

BUDGET MEETING OF FEBRUARY 26, 2002

Deputy Mayor Etlar called the meeting to order at 6:05 p.m.. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

Also present: Manager Sacks, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Tax Collector - Tax Collector Barclay and Assistant Tax Collector Lee were present. The Council reviewed each line item.

Office Equipment Maintenance - Collector Barclay explained that the cost for the maintenance of the software is divided between the Water Department and Tax Office. Each year the cost of the contract is raised so they have included a small increase. Councilmember Caan noted that last year they budgeted \$7500 but the full amount was not spent.

Councilmember Amato arrived at 6:10 p.m.

Manager Sacks advised that their total budget decreased from last year. This is one of several departments where the size of the staff has been reduced in order to economize. As positions become vacant through attrition, if it is possible to combine duties, the positions are not filled.

Overtime - Overtime is generated during tax time. CFO Eccelston explained that in the past State has been slow in deciding the amount of State aid , so it has taken some overtime to get the tax bills out timely.

Expenses - This line item is for seminars where CEU's are earned in order to keep their certifications.

New Office Equipment - They usually have to replace a calculator.

Capital Budget - TAXC 23-02 Office Furniture - Tax Collector Barclay explained that the desks are at least 50 years old. They need to be replaced. Manager Sacks pointed out that they need work stations not desks.

Water Accounting

Contractual Services - This line item is for the audit fee.

Office Equipment Maintenance - This line item was reduced by \$400.

Printing and Stationary - This line item was reduced by \$500.

Copying - This amount is just an allocation assigned by CFO Eccelston. This line item was reduced by \$200.

Capital Budget - WATD 18.21 - They have requested \$6000 to purchase a new burster machine that separates computer paper and water postcards.

Fire Prevention - Fire Marshal Bender was present.

Councilmember Amato asked if there were any additional personnel added. CFO Eccelston Indicated that there is no increase in staffing for 2002, but they are fully staffed. Councilmember Amato then asked for a status report on NIFERS. Fire Marshal Bender stated that they participated the entire years. It is done on a regular basis.

Overtime - Fire Marshal Bender is the only one who gets overtime. He gets it for investigations at fires.

Office Equipment Maintenance - This line item is solely for the maintenance of the computer. He has already spent \$1,000 this year for repairs.

Councilmember Caan noted that the budgeted amounts for Office Supplies, Department Supplies and Printing & Stationary were not spent last year. Fire Marshal Bender stated that there were items they did not get last year so they have to be purchased this year.

Capital Budget - Fire Marshal Bender requested a new vehicle but the Manager did not recommend including it in this year's budget. Manager Sacks indicated that one of the police vehicles will be passed down to Fire Prevention.

Fire Department - Chief Bernabeo and Assistant Chief Neggia were present. Chief Bernabeo indicated that he held the increase to 2 percent. The only large increase is in office supplies. The fax machines for LOSAP are using up the ink at a tremendous rate. They are the only Department that faxes in the sheets. Everyone else collects the sheets on a weekly basis. It is a major problem. They answered 600 calls last year. Deputy Mayor Etlar stated that they were trying to find a better system.

Wages - CFO Eccelston advised that they have not settled the contract with the bargaining unit. He would not recommend discussing it at this time.

New Office Equipment - They want to replace the furniture in the office. CFO Eccelston stated that the cost could be in the capital budget since it is a bondable item. The printer and fax machine need to be replaced.

Mayor Ganz arrived at 7:00 p.m.

Department Supplies - Councilmember Caan noted that in the last three years the amount that was spent is less than the request. This item is for the purchase of batteries, sponges, etc.

New Department Equipment - This line item contains the requests from the Captains for new gear, new nozzles and hoses.

Department. Equipment Maintenance - The exhaust systems are now in place and have to be maintained. He based the estimate on the cost of the replacement parts.

Contractual Services - This line item is for the pagers.

Miscellaneous - This line item includes \$12,000 to \$15,000 for the Borough dinner, standby food, medical exams, plaques and parades

Clothing, Uniforms, Shoes - They have additional members this year. The clothing amounts will be increased per member. They are planning a 2 percent increase. CFO Eccelston advised that the Fire Board does not supply him with that information. Mayor Ganz asked that they supply it to the Council.

Retirement - Councilmember Caan asked if this amount could be reduced. CFO Eccelston advised that there are requirements in the ordinance that have to be met. There are a number of people who are eligible. They are just waiting to reach the age required. Deputy Mayor Weinstein thought they should know the exact amount based on the number of people eligible. The Council thought it could be reduced.

Training - Chief Bernabeo thought there would be more training since 9-11. Additional training is being required for CPR

Expenses - This line item includes \$600 for mutual aid dues.

Capital Budget - FD 1.05 - They have requested the purchase of 30 pagers. Mayor Ganz committed several years ago to replacing the pagers on a scheduled basis. Chief Bernabeo advised that Motorola does not support the pagers they already have.

FD 1.10 - MSA air bottles. The Department has applied for a grant, but the competition is very stiff. Most of their bottles have reached their life expectancy. He would like to replace them in stages.

FD 1.20 - Renovation of Fire Co. #2 - They have requested \$225,000 for an addition to the firehouse to accommodate the larger equipment now in service. The bays have to be extended. They can no longer walk around the back of the truck. Deputy Mayor Etlar did not think that an expenditure of \$225,000 was necessary. Manager Sacks advised that the Borough Engineer gave the estimate to the Fire Department. Chief Bernabeo explained that they are not complying with the fire exit egress. DOT has specifications about the clearance. NFPA has standards relating to truck rooms. Deputy Chief Neggia pointed out that the building was built in 1972 around 1960 vehicles. The front of the fire house will be pushed out 12 to 14 feet. They have drains that are not up to Code. Chief Bernabeo thought it would be more expensive to do the drains separately from the addition. It would be a duplication of efforts. Manager Sacks added that they would want the same contractor to do the entire job. This project has been deferred since the mid-1990's. She thought it may be possible to replenish the bond with the revenue from the cell tower. CFO Eccelston explained that the interest rate is four to four and one half percent. This project will be grouped with the rest of the capital projects for a large issue. The revenue from the cell tower would be helpful because that revenue would be put into surplus.

Mayor Ganz asked them to defer it for another year. Chief Bernabeo indicated that they would rather not do that because this project has been deferred for so long, it is now a safety issue. Company #3 just spent \$250,000 to bring their fire house up to Code and to accept the new equipment which is larger. Mayor Ganz then asked when it would be started and completed. Manager Sacks replied that they could have specifications by the summer. Construction would begin in the fall.

Deputy Chief Neggia stated that as a member of Fire Company #2 he can assure them that this is a safety issue. They have done nothing to the building since it was built in 1972. They have been trying to get the addition for eight years. Mayor Ganz asked what other major capital projects they are looking for next year. Deputy Chief Neggia replied that they want to start the process to replace a 12-year old vehicle. They would also like a full time fire clerk although that is not a capital budget item.

Tax Assessor - Assessor Tom McCullum was present.

Contractual services - This line item covers the cost of expert witnesses for tax appeals. Attorney Lustgarten noted that they have had to hire extra experts because of one of the cases. It is an ongoing expense. Assessor McCullum added that they have had to hire three expert witnesses, one for reproduction costs of the facility, one for personal property and the regular appraiser who will tie all the reports together for trial. Mayor Ganz asked Attorney Lustgarten to look at this line item and see if could be reduced. Attorney Lustgarten will look at it but this is a very important case.

Expenses - Assessor McCullum explained that a recent law requires that Assessors must be certified so he will have to attend additional seminars. It was agreed to reduce this line item to \$1800.

Office Equipment - Assessor McCullum planned to purchase a printer.

Printing and Stationary - Assessor McCullum indicated that he left a small cushion in this line item.

Capital - ASSESS 27-01 - The request was \$1500 for printers and calculators. Manager Sacks thought some items were taken out of the operating budget and put into the capital budget. CFO Eccleston did not think they did that for this department. Mayor Ganz pointed out that \$2,000 was requested, but only \$1,500 was included in the recommendation by the Manager.

ADJOURNMENT - Upon motion of Councilmember Amato and a second by Deputy Mayor Weinstein, the meeting was adjourned to Regular Meeting at 8:00 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE
Municipal Clerk

REGULAR MEETING OF FEBRUARY 26, 2002

Mayor Ganz opened the meeting at 8:00 p.m. Municipal Clerk Kwasniewski 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 31, 2001. 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 Etlar and Weinstein and Councilmembers Amato and Caan.

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

Mayor Ganz stated that on behalf of the Mayor and Council he wanted to apologize for the half hour delay. They have been working on the budget since 6:00 p.m. They do apologize for the delay and hope the residents find it is worth their wait.

PROCLAMATION: HADASSAH DAY
READ ACROSS AMERICA DAY

Mayor Ganz stated they had a proclamation celebrating the 90th Anniversary of the Hadassah organization. This is a most worthwhile organization for the work they do here and in Israel. Municipal Clerk Kwasniewski read the proclamation. Mayor Ganz presented it to the four women who were present.

Mayor Ganz stated they also had a proclamation for Read Across America Day. Municipal Clerk Kwasniewski read the proclamation.

MANAGER'S REPORT

Manager Sacks stated there were no changes or additions to the report.

ORDINANCES: FIRST READING

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

Ordinance No. 1896-2002

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

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein Resolution No. 93-2002 introducing Ordinance No. 1896-2002 was discussed.

Attorney Lustgarten explained that this ordinance establishes the minimum and maximum salary for the Clerk Typist / Terminal Agency Coordinator retroactive to January 1, 2002.

Mayor Ganz explained to the Boy Scouts present that this is the way the legislative body works and that Ordinances require a first and second reading before they are adopted.

There being no further comments, Resolution No. 93-2002 introducing Ordinance No. 1896-2002 was unanimously passed.

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

Ordinance No. 1897-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC", BY ADDING ARTICLE X, ENTITLED "PARKING PERMITS FOR EMERGENCY SERVICES PERSONNEL"

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 94-2002 introducing Ordinance No. 1897-2002 was discussed.

Mayor Ganz stated this ordinance is in response to people in the community who do not have a place to park when they leave to perform an emergency service. This ordinance will allow them to have a place to park when they return.

There being no further comments, Resolution No. 94-2002 introducing Ordinance No. 1897-2002 was unanimously passed.

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

Ordinance No. 1892-2002

AN ORDINANCE AUTHORIZING THE BOROUGH OF FAIR LAWN TO SELL CERTAIN PROPERTY LOCATED IN THE BOROUGH OF FAIR LAWN, AND KNOWN AS PART OF LOTS 12 AND 13 IN BLOCK 5802 TO A CONTIGUOUS PROPERTY OWNER

There being no comments by the public, upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Resolution No. 95-2002 adopting Ordinance No. 1892-2002 was discussed.

Attorney Lustgarten stated this ordinance relates to 19-11 11th Street. It is an older piece of property that does not have its own driveway. The Borough Engineer has certified that it is not needed by the Borough. This piece of land is only a slice of the property.

There being no further comment, Resolution No. 95-2002 adopting Ordinance No. 1892-2002 was unanimously approved.

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

Ordinance No. 1893-2002

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 180 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "RIVER ROAD SPECIAL IMPROVEMENT DISTRICT" TO AMEND SCHEDULE A

There being no comments by the public, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 96-2002 adopting Ordinance No. 1893-2002 was discussed.

Attorney Lustgarten stated this ordinance relates to the River Road Special Improvement District and changes the status of one property from taxable to exempt.

There being no further comment, Resolution No. 96-2002 adopting Ordinance No. 1893-2002 was unanimously approved.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

Ordinance No. 1894-2002

AN ORDINANCE TO AMEND SECTION 125-1, ET SEQ., OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, KNOWN BY SHORT TITLE AS "LAND DEVELOPMENT ORDINANCE OF FAIR LAWN BOROUGH", AND MORE SPECIFICALLY ARTICLE X, FEES, SUBSECTION 125-85.I

There being no comments by the public, upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Resolution No. 97-2002 adopting Ordinance No. 1894-2002 was discussed.

Attorney Lustgarten stated this ordinance revises the escrow fees for the Planning and Zoning Boards. Mayor Ganz stated the attorneys for both boards made the request.

There being no further comment, Resolution No. 97-2002 adopting Ordinance No. 1894-2002 was unanimously approved.

RESOLUTIONS BY CONSENT #5-2002

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Consent Agenda #5-2002 containing the following items was unanimously adopted.

- a. Resol. #98-2002 Approval of Minutes:
Special Meeting 1/02/02
Closed Session 1/02/02
Work Session 1/02/02

Closed Session 1/02/02

Work Session 1/16/02

Special Meeting 1/16/02

Closed Session 1/16/02

b. Resol. #99-2002 Award of Bid: HVAC Repair & Maintenance

c. Resol. #100-2002 Transfer of Funds

d. Resol. #101-2002 Refund of Overpayment of Taxes

e. Resol. #102-2002 Approval of Raffles and Bingos: Congregation B'Nai Israel, off-premise merchandise

f. Resol. #103-2002 Appointment to Fair Lawn Recreation Facilities Review Committee

MISCELLANEOUS PUBLIC COMMENTS

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

Leon Wender, 7-22 Manor Avenue, stated he sees a lot of property in need of repair which should be reported to the Property Maintenance Committee. Mayor Ganz instructed him to notify either the committee or the Mayor's office. Mr. Wender stated the garbage and recycling crews throw the cans all over instead of placing them back where there were originally. Mayor Ganz replied that this has been an ongoing problem for the last five years. He suggested that if Mr. Wender has a complaint he should contact the Borough Manager's office or the Mayor's office.

Deputy Mayor Etlar stated he sees the garbage men put in on the curb and that the new garbage company is much better than the last one.

Mr. Wender asked what about Lottermann's crew. Mayor Ganz stated he has not heard complaints about the recycling crew. Mr. Wender wondered about the pools opening in the drought. Mayor Ganz stated it was too early to tell. They will prepare to open them as usual. He stated they will look at it closely.

Keith Brown, 23-05 Ellington Road, stated there was a serious police incident on Broadway this morning. He felt it could have been bad but they handled it appropriately. Mayor Ganz stated he would pass that comment on to the Police Chief. Mr. Brown stated on Ellington Road the police issued seven summonses for overweight trucks. He felt the truck situation was getting worse. He has talked about this issue many times. Mr. Brown stated he was a great believer that a left turn from Broadway on to Midland Avenue would help alleviate some of the problems. Mayor Ganz stated they are working on an engineering solution to make Broadway wider to accommodate the left turn. One of the issues is that Route 4 - Broadway is not owned by the Borough. Manager Sacks and the Engineering Department have come up with a plan that would make Broadway wide enough in that particular area to allow the possibility of a left-hand turn. Mr. Brown stated he had seen the plan. It is a big plan and will take some money but thought it would make people very happy. He encouraged them to make it happen.

Mr. Brown wondered what the total cost of the Court Administrator's litigation was because last November Manager Sacks informed him the total was \$10,000. Manager Sacks stated she did not receive the last bill but will get back to him with the final amount.

Mr. Brown asked about the Parks Department accepting a palm tree delivery. Manager Sacks stated that the past two summers she had received many requests for trees at Memorial Pool. She considered the options and the only one was to check with businesses down the shore. They referred her to the suppliers of the palm trees. She would like to see if the public likes them. They are designed to withstand hurricanes. Mr. Brown wondered how much the palm trees cost as he did not see it in the budget. Manager Sacks informed him they were a little over a \$1,000 a piece and that she does not discuss every purchase she makes with the Mayor and Council. She stated the total was approximately \$16,000 to \$17,000. Mr. Brown stated he felt the Borough could do without plastic palm trees. Manager Sacks stated he was not one of the people who for the last couple of years had requested something be done to provide shade. Mr. Brown stated he was one of the people that have to pay taxes in this town and one of the line items that should have been taken out were plastic palm trees. Manager Sacks stated the money came out of a grant from the state. They received \$450,000 from the state for amenities. Mr. Brown felt the trees were a waste of money.

Don Oliver, 8-32 Mitchell Place, a member of the Homeowner's Association, wondered if the \$16,000 to \$17,000 cost would cover the cost of installation or would it be a Borough expense. Manager Sacks stated installation was very simple and could be done ourselves. They plan to sink cement into the sand so it looks like it is growing out of the sand. Mr. Oliver questioned the height of the trees. Manager Sacks informed him they were 18 feet tall. She will double check and suggested Mr. Oliver call her office during the week to get the specifications.

Mr. Oliver stated he was disheartened again like so many others here in town. Several months ago he attended meetings where Councilmember Amato was trying to get information on phone bills. Councilmember Amato was badgered constantly, as far as he

was concerned, about not giving the phone numbers. All kinds of excuses were used that it would cost too much for him to get an edited list of phone bills that did not show informants phone numbers, FBI numbers, or battered women's shelter's numbers. Shortly after that Councilmember Amato requested information on gas usage. Once again no information was given to him. Again everything that he wanted was going to cost an exorbitant amount of money to get. Mayor Ganz stated he wanted to make one correction. With respect to the gasoline, Joe Maslo, the Superintendent of the DPW, came in with a 150-page report but Councilmember Amato was asking to have it done electronically which was a different issue. The material was available for Councilmember Amato to study and for that matter any member of the public that wanted to look at it. Mr. Oliver stated that as far as breakdown of mileage per vehicle that was a very good question. He felt there was a discipline problem if the person cannot key in his correct mileage. That may be a problem that Joe Maslo should address. Mr. Oliver stated that he knows that on a Saturday at the Recycling Center there is a garbage truck which is left running all day that uses up money.

Mr. Oliver stated he read in the paper that Councilmember Amato requested a record of Internet usage and again Manager Sacks will not give it to him because it is too expensive. He is surprised that no one has supported Councilmember Amato. He stated he did not know how any of them could vote on the budget without knowing the details. Over the years they have had problems getting information from the Manager. He has seen Deputy Mayor Etler, Councilmember Amato and Attorney Lustgarten chastise the Borough Manager. It seems that no one is interested in the information that Councilmember Amato is looking for. The public has voted all of them to serve the residents and to represent them. Mr. Oliver did not think Councilmember Amato seeing an Internet usage report was important to anything. Denying the right to see the information looks like they are hiding something. If there is nothing to hide, bury Councilmember Amato with all of the reports.

Councilmember Amato stated he would not accept paper as there are electronic files he can view. He felt this was not the forum to debate these issues. This is not something that occurred this year. He stated he will vote no on the budget. Next year if he gets the information he requested he will vote yes.

Manager Sacks stated the new Internet provider was not able to do what Councilmember Amato wants. The company wants the Borough to pay \$700 - \$900 to make a program. She offered the telephone bills with the last four digits, but Councilmember Amato did not want it in a paper form. Regarding the gas bills if he had looked at the entire document he would see that for the most part people have been honest with putting their correct mileage in. She suggested he look at Joe Maslo's report. They know where the usage is and where it will be in the future. She said that Petro Vend was coming in to see if they could give the Borough what Councilmember Amato has been asking for. Verizon is also trying to get the information he wants but they cannot do it in the format that Councilmember Amato wants. Manager Sacks stated only \$10,000 is for tolls and long distance calls.

Mr. Oliver stated it all sounded good but this is 2002 and anything can be done electronically. Mayor Ganz asked Mr. Oliver if he had any objections to the Council approving spending public money to get the reports that Councilmember Amato wants. Mr. Oliver replied he had no problem with that so that Councilmember Amato could see the figures and make a correct determination in the budget.

Councilmember Amato stated he did not want to spend money. He had contact Verizon who told him it was done cell by cell and that they could block the phone numbers. Mr. Oliver stated he did not think that if Councilmember Amato had the phone numbers he would know who the number belonged to. Councilmember Amato stated that he wanted everyone to understand that he does not suspect anyone or any wrong doing. His sole purpose is to analyze the figures.

Mr. Oliver stated Manager Sacks was wrong. He has sat in meetings and has seen the Councilmembers chastise her. Manager Sacks stated it was ridiculous and she challenged him to ask the Council. Deputy Mayor Etler stated he has had intense discussions with her and they have had their disagreements. Mr. Oliver stated the people of the Borough elect the Council. The Council makes the rules. The Manager's job is to enforce them. He felt the town needs leadership. Deputy Mayor Etler stated in the two years he has served his interaction with Manager Sacks has been extensive. He finds he gets good response from her and that is all that he asks for. He has found that the information that comes to him is enough for him to decide. Mr. Oliver questioned Deputy Mayor Etler that without seeing the numbers and the phone bill is he going to vote yes on the budget. Deputy Mayor Etler informed him that he knew what the total amount spent was. Manager Sacks stated that most of the Councilmembers have seen the phone bills. They are aware of how the money is being spent.

Mr. Oliver asked if the feasibility study was done on the horses. Manager Sacks stated the report is ready and will be presented to the Council within two weeks.

Matt Keenan, 39-09 Romano Drive, wondered about the drought emergency. Mayor Ganz stated there has been a water emergency declared by Bergen County. He urged Fair Lawn residents to save water. Mr. Keenan asked if they had installed the palms trees and offered his help to install them. Manager Sacks told him to leave his phone number with her after the meeting. Mr. Keenan mentioned his computer line at home which does not use a phone line. Mayor Ganz stated the Borough's monitoring system is very sophisticated. Mr. Keenan spoke about the littering at the High School. He wondered if placing garbage cans along

the streets were possible. Deputy Mayor Weinstein stated there will be more discussions with the residents in the area. Deputy Mayor Etler stated he did not like the idea of putting garbage cans in front of people's houses. Mr. Keenan suggested putting them only on the corners and pointed out that there were no cans by the school.

Hearing no comments by the public, upon motion by Councilmember Caan and a second by Councilmember Amato, it was unanimously agreed to close the time for public comments.

ADJOURNMENT TO CLOSED SESSION

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned to the Closed Session at 9:10 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF FEBRUARY 26, 2002

Mayor Ganz reconvened the meeting at 9:20 p.m.

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

Also present: Manager Sacks, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Availability of Information Electronically - Mayor Ganz stated that he appreciated the concern expressed by Councilmember Amato about the availability of information. He thought the Manager has made available information in different forms, but this is the 21st century and items should be made available electronically. There is material available in paper. He suggested that the Council budget up to \$4,000 to have the information converted to electronic data to have the information available.

Councilmember Amato did not think that those funds were needed. He has spoken to a sales rep at Verizon and the information is available. Mayor Ganz noted that someone has to do the work to separate the information and that will generate a cost. Councilmember Amato stated that he will not agree to authorize \$4,000 because the cost will not be that much. Attorney Lustgarten noted that the budget process still has several weeks to go. If it turns out that the Manager Sacks is able to have the information available at a lesser cost, the appropriation can be reduced. Mayor Ganz noted that the appropriation should cover the telephone expenses and the internet log on/log off status reports.

The consensus was to authorize the expenditure of up to \$4,000 so that information can be provided electronically.

Councilmember Amato wondered why a mainstream vendor was not chosen for the internet access. Manager Sacks stated that the choice was made strictly by the cost. Councilmember Amato stated that he will speak to Verizon to ask what service they provide and at what cost. He wanted to know the criteria for the three vendors. Manager Sacks read that information at one of the Council meetings. Councilmember Amato wondered if it was possible that a mainstream vendor would have included the history records and the filters in the monthly cost. He reiterated that his concern is accountability and how the Borough treats internet usage.

Closed Session Resolution - Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etler, the following closed session resolution was unanimously adopted at 9:35 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, anticipated litigation and labor 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 anticipated litigation within 60 days

except for legal strategy, relating to personnel by public disclosure of a nominee with 30 days if there is Council consensus and relating to labor negotiations by the execution of a labor agreement or the announcement that no settlement has been reached not to exceed 120 days; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Governing Body of the Borough of Fair Lawn.

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 Councilmember Amato and a second by Councilmember Caan, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE
Municipal Clerk