they need a substitute prosecutor. They need to figure out what they are doing with the substitute prosecutor. It is her appointment but she would like some input from the Mayor and Council. Mayor Ganz suggested that Councilmember McCarthy and Deputy Mayor Weinstein form a subcommittee and report back the Council as to who that person may be. He added keeping in mind the person they select cannot practice criminal law in Bergen County.

Borough Attorney Lustgarten stated they need to consider the general approach to substitute prosecutors and funding for the position.

Manager/Municipal Clerk Kwasniewski reminded them they are supposed to have a panel of substitute prosecutors. Borough Attorney Lustgarten asked the subcommittee to come back within a week and let the Manager and Court know who they will have because they need to get rid of specific case.

Financial Literacy Awareness:

Manager/Municipal Clerk Kwasniewski explained Borough Attorney Lustgarten raised a question about this. They were under the impression that the agreement was going to be between Columbia. The agreement is actually between the Borough and the Company.

Borough Attorney Lustgarten stated Columbia Bank is the sponsor and the host is Fair Lawn. He thought it was the sponsor that would sign the agreement. When the documents came it was clear that Fair Lawn is the host. He did not have a problem with this but did not want to go forward without the Council taking a consensus. Mayor Ganz asked if there is any liability the Borough incurs through the agreement. Borough Attorney Lustgarten stated there was not.

Consensus was taken and all were in favor providing there would be no liability or extra cost.

Professional Services Contract Proposals:

Borough Engineer Garrison has two items that require professional service contracts.

Restoration of Cadmus Water Tank

Manager/Municipal Clerk Kwasniewski stated this is the 2nd phase. The first phase is done. She explained Robert Merrithew was who they used last time. Mayor Ganz asked why is this a professional service rather than a biddable item. Manager/Municipal Clerk Kwasniewski explained engineering is defined as professional services not biddable.

Berdan Grove Field Drainage Improvements

Manager/Municipal Clerk Kwasniewski explained the first phase which is plans and specs are done. They are hoping to bid this project next month so they can get it done for the spring. The next piece is the construction and inspection services. Boswell did the first phase and they have a quote from them for the second phase. She reminded them this is a grant they have from Open Space and they have funded the other part.

The consensus was to appoint Boswell Engineering.

Manager/Municipal Clerk Kwasniewski stated she would send the proposals to the Legal Department to draft the resolutions.

Health Benefits Proposal:

Manager/Municipal Clerk Kwasniewski stated they have been having a problem with Oxford. In the meantime Stuart Midgon of BGIA has continued to negotiate with Horizon Blue Cross to save some money. They submitted a proposal that would result in additional savings.

Mayor Ganz explained it would be a \$308,000.00 savings a year. The plan is for a PPO which differs from the current contract slightly concerning out of network hospitals. The Borough would have to set up a fund to make the contract equal. He suggested they adopt the proposal and to authorize the Borough Attorney and the Manager to consult with the applicable unions to apprise them of this development and how it works. He encouraged the Borough Attorney and Manager in the meantime to continue discussions with Oxford not with a mind for this year but next year.

There was a unanimous consensus to accept the PPO plan.

Councilmember Caan stated he would like to see numbers on the PPO. They gave them information on non network hospital utilization versus in network for the last couple of years and he would like the same type of figures for the other categories that are part of the program. Manager/Municipal Clerk Kwasniewski stated the only difference is the hospital. Councilmember Caan disagreed and stated they have other programs which are slightly different. Manager/Municipal Clerk Kwasniewski stated according to Mr. Midgon they have given him a letter, that she has not seen yet, that guarantees the benefits are the same except for the out of network hospital. Mayor Ganz asked her to get a copy of that letter.

Photos - Columbia Bank's Annual Report:

Manager/Municipal Clerk Kwasniewski stated they would like to have a picture of the Mayor and Council on their annual report. Their photographer would come early and if the Mayor and Council could be here at 7:00 p.m. next week they would take the picture before their meeting if everyone was available to be there for it. Councilmember Caan stated he was not available for that date. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to try to reschedule it for two weeks on March 15, 2005.

Fines for Overcrowding:

Deputy Mayor Etlar stated Senate Bill 1990 has come to them from the League of Municipalities. He explained it is Legislature authorizing the imposition of fines on overcrowding on dwellings containing 4 or fewer units. He felt this was applicable to them because they do find overcrowding here. He explained they asked for resolution of support but he did not feel that was necessary and the only purpose tonight is appraise them of that. Mayor Ganz felt they should offer a resolution.

There was a unanimous consensus to prepare a resolution of support for Senate Bill 1990.

Police Cars BCIA:

Mayor Ganz explained in order for them to take advantage of the Municipal Bank they need a resolution. Manager/Municipal Clerk Kwasniewski stated it is a generic resolution which would cover them for any participation in the program for the year. They did talk about doing the police cars. Mayor Ganz stated the budget includes five cars for \$130,900.00. Mayor Ganz suggested they agree to the resolution.

There was a unanimous consensus to participate in the Municipal Bank.

Miscellaneous Public Comments:

No one wished to be heard.

Budget Wrap Up:

Mayor Ganz proposed cutting overtime by 25% across the board and allowing the Manager to manage it.

Mayor Ganz suggested reducing the Blue Cross/Blue Shield line by \$308,000. CFO Eccleston stated they would have to have the unions agree. Manager/Municipal Clerk Kwasniewski stated that Stuart Migdon said the switch could be done by July 1. If done properly, the Borough will not face any litigation. This line item was decreased by \$154,000.

CFO Eccleston stated the Council will need to raise the water rates.

Mayor Ganz stated that since the Council would like to see the Library open on Sundays, they need to increase the Library's budget by \$3,200 for additional wages.

Mayor Ganz felt it would be beneficial to bond Library books through the BCIA. Deputy Mayor Weinstein felt that books were an operating expense and in the long term it would make the books more costly. Manager/Municipal Clerk Kwasniewski stated that she concurred with Deputy Mayor Weinstein since it seems that the Borough would save money but in reality they have to start paying for them right away. Deputy Mayor Etler felt it was not prudent. Councilmember Caan felt they should still do it. Councilmember McCarthy stated he agreed with both Deputy Mayors. He felt it was an operating cost.

Manager/Municipal Clerk Kwasniewski stated that the Borough would be getting a person from Ford Motor Corp. They have closed down their plant. Ford has offered to place a person here for two years and they pay for it. She suggested that the person be split between the Health Department and the Office of Emergency Management. Councilmember Caan felt they should give it a try.

There was a consensus to accept Ford's offer to take one of their employees and have them work in both the Health Department and the Office of Emergency Management, with Deputy Mayor Etler dissenting.

Mayor Ganz stated they would finance hiring two police officers. Manager/Municipal Clerk Kwasniewski stated they would try to hire them for the July academy.

Deputy Mayor Weinstein stated that the Borough will need \$30,000.00 for the Economic Development Corporation and the Broadway SID. Mayor Ganz asked if they Council could defer it to next year. Deputy Mayor Weinstein stated this was very important and he hated to postpone it. Deputy Mayor Etlar stated he wanted to see a definite plan. Councilmember McCarthy stated they are at a crossroad since progress has been made and decisions made, they should be rewarded. He agreed to include funds but also wanted to see a plan. Councilmember Caan stated that he supported what they are doing. The other groups have just talked a lot. The Council will need to put the dollars behind them. He would like to see what they have to offer.

There was a consensus to budget \$30,000 for the Broadway SID with Deputy Mayor Etlar dissenting.

Councilmember McCarthy reported that he and Deputy Mayor Etlar went to see the Road Department, Recreation and Parks and Police Department. He felt the items requested should be purchased.

There was a unanimous consensus to make the various cuts in the budget subject to CFO Eccleston taking cuts from the Water Budget.

Closed Session:

Upon motion by Deputy Mayor Etlar and seconded by Councilmember McCarthy the following closed session resolution was unanimously adopted at 9:25 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; 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 Personnel within forty-five days by either the Manager or Mayor and Council.

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 Caan, the meeting was adjourned at 9:40 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