

BUDGET MEETING OF FEBRUARY 4, 2003

Mayor Ganz called the meeting to order at 6:03 p.m. Assistant Municipal Clerk Bojanowski read the statement of compliance with the Open Public Meetings Act.

PRESENT: Mayor Ganz, Deputy Mayor Etler and Councilmember Amato (late) and Caan.

Also present: Acting Manager Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski, Attorney Lustgarten and CFO Eccleston.

Police - Chief Marshall, Captain Sudol, Captain Serrao, Lt. Rose and Lt. Yirce were present. Chief Marshall gave an overview of the Police budget. While he understood cuts have to be made he felt the ones that the Acting Manager and CFO did were as far as he could go. Mayor Ganz replied that one of the things that he found disturbing was the letter sent to the parents about the DARE program ending. Chief Marshall stated the DARE program is more of a staffing item than a budget item. Mayor Ganz asked Chief Marshall for a firm commitment that DARE and the Community Policing would continue. Chief Marshall stated he could not commit to all twenty programs.

521-20-22 New Auto - Mayor Ganz stated it was going to be a tough budget year. He explained that the Governor said it should get tougher for everyone. Mayor Ganz stated that any funds they thought they may receive were few and far between. He wondered if there was a possibility to substitute five jeeps for five cars which would allow them to bond the vehicles. Chief Marshall stated they did look into it and could use two or three. Lt. Rose stated he had looked into using four wheel drive instead of two wheel and felt they should have a car to do regular patrol.

Councilmember Amato arrived at 6:15 p.m.

Lt. Rose explained that the vehicles on the State contract are small and suggested they get Tahoes or Expeditions. Mayor Ganz stated this line item would be reduced from \$132,600 to \$43,000. He suggested these cars be fast tracked.

521-10-03 Overtime - Chief Marshall stated that a lot of the overtime this year was due to the Radburn Building fire and many uncontrollable items. The Municipal Court requires a lot of overtime. Mayor Ganz stated he noticed that the Court is down 1,100 tickets from the previous year. Chief Marshall explained that year to year the details take longer. Attorney Lustgarten stated traffic tickets were down and criminal violations were up.

Capital Items:

Purchase Program for Computers - Mayor Ganz suggested purchasing off the County contract and for them to contact Debra Frank.

File Magic 5 Film Scanner & Document Imaging - A lengthy discussion regarding the cost of service for this system. Mayor Ganz wondered if there was a better way to deal with the service contract. He asked that the Police Department get the actual amount and to check into using an American Express card for the purpose of having their warranty.

Construction of a new Police Training Annex in the rear of the Pistol range - Mayor Ganz asked what the Chief thought of doing this project this year instead of in the year 2005. Chief Marshall explained they do have use for it. He felt interlocal agreements with other towns might be possible.

There was a unanimous consensus to build this training annex which would be a revenue enhancer for the Borough, a safety issue, homeland security and ultimately helps the residents of Fair Lawn and the people of the County.

There was a consensus to have the Chief proceed to seek proposals from other towns and to get some financial data to continue with this project, with Deputy Mayor Etler dissenting. Deputy Mayor Etler felt he could not agree with this unless they get a joint agreement with other towns.

Closed Session Resolution:

Upon motion by Councilmember Amato and a second by Councilmember Caan, the following closed session resolution was unanimously adopted at 7:03 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 within 120 days or whenever formal decision is made whichever is sooner.

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 7:29 p.m.

PUBLIC COMMENT:

Don Oliver, 8-32 Mitchell Place, a member of the Homeowners Association, inquired about Police overtime. Mayor Ganz informed him it was \$170,000.

ADJOURNMENT - Upon motion of Deputy Mayor Weinstein and a second by Councilmember Caan the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF FEBRUARY 4, 2003

Mayor Ganz reconvened the meeting at 8:01 p.m. Assistant Municipal Clerk Bojanowski read the statement of compliance with the Open Public Meetings Act.

PRESENT: Mayor Ganz, Deputy Mayor Etler and Councilmember Amato and Caan.

Also present: Acting Manager Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

Closed Session Resolution:

Upon motion by Councilmember Amato and a second by Councilmember Caan, the following closed session resolution was unanimously adopted at 8:01 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 pending litigation; 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 within 60 days except for legal strategy, which shall not be disclosed;

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 8:45 p.m.

Review of Tentative Agenda:

Acting Manager / Municipal Clerk Kwasniewski stated she would like to add the Police Awards and the ordinance to lower the water rate to next week=s agenda.

Presentation - Prescription Plan for Borough Residents:

Thomas Viola of Garden State Pharmacy Owners Provider Services Corporation was present. He explained what his company does. This program is for those who do not have prescription drug insurance. There is no membership fee. It is geared toward community pharmacies to draw traffic into the local stores. Councilmember Caan distributed a list of pharmacies who were part of the plan noting that the Shop Rite pharmacy was not participating. A lengthy discussion followed regarding the plan and how was used in other counties and municipalities.

There was a unanimous consensus for Attorney Lustgarten to prepare a letter of engagement indicating that it does not need to go out to bid, it will be available to everyone residing in Fair Lawn, to Borough employees, business owners and extended families. The marketing material will be distributed by Garden State Pharmacy Owners - POPS and hand delivered to the residents. Attorney Lustgarten advised that a resolution would have to be prepared.

There was a unanimous consensus to prepare a resolution for the next meeting.

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein the meeting was recessed at 9:33 p.m.

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein the meeting was

reconvened at 9:35 p.m.

Request for Street Vacation - 3-44 Hartley Place:

Acting Manager / Municipal Clerk Kwasniewski stated she had received an estimate of \$3,750 from the surveyor who stated they can do it within two weeks. She stated that Attorney Lustgarten advised that the property owner should pay for the cost of the survey. The price may be less if other property owners want the easement lifted but so far she has only heard from one who was not interested.

Albert Perrone, 3-44 Hartley Place was present and wondered what the cost would be. Attorney Lustgarten advised him that he would be given a break down of the costs. Mr. Perrone asked how long it would take. Attorney Lustgarten advised that he would get a letter in writing, the survey would be done with the metes and bounds and they will go forward from there.

Ordinance to Amend Cellular Antenna Zone:

Attorney Lustgarten advised that the ordinance deleting Block 6602, Lot 1 from the Cellular Antenna Zone was ready to be introduced later tonight at a special meeting although he has not yet heard from the DEP. Acting Manager / Municipal Clerk Kwasniewski stated the ordinance had to be sent to the Planning Board and all of the residents in that zone.

Return to Use of Warren Point Field No. 2:

Deputy Mayor Weinstein stated he realized one of the fields were taken out of use and felt that it should be put in use. Acting Manager / Municipal Clerk Kwasniewski stated there were three different alternatives to get this field back in use. The simplest is to have an automatic out if a ball is hit over the fence. Attorney Lustgarten advised that the leagues can rearrange the rules to try to maximize the usage.

There was a unanimous consensus to have a rule change in the permit application.

Request to Change Dates of Street Fair:

Acting Manager / Municipal Clerk Kwasniewski stated she had received an email from the Chamber of Commerce requesting the date be changed to May 4 and October 12.

Commuter Shuttle Bus:

Acting Manager / Municipal Clerk Kwasniewski felt that this program was not working for the Borough. Mayor Ganz stated he has seen a drop in the number of cars in the parking lot since last year. He felt there was no reason to spend money on this program.

There was a consensus to terminate the shuttle bus service. Attorney Lustgarten advised the decision was based on the average use over the months.

Rotary Club=s First Day 5K 2004 Run:

Acting Manager / Municipal Clerk Kwasniewski stated Rotary asked to do their First Day 5K run again next year. She said there were a few glitches that had to be worked out but overall the run was successful.

There was a unanimous consensus to authorize the First Day 5K Run on January 1, 2004.

Mayor Ganz suggested ice skating on that day and to open the restrooms.

Public Comment:

Don Oliver, 8-32 Mitchell Place, a member of the Homeowners Association, wondered if the shuttle bus was the one from New Jersey Transit. Mayor Ganz informed him it was and that the Borough had to give them 90 days notice before returning it to them. Acting Manager / Municipal Clerk Kwasniewski stated they have informed her they will waive the 90-day period and will accept 30 days notice.

Special Meeting:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was unanimously adjourned to the special meeting at 10:05 p.m.

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was unanimously reconvened at 10:14 p.m.

Health Educator Contract:

Acting Manager / Municipal Clerk Kwasniewski stated that Health Officer Wagner has found a group to do the education programs since the Health Educator has resigned. The firm is HARP and the cost for the remainder of the year will be \$14,092.

There was a unanimous consensus to approve the Health Officer's recommendation to hire HARP.

Bike Racks:

Mayor Ganz stated he had received good news that the Borough will be receiving \$10,000 for bike racks. He asked that a letter be sent to the Commissioner and to RRIC regarding the racks.

Public Comments:

Don Oliver, 8-32 Mitchell Place, wondered if the cell tower ordinance change would open up the Borough to litigation. Attorney Lustgarten stated there was a time of decision rule. Mayor Ganz stated they still can apply for a use variance. Mr. Oliver wondered if there was a limit to where cell towers could be erected. Attorney Lustgarten stated they could only be placed in a permitted area.

Mr. Oliver stated he was disappointed that the shuttle bus would be discontinued. Mayor Ganz stated in the future if they see there is a need for it they will revisit it.

Closed Session Resolution:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 10:20 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 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 within 90 days or adoption of resolutions, ordinances approving a contact with the Blue and White Union whichever one comes sooner;

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 of Deputy Mayor Weinstein and a second by Councilmember Caan the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF FEBRUARY 4, 2003

Mayor Ganz reconvened the meeting at 10:05 p.m.

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

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

ORDINANCES: FIRST READING

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

Ordinance No. 1935-2003

AN ORDINANCE TO VACATE PROPERTY OF THE BOROUGH OF FAIR LAWN GENERALLY KNOWN AS A CERTAIN PORTION OF BLUE HILL AVENUE TO BECOME PART OF LOT 1, BLOCK 1205, AND A CERTAIN PORTION OF BLUE HILL AVENUE TO BECOME PART OF LOT 18, BLOCK 1206

Mayor Ganz stated this ordinance was to vacate a portion of Blue Hill Avenue. This area will continue to have a passage way through it.

Upon motion by Deputy Mayor Weinstein, and a second by Councilmember Caan, Resolution No. 60-2003 introducing Ordinance No. 1935-2003 was unanimously adopted.

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

Ordinance No. 1936-2003

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

ENTITLED ALAND DEVELOPMENT@, SPECIFICALLY SECTION 125-29 ENTITLED ACA COMMERCIAL ANTENNA ZONE@ AND SECTION 125-10 ENTITLED AOFFICIAL ZONING MAP@

Deputy Mayor Etler felt it was an important ordinance. The following is the statement he made at the last meeting which was requested to be restated in these minutes: An important subject has come to my attention concerning the installation of a cellphone transmission tower in Memorial Park. I ask this Council to give me permission to speak on this subject.

It appears, that in 1997 the then existing Council had authorized by ordinance the building of these towers within specific areas within Fair Lawn, one of these areas was Memorial Park. They did this for compelling reasons, so as not to have a proliferation of cell towers within the Borough.

However, I now see as a member of the Planning Board and as Deputy Mayor, this permitted use should be reversed. I know that this was done by ordinance and it will take another one to undo it, however, nothing should be frozen in cement. My reason for this, Mr. Mayor, is that this pole would be constructed near a flood way. All of us can remember Hurricane Floyd and the devastation it brought when the Passaic River overflowed. Constructing a pole of this size right next to a ball field and skating rinks, and an area that is in heavy use where our picnic area is, is not conducive to good planning. Any construction of that nature could be undermined by raging waters, and could have dire consequences.

The first duty of any public official is to protect the health, safety and welfare of its citizens. In that regard, Mr. Mayor, I am requesting a full review of our existing ordinance with respect to its use at Memorial Park.

Deputy Mayor Weinstein stated in the interest of the residents and the Borough itself he will be voting in favor of this ordinance.

Attorney Lustgarten stated that since 1997 when the cell tower zones were determined the Borough has added amenities to the area such as new bath houses, a hockey court, a concession stand and a picnic grove. He believed the Council then would not have made this a cell tower zone.

Upon motion by Deputy Mayor Weinstein, and a second by Councilmember Caan, Resolution No. 61-2003 introducing Ordinance No. 1936-2003 was unanimously adopted.

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned to the Work Session at 10:14 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk