

## **WORK SESSION OF DECEMBER 21, 2004**

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

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

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

### **Report of Subcommittee re Board of Education:**

Mayor Ganz stated that the Board of Education wants to convert a large area off of Kipp Street to temporary parking. They felt the Borough Engineer should advise them.

Deputy Mayor Weinstein stated the Board of Education had also discussed Cablevision wiring the schools for cable television. They did express that they want to work closer with the Mayor and Council.

Mayor Ganz stated they were anxious to have the Library open on Sundays in June. He asked Manager/Municipal Clerk Kwasniewski to check with the Library and get back to them what the budgetary impact would be.

Attorney Lustgarten advised that he had spoken to Gary Shaw from Cablevision and they are still surveying the schools and should be finished by early next year.

Mayor Ganz stated they should meet with the Board of Education in the future. He is waiting for Engineering to redesign the parking areas and have it implemented by April. Deputy Mayor Etler stated there has been talk about lifting the parking restriction. Mayor Ganz said they could probably lift the two hour restrictions. He suggested they talk about this after they get information from Engineering.

### **Substitute Prosecutors:**

Attorney Lustgarten advised that he would like to discuss this at the second Work Session in January. He had sent a letter to the former prosecutor questioning the court appointment. Manager/Municipal Clerk Kwasniewski stated she would need the names of substitute prosecutors so they can be appointed. Attorney Lustgarten advised they need to get this cleared up so a policy can be put in place for the future.

### **Request to use Senior Center:**

Manager/Municipal Clerk Kwasniewski stated she had received a request from someone to use the Senior Center. Mayor Ganz wondered when it was a non-profit agency what the Borough's policy was. Attorney Lustgarten advised there is no fixed policy and they should put a policy in place directed by the Manager.

Mayor Ganz wondered what the cost would be to the Borough. Manager/Municipal Clerk Kwasniewski stated the custodians would be only cost. Mayor Ganz felt that as long as they are non profit and pay the Borough's expenses they should be allowed. Attorney Lustgarten felt there should be a reservation of rights so that Borough events can bump them. Mayor Ganz asked that this be put on the first Work Session in February. He asked Attorney Lustgarten to come up with a plan. Deputy Mayor Etler felt they should bear the cost of the custodian and sign a waiver for insurance. Mayor Ganz advised Attorney Lustgarten to put the language in the agreement. He wants the Borough protected. Councilmember McCarthy stated he would be in favor of this as long as he knows the agreement was prepared by Attorney Lustgarten.

There was a unanimous consensus to have Attorney Lustgarten prepare an agreement.

### **Free Tickets to the New Jersey Nets:**

Deputy Mayor Etler stated that the Nets were willing to give free tickets to anyone doing volunteer service in the Borough. The dates would be January 7, January 19 and February 1. All they would need to do is supply the Nets with the names and dates when they want to go. Mayor Ganz suggested they put a notice on the Website and Channel 77. Manager/Municipal Clerk Kwasniewski stated everyone would read it, they would need to market it to the people who have volunteered. Attorney Lustgarten advised the tickets should go to the volunteers first. Deputy Mayor Etler informed them to send the tickets to the Municipal Clerk's office. Mayor Ganz suggested picking the February 1 date. Let the volunteers know and also the Board of Education. He suggested that the Manager handle this.

There was a unanimous consensus to have the Manager handle giving the tickets out and to get the tickets for February 1.

### **Dates for the Street Fair:**

Manager/Municipal Clerk Kwasniewski stated she had received an email from Stu Herrmann requesting the following dates, June 5, 2005 and October 9, 2005 for their street fairs.

There was a unanimous consensus to approve the dates for the street fair.

### **JIF Proposal:**

David Grubb from the Bergen County JIF and Earl Miller from the Garden State JIF were present. Manager/Municipal Clerk Kwasniewski summarized their proposals. Garden State's figure was \$435,696 and the Bergen County JIF was \$396,613. Attorney Lustgarten went over the figures. Mayor Ganz asked Mr. Miller for his bottom amount. Mr. Miller stated he had sent a revised amount of \$425,979. Attorney Lustgarten asked which amount was correct. Mr. Miller informed him he had two quotes. Manager/Municipal Clerk Kwasniewski stated there is no paperwork with that amount on it. Attorney Lustgarten asked Mr. Grubb if he was aware of this. Mr. Grubb said that he was confused because he had a document with

the \$435,696 amount on it. He was under the impression there would be no re-quoting and was surprised to see two months later that they have changed the numbers. Attorney Lustgarten said the issue is what is Garden State's total premium. Mr. Miller stated for the record it would be \$398,696.

Councilmember McCarthy questioned Bergen County JIF giving dividends. He wondered if one has been figured for 2004. Mr. Grubb stated it would be around \$70,000 and Garden State will not be giving dividends. He said the Borough would continue to receive dividends for the next fifteen years since they share in the profit. The Bergen County JIF achieves the best results in the risk sharing network. He noted that the Borough can apply this dividend to their premium.

Councilmember Caan asked what the differences are in their policies. Mr. Miller stated that Garden State was offering a ten million dollar limit on employee practices while the Bergen County JIF was offering four million. Mr. Grubb stated that Fair Lawn has been offered six million dollar limits in the past and has always refused to take it. Councilmember Caan asked if he recommended they raise the limit. Mr. Grubb informed him that the Borough should raise the limit and it would only cost an addition \$1,500. He felt that every community should have the maximum protection.

Deputy Mayor Weinstein questioned the tail coverage and how much it would cost. Mr. Grubb said it would cost about two times the amount of the employee practices, which is in the range of \$50,000. Mayor Ganz asked what the risk for a lawsuit would be. Attorney Lustgarten advised that the statute goes back two years. He stated that he had discussed this with Manager/Municipal Clerk Kwasniewski and felt that raising the limit from four million to six million would be adequate coverage. He felt that if the Borough were a bigger town they would want higher coverage. He did not see this as an area of exposure.

Deputy Mayor Weinstein raised questions about the auto insurance. Attorney Lustgarten advised that they have not paid out many claims. Deputy Mayor Weinstein questioned the length of time that the Garden State JIF has been around. Mr. Miller stated that longevity has its merits. He said that all JIF's are overseen by the insurance commission. They are the largest with over 500,000 people. Deputy Mayor Weinstein asked what the average increase has been over the years. Mr. Miller said it has been around 4.5%. Mr. Grubb read the premiums for the last five years, 1998 - \$385,000, 1999 - \$401,000, 2000 - \$421,000, 2001 - \$456,000, 2003 - \$381,000, 2004 - \$396,000 and 2005 - \$396,000. He explained that the biggest exposure is Workman's Comp. He stated that the assessment is larger in part because they pay an excess carrier for Workman's Comp. The premium is a percentage of the payroll. The cost has gone up sharply since September 11. Attorney Lustgarten questioned if the Bergen County JIF would consider a one year agreement. Mr. Grubb stated that no JIF would do that. He had asked his members and they all said no. Mayor Ganz thanked them for attending the meeting.

Upon motion by Councilmember Caan and seconded by Councilmember McCarthy the meeting was recessed at 9:00 p.m.

**Special Meeting:**

Upon motion by Councilmember Caan and seconded by Deputy Mayor Weinstein the Meeting was adjourned to a special meeting at 9:06 p.m.

Mayor Ganz reconvened the meeting at 9:18 p.m.

**Miscellaneous Public Comments:**

No one wished to be heard.

**Closed Session:**

Upon motion by Councilmember Caan and seconded by Councilmember McCarthy the following closed session resolution was unanimously adopted at 9:19 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

**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 90 - 120 days or upon formal appointment by the Borough Manager and or the Mayor and Council and for Contract Negotiations at the conclusion of the negotiations or within 45 days but never as to legal strategy; and

**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 10:13 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor David L. Ganz

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Councilmember Allan Caan

Deputy Mayor Martin Etlar

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Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein