

## WORK SESSION OF NOVEMBER 20, 2001

Mayor Ganz called the meeting to order at 7:35 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

ABSENT: Councilmember Dobrow.

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

Mayor Ganz announced that Councilmember Dobrow will be back for the next meeting.

Review of Tentative Agenda - Manager Sacks stated that the ordinance changing terminal leave should be introduced this evening at the special meeting. Municipal Clerk Kwasniewski noted that if they come up with a title and introduce it tonight, it can be adopted at the December 4, 2001 meeting.

Bus Stop at Saddle River - Survey Results - Municipal Clerk Kwasniewski reported that 13 of the 18 surveys were returned. Eight want the shelter; five do not. Two want the stop moved; 11 do not. Mayor Ganz thought the Council was going to leave the bus stop in this location unless there was an overwhelming sentiment to move it. Obviously there is not.

The consensus was to leave the bus stop in its present location.

Manager Sacks advised that she is waiting on the bus shelter. She thought they should let the riders become familiar with the new grade at the bus stop. In the spring they will be installing a new walkway. Deputy Mayor Etler suggested that the trees be trimmed.

The consensus was to deal with the shelter at a different time.

Sign Ordinance - Banners - Manager Sacks stated that she suggested adding language to the draft Attorney Lustgarten prepared to deal with the poles that are leased. Attorney Lustgarten had no objection to that language.

The consensus was to introduce the ordinance with the language as changed so that the River Road banners were legal.

Home Depot - Deputy Mayor Etler thought they should have better signage leading up to the bridge along River Road and Fair Lawn Avenue so that the trucks are aware of the load limit. Mayor Ganz suggested having the Manager write to the State and county for permission to add signs.

The consensus was that Manager Sacks would send the required letters.

Deputy Mayor Etler thought the police should have some plan that they present to the Council in case the traffic gets too jammed. Manager Sacks pointed out that traffic control is strictly under the police's jurisdiction. Deputy Mayor Etler was also concerned about whether the bridge could withstand the amount of traffic that will be going over it. Manager Sacks advised that Passaic County has received a grant to study that bridge including the load limit.

Petro Vend Electronic Files - Councilmember Amato advised that he took the electronic files and prepared the reports he distributed. He would like the Council to review them and report all the inaccuracies that they notice. There are 175 vehicles in the report. He created a detail report and a summary report. He explained that it is a fleet system used by the Post Office and Hertz.

He did not think the system was helpful because of the discrepancies in odometer readings. The report delineates the consumption of fuel and mileage. Deputy Mayor Etler thought the system was flawed because it does not differentiate between gas and diesel. Attorney Lustgarten thought they should find out if the system allows the cars to be filled if an odometer reading is not entered or if it defaults to zero if the odometer is not entered but the car is filled up.

This item will be on the December 4 work session.

Verizon Power Bill - Councilmember Amato had requested electronic files so he could analyze the telephone expenses. The Manager would not give him the file because of the confidentiality of some of the numbers. He was given the charge of reviewing and approving the budget. The telephone expenses are significant. He did not see any reason for him not to be allowed to look at the telephone expenses. He asked for a legal opinion. He did not think Borough personnel should be allowed to look at something

that he is not allowed to review as a Councilmember. He has contacted the Attorney General and will bring every request he has made, the tapes of the meetings and the memos he has received to Trenton.

Manager Sacks stated that she has provided everything that he has requested if she had access to it. The biggest expense is on the SCADA system. What Councilmember Amato is asking for now is something that the County Prosecutor has said should not be released. The detailed calls made by the Police Department are on the bill which is why she cannot release it. She had offered to run a printout and remove the Police Department's portion of the bill but that was not satisfactory to Councilmember Amato. It is incorrect to suggest that she is not releasing information.

Attorney Lustgarten indicated that he reviewed case cited in the Manager's memo. The case says that for reasons of privacy and policy there are certain details that he is not entitled to see. The case cites two or three examples. There are dicta that say summaries for comparison purposes are a permissible disclosure. He felt that Councilmember Amato would not be able to get a detailed listing of phone calls but he would be entitled to review summaries of the bills. He suggested looking at page 18 of the opinion.

Councilmember Amato reiterated that he is not just a citizen. He has been given the responsibility of reviewing the budget. Attorney Lustgarten pointed out that the case did not address an elected official's ability to review the records. Councilmember Amato stated that the Attorney General may say that it is a political issue and it should be taken to the people. If that is the case, he will tell the public that he is not able to do the job he was elected by them to do.

Manager Sacks stated the summaries are available to anyone who wants them. The prosecutor was aware that it is a Councilmember asking for the information when he made his response.

Discussion on Emergency Management Procedures in the Borough - Councilmember Weinstein asked to meet with Police, Fire and OEM to get an overview of the procedures in place to see that different aspects of emergency management are being met. Manager Sacks will arrange a series of meetings for him.

Police Department Rules and Regulations - Municipal Clerk Kwasniewski researched this and sent a memo advising that the Rules and Regulations are referred to but have never been adopted by ordinance. Manager Sacks indicated that they will have new rules and regulations by the end of the year. She suggested waiting to adopt the new rules.

Attorney Lustgarten advised that the ordinance on the composition of the Department is drafted which is separate from the rules and regulations. He suggested adopting that ordinance this year and introducing the rules and regulations as soon after the first of the year as possible.

The consensus was to introduce the ordinance on the composition of the Department.

Attorney Lustgarten stated that the Department is in conformance with the Attorney General Guidelines because the Chief issues a standing order even though they are not formally adopted. The Attorney General's guidelines supersede the rules and regulations although they are only a small part of the rules and regulations.

Hotel Reservations for League of Municipalities - Manager Sacks suggested that next year the Department Heads make their own reservations. Municipal Clerk Kwasniewski can distribute the housing form but then it will be up to each individual to submit it. Municipal Clerk Kwasniewski indicated she had no problem with that procedure but pointed out that it may be more difficult to get rooms if people are not prompt in sending back the forms. Mayor Ganz indicated that she would continue to make the reservations for the Mayor and Council.

Deputy Mayor Etler expressed concern that some of the rooms are more expensive than where they stayed this year. He thought the Department Heads should have to pay the difference. Manager Sacks explained that the Housing Bureau arbitrarily assigns housing so while people are requesting a certain hotel, there is no guarantee that is the hotel that will be assigned. She did not think it was fair to penalize the Department Heads when they had no control over the choice of hotel.

Wayne Tennis/Fire Department Legal Matter - Wayne Tennis was present and indicated that he was a member of the Fire Department for 27 years. He moved in 1991. Last year when he turned 55 he should have gotten the uniform allowance pension, but he never received it. He is now being told that he never resigned. He was expelled. He never knew that his resignation was not accepted. He did not get the allowance this year either. He believes he is entitled to it.

Attorney Lustgarten advised that he has reviewed the Fire Department file. In 1989 he received a six-month leave of absence. In 1992 he asked for another leave which was denied. Bill Grieder, Fire Clerk sent him a letter on December 5, 1991 asking him to advise his status. On May 12, 1992, the Council confirmed his

expulsion from the Fire Department by Resolution No. 130-92. The ordinance states that to be entitled to the clothing allowance a person has to be retired from active services. Based on the Council's action Mr. Tennis was expelled so he is not entitled to the allowance.

Mr. Tennis stated that in April 1992 he still had his fire gear. Chief Hoitsma called him and asked him his intentions. Mr. Tennis told Chief Hoitsma that he was sending a letter of resignation. His gear and the letter were turned in. He did not know anything about the expulsion. He did not remember getting a letter from Mr. Grieder. He put in a great deal of time for the Department and he is entitled to his allowance.

Municipal Clerk Kwasniewski will find the original request from the Fire Board. This matter will be on the December 18 agenda.

Police Department Record Retrieval System Demonstration - Andrew Schreck of Image Access Corp. presented a digital imaging system that can increase the Department's productivity and has the ability to be expanded throughout the Borough. The system takes paper files and turns them into electronic images so they can be organized so they can be immediately found.

The four components include capture the image which requires a scanner and a software, prepare the image which is the quality control, manage the image through image management software which gives the ability to organize documents into a file format and archive the image. He explained each piece. They have not finished designing the system for the Department so they could give a cost but they estimated \$20,000. Maintenance contracts and license fees will be between 10% and 14% of the costs of the system on an annual basis.

They are proposing a nonproprietary wide-open architecture. Systems upgrades are included in the maintenance contract, but if the Department falls behind on upgrading, there will be a charge. The computer equipment is supplied by the users. They supply the software and scanners. A back up system is separate and the Borough would have to take care of that aspect. The system can be purchased as a single user or five user system and then expanded in increments of five.

Mayor Ganz thanked them for their presentation and stated that the Council will discuss this during the budget process.

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

Conditional Use Provision of the B4/B5 River Road Business Zone - Don Smartt, Sy Karas and Art Levine of RRIC were present. RRIC has concurred with Stuart Liebman, Esq. who has given an opinion that the Zoning Board of Adjustment is the proper body to hear all site plan applications when there is a deviation from the conditional use requirements. RRIC has recommended that the conditional use provision of Sections 125-25 and 125-26 be retitled from conditional uses to "Bulk area, yard and parking regulations." While Attorney Lustgarten did not agree with Mr. Liebman's premise, he had no problem with retitling the sections.

The consensus was to introduce the ordinance with Attorney Lustgarten's suggested language.

Mr. Smartt reminded the Council that they had given RRIC a commitment to continue the discussion on various language inconsistencies they had presented in September. Mayor Ganz asked for another list with the unresolved items. Mr. Karas pointed out that a joint meeting with the Planning Board had been suggested. Mayor Ganz asked Deputy Mayor Etler to discuss this with the Planning Board chairman to arrange a meeting either later this month or early next month.

Salary Ordinance - Judge's Secretary - Manager Sacks advised that this title is not represented by a bargaining unit. She asked the Council for an ordinance to renew the position for two years with a salary increase that is the same as the other employees of 4 percent.

The consensus was to introduce the salary ordinance.

Request for Endorsement of CDBG Grant Bris Avrom, ESL - Mayor Ganz advised that Bris Avrom has asked the Council to endorse their grant applications for several projects for the last two years. If the Borough does not endorse them, they will not receive the funds. He believed they are a worthy group.

The consensus was to adopt a resolution endorsing the application.

Extension of Professional Services Contract - Killam Associates (SCADA) - Manager Sacks advised that the last phase of the contract will cost an additional \$3500. The Engineer has requested that the Council extend Killam Associates contract to August 31, 2002 at a cost not to exceed \$3500.

The consensus was to extend the contract at a cost not to exceed \$3500.

Parking Restriction Exemptions - Burbank Street - Attorney Lustgarten stated that in May and August the Council amended some of the parking restrictions but there was some question if some of the exemptions should apply. He was reluctant to draft the blanket exemptions without having the input of the Police Department. At that time he had suggested that the Council ask the Manager to ask the Police Department to determine if the exemptions should apply. He did not know if that review had happened. Manager Sacks indicated that the Council had not directed her to do that so it was not done. Attorney Lustgarten recommended that the Manager check the August 8 and May 24 memoranda and have the Police Department review it and come back with a recommendation.

Mayor Ganz felt that since it has been remarkably quiet for the past six months, it might be better to leave the parking alone. Manager Sacks suggested putting this on hold for five or six months because she does not think there is any need for further change. Mayor Ganz thought the incremental approach is efficient because the Council is dealing with what the residents.

The consensus was to take no action.

Sedgewick Renewal - Manager Sacks advised that Sedgewick is dropping the Borough. They have kept the Borough for the past two years even though they have dropped their small clients. They did not like the fact that the Borough did not want to give them the modest increase they requested. They were very good. Attorney Lustgarten explained that they were the service administrator for CGL and workers comp claims. He then explained what they did for the Borough. Manager Sacks added that they have agreed to stay until April. Attorney Lustgarten noted that it is a loss since they worked well with the Borough. Manager Sacks will have to find a replacement. Attorney Lustgarten recommended InservCo but there may be others.

Mayor Ganz asked Manager Sacks to report back to the Council by the end of the year.

Historical Preservation of the Washington Street School on Bergen Avenue - Deputy Mayor Etlar advised that he had spoken to the State Preservation representatives at the League of Municipalities Convention who suggested that the Borough apply for a grant to determine what it will take to have the building restored. The Board of Education owns the building. He has arranged a meeting with the Superintendent of Schools and the Chairman of the Environmental Commission.

The consensus was to authorize Deputy Mayor Etlar to meet with Doctor Watson and Doctor Winshell and then report to the Council.

Board of Education Liaison Committee - The next meeting is November 28. A liaison is needed.

The consensus was that Councilmember Weinstein would serve on the committee until the end of the year.

Manager's Evaluation - Deputy Mayor Etlar indicated that he would like to get the evaluation done before the end of the year. Mayor Ganz advised that he and Deputy Mayor Etlar will serve as the evaluation committee and report to the Council.

Special Meeting - Upon motion by Councilmember Weinstein and a second by Councilmember Amato the meeting was recessed to go into a Special Meeting.

Mayor Ganz reconvened the meeting at 10:35 p.m.

Closed Session Resolution - Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etlar the following closed session resolution was unanimously adopted at 10:35 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 pending litigation; 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 Shotco Inc. vs. Fair Lawn, McGuire vs. Fair Lawn and various tax appeals at the termination of the cases, specific dates unknown but expected between six and 12 months with the exception of legal strategy which will not be disclosed;

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 Weinstein and a second by Deputy Mayor Etlar the meeting was adjourned at 11:05 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF NOVEMBER 20, 2001

Mayor Ganz called the meeting to order at 10:10 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Etlar, Councilmembers Amato and Weinstein.

ABSENT: Councilmember Dobrow.

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

ORDINANCES: FIRST READING

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

Ordinance No. 1877-2001

AN ORDINANCE TO TRANSFER TITLE TO A 1986 GMC LIFT TRUCK BY THE BOROUGH OF FAIR LAWN TO THE FAIR LAWN BOARD OF EDUCATION ORDINANCE NO. 1876-2001

Upon motion by Councilmember Amato and a second by Councilmember Weinstein, Resolution No. 317-2001 introducing Ordinance No. 1877-2001 was unanimously passed.

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

Ordinance No. 1878-2001

"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 Councilmember Amato, Resolution No. 318-2001 introducing Ordinance No. 1878-2001 was unanimously passed.

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

Ordinance No. 1879-2001

AN ORDINANCE TO AMEND SECTION 125-1, ET SEQ., OF THE CODE OF THE BOROUGH OF FAIR LAWN KNOWN BY SHORT TITLE AS "LAND DEVELOPMENT ORDINANCE OF FAIR LAWN BOROUGH", AND MORE SPECIFICALLY SUB-SECTION 125-41.G.(5)

Upon motion by Councilmember Amato and a second by Deputy Mayor Etlar, Resolution No. 319-2001 introducing Ordinance No. 1879-2001 was discussed.

Municipal Clerk Kwasniewski advised that this ordinance must be reviewed by the Planning Board. The Board is meeting December 17 and will be able to do their statutory review at that time. The Council will then be able to adopt it at the December 18

meeting. Mayor Ganz asked that copies of this ordinance be sent to the Planning Board members with an explanation.

Hearing no further discussion, Resolution No. 319-2001 was unanimously passed.

Upon motion by Councilmember Weinstein and a second by Councilmember Amato, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 1880-2001

AN ORDINANCE TO AMEND CHAPTER 30 OF THE CODE OF THE BOROUGH OF FAIR LAWN ENTITLED "PERSONNEL" ARTICLE 1, ENTITLED "TERMINAL LEAVE COMPENSATION" AND SPECIFICALLY SECTION 30-5 ENTITLED "LUMP SUM OR PARTIAL PAYMENT"

Upon motion by Councilmember Weinstein and a second by Councilmember Amato, Resolution No. 319A-2001 introducing Ordinance No. 1880-2001 was unanimously passed.

RESOLUTION NO. 320-2001 BUDGET TRANSFERS

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein, Resolution No. 320-2001 was discussed.

Mayor Ganz explained the transfer process. Councilmember Weinstein asked if they could get totals next time so that they can see that it balances out. Councilmember Amato asked if these figures would be reflected in the 2001 budget when they review it next year. Mayor Ganz indicated that it would be reflected in the expenditure column.

Hearing no further discussion, Resolution No. 320-2001 was unanimously passed.

RESOLUTION NO. 321-2001 RENEWAL OF HEALTHNET CONTRACT

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Resolution No. 321-2001 was unanimously passed.

RESOLUTION NO. 322-2001 DENTAL PLAN ALTERNATIVE

Upon motion by Councilmember Amato and a second by Councilmember Weinstein, Resolution No. 322-2001 was unanimously passed.

RESOLUTION No. 323-2001 EXTENSION OF CONTRACT - KILLAM ASSOCIATES (SCADA)

Upon motion by Councilmember Amato and a second by Councilmember Weinstein, Resolution No. 323-2001 was discussed.

Mayor Ganz explained that the SCADA is the automated computer system that runs the water and sewer system.

Hearing no further discussion, Resolution No. 323-2001 was unanimously passed.

RESOLUTION NO. 324-2001 CHANGE ORDER - PROJECT #2083 WATER MAIN INSERTION VALVES

Upon motion by Councilmember Amato and a second by Councilmember Weinstein, Resolution No. 324-2001 was unanimously passed.

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etlar, the meeting was adjourned to the Work Session at 10:35 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE

Municipal Clerk