

## BUDGET MEETING OF MAY 28, 2002

Mayor Ganz called the meeting to order at 6:00 p.m.. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

Also present: Municipal Clerk Kwasniewski, CFO Eccelston and Attorney Lustgarten.

Mayor Ganz indicated that the purpose of this evening's meeting was to finish the budget so that the amendments can be introduced on May 30 and the budget adopted on June 11.

### Water Utility

Mayor Ganz proposed reducing the water rate by .03.

The consensus was to reduce the rate by \$03. An ordinance will be introduced at a Special Meeting on June 5, 2002.

Social Security - Mayor Ganz felt this line item was overstated by \$10,000. The consensus was to decrease it.

### General Fund

CFO Eccelston advised that if they adopt the capital budget as proposed on the sheet he presented, the down payment fund can be reduced by \$40,000.

The consensus was to reduce the down payment fund by \$40,000.

Mayor Ganz thought the reserve for uncollected taxes was higher than last year. CFO Eccelston explained that the reserve is based upon the formula which includes the County, school and municipality so when all of them go up the reserve goes up. The School Board and the County do not have their own reserve.

Cable Television - the consensus was to increase the revenue line item by \$10,000.

LOSAP - the consensus was to reduce this line item by \$9000.

Long distance telephone bills - Mayor Ganz asked that the Council to set a policy to reduce those bills by 10 percent.

The consensus was to reduce this line item to \$7200.

Gasoline - This line item was cut by 10% to \$115,000.47.

Health Department - Manager Sacks had sent the Council a memo indicating that they should be able to anticipate an additional \$11,000 in the Health Department. CFO Eccelston advised that he does not anticipate the increase in fees so that the funds can go into surplus. They will have about \$900,000 less in surplus next year. He reminded them that they may or may not collect those revenues.

The consensus was to anticipate \$11,000 in additional revenue.

### Capital Budget

CFO Eccelston explained the sheet entitled Six Year Capital Budget Plan. The changes made so far are shown in the column recommended by Council. He assumed that they will tell him to move everything that appears in the column final recommended by Manager to that column and that is what will go into the capital budget.

Deputy Mayor Weinstein arrived at 6:25 p.m.

OEM 6.01 Bullet proof Vests - Mayor Ganz wondered if the line item bullet proof vests were needed since they received a \$37,700 grant today. CFO Eccelston stated that generally the grants require matching funds. He thought that the \$10,000 might be that match. He will check it out and make any changes if needed.

Hea 25.02 Office Equipment - Councilmember Amato stated that after looking at the furniture he thought this item could be deferred for another year. Municipal Clerk Kwasniewski advised that they are moving into the new wing so they need new furniture. The Health Officer asked for work stations instead of desks. Deputy Mayor Etlar stated that the furniture that is in the department now will stay there. CFO Eccelston explained that when they bonded for the new construction, nothing was included for furnishing.

Emergency Services - The project to retro fit air packs at a cost of \$12,000 had not been recommended by the Manager but based on the safety factors involved Deputy Mayor Etlar recommended including it.

The consensus was to include this project.

RES 5.01 Replace Chassis # 892 - Deputy Mayor Etlar suggested that although the Manager did not recommend including it, he thought they should at least put a down payment in the budget. Mayor Ganz indicated that he would be willing to put a down payment of \$60,000 in the budget to show a firm commitment to replace the vehicle next year.

The consensus was to include \$60,000.

Mayor Ganz did not think there was any money included in the capital budget to improve the Public Address System at the Dobrow Complex for All Sports Football. He thought it should be less than \$10,000. Specifications need to be prepared with All Sports.

The consensus was to add it to the capital budget.

Legal - Mayor Ganz asked if they are in need of a copier or fax machine. Borough Attorney thought Ms. Tedona had indicated they could wait a year. Mayor Ganz wanted to replace the copier in Legal. He suggested adding \$5,000.

Mayor Ganz wanted the main fax for the Borough replaced.

The Council concurred.

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

Fire Department - Councilmember Caan asked if the Fire Department had responded with the additional information. CFO Eccelston advised that they had not.

New Department Equipment - these items appear to be capital items and should be moved to the capital budget.

Department of Public Works - Administration of DPW - Salaries - The ordinance has not been introduced. The Council will be discussing this matter in closed session.

Overtime - Mayor Ganz thought that while overtime is used very well in the Borough but it is still too high. He suggested that overtime be reduced by 10%. He thought it could be reduced by \$65,000. CFO Eccelston pointed out that overtime line item has already been reduced by \$61,000. Mayor Ganz thought they could cut it another \$35,000.

The consensus was to cut it another \$35,000. Manager Sack will have to come up with a plan to reduce overtime by another \$35,000.

Police - CFO Eccelston advised that he added the finger print ID system for the police at a cost of \$27,000 which was not in the original recommendations. It is on the state contract. It will save time and increase accuracy.

The consensus was to include this item.

Community Services Act - CFO Eccelston explained that this item is to reimburse the condos for street lighting and snow removal. It is based on the amount from last year. Mayor Ganz thought it should be reduced by \$3,000. CFO Eccelston was reluctant to reduce it. The condos are already asking for their money.

Vehicles - Mayor Ganz indicated he was not happy with the response from Superintendent Maslo regarding the garbage truck. He spoke to the Leach Vice President and a dealer who has declined to bid because of someone who used to work for the Borough 15 years ago. Mayor Ganz was not prepared to vote for \$170,000 until he was certain that the specifications were not written so only one vendor can bid. CFO Eccelston indicated that all the specifications include "or equivalent." Mayor Ganz stated that the Leach is \$50,000 less. CFO Eccelston suggested they put an amount in the budget they are comfortable with. He will have to bid

the truck out and if he cannot get it for the amount in the budget he cannot buy it. Mayor Ganz was comfortable with \$135,000.

Mayor Ganz expressed concern over the amount requested for vehicles. There are vehicles that are much less on the State contract. CFO Eccelston stated that Superintendent Maslo had said that many of the trucks were manual shifts. They need automatics. Mayor Ganz did not think that was a very expensive option. He will not approve more than \$20,000 for any pick up.

The consensus was to put a \$20,000 cap on the pick up trucks.

The consensus was to consider the whole budget with the reduction discussed this evening. CFO Eccelston estimated that they have cut about \$300,000. Mayor Ganz indicated that surplus will be left at the level the Manager has recommended.

Closed Session Resolution - Upon motion Deputy Mayor Weinstein by and a second by Deputy Mayor Etlar, the following closed session resolution was unanimously adopted at 7:20 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 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 if the Council agrees to adopt a salary ordinance within the next three to four weeks; if not an announcement that the Council will not adopt a salary ordinance shall be made.

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 Caan and a second by Councilmember Amato, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

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

#### REGULAR MEETING OF MAY 28, 2002

Mayor Ganz opened the meeting at 7:45 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 January 26, 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 Etlar and Weinstein and Councilmembers Amato and Caan.

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

Mayor Ganz apologized on behalf of the Council for the lateness in the hour of getting started. The Council has been in a meeting since 6:00 p.m. trying to finalize the budget and got caught in last minute details. He also stated that Manager Sacks will be here later.

#### MANAGER'S REPORT

Mayor Ganz stated the report is on the table and there have been no changes or additions.

#### ORDINANCES: FIRST READING

Ordinance No. 1914-2002

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

This ordinance was postponed.

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Etlar 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. 1913-2002

AN ORDINANCE AUTHORIZING THE BOROUGH OF FAIR LAWN TO SELL CERTAIN PROPERTY LOCATED IN THE BOROUGH OF FAIR LAWN, AND KNOWN AS LOTS 6, 7, 8 AND 9 IN BLOCK 3516 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 Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 190-2002 adopting Ordinance No. 1913-2002 was discussed.

Mayor Ganz stated this ordinance allows the Borough to transfer a piece of property along Route 208 to the Ambulance Corps. Attorney Lustgarten stated the transfer of title will be for \$1.00. Mayor Ganz continued that if the Ambulance Corps decides in the future it does not need that parcel of land they will return it to the Borough.

There being no further comment, Resolution No. 190-2002 adopting Ordinance No. 1913-2002 was unanimously passed.

RESOLUTIONS BY CONSENT #11-2002

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Consent Agenda #11-2002 containing the following items was unanimously adopted.

- a. Resol. #191-2002 - Approval of Minutes:  
Regular Meeting 4/9/02
- b. Resol. #192-2002 - Refund Due to Veteran Property Tax Exemption
- c. Resol. #193-2002 - Refund of Overpayment of Taxes
- d. Resol. #194-2002 - Approval of Raffles & Bingo:  
Fair Lawn High School PTA on-premise 50/50  
Fair Lawn High School PTA off-premise merchandise
- e. Resol. #195-2002 - Authorizing Inclusion in the Bergen County Community Development Program
- f. Resol. #196-2002 - Rescinding Appointment to Environmental Commission
- g. Resol. #197-2002 - Appointment to the Community Development Committee

RESOLUTION NO. 198-2002 - RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 198-2002 was discussed.

Attorney Lustgarten stated this will be used for Camp Shining Star for children with disabilities.

There being no further comment, Resolution No. 198-2002 was unanimously adopted.

AGREEMENT WITH RADBURN ASSOCIATION FOR USE OF THEIR POOL

Mayor Ganz stated there will be a discussion regarding this issue after this meeting across the hall. Radburn Association has agreed to allow Borough residents to use their pool.

MISCELLANEOUS PUBLIC COMMENTS

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

public comments.

Steven Testa, 16-02 Kipp Street, found putting a parking lot by the High School unnecessary and unaesthetic. Mayor Ganz suggested he speak to the Board of Ed as it is their land and they are entitled to build on it.

Leon Wender, 7-22 Manor Avenue, was dismayed at the Council for giving students a place to smoke. He said he saw on Channel 66 that Memorial Pool would be filled and wondered how the Council could authorize the restriction of citizens use of water. Mayor Ganz stated the Governor of New Jersey has placed those restrictions on water use and has authorized the filling of the pools.

Lillian Barch, 16-10 Berdan Avenue, stated she came here for help from the Council. The property the Board of Ed wants to make a parking lot into she believed used to be owned by the Borough. Mayor Ganz stated that the Board of Ed is separate from the Council and understands that it is entirely the Board of Ed's property. Mrs. Barch thought that years ago they sold the land to the Board of Ed. Attorney Lustgarten stated he did not recall that but did suggest that she contact the Board of Ed to address her concerns.

Jomarie Sacchinelli, 23-17 Ellington Road, stated she had raised a question at the last meeting and wanted to know if they have addressed them. Attorney Lustgarten said she raised questions about notice from the Planning Board on an application. The files were checked and a notice was sent to her. Ms. Sacchinelli stated she did not receive a notice. Mayor Ganz stated that the Land Use Law requires the notice be sent. Ms. Sacchinelli questioned state law and municipal law. Attorney Lustgarten informed her that state statute prevails. Ms. Sacchinelli asked if this Council were willing to help her. Mayor Ganz stated they would help her and that Manager Sacks is aware of the problems. Ms. Sacchinelli stated Manager Sacks has not answered any of her e-mails. The garbage is being picked up at 3:00 a.m. Mayor Ganz told her to contact the Police for enforcement of the Borough ordinance. Ms. Sacchinelli asked if there was anyone else beside the Manager that could help her because she is leaving. She is not getting any answers. Mayor Ganz suggested she wait until 9:00 - 9:30 to get answers from the Manager. Ms. Sacchinelli stated she did not want to go through this again. Attorney Lustgarten suggested she forward all of her information to him and he will walk it through to the right department.

Robert Sisserson, 12-15 Burbank Street, expressed his concern about the property at 12-18 Burbank Street. The property is vacant and gutted. He had concerns about children getting hurt on that property and about property values going down. He read a letter explaining the conditions of the property. He requested inspections be done by the Building Department. He felt this property was an unattractive nuisance. It has been vacant for two and a half years. Mr. Sisserson felt it was gross negligence on the part of the Borough. He stated this was a formal complaint and expects the Building Department to make inspections. They have taken the property owners into Court and he felt he has exhausted every avenue. The Court gave them time to fix it up and now the time has expired. He cannot understand how this can go on for two and a half years. Mr. Sisserson explained that the owners had a small fire in their second floor bedroom and they gutted the house. There are no shingles and there is construction debris strewn all over. He suggested the Council look at this property. Deputy Mayor Etler stated every time the Building Inspector goes out the property owner does just enough to get by.

Attorney Lustgarten explained that he reported this fire. The air conditioner went on fire. He said that no child has been hurt. Attorney Lustgarten said that another house near that property recently sold for more than the asking price. He has spoken to the Construction Code Official about this matter. Councilmember Amato stated the Building Department is doing what they can. Attorney Lustgarten stated the house is not a nuisance. He suggested that the Construction Code Official put pressure on them. Deputy Mayor Etler stated they should think about the people living there who have to look at it every day. Attorney Lustgarten stated the house is boarded up. Mr. Sisserson stated the fire did not start in the air conditioner. It seemed suspicious starting under the bed according to the insurance investigator. Mayor Ganz stated he will ride past it on his way to work to look at it. Mr. Sisserson thanked the Mayor and Council for their help.

Don Oliver, 8-32 Mitchell Place, stated he was confused about the water that is going to be filling the pool. Mayor Ganz stated well water is dedicated at Walsh Pool and at Memorial Pool 50% is well water. Mr. Oliver said they should give serious consideration as it will be a big inconvenience when no water is remaining. He felt Memorial Pool should not be opened. Mayor Ganz said the State is not going to lift the drought. The State allowed them and seventeen other sand bottom pools to be opened. Mr. Oliver asked about where in the minutes the addition to the building was discussed. Mayor Ganz stated he knows of six hours of time and two pages of notes. Minutes are designed to give a glimpse of what happened. He said there were other minutes where it was discussed. Inspections were made and it was determined more space is needed. Deputy Mayor Etler stated he remembered the discussion at Radburn School. He was asked what his wish list would be and he said he would build an addition to the municipal building, a parking lot behind the municipal building and a new Arts Center. Mr. Oliver wondered what the delay was and if it was the County's approval that the Borough is waiting for. He also wanted to know if the contractor, Poppe, was not building a modular building. Attorney Lustgarten stated he was not aware of that. Mr. Oliver said he had a copy of the specifications which stated on page 21 that modular was the choice because of time constraints. The Borough bid modular and awarded conventional building. Mayor Ganz asked the Municipal Clerk to distribute copies of the specifications to the Council. Mr. Oliver continued that he felt it

was not fair to the other bidders and wondered if the other bidders knew of what they awarded. He asked if the Palm Trees were returned. Mayor Ganz stated he was not sure and that Mr. Oliver should check with Manager Sacks.

Mr. Oliver expressed disappointment with the Council for not backing Councilmember Amato. Mayor Ganz said Councilmember Amato received information on paper and that was not what he wanted. Mr. Oliver stated Manager Sacks only gave what she wanted to. He felt it was time to get rid of her.

Mr. Oliver continued that he was at the wetdown and had spoken to many employees that have been told by Manager Sacks that she was leaving. He felt it was time the Council let the public know. Attorney Lustgarten stated that it was a matter of personnel and should not be discussed and suggested he just leave it at that. Mr. Oliver said he agreed with him but from what he understood the date is coming soon to make it official.

Mark Sedaka, 13-11 Ellis Avenue, stated he was here to appeal to the Council. His family is growing and parking has become limited. He faces a challenge to find spaces for his family to park. He was told to get a permit. Mr. Sedaka suggested they waive the over night parking restriction during the summer. He suggested adopting an ordinance for students that are returning home from college to be allowed to park on the street overnight. Mayor Ganz asked that this be put on the Work Session and to ask the Planning Board and Zoning Board for their opinions. Deputy Mayor Etlar thought it was a tough sell. Mayor Ganz stated they would consider this at the Work Session.

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.

#### RECESS TO WORK SESSION

Upon motion by Councilmember Amato and a second by Deputy Mayor Weinstein, the meeting was recessed at 9:00 p.m. to a Work Session.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

#### WORK SESSION OF MAY 28, 2002

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

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

Also present: Municipal Clerk Kwasniewski and Attorney Lustgarten.

Agreement with Radburn for the use of their pools - Mayor Ganz explained the parameters of the Radburn Association's proposal to allow residents to use their pool. They are willing to allow 50 residents at a time using an arm band system. Someone from the Borough will turn away anyone after the first 50 and will make sure that they leave when their time is up. Radburn pool is a concrete basin. No food is allowed. It is not conducive to prolonged use so it is conceivable that it will work. This may all become moot if the State gives the Borough permission to open Memorial Pool. They have received verbal assurances but that does not give them the ability to fill the pool. The proposal by Radburn Association gives the Council an additional option. It will allow the swim team to practice if they want to and to allow the summer camps to be able to swim. The agreement would have to be reduced to writing. The Radburn Board would have to ratify any agreement.

The use of color bracelets designating the times and date would have to be worked out. The Borough would have to distribute the bracelets. It would be on a first come first served basis. Attorney Lustgarten stated that they would be entitled to be held harmless since this is an additional risk to them.

Councilmember Caan thought there should be a way to do it so people do not have to sign up in advance. Mayor Ganz stated they want a responsible person who has the capability of turning people away or ejecting people if they are not following the rules. They do not want 200 people to show up for the 50 spaces. He thought it was an incredibly good neighbor thing to do. Councilmember Amato expressed his appreciation for Radburn Association's offer. Deputy Mayor Weinstein thought the proposal was a good one. People are use to planning so he thought it would work.

The consensus was to accept their proposal. Attorney Lustgarten will work out a letter agreement. The mechanics of the internal administration will be left to the Borough. Municipal Clerk will speak to Superintendent Frey. Mayor Ganz suggested that the program begin the first day after school closes. The Council was prepared to spend \$3,000 if the proposal needs to be implemented.

Closed Session Resolution - Upon motion Deputy Mayor Etlar by and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 9:40 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 three to six months upon conclusion of the case except for legal strategy;

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 Etlar and a second by Deputy Mayor Weinstein, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

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