

WORK SESSION DECEMBER 2, 2003

Mayor Ganz called the meeting to order at 7:34 p.m.

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

ABSENT: Councilmember Amato.

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

Review of Tentative Agenda 12/8/03:

Manager/Municipal Clerk Kwasniewski stated CFO Eccleston wanted to add a possible transfer of funds resolution. Mayor Ganz advised her to put it on the Consent Agenda and send it home on Friday.

Geese Presentation - Kirk La Pierre:

Superintendent of Parks and Recreation Frey introduced Kirk La Pierre from National Goose Management, located at 174 Meadow Road, Rutherford, New Jersey. Mr. La Pierre stated that for the last two years his firm has been harassing and chasing the geese. They have become familiar with the flock. He explained the conflicts with the geese such as fecal matter accumulations that cause property damage, reduction of land usage, liabilities due to injuries, hazards to land and air traffic and transmittable diseases. He also stated that geese can live up to 25 years and resident flocks may increase 10 - 17% per year.

Mr. La Pierre explained that the geese have found ample sources of food such as the grasses and water is present to assist them in digestion. The geese have found the pool areas to be safe habitats because there are unobstructed grazing areas, unobstructed fields of vision while they eat and rest to see predators at a distance. They have built a history of safety on the site and there is a body of water where they could flee in case of being attacked. Mr. La Pierre stated that geese born at any particular location are imprinted to the birth site. Adult geese that build nests, laid their eggs and hatched their eggs successfully will continue to nest at the same site year to year. Imprinted resident geese are the most difficult to abate from any area.

Mr. La Pierre presented an integrated goose management program which would change the reasons the geese are there thus altering the habitat and / or thinking patterns of the geese. He would accomplish this by applying chemical goose repellent, change the food to unpalatable varieties of grass, restrict the access to food with bushes and fences and eventually remove food entirely. Mr. La Pierre stated they would also physically chase them, have trained dogs to chase them and remote control land and water and aircraft to also chase them away. He stated they would add auditory distress by have digital electronic distress broadcasters, audio tapes of resident flock in distress, pyrotechnics, and propane, compressed air or carbide cannons. Along with the auditory distress they would add visual warnings such as scarecrows, lasers and spotlights, kites, balloons and mylar strands.

Mr. La Pierre stated the other area they could handle population management would be egg addling. He explained that the eggs of the geese are oiled or shaken to prevent the egg from hatching, thus preventing an increase of the population of the flock. It would also prevent imprinting of the birthplace and over time the geese that are in residence will find that they cannot produce offspring at the site. To perform egg addling he would need to get a permit. He informed the Council if he applied for the permit now he would get the permit in time.

A lengthy discussion followed regarding Mr. La Pierre's proposal and the concerns the Council had. Mr. La Pierre stated he would need to hire three people since the program needs people there seven days a week, three shifts a day. Mr. La Pierre also suggested installing a fence along Memorial Park's border with the Passaic River.

Mayor Ganz asked that Mr. La Pierre send a written proposal to the Borough so that they consider it further. He thanked him for an informative presentation.

Group Long Term Care - James Jesraly:

James Jesraly was in attendance and presented his group long term care proposal. He explained that each policy would be individually written. He was looking for endorsement from the Council. He explained how long term care worked and how it would protect the person's home, their assets, any cash they may have, and stocks. The policy would also pay for in home care, nurses, doctors and medication. Mayor Ganz stated he would not need the Council's approval. Mr. Jesraly stated he wanted them to endorse it like they did for the prescription plan. Attorney Lustgarten thought this was meant for the Borough employees. He advised him that the Council does not endorse private enterprise. Mr. Jesraly stated it could be offered to Borough employees. Deputy Mayor Etler wanted to know why it was important for the Council to endorse. Mr. Jesraly stated he thought it was something the Council could make available to all of the residents of the Borough. Deputy Mayor Weinstein stated the prescription plan was at no cost to the residents whereas this policy would cost them money. Mayor Ganz thanked him for his presentation and asked him to leave his brochures. Mr. Jesraly thanked them for their time.

Closed Session Resolution:

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 9:04 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 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 relating to Contract Negotiation within the next sixty to ninety days except for legal strategies which will not be divulged;

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 Work Session at 9:41 p.m.

Professional Services - Allan Weitzman:

Allen Weitzman from The Ives Group was present. He stated that the brochures were at the printer. Attorney Lustgarten advised him to change the name to Fair Lawn Recreation and Community Center. Mr. Weitzman stated he wanted to set up a meeting with the three construction managers. He informed the Council that the Bergen County Improvement Authority had made a recommendation for a contractor. Manager/Municipal

Clerk Kwasniewski suggested meeting on December 8, December 16 and December 18.

A lengthy discussion followed regarding the fees and whose responsibility it would be if figures changed during the construction. Attorney Lustgarten advised that the architect will take reasonable steps to ensure that everything is done as planned and that all warrantees pass through him.

Miscellaneous Public Comments:

No one wished to be heard.

Running Business in Residential Zone:

Deputy Mayor Etler stated that a resident living at 1-15 27th Street was running a business out of their garage every Saturday and Sunday. They put signs out directing people to their address. This business is being run in a residential area and they should have gotten permission from the Zoning Department. Attorney Lustgarten advised if they were selling new merchandise that would be against the Borough ordinances. Manager/Municipal Clerk Kwasniewski stated she had sent inspectors out and they found a lot of junk was being sold. The residents were instructed to clean it up. They found no violation of the Borough ordinance. She stated that over the years the Mayor and Council chose not to regulate garage sales. Attorney Lustgarten advised that for many years the Council has debated this subject. People take advantage of it. Deputy Mayor Etler stated the neighbors do not want it in their area every week. He felt that it was so blatant that it had to be corrected.

Manager/Municipal Clerk Kwasniewski stated that typically other towns issue permits for holding garage sales. They limit them to a certain number of sales per year. She felt the problem would be enforcement. Construction Code Official Van Hook told her he felt that garage sales should be regulated.

Manager/Municipal Clerk Kwasniewski felt they should check with the Police Chief to see if any residents have complained. He could have one of his officers check on it. Attorney Lustgarten suggested that Manager/Municipal Clerk Kwasniewski send the homeowner a letter asking them to stop what they are doing.

There was a unanimous consensus to send a letter to the homeowner holding the garage sale telling them to stop what they are doing.

Proposed Ordinance Changes:

Attorney Lustgarten advised to carry both the Noise and Fire Prevention ordinance changes until next year.

Half Day - Christmas Eve and New Year's Eve:

Manager/Municipal Clerk Kwasniewski stated she would like to give the employees one half day off for either Christmas Eve or New Year's Eve. Attorney Lustgarten advised that the reason only a half day was given so that Borough Hall did not have to close for a full day and the Borough would not have to pay over time for the essential services. Councils in the past have approved this request.

There was a unanimous consensus to give employees a half day for either Christmas Eve or New Year's Eve.

Welcome Packets:

Manager/Municipal Clerk Kwasniewski presented the packet to the Council. Mayor Ganz suggested additions to the package along with putting his letter on top. He would like the items to be put on the website with hyperlinks and also links to the legislators. His other suggestion was to use Times New Roman, font size 14. Manager/Municipal Clerk Kwasniewski stated she would send the package home so that they can look at it and make any changes they feel are necessary.

Memo of Understanding between Bergen County Dept. Of Health & Services and Local Hazardous Materials Response Team:

Manager/Municipal Clerk Kwasniewski stated the County Health Department felt that since there were improved weapons of mass destruction they have asked the Borough to join with them to get grants for equipment. Attorney Lustgarten had reviewed the agreement and has reservations about Fair Lawn joining it because he felt there would be a problem if something happened in the County first then in Fair Lawn. Mayor Ganz stated it would be determined who had the greater need. Attorney Lustgarten stated there were parts of the agreement that he felt should be revised. Mayor Ganz stated if they sign this it would supercede the Borough's rights. He felt that Attorney Lustgarten should negotiate this agreement with the County legal department subject to the Borough being able to volunteer their services. Attorney Lustgarten felt the agreement was too loose. Councilmember McCarthy stated he agreed with Attorney Lustgarten that the clause in the agreement causes the Borough not to sign this document.

Mayor Ganz recommended that Attorney Lustgarten proceed with the County and for the Council to adopt in principal. He asked that Manager/Municipal Clerk Kwasniewski check to see if Passaic County has anything like this.

Renewal Professional Loss Control Consulting Services:

Manager/Municipal Clerk Kwasniewski stated that Health Officer Wagner received a proposal from Commerce Risk for professional loss control services requesting a 2% increase instead of 3%. This is a yearly contract. Mayor Ganz requested that Manager/Municipal Clerk Kwasniewski get quotes from other companies.

Forestry Management Grant:

Manager/Municipal Clerk Kwasniewski stated the Borough can apply for a \$2,000 grant for the purpose of management of trees, etc. She advised that they needed to file this year for the grant.

There was a unanimous consensus to file for the Forestry Management Grant.

Idling of DPW Trucks:

Councilmember Caan inquired about the trucks idling at the DPW complex. Manager/Municipal Clerk Kwasniewski explained that the drivers have a long check list to complete before they move their trucks. The logs show the trucks idling for seventeen minutes. Councilmember Caan felt there are other places they should idle.

Special Meeting:

Upon motion by Deputy Mayor Etlar and seconded by Deputy Mayor Weinstein, the meeting was recessed to the Special Meeting at 11:18 p.m.

Mayor Ganz reconvened the meeting at 11:20 p.m.

Closed Session Resolution:

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 11:20 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 personnel; and

WHEREAS, these matters 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 at the resolution of these matters by appointment from the Mayor and Council or Borough Manager;

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.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF DECEMBER 2, 2003

Mayor Ganz reconvened the meeting at 11:18 p.m.

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

ABSENT: Councilmember Amato.

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

RESOLUTION NO. 332-2003 - Rescind Award of Bid and Authorize Re-bid: Tree Planting

Upon motion by Deputy Mayor Etler and seconded by Deputy Mayor Weinstein, Resolution No. 332-2003 was unanimously passed.

Adjournment to Work Session:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned at 11:19 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk