

REGULAR MEETING OF DECEMBER 14, 2004

Mayor Ganz called the meeting to order at 7:35 p.m. Assistant Municipal Clerk Bojanowski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 19, 2003 and July 23, 2004. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

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

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

PRESENTATION TO FAIR LAWN ALL SPORTS U12 BOYS "B" SOCCER SELECT TRAVELING TEAM

Mayor Ganz stated they were pleased to honor the U12 Boys "B" Soccer Select Traveling Team for not only an outstanding record in wins but also for sportsmanship which is more important than winning or losing. He added they should all be proud of themselves as are their parents, coaches and the Council.

Assistant Municipal Clerk Bojanowski read the certificate. The Council presented the players with their certificates.

Keith Brown, Ellington Road thanked the Mayor and Council on behalf of himself and Coach Carl, all the players, parents, friends and families of these young men for honoring them. He added they are not just great soccer players but they are great bunch of kids. They are very proud of these kids and have had the pleasure of coaching them for the last three or four years. He felt the Fair Lawn High School would have a great team in a few years. They ask them one question at every practice and game which is "Who are we?". The team responded by screaming FAIR LAWN.

COUNCIL COMMENTS:

Deputy Mayor Etler gave his November activity report. He attended the following: the naming of the Post Office on Abbott Road in honor of Mary Ann Collura, CERT training course at the Mahwah Police Academy, three Planning Board meetings, Fire Board, League of Municipalities meeting in Atlantic City, Annual Thanksgiving Service at Temple Avoda, Joint Insurance Fund information meeting, Annual Thanksgiving concert at the High School. He wished everyone good tidings to you all for the coming new year.

Deputy Mayor Weinstein stated one of the greatest things about being on the Council is attending an event like the one tonight. He also attended the Football Association luncheon on Sunday. He added the one thing they have are great kids and great parents. He wished everyone happy holidays.

Councilmember Caan congratulated the soccer team. He thanked the parents for their efforts and the time they put into just getting the kids to practices and games as well as the Coaches. He added they have a resolution on the Consent Agenda tonight which is the appreciation to the Fair Lawn Business Leadership Committee recognizing everything they did under the direction of Deputy Mayor Weinstein. He congratulated Deputy Mayor Weinstein and the members of the committee on all the hard work they had done to make it such a success. He wished everyone a happy and healthy holiday and acknowledged all of the people over seas defending our country.

Councilmember McCarthy wished everyone a happy and healthy holiday season. He congratulated the soccer program for their success and felt it was worthwhile to see the continued success of the All Sports Program. It is a compliment to the athletes, parents and coaches. They are volunteers and give their time for the love they have for children and the game.

Mayor Ganz stated one of the advantages they have as being part of the Council is to watch young people bond, mature and learn valuable lessons not just on the playing field but for life. He thanked the parents for their support. He wished everyone a happy, healthy and prosperous new year of behalf of himself and his wife.

ORDINANCES: FIRST READING

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 1999-2004

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY, AS AMENDED

Borough Attorney Lustgarten explained this ordinance establishes salaries pursuant to a desk audit that occurred for civil service bringing salaries in line with the actual activities that were being performed by the employee.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 345-2004 introducing Ordinance No. 1999-2004 was unanimously passed.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 2000-2004**AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY, AS AMENDED**

Borough Attorney Lustgarten explained this is the introduction to a salary ordinance to fix the salaries for the next four years for the Department Heads including the Construction Officer, Health Officer, Municipal Clerk, Emergency Management Coordinator, Engineer, Tax Collector, Police Chief, Superintendent of Public Works, Superintendent of Recreation, Tax Assessor and the CFO.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, Resolution No. 345A-2004 introducing Ordinance No. 2000-2004 was unanimously passed.

RESOLUTIONS BY CONSENT #31-2004:

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Consent Agenda 31-2004 containing the following items was unanimously adopted.

- a. Resol. #346-2004 - Approval of Minutes
Regular Meeting 10/12/04
Work Session 10/19/04
- b. Resol. #347-2004 - Transfer of Funds
- c. Resol. #348-2004 - Refund of Overpayment of Taxes
- d. Resol. #349-2004 - Professional Services - Planning Services -
Schoor DePalma
- e. Resol. #350-2004 - Extension of Tree Trimming Contract - Almstead
Tree & Shrub
- f. Resol. #351-2004 - Extension of Tree and Stump Removal -
Almstead Tree & Shrub
- g. Resol. #352-2004 - Interlocal Agreement with Ridgewood - Water
Analysis
- h. Resol. #353-2004 - Award of Bid / Rejection of Bid: Borough
Vehicles
- i. Resol. #354-2004 - Appreciation to the Fair Lawn Business
Leadership Committee
- j. Resol. #355-2004 - Authorizing Execution of Agreement with United
Water

MISCELLANEOUS PUBLIC COMMENTS:

Upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, it was unanimously agreed to open the time for public comments.

Donal Meyers, 8-22 Mayfair Terrace questioned Consent Agenda Resolution 349-2004 because he found it surprising that all five members of the Council would consider that to be a matter that was not open for public discussion. Schoor DePalma is a major contributor to the Bergen County Democrats and the Mayor's re-election campaign. He felt the people of Fair Lawn should know that Schoor Depalma who received this no bid contract for a planning study of the Topps property has contributed \$20,000 to the Bergen County Democrats in the first nine months of 2004. He added they had contributed \$2,250.00 in the last three years to Mayor Ganz's campaign. He invited anyone who would like the details to go to his website. He added this is pay to play and a true waste of taxpayer's money.

Topps has been out of business and there is some environmental problems but there is a remediation firm. Anderson Mullholland is conducting a remediation study. He felt there was no need for a planning study now. They will know what the extent of the remediation needed is when the owner finishes the study. The owner will decided how he is going to remediate and if he will rebuild. It is the owner's perogative not the Borough's.

He added at the end of the day once the community rises up and is heard this report is going to be money wasted. He felt that the Council should not fund a study that would divide the community because they do not want their parks and green spaces taken for high density development. People expect Democrats to save green spaces, to protect the environment and preserve the ground water by having open space where water can recharge through the earth. Everyone knows how bad Fair Lawn water is so what is going to get done, paving over more space so that more rain water does not get down into the earth and make the water even worse and take another park away from the children.

Howard Hyde, 13-07 Ellis Avenue asked about the discussion on Health Insurance that came up at the work session. He heard them mention there would be a \$17,000 savings if they were to switch the prescription provider but they packaged that in with going with Oxford. He wanted to know if anyone had asked if they could just change the prescription provider without changing the health provider. Mayor Ganz explained he had asked that questioned and met with Mr. Migdon at the League of Municipalities conference in November and they are amenable to working in any component or part of it. The package that Oxford offered is attractive to the Borough and is probably a savings of about \$1,300,000.00 over a three year period of time. Mr. Hyde asked about Oxford having a cap in year two of 16% and 19% in year three but did not specify whether that increase was based on year one or based on year after year. Mayor Ganz stated the health costs are out of control and it is a contract with a series of options. They can shop again at the end of the year because it is not a multi year contract. That is what they are doing now, Blue Cross dropped their increase by a substantial amount just not enough in his opinion.

Mr. Hyde stated one of the concerns that came up was if they made the switch what about doctors being in both plans and they commented they could receive a report from Horizon that would cross match the doctors. Mayor Ganz explained they ordered that review to be done. Mr. Hyde suggested saving the Borough \$1,000.00 by asking the employees to see

if their doctor was a member of Oxford. Mayor Ganz stated the problem with doing that is health care privacy. He explained he is always for saving the Borough money but felt this would be money well spent because they would have an answer within a week. If they had the employees do it, it would probably take to the middle of January or February.

Harvey Rubinstein, 28 Rutgers Terrace reiterated his concern about the lack of a sidewalk on the south side of Kipp Street by the new Recreation/Community Center. Manager/Municipal Clerk Kwasniewski stated she spoke to John Cosgrove who is the trustee after the comments were made and they are working with the Engineer to include the sidewalk. Borough Attorney Lustgarten stated he called Stu Liebman, Esq. after that meeting and stated he would take it up with the trustees. Deputy Mayor Weinstein stated he spoke with the president of the 501C as well.

Mr. Rubinstein stated a house of worship application was presented to the Planning Board and approved. The ordinance concerning houses of worship states that the street has to be fifty feet or greater in width. He asked the Council if that meant it is curb to curb. Joe Smith told him it was from property line to property line but it does not say that in the ordinance. He felt for the future it should be clearer. Mayor Ganz asked Borough Attorney Lustgarten to look at it. Borough Attorney Lustgarten explained generally it is property line to property line regardless of whether that is stated in the ordinance. He will get something in writing for them.

Mr. Rubinstein added he was against spending tax dollars for a planner. The neighbors in Radburn suddenly woke up and voted four to one in favor of preserving the Radburn tract as a green space. He wished to make Mayor Ganz aware of it because he was not there when he originally brought it before the Council.

There being no additional comments from the public, upon motion by Deputy Mayor Weinstein and second by Councilmember Caan, the time for public comments was unanimously closed.

ADJOURNMENT:

Upon motion by Deputy Mayor Etlar and second by Councilmember Caan, the meeting was adjourned at 8:15 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