

WORK SESSION OF SEPTEMBER 7, 2004

Mayor Ganz called the meeting to order at 7:35 p.m.

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

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

Review of Tentative Agenda 9/14/04:

Manager/Municipal Clerk Kwasniewski stated that minutes had been distributed and there are also other minutes that are now complete which she would like to add to the Consent Agenda for next week. Mayor Ganz concurred and added if anyone wanted to make changes they could do so before the meeting.

Garden State Municipal Joint Insurance Fund - Steve Edwards:

Manager/Municipal Clerk Kwasniewski gave an overview of both JIF=s. She explained that the agreement with Bergen Municipal JIF expires the end of this year. A resolution is required before the Borough does anything. She stated that the Garden State Municipal JIF had submitted a bid, however, the Bergen Municipal JIF did not have their 2005 fees yet.

Steve Edwards and Earl Miller were present. Mr. Edwards presented his company=s background, a list of their members, the benefits for joining their JIF, the coverage terms and limits and various other matters. He said they chose Fair Lawn because of the size of the town.

Bergen Municipal Joint Insurance Fund - David Grubb:

David Grubb, Executive of the Bergen Municipal JIF presented his proposal. He stated their JIF will be twenty years old in January. They are still recognized as the leader. He was proud of what they have pioneered here in New Jersey. Mr. Grubb felt that the reason this JIF has been successful is because they have been able to save their members thousands of dollars. There was a lengthy discussion going over the differences between the two companies. Attorney Lustgarten advised that the Mayor and Council had asked both companies to come in good faith and make proposals. He stressed that no pre decision has been made.

Mayor Ganz suggested that both companies submit sealed proposals by October 8, 2004. Dominick Ciminelli from Statfeld Advantage will go over the proposals and prepare a grid for the Mayor and Council to review.

There was a unanimous consensus to receive the sealed proposals by October 8, 2004.

Attorney Lustgarten advised that during the conversation with David Grubb a discrepancy arose regarding the zero retention on auto liability. Mr. Grubb is to report back to the Council within two weeks.

Junior Fire Fighter Program:

Manager/Municipal Clerk Kwasniewski stated as was discussed previously, the Council had concerns about the benefits. Attorney Lustgarten advised they should get this program going. He will prepare an ordinance to be introduced on September 28th. The concerns about the benefits can be worked out a later date.

There was a unanimous consensus to introduce the ordinance retro active to September 8, 2004.

Cooperative Parking:

Mayor Ganz stated there has been confusion over what was meant in the cooperative parking ordinance they recently adopted. He wanted to amend the ordinance so that it is made clear that parking is allowed in any Special Improvement District but only in that district or one that is contiguous to it. Attorney Lustgarten will prepare an ordinance for September 28th which will repeal the old ordinance and replace it with a new one.

Tenant Registration:

Deputy Mayor Weinstein felt it should be referred to as a landlord registration. Attorney Lustgarten advised that he will prepare the ordinance for September 14th. Mayor Ganz asked that email addresses be included.

Campbell Road Property:

Manager/Municipal Clerk Kwasniewski advised that the Tax Assessor stated the parcel of land would need a variance if it was subdivided. Mayor Ganz asked what the market value would be if subdivided with variances. He asked that Manager/Municipal Clerk Kwasniewski report back to the Council on September 21st.

Update Fair Lawn Recreation/Community Center:

Manager/Municipal Clerk Kwasniewski advised that the trustees are going to be signing a contract with March Associates. Mayor Ganz felt that Attorney Lustgarten should review the contract before it is signed. He advised that he was not prepared to sign off on the bond without Attorney Lustgarten seeing the contract. Attorney Lustgarten explained that once the numbers have been finalized he will have a chance to review the contract. Mayor Ganz asked that Manager/Municipal Clerk Kwasniewski check with the Building Department to see that the permits get expedited. Manager/Municipal Clerk Kwasniewski reminded him that approvals are needed from the Bergen County Planning Board. Mayor Ganz stated he would look into that. He suggested getting the shovel in the ground no later than the second week in October.

Attorney Lustgarten advised that the trustees are concerned that they will be pushed aside. He advised them that the Council will continue to seek input from them. There will also be fund-raising in the future. The trustees want a resolution confirming their position. He recommended that the Council pass a resolution to that effect. Mayor Ganz requested that they meet with the Council at various times in the future.

There was a unanimous consensus to prepare a resolution confirming the trustee=s position.

Status of Field Lighting:

Manager/Municipal Clerk Kwasniewski reported that everything has been done and the lights are ready to be turned on. Mayor Ganz suggested that they schedule the ceremony for a Tuesday night. He felt Tuesday, September 21 at 6:00 p.m. at Memorial would be good.

Leaf Disposal Contract:

Manager/Municipal Clerk Kwasniewski stated they had received proposals from several vendors. The Superintendent of the Department of Public Works had reviewed them and recommended S. Rotundi and Sons. He suggested a three year contract.

There was a unanimous consensus to authorize the three year contract with S. Rotundi and Sons.

CDBG Projects:

Manager/Municipal Clerk Kwasniewski stated that it was time again to start the grant applications. She said they could ask for additional funds for the mini-bus and for the HVAC at the Senior Center. Mayor Ganz suggested she obtain a wish list from the departments. He asked that Manager/Municipal Clerk Kwasniewski circulate the criteria to the Council and to come back to the Council in two weeks.

Well Drive Property:

Manager/Municipal Clerk Kwasniewski stated there were two parcels of land that they could sell if the Council chooses to. Mayor Ganz stated the Council wants the lots sold.

There was a unanimous consensus to sell the two lots.

Miscellaneous Public Comments:

No one wished to be heard.

Opportunity Center:

Deputy Mayor Etler had a request from the Opportunity Center for the Mayor and Council to pass a resolution of support for them to get funds from Human Services in Trenton to fix up

their place. Mayor Ganz advised that CDBG funds may be available.

Municipal Building Bidding:

Mayor Ganz questioned the difference in the bidding for the renovations to the Municipal Building. Manager/Municipal Clerk Kwasniewski informed him that since they have to reject the bids because they exceeded the architect=s estimate, the staff will have an opportunity to revise the specs and change the plans. She recommended rejecting the bids. The Council concurred.

Municipal Capital Improvement Project:

Mayor Ganz wondered if the Borough had submitted any grants yet. Manager/Municipal Clerk Kwasniewski stated that the domestic preparedness grant was already submitted and they were working on others.

Kodak Update:

Mayor Ganz stated that the Kodak plant will be marketed after Labor Day. They will keep the Borough advised. Attorney Lustgarten advised that the target date to remove machinery is December 1. Mayor Ganz said he assumed whoever purchases the parcel will come to the Council for zoning relief.

Boardwalk for Pool:

Mayor Ganz stated that while he was at Memorial Pool, he came upon two disabled people who were unable to get to the water. He asked that the Borough purchase a boardwalk for them to get down to the water. Manager/Municipal Clerk Kwasniewski stated that one of those boardwalks is already at the pool but it had

not been taken out this season. She advised that they will install it next season. Mayor Ganz asked that a letter be sent to Edward Babbitts, 12-61 Orchard Street advising him of the situation. Deputy Mayor Weinstein asked why it couldn't be put out daily. Manager/Municipal Clerk Kwasniewski explained that because of the geese's droppings, it was unsafe. Since the geese problem has decreased they will put it out next season. Mayor Ganz stated that everyone has commented how clean the pool was. He also advised that Wiley Coyote was found. The policy was that as long as he was returned they would not ask questions.

Amendment to the Water Capital Budget:

Manager/Municipal Clerk Kwasniewski stated that Engineer Garrison has asked to include rehabbing the water tank at Cadmus Place. She stated it will cost \$500,000. The Borough would have to pay the down payment of \$25,000 and the rest of the amount would be bonded. Manager/Municipal Clerk Kwasniewski stated that if this project was included in the 2005 Capital Budget as the engineer originally planned the work would not be done until 2006. He would like to get the project completed in the spring. Deputy Mayor Etlar stated he wanted to defer this project. Mayor Ganz felt it was a self-liquidating account. If they do not do the repair, they could end up with holes in the tank. He advised that currently the bond market is very favorable. Attorney Lustgarten stated this is not a project that will go away. They either do it now or pay for it later. Deputy Mayor Weinstein felt that next time they should be given more notice. Councilmember McCarthy stated he remembered years ago a hole in the tank and felt they should deal with this before it gets bad.

There was a consensus to authorize the amendment to the water budget to redo the Cadmus Water Tank, with Deputy Mayor Etlar dissenting.

Library Aid:

Mayor Ganz asked that this package be passed on to the Mayor and Council.

Special Meeting:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was recessed to the Special Meeting at 10:37 p.m.

Mayor Ganz reconvened the meeting at 10:38 p.m.

Recess:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, the meeting was recessed at 10:39 p.m.

Mayor Ganz reconvened the meeting at 10:45 p.m.

Closed Session:

Upon motion by Deputy Mayor Etlar and seconded by Councilmember McCarthy the following closed session resolution was unanimously adopted at 10:46 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 Attorney/Client Privilege, Pending Litigation 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 Attorney/Client Privilege within 30 to 60 days, Pending Litigation within 30 days and Personnel upon appointment by the Borough Manager and or the Mayor and Council within 60 to 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.

Mayor Ganz reconvened the Work Session at 12:00 a.m.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 12:00 a.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF SEPTEMBER 7, 2004

Mayor Ganz reconvened the meeting at 10:37 p.m.

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

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

RESOLUTION BY CONSENT #21-2004

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Consent Agenda 21-2004 containing the following item was unanimously adopted.

a. Resol. #255-2004 - Approval of Raffles and Bingos:
St. Anne=s PTG, Off-premise 50/50
Sunrise Rotary Club, off-premise 50/50

Adjournment to Work Session:

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the meeting was adjourned to Work Session at 10:38 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk