

WORK SESSION NOVEMBER 10, 2003

Mayor Ganz called the meeting to order at 7:36 p.m.

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

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

Transition / End of Year Items:

Mayor Ganz suggested that Councilmember-elect McCarthy be invited to join the Council at their Council Meetings, Work Sessions, Closed Sessions and all other meeting they have. He also asked that whatever materials get sent to the Council be sent to him.

Manager/Municipal Clerk Kwasniewski stated they needed to set dates for the reorganization meeting. She informed them she would be sending home the appointment list, and the list of appointments expiring.

Mayor Ganz stated that the reorganization meeting could be any day up until January 7. Attorney Lustgarten suggested it could be held on January 6 and if the newly elected officials wanted to sign their oaths of office they could be sent home in their packets before January 1. He felt they might be more comfortable doing that in case there was a crisis.

Barry Winston, Democratic Party Chairman, was present and stated there would be a party held at the Fair Lawn Athletic Club following the swearing in ceremony.

Mayor Ganz suggested the following schedule: on January 6, 2004 at 5:30 p.m. they would hold a Work Session, at 6:30 p.m. there would be a Special Meeting for the purpose of making the appointments and at 7:30 p.m. there would be a ceremonial swearing in of the Councilmembers along with comments from the audience and then the repast at the Athletic Club.

Solid Waste Collection - Emergency Award of Contract:

Mayor Ganz stated that he learned on Friday that the waste contractor, H.C. Container Service, had filed for bankruptcy and stopped collection of the Borough's garbage. In light of that they met on Monday to move ahead with a new contractor. The Borough has entered into a new contract with Waste Management from Hillsdale, New Jersey. Mayor Ganz stated that Manager/Municipal Clerk Kwasniewski performed a great service to the Borough. The transition was seamless. Manager/Municipal Clerk Kwasniewski stated she had gotten word from the Department of Environmental Protection that the hauler did not have insurance. She stated that Attorney Lustgarten advised her to give them seven days to get updated insurance. At that time she started looking around. Unfortunately the only company they could get was Waste Management. Their proposal is costing over \$11,000 more per month for up to six months. She explained there is a 60 day notice period for bidding. They will start preparing specifications which will take four to five months. If the bids come back too high then they would have to rebid. Manager/Municipal Clerk Kwasniewski stated that CFO Eccleston would make the transfer at the November 25 meeting. Mayor Ganz stated there were some things he would like to discuss but not in open session. Mayor Ganz asked that the Council move forward on this. Manager/Municipal Clerk Kwasniewski stated the resolutions are on the agenda for the regular meeting later that evening.

There was a unanimous consensus to add the resolutions to the agenda at the regular meeting.

Reminder of Dedication of addition - November 12:

Manager/Municipal Clerk Kwasniewski reminded them that the dedication will take place at 8:30 a.m. on Wednesday, November 12. She said that all of the Borough employees were invited to attend.

Expansion of Historical Committee:

Deputy Mayor Etler felt that because of the pending sale on the Naugle property and the possibility of the house being torn down the committee should be expanded. He thought they should form a subcommittee under the Historical Committee.

There was a unanimous consensus to expand the committee.

Adjourn to Regular Meeting:

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein the Work Session was adjourned to the Regular Meeting at 8:00 p.m.

Mayor Ganz reconvened the meeting at 8:50 p.m.

Recreational Facilities Review Committee:

All Sports Rehab of Garger Field - Deputy Mayor Weinstein stated that the Recreational Facilities Review Committee met. They felt that the Garger Field gets heavy use and should be improved. Manager/Municipal Clerk Kwasniewski added that All Sports intends to pay for the improvements. Mayor Ganz stated they will not give preference to just All Sports because there are many other groups that use the fields. Equal access to all the fields in the Borough should be granted. Deputy Mayor Weinstein stated he needed the Council's approval quickly so that it is ready for the spring. Attorney Lustgarten advised they would need to give the Borough a certificate of insurance.

There was a unanimous consensus to approve the improvements being done by All Sports as long as they follow the Borough Attorney's instructions.

Field Permits - Deputy Mayor Weinstein stated they had discussed better enforcement of who is using the fields. Attorney Lustgarten stated the policy has been if there is a conflict between someone with a permit and someone without a permit, the person with the permit has preference. Mayor Ganz stated it seemed that signs or the schedule should be posted. Councilmember Amato asked what happens if they don't leave. Deputy Mayor Weinstein stated it becomes uncomfortable because it is hard to make them leave. He felt the schedule should be posted in each field. Attorney Lustgarten advised they would need input from the Recreation Department. Mayor Ganz stated the rules should be posted on each field giving the people with permits first priority. Attorney Lustgarten advised that they shouldn't discourage use of the fields. He knows that five years ago the Council address this and that is why the fields are public property. He thought it should be a policy from Superintendent of the Parks and Recreation Frey.

There was a unanimous consensus for Manager/Municipal Clerk Kwasniewski to decide where the signs should be put.

Emergency Services Insurance:

Councilmember Caan stated he had gone over the Fire and Ambulance insurance proposals. He felt the

policies should be combined because the premium will be reduced. He also felt they should review the other insurance policies to see if there are any that can be combined. Mayor Ganz asked for a master list of all of the Borough's insurance. Attorney Lustgarten advised they could combine the policies administratively. Mayor Ganz requested the Fire Department, Auxiliary Police and Rescue be informed that the benefit has been increased to \$250,000.

There was a unanimous consensus to authorize the resolution to make this change.

Status Report - New Recreation / Cultural Arts Center:

Manager/Municipal Clerk Kwasniewski stated they have had several meetings and are moving ahead. They are looking at the November 17 Work Session or the first meeting in December to bring contractors in. The Mayor and Council have to look at the Construction Manager and the guaranteed maximum price. Mayor Ganz stated the overruns could cost 50% more than the original price. Manager/Municipal Clerk Kwasniewski stated that the new Bergen County Plaza building came in at cost. She stated that Architect, Allen Weitzman felt a contract manager was needed. He had good estimates but that was not his area of expertise. He is pricing things out but a cost manager would be more proficient by offering suggestions to use different types of materials. He also would be willing to get proposals. Manager/Municipal Clerk Kwasniewski stated the cost would be around \$400,000.

Recess:

Upon motion by Deputy Mayor Etler and a second Deputy Mayor Weinstein the meeting was recessed from 9:28 p.m.

Mayor Ganz reconvened the meeting at 9:31 p.m.

Continuation of the Status Report - New Recreation / Cultural Arts Center:

Attorney Lustgarten questioned if there was a conflict with who would have authority. There is a big difference between a contract manager and a construction manager. He stated that currently they have a standard AIA contract from Allen Weitzman. He advised there should be multi levels of bonding. He explained that the Architect is the owners representative on site and the construction manager is a parallel job. Mayor Ganz asked that Manager/Municipal Clerk Kwasniewski circulate whatever information she has and any information the BCIA has. He felt there was not enough information for the Council to make a decision. Manager/Municipal Clerk Kwasniewski stated Allen Weitzman made recommendations for ways to save money.

Manager/Municipal Clerk Kwasniewski stated that BCIA recommend that the Borough adopt a bond ordinance so that the Architect can get paid. She informed the Council that the money is already available from another bond ordinance for this project. The Borough would be reimbursed from the BCIA bonds.

There was a unanimous consensus to follow Manager/Municipal Clerk Kwasniewski's recommendation.

Traffic Regulation Request - Lori Lane and Veile Place:

Manager/Municipal Clerk Kwasniewski stated that Traffic Safety Officer Franco had received a request from the Principal and the PTA from Lyncrest School to close Lori Lane and Veile Place at lunch time and at the end of the school day. Currently the road is only partially closed off and they are finding parents are proceeding down the street too quickly. The statute allows the Borough, by resolution, to try to close those streets instead of doing it by ordinance. She suggested they allow the streets to be closed off as per Traffic

Safety Office Franco's recommendation. Once the streets have been closed they will get a report from him on how it worked out.

There was a unanimous consensus to authorize Manager/Municipal Clerk Kwasniewski to direct that Lori Lane and Veile Place be closed during lunch and after school.

Closed Session Resolution:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the following closed session resolution was unanimously adopted at 9:55 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, Pending Litigation and Contract Negotiations; and

WHEREAS, these matters which permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn in regard to personnel upon appointment within 60 to 90 days by the Manager or Mayor and Council, regarding pending litigation at the resolution of this matter except for legal strategy and contract negotiations at the conclusion of the matter;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth above are ones which permit the exclusion of the public.

Mayor Ganz reconvened the meeting at 10:15 p.m.

Zone Change:

Mayor Ganz stated he had received a letter from Stewart Liebman, Esq. who represents Commerce Bank requesting that the governing body amend the zoning map to remove Lot 3 in Block 5724 from the R-1-3 zone and to include this lot in the B-4 zone. Attorney Lustgarten advised the Council to refer this to the Planning Board.

There was a unanimous consensus to refer this matter to the Planning Board and to have Attorney Lustgarten contact Mr. Liebman.

Goose Concerns:

Mayor Ganz stated he has been asked hundreds of times about what can be done about the goose droppings. Manager/Municipal Clerk Kwasniewski stated they would have had a geese presentation at last meeting but now they will be at the December 2 meeting. Mayor Ganz said he had done research and found there are several ways to rid the problem such as vacuuming and combing the area. They would need to put funds in the budget to do this on a daily basis.

Consumer Friendly:

Mayor Ganz stated he had sent forms to Manager/Municipal Clerk Kwasniewski that should be online. He saw there were no forms for Health Department or Building Department. Manager/Municipal Clerk

Kwasniewski stated that was because of statutory regulations. Councilmember Caan felt if the forms were available on the internet the residents could know what they need to get a permit or a license. Manager/Municipal Clerk Kwasniewski informed the Council that original forms are needed. Mayor Ganz stated the forms should be available online so that they can be reviewed and shown what had to be done in person. Attorney Lustgarten advised it would only be alerting people to what needed to be done before coming into Borough Hall. Mayor Ganz stated he understood marriage licenses would be difficult because of the all the duplicates. Councilmember Amato wondered if homeland security prohibits forms on the internet. Attorney Lustgarten suggested putting a checklist of what the required information was needed. Manager/Municipal Clerk Kwasniewski said she had sent a memo to all of the departments. Mayor Ganz advised her to report back to the Council. Councilmember Caan asked for a list of forms that are available online.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 10:26 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

REGULAR MEETING OF NOVEMBER 10, 2003

Mayor Ganz opened the meeting at 8:05 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 27, 2002. 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, Councilmembers Amato and Caan.

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

Mayor Ganz welcomed Councilmember-elect McCarthy to the meeting. He stated he was delighted to have him join the Council at this meeting and every other meeting until the end of the year.

PROCLAMATIONS: Certificate of Merit - Muriel Krell

Mayor Ganz stated that reading was a great tool. He presented the proclamation to Muriel Krell thanking her for the good job she has done. Ms. Krell accepted the proclamation and thanked the Council for the recognition. She stated if it were not for the volunteers who ranged from sixth grade through senior class, the program would not have succeeded.

International USY Awareness Week

Mayor Ganz stated that USY has been around for so many years with over fourteen thousand members

across the United States.

Mayor Ganz asked that the following proclamations be put in to the minutes:

Bible Week

WHEREAS, the Bible has been a constant source of moral and spiritual guidance for many people throughout the centuries; and

WHEREAS, the Bible has profoundly influenced art, literature, music and codes of law; and

WHEREAS, the Bible has motivated many to acts of compassion and charity; and

WHEREAS, the Bible continues to provide inspiration, hope and comfort for millions of Americans today; and

WHEREAS, for sixty-three years, women and men of many faiths have banded together with the National Bible Association to sponsor National Bible Week as a time to be reminded of the Bible=s unique place in American life; and

WHEREAS, this annual celebration has encouraged the reading of the Bible;

NOW, THEREFORE, the Borough Council and I, David L. Ganz, as Mayor of the Borough of Fair Lawn, County of Bergen, State of New Jersey, do hereby proclaim the week of November 23 - November 30, 2003, as ABIBLE WEEK@ in the Borough of Fair Lawn, and encourage interested citizens to participate in this observance. Signed by David L. Ganz, Mayor.

Feed America Thursday

WHEREAS, Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends; and

WHEREAS, the spirit of Thanksgiving Day is a virtue upon which our nation was founded; and

WHEREAS, thirty-three million Americans, including thirteen million children, live in households without an adequate supply of food; and

WHEREAS, almost three million of these children experience hunger; and

WHEREAS, selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society;

NOW, THEREFORE, the Borough Council and I, David L. Ganz, as Mayor of the Borough of Fair Lawn, County of Bergen, State of New Jersey, do hereby proclaim Thursday, November 20, 2003, one week before the traditional Thanksgiving, as AFeed America Thursday@ and call upon the people of Fair Lawn to sacrifice, or fast, for two meals on Thursday, November 20, 2003, and to donate the money they would have spent on food to a charitable or religious organization of their choice for the purpose of feeding the hungry. Signed by David L. Ganz, Mayor.

Fair Lawn Family Week

WHEREAS, the Borough of Fair Lawn is blessed with a multitude of families - an essential part of the

cultural, social, and spiritual fabric that is Fair Lawn; and

WHEREAS, Fair Lawn recognizes strong families are at the center of strong communities; and

WHEREAS, everyone has a role to play in making families successful, including neighborhood organizations, businesses, nonprofit agencies, policymakers, and, of course, families themselves; and

WHEREAS, during Thanksgiving week we all should take time to honor the importance of families, and recognize the special connections that support and strengthen families year-round; and

WHEREAS, we all should recommit to enhancing and extending all of the connections that strengthen and enrich families; and

WHEREAS, with the assistance and resources of agencies and organizations such as the Alliance for Children and Families and its local member agency, Children=s Aid and Family Services, we can help families of all shapes and sizes create a better future for all of Fair Lawn,

NOW, THEREFORE, the Borough Council and I, David L. Ganz, as Mayor of the Borough of Fair Lawn, County of Bergen, State of New Jersey, do hereby proclaim the week of November 23 - November 29, 2003, to be ANational Family Week@, and encourage the citizens of the Borough of Fair Lawn to participate in this observance. Signed by David L. Ganz, Mayor.

COUNCIL COMMENTS:

Deputy Mayor Etler did not have anything to report.

Councilmember Caan wanted to remind everyone about the Veteran and Volunteer program. New cards can be picked up at the Manager=s office along with a new catalog for 2004 - 2005. He suggested if someone needed a photo ID they should call the Manager's office to set up an appointment to get a photo ID card.

Deputy Mayor Weinstein stated that he was continuing working with the Business Leadership Committee to bring in contributions for the program to improve Broadway, Radburn and other business areas.

Councilmember Amato did not have anything to report.

Mayor Ganz stated that he wanted to remind everyone that tomorrow was Veteran=s Day. We should honor the Veterans that kept and are continuing to keep America free.

RESOLUTIONS BY CONSENT #31-2003

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Consent Agenda #31-2003 containing the following items was unanimously adopted.

- a. Resol. #314-2003 - Approval of Minutes:
Special Meeting 7/1/03
- b. Resol. #315-2003 - Refund of Overpayment of Taxes
- c. Resol. #316-2003 - Approval of Raffle: St. Leon Armenian Church off-premise 50/50
- d. Resol. #317-2003 - Award of Bid: Tree & Stump Removal
- e. Resol. #318-2003 - Award of Bid: Tree Trimming
- f. Resol. #319-2003 - Award of Bid: Tree Planting
- g. Resol. #320-2003 - Award of Bid: Recreation Lighting

Resolution No. 321-2003 - Emergency Award of Contract - Waste Management of New Jersey, Inc.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 321-2003 was discussed.

Mayor Ganz stated that for those people not aware, our garbage hauler - H.C. Container Service, has filed for bankruptcy last Friday. The collection of solid waste would not have been picked up if he had not authorized Manager/Municipal Clerk Kwasniewski to make certain that the residents' service was not hindered. The Borough contracted with Waste Management for an additional cost of \$21,000 per month. There is sufficient money in the budget this year but next year will be a problem. He commended Manager/Municipal Clerk Kwasniewski for making the seamless transfer - she did an outstanding job.

Councilmember Caan thanked the Manager for doing this as quickly as she did. He reminded everyone that this was a temporary measure.

There being no further discussion, Resolution No. 321-2003 was unanimously passed.

Resolution No. 322-2003 - Preservation of Rights Against H.C. Company, Inc.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 322-2003 was discussed.

Attorney Lustgarten stated that this resolution is pursuant to Resolution No. 321-2003 and will reserve the Borough's right to take all necessary steps to prosecute H.C. Container Service for damages that it caused for its failure to fulfill its obligations under the contract dated October 31, 2001.

There being no further discussion, Resolution No. 322-2003 was unanimously adopted.

Resolution No. 323-2003 - Endorsement of Community Development Grant - Fair Lawn Jewish Community Council

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 323-2003 was discussed.

Mayor Ganz stated that this resolution was confirming endorsement of a Community Development grant that will allow funding for Home Delivered Meals program from the Fair Lawn Jewish Community Council which will benefit many residents of the Borough.

MISCELLANEOUS PUBLIC COMMENTS:

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

Jack O'Neill, 11-06 Third Street, thanked the Mayor and Council and staff for their support in the past few years. He also appreciated the recognition that has been given on the achievements and anniversaries. He felt that Councilmember Caan's Veterans & Volunteer program was a great idea and he was grateful to him for creating it.

Jane Diepeveen, 14 Ryder Road, invited the Mayor, Council and Attorney Lustgarten to see the exhibit at the Cadmus House on Sunday. They have acquired some new items from the Naugle House.

Ms. Diepeveen stated that the Cadmus House board has decided that they would be interested in saving the Naugle House. As already pointed out in their charter they would have to appoint three new members. They have heard there are proposals pending which will preserve the Naugle House. She felt they have to keep on top of this.

Joyce Miller, 9-01 Saddle River Road asked if the Ping-Pong Club would have a place to go in the new building. She said they play on Sundays and Thursdays. Mayor Ganz advised her that he was aware of the issue and informed her there would be plenty of space for them to play. He instructed her to contact Manager/Municipal Clerk Kwasniewski for space availability.

Wendy Dabney, 13-05 Ivy Lane, wanted to thank Attorney Lustgarten for the incorporation papers. Mayor Ganz commended Attorney Lustgarten for drawing up the papers so quickly. Ms. Dabney wondered if it was necessary to expand the committee if the Cadmus House intends to get involved. Mayor Ganz stated they would compliment each other.

Leon Wender, 7-22 Manor Avenue, stated this town has many qualities such as the Fire Department, Ambulance, Rescue, the Veteran's and Volunteer program, the Senior Center and the Opportunity Center. He felt that a jay walking ordinance should be enacted. Mr. Wender spoke about several other topics such as the algae at Memorial Pool, enforcement should be made about vehicles stopping at the white line and the number of people who showed up to vote. He felt it was a crime that people do not come out to vote.

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

ADJOURNMENT:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, the meeting was unanimously adjourned at 8:45 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk