

Work Session of December 13, 2004

Mayor Ganz called the meeting to order at 6:01 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etlar and Weinstein (late), Councilmember Caan

ABSENT: Councilmember McCarthy.

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

Review of Regular Agenda - 12/14/04

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

Parking Sticker - Anna Rodriguez, 13-11 Third Street

Deputy Mayor Etlar stated Mrs. Rodriguez 13-11 Third Street contacted him because she has no place to park. She has been receiving tickets for leaving her car on the street overnight. He presented a diagram to show the Council the problem. The front yard has less than twenty feet and no driveway. He recommended to that she be allowed to have a permanent parking sticker that can be renewed every six months. Mayor Ganz stated it was clearly a parcel that predates zoning.

Borough Attorney Lustgarten asked where she parked before. Deputy Mayor Etlar stated she parks by her daughter on 12th Street, but needs a place to park at night. Borough Attorney Lustgarten asked if there were other houses in this predicament besides the house next door to her. Deputy Mayor Etlar explained none were built without a driveway.

Traffic Safety Officer stated there are other houses that do not have driveways. He stated this is not unique and believed he had been to that house before this homeowner moved in. He believed the previous owners were allowed to park in a driveway across the street but are not allowed to anymore. He stated if they make an exception for one person they have to be prepared for someone else to ask. Deputy Mayor Etlar stated each hardship stands alone.

Mayor Ganz suggested that this item deserves the full consideration of the Council and felt they should do this in January. Borough Attorney Lustgarten suggested the police not ticket her for the month of January so the Council could consider the matter further.

Mayor Ganz asked Officer Franco to identify the other houses in town with this problem. Officer Franco stated he would contact her to get a permit for January.

Deputy Mayor Etlar left to attend the Planning Board meeting at 6:55 p.m.

Installation of Bike Route:

Wendy Dabney presented a proposal generated from the Environmental Commission for a bike route. She distributed a packet of information. She explained by using a route along Berdan Avenue they can connect to the Passaic River at Memorial Park, link

Memorial Middle School and come down to River Road and Berdan Avenue linking the business district, past the High School, the new art center, cross over lighted signal crossing under Route 208, past Daly Field, past Berdan Grove Park, up Berdan Avenue and continue to Saddle River Road where there is a traffic light to the turnoff into Dunkerhook Park. She explained a bike route is a suggested route for bicyclists and is used to connect high points for recreation and entertainment. The length of the route is 2.9 miles. Since there are some intersections it would probably have to be looked at by the Traffic Safety Officer to ensure that is an appropriate location. The expense to the town would include signage to remind the motorist that this is a route that is being used by bicycles.

Deputy Mayor Etlar explained the cost would be minimal for the signage. Councilmember Caan thought it was a great idea but wanted the Traffic Safety Officer to look at the route. Traffic Safety Officer Franco stated he would look at the route to see if there were any obstacles but it appeared to be laid out very well.

Status of Parking Around High School:

Manager/Municipal Clerk Kwasniewski passed out a package that the Engineering Department had prepared. They identified and counted the spaces and determined if they are regulated or not. Mayor Ganz stated it appeared they were 44 spaces down. Engineer Garrison stated they are not exactly sure but it is a summation of what they have found. Mayor Ganz asked if they would be down more spaces in the spring as more seniors get their licenses. Engineer Garrison assumed that would be accurate.

Manager/Municipal Clerk Kwasniewski stated once construction starts they will only have 51 spaces available in the rear lot. She met with Bruce Watson and he suggested getting permission from the Council to stage the construction vehicles in that back lot behind the tennis courts which would leave 51 spaces for student parking. During the construction they will be redirecting the traffic so they will come in one way and go out the other. They would close the lane they usually use to go out to Burbank. The spaces in the front will be going out to Burbank Street. They have a 156 spot that are unregulated on the streets surrounding the school. Mayor Ganz stated opposite the field there is no parking at any time and believed the Council authorized parking on Cadmus on one side. Deputy Mayor Etlar stated on the end of 17th and 15th Street there are spots that could hold another 12 cars. Mayor Ganz asked if there could be parking on the other side of Cadmus. Traffic Safety Officer Franco stated they recommended leaving it open because Cadmus is a heavily traveled street. There is a thirty foot roadway and cars will not be able to pass by each other. The volume of traffic is too heavy for this street and would cause problems, there is no open spaces to move out of the way on that street. They maintained the same logic on the other streets surrounding the school that parking on one side would be a safer option, except for Berdan which is 40 feet, and 12th Street which is 36 feet.

Deputy Mayor Weinstein asked what will happen by the Community Center when construction starts.
Manager/Municipal Clerk Kwasniewski stated parking is

allowed and the Council has not made a decision to change that parking. Mayor Ganz added it may be allowed there but it will not be available when construction starts. Engineer Garrison stated Page Three

Work Session

December 13,
2004

it would still be available but not to students because of the activity going on there. Manager/Municipal Clerk Kwasniewski stated the residents have asked no parking be allowed on the side of the Rec Center. Officer Franco stated there was no parking at one time but several years ago they started allowing parking. The relief the people in that neighborhood are going to need is not relief at 8:00 a.m. to 2:00 p.m. The problem they are talking about is when the Rec Center is built. Manager/Municipal Clerk Kwasniewski explained that was not what the residents were talking about. Every time there is an event at the school, football games or concerts they cannot get down that street because people are parked on both sides. She added this is not once in a while, it is every weekend during the school year.

Engineer Garrison stated he went on a tour with Officer Franco of that area trying to find where they could liberate some parking spaces. There is a long length of Bellair Avenue which is presently unregulated. Mayor Ganz asked what the approximate distance would be from Bellair to the nearest entrance to the High School. Engineer Garrison stated about 600 feet roughly. Mayor Ganz stated they may cut through the entire construction area. Manager/Municipal Clerk Kwasniewski stated for safety reasons they may not be allowed to do that. Borough Attorney Lustgarten believed there were eight to ten spaces on Burbank north of Berdan on the east side which are currently being utilized but were not shown on the map. The Engineering Department had concentrated on the areas that they addressed several years ago when they expanded parking. Officer Franco added 12th Street is available. It is wider than most streets which allows for safe parking and passage on both sides. There is parking on Burbank Street and 12th Street south of Berdan Ave on both sides that is available. Mayor Ganz asked how many spaces would be available on 12th Street. Officer Franco stated it would be similar to Burbank Street. The west side of Burbank from Berdan to Norma to Alexander would provide 50 to 60 spaces. On Berdan Avenue between Fairclough and Cadmus there are two green areas shown on the map for open fields that are not in front of houses. He suggested they remove the two hour limitations to provide another 18 spaces. Kipp Street from Fairclough to Cadmus has currently parking on only one side. Kipp Street is a one way street in that area so there is no impact on traffic if there is parking on both sides. He felt they could put parking there unless the residents are adamantly against it.

Mayor Ganz thought in order to maximize parking they should mark the spaces, but Officer

Franco disagreed. They could lose space by marking the spaces because now they would be allocating a 21 foot space for every vehicle and in a long stretch another vehicle may be able to squeeze in. Officer Franco felt they would squeeze as many cars in as they can as close to the school as possible because they do not want to walk two more blocks.

Mayor Ganz asked Officer Franco about putting in a temporary parking lot. Officer Franco stated they looked at it again with the Chief and the Engineers. They could put about 40 cars there. He added they may have to vacate Fairclough between Kipp and Berdan because the Board of Education told him that their parking lot must be contiguous to their property. Mayor Ganz asked Borough Attorney Lustgarten to check to see if that was State mandated or just what the Board of Education wanted. Mayor Ganz asked if they could temporarily vacate a street to accommodate that if it was legally required. Borough Attorney Lustgarten stated they could give a right of passage easement.

Page Four

Work Session

December 13, 2004

Officer Franco stated every street north of Berdan Avenue from Burbank, Lexington, Orchard, Fairclough and Western Drive has parking limitations on one side and no limitation on the other. He suggested they do alternate side of the street parking on all of those streets. This would provide parking for students on one side and relief for residents on the other. Since they put this into effect on Norma Avenue they received no complaints about parking. Engineer Garrison stated as the kids go out more they have more complaints about littering. It may make a difference if the kids do not have to go out every two hours to move their cars.

The consensus was that if the Board of Education wants to install a temporary parking lot Council would support them.

A further consensus was that the Council would be willing to vacate Fairclough or do whatever is necessary for a temporary easement.

Deputy Mayor Etler felt that Orchard Street should be left as it is now. They could not get emergency vehicle through when there was parking on both sides. They had a tremendous litter problem and since they addressed those issues the problem has gone away. Officer Franco reiterated his opinion on alternate side of the street parking. Deputy Mayor Etler stated the residents advised the Council this is what they wanted and if they want that changed they need to come back to the Council.

Mayor Ganz stated this should be discussed at the Board/Borough committee meeting and asked Assistant Municipal Clerk to get a rough draft of this for that meeting. Manager/Municipal Clerk Kwasniewski asked if the parking survey could be shared with Mr. Watson before the meeting. Mayor Ganz stated that would be a good idea.

Officer Franco asked if they can remove the two hours restriction on Berdan Avenue in front of the field.

The consensus was to remove the restrictions.

Mayor Ganz asked Officer Franco to get the paperwork to Manager/Municipal Clerk Kwasniewski and she would coordinate with the Council.

Update on Business Leadership Committee Finalization and Council Action:

Deputy Mayor Weinstein explained the actions have been completed. He thanked all the people who participated on the committee.

Dialog with Paterson Officials:

Deputy Mayor Weinstein stated that he had met a Councilwomen from Paterson. He felt it would be a good idea if he and Deputy Mayor Etler meet with officials from the City of Paterson to discuss various topics such as replacing the Fair Lawn Avenue Bridge and the construction of the Home Depot. He also thought they should build a friendship between the Borough of Fair Lawn and the City of Paterson.

Page Five

Work Session

December 13, 2004

Easement Request 35-02 Lenox Drive:

Borough Attorney Lustgarten explained that years ago the owner was allowed to expand the house over a sewer easement. They cannot sell the property. Engineering has suggested that they grant the Borough a parallel sewer easement. This would be a 10 foot by 100 foot sewer easement. The owners' attorney indicated they would agree provided no excavation would take place under the existing easement nor would they be required to remove the premises. He did not agree that the Borough would repair or re-route the line at no cost to the homeowner if there is a problem with sewer line. Engineering estimates that the metes and bounds description without a survey is \$500.00 and with is \$1,000.00. Borough Attorney Lustgarten believed the town should split the cost with the homeowner.

Consensus was taken to negotiate up to half the cost and all agreed.

Substitute Prosecutors:

Borough Attorney Lustgarten stated pursuant to a court directive the Borough was responsible for appointing a substitute prosecutor to fill in for cases due to conflicts or absenteeism. This came to him because Manager/Municipal Clerk Kwasniewski passed a voucher to him for services for an alternate prosecutor. He bounced it back because he did not believe they had a procedure in place where they can allow these substitute prosecutors to submit vouchers. Manager/Municipal Clerk Kwasniewski explained the prior prosecutor paid out of his salary the other prosecutor to appear. She does not know how these people were picked because they were not named by her. She has five or six vouchers for them. Mayor Ganz asked what the basis for compensation on the vouchers. Manager/Municipal Clerk Kwasniewski stated it was \$90.00. Borough Attorney Lustgarten explained the three vouchers he had. Manager/Municipal Clerk Kwasniewski stated there were two that were paid already. She received another one today because the Judge hired him because they could not move forward with the case.

Borough Attorney Lustgarten did not believe this was the procedure anymore, once the state mandated the Counties to compel the municipalities to designate a substitute prosecutor. Mayor Ganz asked if it was in Judge Mizol's authority as a Department Head to do this. Borough Attorney Lustgarten had questions about that, the judge had the right

to control the processing of the Court but she is stepping into the executive branch when she appoints prosecutors and that is the Manager's prerogative.

Manager/Municipal Clerk Kwasniewski stated she has vouchers but she needed the authority to pay since they did the work. Mayor Ganz suggested Borough Attorney Lustgarten speak to the Judge and Prosecutor to see the basis upon which each thought they had the authority to hire someone.

Contract Renewals

Manager/Municipal Clerk Kwasniewski stated there are a number of contracts that need to be renewed. She explained most of them have increased slightly from last year.

Page Six

Work Session

December 13, 2004

Harp - Health Educator

The consensus was to renew the contract with HARP as the Health Educator.

Professional Loss Control Consulting Service

The consensus was to renew the contract with Commerce Risk Control.

The Valley Hospital Nursing Services

Mayor Ganz asked if this was the part time nursing and additional overage as necessary. Manager/Municipal Clerk Kwasniewski stated they are increasing the hours as the need grows.

The consensus was to renew the contract with the Valley Hospital Nursing Services.

Risk Manager

Mayor Ganz suggested they change the Risk Manager to Steve Edwards of BGIA.

The consensus was to change to BGIA.

Child Health Care Conference Physician

The consensus was to renew the contract with Dr. Edward Sciano, Jr.

Third Party Administrator

The consensus was to renew the contract with Quality Claims.

Date for Reorganization:

Manager/Municipal Clerk Kwasniewski stated they needed to pick a date for the reorganization. Mayor Ganz suggested Tuesday, January 4, 2005 at 7:30 p.m. with the Work Session to follow.

community events on Daly Field.

Health Insurance Presentation by BGIA:

Manager/Municipal Clerk Kwasniewski stated the Council requested that she invite BGIA to make a presentation on the alternate carrier. They currently have Blue Cross Medallion. She also invited Matt Giacobbe, labor counsel.

Stewart Migdon of BGIA and Mike Nuno from Oxford were in attendance. Mr. Migdon gave an overall view of what went on for the January 1, 2005 renewal. He explained the increase from Horizon and how much they would save with Oxford for both medical and prescription plans.

Page Eight

Work Session

December 13, 2004

Horizon has a corporate policy that prohibits them from providing any rate guarantees in any subsequent year beyond the first. Oxford was not looking to take their business in the first year and then increase the rates significantly in the years followings. The increase for the second year would be no more than 16%. They have guaranteed that the third year the rates would not increase by any more than 19%.

Mr. Migdon stated Horizon rates increased 9.6% in 2001, 18% in 2002, 11.22% in 2003 and 7.6% in 2004. The prescription plan costs increased 34.88% in 2001, 19.55% in 2002. 22.58% in 2003 and 10.08% in 2004.

Mike Nuno from Oxford gave the background of Oxford. They were established in 1984 and serve over 1.6 million people with over 60,000 employers. They were recently merged with United Health Care making them the second largest insurance company in the country. He reviewed the details of the proposal.

Mayor Ganz stated the reason the Council has been quiet is because they spent several hours talking to him at the convention in Atlantic City so they understand their level of service and his personal commitment to this program. He asked as the Borough Council evaluates health care coverage from Horizon versus Oxford within certain parameters each of them would offer an increase on an annual basis. He asked if it would be fair for them to calculate that the amount of saving they have were actually affecting over three years of the contract which would be about 1.2 million over three years. Mr. Nuno stated assuming they use the same scenario from a rating standpoint that would be correct, it could be more or less.

Borough Attorney Lustgarten questioned whether the coverage was the same as the current plan and what happen if the employee's doctor is not part of the Oxford plan. Mr. Migdon stated they would have to satisfy the deductible and pay 20% instead of a \$10.00 co-pay. Horizon can provide a list of in-network doctors used by the employees. Oxford would then provide a disruption list. Oxford would try to recruit the doctors who are not participating.

Attorney Giacobbe explained how other municipalities had been able to switch carriers. Oxford would have to provide a letter guaranteeing that they will make the coverage the same. Some municipalities set up funds to pay claims if Oxfords did not pay the same

amount for the same service. He and the Manager need to meet with the union representatives.

Mayor Ganz asked for a guarantee from Oxford that their proposal was valid until March 1, 2005. Mr. Munoz agreed. Mr. Migdon indicated it would take at least 60 days to make a change.

The consensus was to get the list from Horizon.

Recess:

Upon motion by Councilmember Caan and seconded by Deputy Mayor Weinstein the meeting was recessed at 8:50 p.m.

Page Nine

Work Session

December 13, 2004

Mayor Ganz reconvened the meeting at 9:00 p.m. Deputy Mayor Etlar returned to the meeting at that time.

Mary Ann Collura Memorial:

Officer David Boone and Brian Scanlon were in attendance to present the Officer Mary Ann Collura memorial. The memorial is of Officer Collura bent down on one knee handing glow sticks to two children dressed in Halloween costumes.

Various topics were discussed such as removing her hat and changing the costumes on the children.

Officer Boone reported that the Prosecutor's office will provide half of the funds for the memorial. Mayor Ganz reminded him that those funds cannot be spent without the Freeholder's approval.

There was a consensus to approve the concept with Deputy Mayor Etlar dissenting.

Miscellaneous Public Comments:

Don Oliver, 8-32 Mitchell Place stated Detective Boone has talked about the memorial for a long time. Mary Ann was a very sweet person and this would be well worth the time and effort. He felt they should remove her hat. He stated this is a great tribute and thought perhaps the girl should be in a police outfit. He thanked Detective Boone and Councilmember Caan for their work.

Louis DiGeronimo, 16 Beekman Place volunteered the services of his firms for any architectural work that might be needed.

Maureen Moriarity, 14 Beekman Place wished to thank the artist for the memorial and stated how much she loved it.

Detective Boone did not understand Deputy Mayor Etlar objections. Everyone he has shown the memorial to has been moved. Deputy Mayor Etlar stated he did not believe in giving a blank check.

Deputy Mayor Weinstein stated he found it to be tremendous and was all choked up.

Closed Session:

Upon motion by Deputy Mayor Etlar and seconded by Councilmember Caan the following closed session resolution was unanimously adopted at 9:32 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 Contract Negotiations; and

Page Ten

Work Session

December 13, 2004

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 on Reorganization date January 4,2005,contract negotiations upon finalization of contracts for all Unions specific date unknown except for legal strategy.

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 meeting at 11:05 p.m.

Environmental Grants:

Deputy Mayor Weinstein stated that River Road Improvement Corp. would like to get an Environmental Grant to clean up the Passaic River. The only thing the Borough would be required to do is have a resolution of support. Manager/Municipal Clerk Kwasniewski stated it would cost no money for the Borough they only thing they would do is give the DPW's manpower to help out. A resolution will need to be prepared.

Adjournment:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, the meeting was adjourned at 11:09 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

