

January 5, 1999 - Work Session

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 Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

Review of Tentative Agenda - Attorney Lustgarten recommended that the Council have a work session after the Council meeting of January 12 to discuss the Developer's Agreement for Fair Lawn Commons. If there is agreement, the Council could then go back into public session to adopt a resolution to authorize its execution. He reviewed Jeff Kantowitz's comments on the agreement. Engineer Garrison will also be submitting comments. Mr. Liebman, the attorney for Fair Lawn Commons was present and advised that they have some leases that they want to enter into which they cannot do without the Certificates of Occupancy. Mayor Ganz asked for a redlined copy of the agreement so that he could review it. It was agreed that this item would be discussed following the regular meeting on January 12.

Municipal Clerk Kwasniewski advised that a change order for the storm drain improvements project and a raffle for the George Washington Middle School will be added to the agenda.

Councilmember Trawinski wondered if the Yourman's fence right-of-way agreement was ready. Attorney Lustgarten advised that there was an issue regarding the height of the bushes on one side where he wants to have them five feet but the ordinance only allows three feet within certain site line distances. It is also unclear where the shrubs will be placed. The Council can approve three feet but not five feet. Councilmember Trawinski thought it was agreed that the Council was going to approve the encroachment in the right-of-way, but the Council was not going to approve the height. If he needs a height variance, he has to apply to the Zoning Board of Adjustment. Attorney Lustgarten advised that the Council cannot approve an encroachment for five feet. He will be sending Mr. Yourman a letter.

Fair Lawn Commons - Mayor Ganz asked for a redlined copy of the developer's agreement so the Council has sufficient time to review it. This item will be on the agenda after the next meeting. The Council can go back into public session to adopt the authorizing resolution if the agreement is ready to be executed. He wanted to be sure the redlined copy was included in the packages on Friday.

Fair Lawn Community Gardens - Councilmember Dobrow advised that letters have been sent to the tenants. Jack Link is taking care of the project. The State asked that the railroad station be taken care of so an Eagle Scout is taking that on as his project. They have been advised that there are no pipes in the center strip of Route 4 so the Garden Club will move ahead with that project.

Councilmember Tedeschi asked that the Garden Club provide a report on the contributions they have received. Municipal Clerk Kwasniewski will send a note to the Garden Club requesting that information.

Tree Removal Policy - Councilmember Trawinski noted that this item was a carryover since the Council did not talk about the Shade Tree Advisory Committee. He had distributed Glen Rock's Ordinance which will be recirculated.

George Street Parking - Manager Sacks advised that Engineer Garrison decided that it did not make any sense to put in coarse stone when the lot will be paved soon. He has ordered shrubbery for the buffers. He has spoken to the residents as the Council requested. Attorney Lustgarten noted that although that lot would be a natural place to dump snow it would not be a good idea. Councilmember Trawinski asked the Manager to have the Traffic Officer and the Fire Department look at the no parking prohibition to see if it could be removed so that two or three parking spaces could be added. An ordinance will be required.

1999 Food Concession (Memorial Park) - Superintendent of Parks and Recreation Frey has asked that the present contract be extended for one year. Even if the Council made a determination to make changes at the pool, it would not affect the food concession for this pool season. There has only been one bidder in the past. Manager Sacks noted that people would like to have a different variety of food, but there is no kitchen to do that at the present time. Mayor Ganz suggested staying with this vendor with the idea that something different will be done when the improvements are made.

The consensus was to renew the contract.

Support for Route 4/208 Interchange Project - Councilmember Trawinski noted that DOT held a public hearing with a low turn out although they thought it was productive. They have asked for a resolution supporting the project so it can forward to final design completion.

The consensus was to adopt a resolution at the next meeting.

Ridgewood YMCA Meads Award - Councilmember Trawinski advised that this award is for outstanding service to youth. He suggested that the Borough nominate retired detective Roger Rysz.

The consensus was to nominate Detective Rysz.

Quick Start Grants - Councilmember Tedeschi advised that there was a meeting at Community Development and that the Borough will receive \$40,000. They did not include certain sidewalks because they were not covered but the rest of the application was approved.

Special Meeting - Upon a motion by Councilmember Trawinski and a second by Councilmember Dobrow the work session was unanimously recessed to a Special Meeting at 8:00 p.m. with a Closed Session to immediately follow the conclusion of the Special Meeting for items 4, 5 and 6 on the agenda for the Council Meeting.

Closed Session Resolution - Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, 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 matters under personnel and labor negotiations; and

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

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn at the resolution of these matters on January 5/6, 1999.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth above are ones which permit the exclusion of the public.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AAE

Municipal Clerk

January 5, 1999 - Special Meeting

Mayor Ganz reconvened the meeting at 8:00 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Ahearn, Councilmembers, Dobrow, Tedeschi and Trawinski.

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

RESOLUTION NO. 31-99 PROFESSIONAL SERVICES - CAPITAL ALTERNATIVES

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 31-99 Professional Services - Capital Alternatives Inc. was unanimously adopted.

Mayor Ganz noted that this is a wonderful example of what the Council can do when it works together.

RESOLUTION NO. 32-99 AUTHORIZING EXECUTION OF CONTRACT WITH PBA/SOA

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 32-99 Authorizing the execution of the contract with the PBA/SOA was considered.

Councilmember Trawinski wondered if the Council had to announce the settlement numbers before voting on the contract since this matter was discussed in Closed Session. Attorney Lustgarten advised that the Council can announce it now or after

the contract is signed. Mayor Ganz noted that the contract is available once it is signed. He wondered what would happen if the PBA does not sign it. Attorney Lustgarten advised that he has received a draft from the attorney for the PBA/SOA. He summarized the terms of the contract indicating that salary increase for 1999 3.8%, 2000 3.9%, 2001 4.0%, 2002 4.0%. There were some technical language changes which he briefly described. Mayor Ganz encouraged anyone interested to look at the contract after it is signed.

Councilmember Trawinski thought two years ago when the Council negotiated a contract they achieved a significant breakthrough but this contract represents a further step forward in negotiating a four-year contract. He thought it was a fair settlement for the officers and the Borough. Mayor Ganz commended the three labor negotiators for doing an outstanding job. Attorney Lustgarten commended the police officers who attended the meetings for their professional conduct despite the fact that there were difference of opinions.

Hearing no further discussion, Resolution No. 32-99 was unanimously approved.

ORDINANCES: FIRST READING

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

Ordinance No. 1747-99

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

Upon motion by Councilmember Tedeschi and a second by Deputy Mayor Ahearn, Resolution No. 33-99 introducing Ordinance No. 1747-99 was unanimously adopted.

MISCELLANEOUS PUBLIC COMMENTS

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

Charles Coviello, 5-07 Fifth Street wanted to know if there was anything to be done to encourage competitive bidding to give the residents better service at the food concession. Mayor Ganz suggested he meet with Borough Manager and offer any suggestions that he has to attract other companies since the Borough has not been able to do that in the past few years. Councilmember Tedeschi pointed out that the only thing that brings in good service is good profits. The environment is not conducive to that right now. He felt there should be more supervision on the cleanliness and the yellow jackets.

Mr. Coviello asked about the status of the Police Director and how the Borough plans to proceed. Attorney Lustgarten replied that the contract terminated on December 31, 1998 and was not renewed. The Council has indicated a commitment to continue with the position of Police Director and the Manager has been instructed to commence a search for a replacement. In the interim Captain Marshall will be Acting Chief pending the appointment of a police director. The Manager will select and make the appointment of the police director. The Council has the authority to set the salary and benefits of the police director's position.

Mr. Coviello noticed that Downs Tree Service is taking trees down although he has not seen the Shade Tree Division working. Manager Sacks advised that the Shade Tree Division is trimming and pruning the trees.

Mr. Coviello then asked if the appointments were filled. Mayor Ganz advised that the Council had asked that all resumes be included in the packages on Monday.

Mr. Coviello wondered why the agreement with the Bank of New York was for two years with a two-year renewal and wanted to know what would happen if in four years the Bank of New York wanted their lot back. He also wondered why the Borough does not have automatic dial to read the water meters since it is not as labor intensive.

Councilmember Tedeschi pointed out that the automatic dial is only one of the many ways of doing it. PSE&G has a program that will take over the whole process including billing. Mayor Ganz suggested that he

speak to the Manager.

Mr. Coviello wondered about the budgetary impact of the salary increases for the police was advised that the 1999 budget as not yet in place and that there are several positive items that will have a good impact on the budget. He was also advised that there were no changes to the health benefits.

Al Placa, 38-12 Pellington Drive, wondered about the Manager's qualifications. Mayor Ganz encouraged him to meet with the Manager and she will show him her resume which was impressive.

There being no further comments from the public, upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, it was unanimously agreed to close the time for public comments.

Mayor Ganz announced that the public meeting will be resumed whenever the Council concludes the closed session.

Upon a motion of Deputy Mayor Ahearn and a second by Councilmember Ganz, the special meeting was reconvened at 10:40 p.m.

Mayor's Appointments

Mayor Ganz announced his appointments, as follows:

Library Trustees - Sheri Adler, Victor Amato

Class II Member Planning Board - Ken Garrison

Environmental Commission Chairperson - Elaine Winshell

Board of Education Liaison Committee - Matthew Ahearn, Florence Dobrow

Planning Board Mayor's Designee - Cathe McAuliff

Council Appointments

Municipal Clerk Kwasniewski announced that she will be reading the names but she did not have all the addresses. They will be included on the hard copy of the resolution which the Councilmembers will receive and in the minutes.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Trawinski Resolution No. 10-99 appointing the Borough Attorney was unanimously adopted.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 11-99 appointing the Borough Auditor was considered.

Councilmember Trawinski indicated he would not be voting in favor of this resolution although it was not because of the qualifications of the firm. He believed that the firm is eminently qualified as is the individual proposed. His negative vote goes to the process. The package was dated December 21, 1998 and addressed to the honorable Mayor and Council. However, he did not receive the package until yesterday although the correspondence is addressed to the Municipal Building. Mr. Wielkotz advised him that he delivered to the Democratic Municipal Chair Barry Winston which he believes is inappropriate. He also had ethic questions about

the impropriety of the Municipal Chair accepting the package and not delivering it immediately. He was concerned that Manager Sacks asked the Chief Financial Officer how much the auditor was paid. Mr. Wielkotz spoke to the Manager and he believes that he was told that amount. Most importantly the auditor indicated that the Borough is interested in making a change. The Faulkner Act is clear that the governing body acts as a collective body and this Council never discussed soliciting proposals for an auditor. He objected to the resumes going to the Democratic Municipal Chair and wondered if all of them had come to the Council.

Councilmember Tedeschi was also concerned about the process. He was also concerned that Mr. Wielkotz had been told not to attend the meeting. Mayor Ganz indicated that he had told him that it was inappropriate. Councilmember Tedeschi pointed out that he had no opportunity to ask Mr. Wielkotz any questions. He did not remember Mr. Winston being authorized to be the messenger for the Borough or to retain documents for the Borough. The firm is eminently qualified. It is the process that is disturbing.

Deputy Mayor Ahearn indicated that he did not know what the author of that letter

had in mind. However, he clearly was seeking to have names presented to him through resumes as an alternative to the only other means available which would be going to an organization where committees would screen and recommend to him and then he would vote. To the extent that he should have been clearer to say the resumes should have come to him he accepts responsibility but the firm improperly addressed the letter and he cannot be responsible for what they did.

Councilmember Tedeschi felt the entire Council were victims since other Councilmembers received this at the last minute as well. The advertisement only referred to Board appointments not for professional services.

Mayor Ganz advised that he reserves his right to extend his remarks and supplement them in accordance with the Ordinance.

Hearing no further comments, Resolution No. 11-99 was adopted with Councilmember Trawinski dissenting.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 12-99 appointing Tax Appraisers was unanimously adopted.

Councilmember Tedeschi wondered who is going to contact the professionals who are not re-appointed. It was agreed that the Municipal Clerk will draft a letter for the Mayor to sign.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 13-99 appointing a Labor Attorney was considered.

Councilmember Trawinski questioned the fee since no formal proposal was submitted. Mayor Ganz advised that the fee was to be the same as last year. Attorney Lustgarten suggested adding the following language to the resolution: "at a fee not to exceed the hourly rate paid to labor counsel in 1998."

Councilmember Trawinski indicated that while he has no problem with making the change they had no opportunity as a Council collectively to explore the various firms available. He thought they should have solicited RFP's or RFQ's. Mayor Ganz reserved the right to extend his remarks.

Hearing no further comments, Resolution No. 13-99 was adopted with Councilmember Trawinski dissenting.

Mayor Ganz announced that the Council has agreed to hold the Class IV Planning Board member appointment and one of the Environmental Commission's appointment.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 14-99 appointing Planning Board members was unanimously adopted.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 15-99 appointing Zoning Board members was considered.

Mayor Ganz announced that Lisa D. Swill was his cousin once removed. Councilmember Trawinski indicated that he had no problem with the individuals but he was concerned that there were no appointments considered from either him or Councilmember Tedeschi. Mayor Ganz reserved the right to extend his remarks.

Hearing no further comments Resolution No. 15-99 was adopted with Councilmember Trawinski dissenting.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 16-99 appointing Flag Protocol Committee members was unanimously adopted.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 17-99 confirming the Fire Department Officers was unanimously adopted.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 18-99 appointing co-liaisons to the Fire Department was unanimously adopted.

Councilmember Tedeschi reserved the right to extend his remarks for which Mayor Ganz thanked him.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 19-99 appointing Environmental Commission members was considered.

Mayor Ganz noted that there is one position that is not being filled at this time. He reserved the right to extend his remarks.

Hearing no further comments, Resolution No. 19-99 was unanimously adopted.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 20-99 appointing Senior Citizens Advisory Board members was considered.

Councilmember Tedeschi announced that Marie DeMaria was his mother-in-law.

Hearing no further comments, Resolution No. 20-99 was unanimously adopted.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 21-99 appointing Rent Leveling Board members was considered.

Upon a motion of Councilmember Trawinski and a second by Deputy Mayor Ahearn the resolution was unanimously divided to remove the tenant members and alternate tenant members.

Mayor Ganz announced that the landlords may wish to change their position from landlord member to alternate landlord member and the Council will accept their decision. Municipal Clerk Kwasniewski will check.

Hearing no further comments, Resolution No. 21-99 as divided was unanimously adopted.

Upon a motion of Councilmember Trawinski and a second by Deputy Mayor Ahearn the resolution was unanimously divided to remove the alternate tenant member.

Upon motion by Councilmember Dobrow and a second by Deputy Mayor Ahearn, Resolution No. 21-99A appointing the Alternate Tenant Member to the Rent Leveling Board was unanimously adopted.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 21-99B appointing the Tenant Members to the Rent Leveling Board was considered.

Councilmember Trawinski noted that he moved to divide these questions because he had proposed that Arlene Glassman continue and the Council declined to do that. He was disappointed that she was not re-appointed since she has done a good job on the Board. Councilmember Tedeschi was also disappointed that Ms. Glassman was not re-appointed because she thought she did a fine job. Length of service is not a reason to terminate service.

Hearing no further comments, Resolution No. 21-99B was adopted with Councilmember Trawinski and Tedeschi dissenting. Mayor Ganz reserved the right to extend his remarks.

Upon motion by Councilmember Tedeschi and a second by Councilmember Dobrow, Resolution No. 22-99 appointing Holiday Celebrations Committee members was unanimously adopted.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 23-99 appointing Youth Advisory Board members was adopted with Mayor Ganz abstaining. Mayor Ganz disclosed that Elyse T. Ganz was his 14 year-old daughter and reserved his right to extend his remarks.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 24-99 appointing Property Maintenance/Face Lift Committee members was unanimously adopted.

Upon motion by Councilmember Tedeschi and a second by Councilmember Dobrow, Resolution No. 25-99 appointing the Ethic Board members was unanimously adopted.

Mayor Ganz announced that there is still one position on this Board to fill.

Upon motion by Councilmember Tedeschi and a second by Deputy Mayor Ahearn, Resolution No. 26-99 appointing Commissioners of the Self-Insurance Program was unanimously adopted.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 27-99 appointing the Fair Lawn 2000/75th Anniversary Committee members was unanimously adopted.

Attorney Lustgarten noted that the reason former Councilmember Taplits and former Manager Kendall are being removed is that they no longer hold those titles. Mayor Ganz reserved the right to extend his remarks.

Upon motion by Councilmember Tedeschi and a second by Deputy Mayor Ahearn, Resolution No. 28-99 appointing the Advisory Committee on the Americans with Disability Act members was unanimously adopted.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Tedeschi, Resolution No. 29-99 appointing the Chair of the Pedestrian Bicycle Safety Task Force was unanimously adopted.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Tedeschi, Resolution No. 34-99 creating a Y2K Committee and appointing members to said Committee was unanimously adopted.

Manager's Appointments:

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 30-99 Confirming the appointment of Local Assistance Board members was unanimously adopted.

Manager Sacks also announced that she had made the following legal assistant appointments:

Rent Leveling Board Attorney - Lois Lipton
Public Defender - Josh Levine
Fire Marshall - Jay Bender

Comments:

Councilmember Trawinski stated that the Manager had not done what the Council asked. Manager Sacks advised that she was told by the newspaper that they already had the information. Mayor Ganz noted that he knew he was going to send an article. It was his understanding that there was supposed to be a paid announcement but he was not sure who was supposed to do that. Councilmember Tedeschi noted that the headline states that Council invites residents to apply. He thought Mayor Ganz had no authority to submit it since 50% of the release is a press release. Councilmember Trawinski felt the article was inaccurate. Mayor Ganz suggested he write a letter to the editor.

Manager Sacks pointed out that there was no directive to her. There was some question as to who was asked to do it. It was something that then Councilmember Ganz mentioned it. She called the newspaper and found out that they had the information.

Councilmember Tedeschi noted that when he asked Manager Sacks if she sent out this article, she told him that the paper had the information. He felt that she knew she was supposed to send it out. Mayor Ganz did what he thought was expeditiously correct.

Manager Sacks did not understand that it was a directive nor that it was directed to her. She took it upon herself that she would put something in the paper but she was told they already had the information. Had there been a directive she would have notified the Council.

Councilmember Ahearn noted that his recollection was that it was going to get done but he had no idea who was responsible for publishing that ad. At some point later, he commented to Manager Sacks that he had not seen it yet. She told him that she did not know who was supposed to do it. He then spoke to Mayor Ganz because he did not want to have said that the process was going to be opened up and then have nothing done.

Councilmember Tedeschi noted that he asked Manager Sacks on January 1 if she had sent it out and she told him that she went to do it but they already had it.

Mayor Ganz noted that have had some new names and resumes and that is good. He then asked if it was possible to get a copy of the draft manuscript from the codifier. Municipal Clerk Kwasniewski explained that she received three huge manuscripts; one was distributed to various departments, one went to Attorney Lustgarten and she has one that is unmarked. Mayor Ganz asked for a disk if it was available. Municipal Clerk Kwasniewski will check with the codifier and advise the Council.

ADJOURNMENT - Upon motion of Councilmember Trawinski and a second by Deputy Mayor Ahearn, the meeting was adjourned at midnight.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AAE

Municipal Clerk