

## WORK SESSION OF MAY 21, 2002

Mayor Ganz called the meeting to order at 7:40 p.m.. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

ABSENT: Mayor Ganz.

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

Review of Tentative Agenda - 5/28/02 - There were no changes.

Fair Lawn Historic Sites Preservation Corp., Inc. - Attorney Lustgarten advised that the Annual Report that has to be filed with the State has not been filed in three years. Jane Spindel who is a member of the Corporation coincidentally was present this evening and indicated that she would talk to the President or the Treasurer and be sure the report was filed.

Pedestrian Safety Task Force Update - Manager Sacks stated that Engineer Garrison submitted a list of items completed. Attorney Lustgarten suggested that the list of completed items needs to be compared to the items in the report. This item will be on the next work session.

Request for Internet Transaction Files Status Report, Communication Expenses and April Miles Per Gallon Report - Councilmember Amato stated that he is no longer interested in discussing these items.

Edmunds Associates Financial System - Councilmember Caan stated that they received the material from Edmunds Associates. He thought the next step was to ask CFO Eccelston for his opinion. Manager Sacks indicated that she was not clear if the costs included wiring the building for the network. She thought it would be another \$10,000 to \$15,000. Deputy Mayor Etlar was interested in a comparison of the existing system and Edmunds' system. Councilmember Caan also wanted to know what the present system can do that Edmunds' system cannot do and what the Edmunds' system can do that the present system cannot do. Manager Sacks will invite CFO Eccelston to attend the next work session.

Cell Tower Bids for Memorial Park - Manager Sacks reported that three bids were received. She does not have a recommendation at this point because there are some legal questions that need to be answered. Omnipoint is the highest bidder but they have some exceptions to the bid specifications. Attorney Lustgarten indicated that he did not have a problem with some of the exceptions, but he did have a problem with their exception to 12A which permits the Borough to terminate the award on 30 days written notice to the successful bidder without a penalty. This clause is part of the standard bid language. He thought the Manager should ask them to remove that exception. If they do not want to remove the exception, then he recommended not awarding the bid to them.

Deputy Mayor Weinstein arrived at 7:45 p.m.

Attorney Lustgarten indicated he did not have a problem with the exceptions from AT&T which deal with the lease. He would not accept the exceptions of Spring Spectrum. He will review the exceptions and send a memo to Manager Sacks on each of the bidder's exceptions.

Attorney Lustgarten reported that a case came down from the New Jersey Supreme Court where the Court found that a cell tower was not inherently beneficial but the Court did allow the increase of a tower to 103 feet. The Zoning Board had turned the application down and then it went through the appeals process.

Public Comments on the Agenda - Steve Rickett, 14-13 Berdan Avenue reported that there is a definite relationship between parking and trash because the street is almost immaculate since the signs have been installed. He advised that residents on other streets have told him that their streets are being trashed. Attorney Lustgarten stated that he walked Burbank Street to Berdan Avenue and it was not bad.

Manager Sacks stated that as soon as the lease is signed the DPW will mark the spaces. Municipal Clerk Kwasniewski advised that Mayor Ganz signed the lease and it had been sent to the Board of Education to be signed. She will follow up with Superintendent Watson. Deputy Mayor Weinstein advised that he was in the Sasso field area this morning and noticed many more cars parked there than a month ago. Councilmember Caan added that the High School held two assemblies this week. The Student Council president and vice-president, Principal Panella and Superintendent Watson spoke. The only topic of the assemblies was the areas around the High School. They discussed the background on the littering, parking and smoking and how vital it is for everyone to be working together. They discussed the different smoking areas. He thought the students were receptive.

The students had several very good questions. Ms. Panella and her staff are now willing to sign complaints themselves for anyone they see littering. They plan to do it vigorously. Deputy Mayor Etlar thanked Councilmember Caan for attending the High School assemblies.

Lloyd Dorfman, 12-16 Fairclough Place asked if the security guards will be signing complaints. Councilmember Caan did not believe so. He thought it would be the custodians and some other school personnel.

Memo From DPW Superintendent and Union Representative Regarding Littering Tickets - Manager Sacks advised that they would like some dates so they can discuss with the Council their concerns about giving out tickets. They will be invited to attend the June 5 work session.

Resolution to Stop PSE&G rate Increase - Attorney Lustgarten advised that he spoke to Mayor Ganz about this matter. He explained that the legislature passed prior statutes that capped the cost of electricity for 1999-2003. The legislative caps artificially reduced the amount of revenue without capping the expenditures resulting in negative deferred balances. The utility customers have to pay these negative deferred balances when the rate caps are removed July 31, 2003. Unless new legislation is adopted by the State, when the legislative caps are removed there will be a major spike in the cost of electricity. The representatives of the 9th District are urging governing bodies to adopt resolutions supporting legislation that will remove the cap now so there will not be a spike.

Councilmember Caan suggested asking Assemblyman Ahearn for his opinion on this bill.

The consensus was to seek Assemblyman Ahearn's opinion and to put the resolution of support on the agenda but if the information is not received from Assembly Ahearn then the resolution will be removed.

Memorial and Walsh Pool - Deputy Mayor Etlar read a letter from Radburn Association indicating that they would be willing to discuss the possibility of the Borough using their pool in the event Memorial Pool cannot open. Deputy Mayor Etlar suggested a subcommittee meet with them. It was agreed that Deputy Mayors Etlar and Weinstein be on that committee.

Attorney Lustgarten advised that he spoke to Mayor Ganz who wanted to make sure that there still was a consensus to fill Walsh Pool.

The consensus was that Walsh Pool be filled as soon as they receive the hardship exemption.

Closed Session Resolution - Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the following closed session resolution was unanimously adopted at 8:00 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 labor negotiations 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 by formal resolution of the Mayor and Council within 30 to 60 days and relating to contract negotiations if the Borough decides to sell a piece of property not needed for public purposes within 60 to 90 days;

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 8:40 p.m.

Respectfully submitted,

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