

SPECIAL MEETING OF FEBRUARY 20, 2001

Mayor Ganz called the meeting to order at 6:10 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

PRESENT: Mayor Ganz, Deputy Mayor Adler, Councilmembers Amato (late), Dobrow and Etler.

Also present: Manager Sacks, Municipal Clerk Kwasniewski and CFO Eccelston

Operating Budget

Engineering - Engineer Ken Garrison was present.

Deputy Mayor Etler questioned the \$9,000 in professional services. Engineer Garrison explained that it is mostly for surveying. He explained that the Council has been talking about Well Drive property for several years. If the Council decides to go ahead, it will cost more than \$8,500.

He explained that they hire one or two part timers during the construction season. This year the department has a great deal of work that is being done at the same time, i.e., paving, hearing center conversion.

CFO Eccelston advised that gasoline and telephone for all departments will be in one line item. The State mandated that the utilities be placed in one line item. Councilmember Amato pointed out that does not mean that the Council has to see them as one line item. They still do not know what the telephone expenses are for each department. He thought they were going to looking into an analysis department by department. This is a \$95,000 expense that they should analyze. CFO Eccelston explained that they do not have a system that gives each department's billings. Even when telephone expenses were allocated by department, it was not an exact figure. He simply allocated the cost based on a percentage formula.

Manager Sacks explained that the Borough has a computer system that tracks each vehicle's gasoline usage.

Deputy Mayor Etler wanted to know how they know if a department is abusing the telephone. Manager Sacks advised that she looks at the bills and so does George Brouca. They look for anomalies in long distance charges. Verizon and AT&T are the carriers. CFO Eccelston advised that Verizon is trying to put the bill on a CD-ROM but they are not there yet. Many phones are restricted so employees cannot make calls outside the area.

Mayor Ganz asked if they had done any comparisons for rates. Manager Sacks advised that about two years ago she compared them with Sprint. George Brouca and she calculated that they had a better deal with AT&T than what the other carriers could offer. Mayor Ganz asked her to shop it again.

CFO Eccelston advised that the only increase in this budget is for salaries. The other expense line item was not increased.

Water - Superintendent of DPW Maslo was present. He explained that overtime is mainly for water main breaks although this department does plow.

Mayor Ganz noted that he was asked why the Borough does not send people to dig out the driveways after plowing. Superintendent Maslo replied that it would cost too much and the Borough does not have the manpower. CFO Eccelston advised that the average overtime related to snow plowing is between 35 and 40 hours. Superintendent Maslo advised that approximately 25 employees were involved in the storm. Mayor Ganz commended those employees for the excellent job they did to clear the roads. Councilmember Amato wondered if it would be more economical to go to a contractor. Superintendent Maslo pointed out that the cost is \$175 an hour for one man and one truck. They do bid it, but they have not had anyone bid. Superintendent Maslo advised that he does not have enough men. If any employees in the Sewer and Water Departments have to plow, nothing else gets done. He loses men from the Road, Water and Shade Tree departments for six weeks during leaf collection. Manager Sacks feels that the Department of Public Works is understaffed. Superintendent Maslo reallocates the men in his department wherever they are needed. Certain things have to be done, i.e., recycling.

Deputy Mayor Etler asked who has control over the Parks vehicles in a snow storm. Superintendent Maslo advised that Parks controls them but they have certain assignments. They do all of Radburn because they have small vehicles. They shovel hundreds of feet of sidewalks. So do the other departments except Roads.

DPW

Buildings and Grounds - Superintendent Maslo asked for an increase in department equipment maintenance since the equipment is aging and needs repair more often.

Contractual Services - This line item will take care of the contractor who repairs the heaters and boilers. The elevator maintenance contract and the contract for the fire extinguishers are in this line item. He would like to hire an outside window washer to do the windows.

Shade Tree - This department has had four men in it for 35 years. The trees have gotten bigger. The workload has gotten bigger. He has supplemented this department with men from the Road department.

Deputy Mayor Etler wanted to be sure that replacement trees were not optional, but Superintendent Maslo said that was up to the Council. The ordinance says that every home will have a tree, but it has been the policy of asking the residents if they want one. It will be at least three years if not longer of \$100,000 expenditures to catch up.

The consensus was that the Council wants the Borough ordinance enforced but the trees should first go to people who want them, then to those who do not want the trees but are covered by the ordinance.

Contractual Services - This line item includes outside pruning. Every park needs to be pruned but they have never been done.

Electrical - Most of the overtime is for sewer and water emergencies. The rest is for setting up for parades and concerts.

Public Works Administration - The Council had no questions.

Maintenance Garage - Deputy Mayor Adler wondered why the line item for new office equipment had doubled. Superintendent Maslo explained that they are moving into new buildings, hopefully, in September. They should be digging very soon.

Mayor Ganz wanted a cornerstone laying and a dedication when the building is open. Putting the date and the names of the Mayor and Council, Manager and the DPW Superintendent is customary.

Contractual Services - Repairs that the mechanic cannot do including transmissions and engines are covered by this line item.

Road Repair and Maintenance - Manager Sacks explained that a grant that will not be announced until August will fund the paving for the Senior Citizens lot. They will not pave that lot until the end of the year.

Department Materials - This line item includes salt. Superintendent Maslo began a new program this year. They pre-salt every street. The salt dome is full. The County has given them the salt. He has only had to buy a small amount for the Borough streets.

Recycling - The overtime in this line item is for holiday pick up and snow plowing.

Contractual services - Millbrook Landscape's contract is in this line item.

Department Equipment Maintenance - Superintendent Maslo advised that he has already spent \$3,000 for repairs due to the snow storms. He asked that this line item be increased to \$4500.

Mayor Ganz proposed naming the maintenance garage for William Davidson and putting his name be on the cornerstone.

The consensus was to approve Mayor Ganz's proposal. In addition, the interior will have a gallery of portraits of superintendents of public works.

Sewer - The overtime is for snow plowing and sewer shut downs. CFO Eccelston advised that they have already used \$116,000 of overtime as of February 16.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AAE

Municipal Clerk

WORK SESSION OF FEBRUARY 20, 2001

Mayor Ganz called the meeting to order at 7:30 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

PRESENT: Mayor Ganz, Deputy Mayor Adler, Councilmembers Amato, Dobrow and Etlar.

Also present: Manager Sacks and Municipal Clerk Kwasniewski.

Review of Tentative Agenda - There were no changes.

Police Four Wheel Drive Vehicle - Chief Marshall was present. During the snow storm in December no vehicles in the Police Department could get up the hills. The Police Department is the first responder to all incidents. They have to respond even in the snow. For many years they have borrowed vehicles from Engineering, Parks and the Department of Public Works. Unfortunately those vehicles are not emergency vehicles so they are not equipped with lights or radios. The Department has to rely on portable radios. A four-wheel drive vehicle would not be used exclusively for snow since that would be a waste of money but it could help the Department in other things. They could carry equipment to such events at Fun Day. It could be used for hauling large amounts of evidence or for traffic enforcement. He would like to equip it so the fatal accident investigators could use it.

Councilmember Amato commented that the needs Chief Marshall listed did not require a four-wheel drive vehicle. The vehicle is expensive and its maintenance will also be expensive. He asked if any other towns in the area have a vehicle like this one. Chief Marshall advised that Hawthorne and Paterson have them. More towns have them than do not. This vehicle would be an additional vehicle to replacements already requested. The estimated cost is \$29,159 including all the necessary equipment to activate it as an emergency vehicle. Only two four-wheel drive vehicles are on the State contract. He would prefer the Dodge.

Councilmember Amato asked if a front-wheel drive vehicle would suffice. Chief Marshall replied that the Impala is a front wheel drive vehicle. That vehicle is better in the snow than the patrol vehicle.

Deputy Mayor Etlar wanted to know who would control this car. He was having difficulty in envisioning the use for the car. Chief Marshall replied that the assignments would be made according to the need through the appropriate division commander. It would be used for special things and snow emergencies. It will not be a patrol car. He thought they would put between 6,000 and 8,000 miles on it a year. It was not in the original capital budget request. Manager Sacks advised that it is on the fast track list.

The consensus was that the four wheel drive vehicle be included in the capital budget and the fast track ordinance.

Home Depot in Paterson - Deputy Mayor Etlar reported that the Planning Commission in Paterson advised him that a 114,000 square foot building will be built for Home Depot. It will be between 4th and 5th Avenues and 27th Street and Route 20 with the entrance on 4th and 5th Avenue. It will be a 24-hour seven days a week operation with a garden center. The sales tax will only be 3 percent with 1 ½ percent staying in Paterson.

Mayor Ganz thought the Home Depot would be a substantial burden on the Borough. He asked the Manager to find out when it is going to open and to speak to the Superintendent of Public Works and the Police Chief for their thoughts on the additional burden this store will be to the Borough.

Councilmember Amato wondered if they had done studies to see how much traffic will be going over the Fair Lawn Avenue bridge. Mayor Ganz stated that they claim it will be Route 20 traffic but he did not believe that will be the case. Manager Sacks stated the Federal Highway Administration has approved a study of that bridge. They will be looking at Home Depot development because that will give them something to look at on the other side of the River. Perhaps that will get them to replace the bridge. Mayor Ganz thought it was possible that a traffic officer would be needed to control the traffic back up.

Sidewalk Sale Ordinance - Attorney Lustgarten had distributed the ordinance with a memo on February 8. Manager Sacks thought the revisions incorporated everything the Council wanted.

The consensus was to introduce the ordinance at the next meeting.

Public Comments on Items on the Agenda - No one wished to comment.

Expansion of Cable Television Board - Municipal Clerk Kwasniewski explained that the Council had originally wanted to expand the

Board because they thought it only had five members. The Board has seven members and two alternates. The Council wanted to add another member but to do that the Board has to be expanded. Deputy Mayor Etlar thought they should expand it so they could add people with talent who could assist the Borough.

The consensus was to expand the Board to nine regular members and two alternates. The ordinance will be introduced at the next meeting.

Temporary CO's for B4 Zone - Deputy Mayor Etlar asked if during the interim period while the Council is revising the ordinance for River Road could they give temporary certificates of occupancy. Mayor Ganz replied that they could not. An ordinance change is required.

Seniors and Chandler Drive - Mayor Ganz felt that after the tragedy last week that the residents on Chandler Drive need to be reminded of the dangers of the railroad crossings. He suggested that they send a letter to each resident on Chandler Drive and Pollitt Drive either by regular mail or hand delivery calling to their attention that when the gates are down it is not safe to go. They should not assume that it is a passenger train that is going to stop at the station.

Manager Sacks will prepare the text and sent the letter out.

Shopping Carts - Councilmember Amato expressed concern that the shopping carts from Grand Union are left off the property. Deputy Mayor Etlar thought the Borough could impound the carts under the property maintenance ordinance and force the store to pay to get them back. Technology exists that prevents the carts from being removed. Mayor Ganz pointed out that this is a perennial problem. He suggested that Manager Sacks advise Grand Union that in 30 days the Borough will institute of policy of impounding the carts until they pay a redemption fee. Manager Sacks asked under what authority the Borough could charge a redemption fee. Mayor Ganz suggested asking Attorney Lustgarten if an ordinance change is required.

Municipal Clerk Kwasniewski was asked to send a memo to Attorney Lustgarten asking him to respond for March 6 about an ordinance and if there are any issues of constitutionality or impropriety the Council has not considered.

Economic Development Committee - Deputy Mayor Adler reported that several residents in the Radburn area have asked about the future of Grand Union. Some residents have heard that it will be a Walgreens. Mayor Ganz, however, indicated that was not true. Stop & Shop is going to go there according to the bankruptcy papers. Deputy Mayor Adler noted that someone who spoke to the owner of the property told her that Stop & Shop had not bought this store. She felt there should be some way to discuss what business comes into the Borough. Mayor Ganz pointed out that the lease is a valuable asset and the bankruptcy court can decide who is going to get that lease. If it is consistent with zoning, the bankruptcy court can decide who is going to be located there. Deputy Mayor Adler asked for permission to contact the landlord. Mayor Ganz felt she should go through the Economic Development Committee who does not need the permission of the Council. Deputy Mayor Adler will keep the Council advised.

Council Office Space - Mayor Ganz announced that Deputy Mayor Etlar has expressed concern about the lack of space for a councilmember to meet with a constituent. Mayor Ganz felt that they could use the Mayor's office.

The consensus was that the office would be used by both the Mayor and the Councilmembers. A new sign will be installed. Each Councilmember will get a key.

Public Advocate - Manager Sacks distributed a memo from the Planning Board secretary concerning the public advocate. A bill was received from Mr. Molinelli including the cost for his time spent in reviewing applications. These were items that the Planning Board had not previously paid. The Planning Board secretary was not sure whether application review was included in the basic retainer. Mayor Ganz advised that the ordinance states that reviewing the application should be paid out of escrow. Manager Sacks wondered what the retainer covers. Mayor Ganz advised it covers attendance at the meeting. Manager Sacks then raised the question of the \$150 an hour charge. Mayor Ganz explained that when the public advocate works for the Board it as at \$90 an hour. If it is billed to the applicant, it should be fair and reasonable.

Items for Future Agendas - Councilmember Amato asked that the use of e-mail and internet access by Borough employees be on the March 6 agenda. He received a memo from Manager Sacks on the cost. He wants to talk about usage and controls.

He also asked that the use of Borough vehicles by employees from their homes be on the March 6 agenda. Manager Sacks explained that emergency services have vehicles that they always use. Only three employees take their vehicles home, Joe Maslo, Pete White and Tom McCullum. In addition, the Manager's contract includes a vehicle. She continued that this is not a policy that the Council sets. It is set by the Manager within the JIF guidelines. Councilmember Amato pointed out that the Council funds the

vehicles and they could decide not to fund them.

Calendar - The Mayor and Council expressed their appreciation for the calendar Municipal Clerk Kwasniewski has started sending home each week. They would like to get it even if the only item on it is the Council meeting.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 8:45 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 personnel; and

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

WHEREAS, public disclosure of the results of these discussions shall be made relating to personnel upon formal appointment by the Mayor and Council and relating to contract negotiations when and if they are concluded, specific time not known;

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 Adler and a second by Councilmember Amato the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

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