

Work Session - March 16, 1999

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 Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

Review of Tentative Agenda - The Council discussed Ordinance 1752-99 concerning the fees for the use of the Arts Center. The Council agreed to rescind the ordinance as introduced and introduce a new ordinance listing the organizations that are exempt from the \$100 per day fee. Attorney Lustgarten will review the bids for the for an additional three month expenditures. He has used actual salary figures but in no case it is any more than six months of last year's budget.

The low bidder for the tree planting with root guards has not submitted the signed contract, the performance bond or the insurance certificate. Superintendent Davidson has asked the Council to rescind the contract and award it to the second lowest bidder. It is now tree planting season and he has not been able to purchase any trees. Municipal Clerk Kwasniewski will send a letter to the first bidder telling him that unless she receives a signed contract, the Council will rescind the contract and award to the second lowest bidder and the Borough will sue him for the difference in the contract.

Manager Sacks advised that the Health Officer told her that Ridgewood wants to enter an interlocal service agreement for \$6,000 for Health Officer services. They agreed that it would be a twelve-month contract with 60 or 90 days notice clause with Ridgewood indemnifying the Borough. A resolution is needed.

75th Anniversary Update - John Cosgrove was present and distributed the proposed budget for the 75th Anniversary Celebration. He anticipated that the various events would cost \$192,500. They hope to receive \$112,000 from those events. They have raised \$45,000 so far. He believes that the \$45,000 with the \$40,000 appropriated by the Council should be sufficient to cover their costs. Approximately 100 people are on the committee and they are doing an outstanding job. They are trying to make each event special. They have met with the Police Department, the Parks Department and the Roads Department so he expects everything to go smoothly.

Mayor Ganz offered to provide commemorative scrip if the Committee wants it.

Chairman Cosgrove asked for a commitment of an additional \$10,000 over the \$40,000 if they are not able to meet their revenue expectations.

The consensus was that if needed an additional \$10,000 will be given to the 75th Anniversary Celebration Committee.

75th Anniversary Bus Tour - The Board of Education wants an indemnification agreement from the Borough to use three of their buses for the tour. They want a certificate of insurance. Everyone will meet at the Cadmus House. There will be a Fair Lawn Avenue tour, a Saddle River Road Tour and a River Road tour simultaneously in the morning. If there are enough people a second trip of each tour will be conducted around midday. The Council can adopt a resolution saying that in conjunction with the 75th Anniversary is supporting this event and will provide the insurance coverage for the use of the buses.

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

Budget - Joe Falanti, secretary of the Ice Hockey Parents and Jim Chen, Treasurer were present. Mr. Falanti made a short presentation explaining their purpose and the number of children they serve. Ice hockey is an expensive sport. He asked for financial support from the Borough of \$15,000 to reduce the financial burden on the parents. Mr. Chen advised that they are running a clinic and four teams. The cost of the clinic is \$150 per child; Mites and Squirts is \$450 per child; PeeWees is \$575 per children and Bantums is \$675 per child. The total cost for all levels is \$44,000. This amount is just for ice time. It does not include the cost of equipment for which the parents pay.

Mayor Ganz pointed out that the entire budget for All Sports is \$16,700. Two thousand children benefit from those funds. The Ice Hockey Parents are asking for \$15,000 to benefit 175 children.

CFO Eccelston explained that the private organizations actually purchase items and the Borough reimburses them. If the funds were used for ice time, it would have to be bid or quotes would have to be sought if the cost were under the bid threshold.

Mr. Falanti advised that they do fund raising although this year they geared it to the high school. They raised \$10,000. They anticipate apportioning it to the youth program. Mr. Chen explained that the Board of Education did not fund any of the ice time last

year. Mr. Falanti expects them to include the ice hockey team to some extent in this year's budget.

Councilmember Trawinski noted he was prepared to evaluate each group's request individually. He wanted to be sure that the parents are committed to fund rising as the other groups. He was prepared to support funding the activity. Mayor Ganz was having difficulty in deciding how to divide limited resources. Deputy Mayor Ahearn expressed concern that now there is another popular sport who is asking for support. If the Borough is going to expand athletic services, he wanted an analysis of the whole sports program including the costs of the use of fields. If there is going to be an increase, he wanted to be sure it was going to be fair.

Tony Hodum and Mark Stemp of All Sports were present. All Sports has about 2,500 children in their programs. They have a budget of \$160,000 so the Borough's contribution is one-tenth of that budget. They need that money to keep the program going. When they built the fields, they put up \$75,000 and when they built the building they put up \$50,000. They are always saving so that they can contribute to improve the complex. Mr. Stemp noted that they have kept the registration fees down for many years. They have just raised the fee for baseball to \$45 that is much less than other municipalities fees.

Mayor Ganz suggested that Manager Sacks and CFO Eccelston put together an overall analysis to give them a sense of the real costs and to give the Council some recommendations for the entire sports program. They tentatively scheduled this item for the March 23 agenda. Mayor Ganz also wanted to know the commitment the Board of Education has for this program.

Closed Session Resolution - Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the following closed session resolution was unanimously adopted at 9:05 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 pending litigation; 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 within 30 days;

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.

Mayor Ganz reconvened the meeting at 10:15 p.m.

Camp Fees - It was the consensus, with Deputy Mayor Ahearn recused, to raise the camp fees \$10 in each category.

Outdoor Batting Cage Agreement - Attorney Lustgarten noted that the Council needs to decide the length of the agreement with All-Sports. It will be \$1 a year. A clause will be added that athletic supporters will be required during the use of the batting cage. The agreement will be for one year with an option to renew. The Borough can terminate the lease on six months notice without cause.

Fireworks Fees - Manager Sacks noted that if the Council were inclined to raise fees, she would recommend only raising the fees for adults by \$1. Mayor Ganz suggested a family plan for tickets purchased in advance only.

The consensus was to set the fees as follows: Adults \$6 at the gate and \$5 in advance, children \$3 at the gate and in advance and senior citizens \$4 at the gate and \$3 in advance.

Credit Card Use for Municipal Court Fines - Attorney Lustgarten advised that there are two contradictory administrative directives. The only way to know whether bidding will be necessary is to have CFO Eccelston anticipate what the fines will be. CFO Eccelston thought the way to market it to a bank who might be willing to waive the fee in exchange for having the court bank accounts. Mayor Ganz suggested getting an ATM machine by the Police Department. The Borough would get a percentage of the fee the vendor charges. CFO Eccelston thought it would not be a biddable amount so it could be done by soliciting quotes. He thought master card or visa would have the same service charge. He will also explore the ATM machine while contacting the banks.

Continued Certificate of Occupancy Ordinance - Attorney Lustgarten circulated the proposed ordinance to the Council. Mayor Ganz had one addition to the exception section which was if a deed were required to quiet title. After the ordinance is adopted, it should be sent to the realtors.

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

Letters to Vendors re Marathon - Councilmember Tedeschi did not have the letter so this item was deferred.

Cablevision of New Jersey - PEG Channel - Councilmember Trawinski was recused. Attorney Lustgarten advised that he had not had a response from Cablevision on the Public Education and Governmental Access Channel. Manager Sacks advised that she spoke to Maureen Parenti who advised that their legal department is drafting a letter to Attorney Lustgarten advising that they are giving Fair Lawn the Channel. Attorney Lustgarten recommended that if he does not have that letter by Tuesday, he should file the complaint with the Office of Cable Television. The Council concurred.

Fire Inspection - Real Estate notification on Single and Multiple Unit Home Rentals - Councilmember Tedeschi advised that the Fire Inspector pointed out that there are many one and two family homes being rented but not inspected for fire safety. There needs to be some requirement that the landlords have to notify the Fire Inspector upon a rental or a change of renter. Mayor Ganz wondered if there was a requirement on commercial buildings if a tenant changes. Councilmember Tedeschi thought it was only annually. Mayor Ganz noted the problem is that there is no means to identify the rentals. Attorney Lustgarten felt the onus should be on the owner. Mayor Ganz thought the realtors and attorneys who draft a lease should be required to notify the Borough. Manager Sacks thought many of the worst places did not have leases.

The consensus was to have Attorney Lustgarten draft an ordinance regarding the rentals. Deputy Mayor Ahearn suggested that once the ordinance was adopted an education program be started telling the public that the inspectors will inspect the houses.

Manager Sacks thought that additional staff may be needed to do these the inspections. She will advise the Council of the resources needed.

Discussion of Process of Renegotiating Borough Manager's Employment Contract - Councilmember Tedeschi asked who wrote Resolution No. 87-99. Manager Sacks said she wrote it. Councilmember Tedeschi asked the Councilmembers who voted to pass the resolution to offer a motion to reconsider it on a de novo basis. Mayor Ganz thought Councilmember Tedeschi could make a motion to rescind or modify the resolution. A resolution will be on the next agenda.

Central Bergen Fire Mutual Aid Association - Manager Sacks advised that the municipality has not done a resolution in some time. River Edge reaffirms it every year. The Fire Department has been in it for years so it is not required but she thought it would be a good housekeeping item to confirm the commitment. A resolution will be on the next agenda.

Councilmember Tedeschi noted that he had just found out the Fire Department is now first responder to Elmwood Park. Manager Sacks will provide information regarding how many responses they have made and the cost. Councilmember Tedeschi noted that while he had no problem with mutual aid he was concerned about being first responder. Deputy Mayor Ahearn concurred particularly since there are a number of employees who are firefighters and leave their duties to respond to a fire. Manager Sacks thought the Fire Department should come before the Council to explain the circumstances and what they want to do. Deputy Mayor Ahearn wondered if it would be wise to document the number of hours the Borough is losing for fire fighting. Councilmember Tedeschi felt the Council had an obligation to understand what it is they want to do and then the Council can agree or not.

Shrubbery at New Parking Lot - Manager Sacks asked for approval for the shrubbery that will require a change order. The consensus was to approve the shrubbery. Manager Sacks will circulate a letter from the neighbor listing a number of issues. There are more items than what was included in a memo written by former Manager Kendall.

Bond Counsel - This item was deferred to the next meeting.

Energy Deregulation - Municipal Cooperative - Councilmember Trawinski noted that Saddle Brook has asked if the Council wants to participate in a cooperative with them. Ridgewood is also putting together a cooperative. He suggested putting it on a later agenda to see if there is any sentiment to participate in some sort of municipal cooperative. Manager Sacks added that the Riverside Cooperative is discussing alternatives. Councilmember Tedeschi wondered if forming its own cooperative would not be more beneficial for the Borough. Councilmember Trawinski advised that Monroe Township did that as a pilot program and generated a 5 percent savings with more anticipated over time. Mayor Ganz noted that there is a legal issue to be determined. The Manager needs to determine if the Borough has the resources to form its own cooperative and if not, what the costs will be and then come back with a plan. This item will be on the agenda again in thirty days.

Request for Status Report - Live Broadcast Council Meetings - Manager Sacks reported that she met with the vendor who is running cable for the camera system and asked for a price to do the cabling at the same time. This item will be on the agenda in two weeks.

Farmer's Market - Mayor Ganz advised that there has been some complaints about Sundays being a preferred day because of religious reasons they do not shop on Saturdays. It is clear that the farmers are not interested. He suggested in the spirit of comity that the Council authorize the Farmer's Market on Saturdays and Sundays and let the free market determine what happens. Councilmember Trawinski felt the Council should tell Joe Meer of the Council's decision. The consensus was to authorize both days.

Fast Track Ordinance - Manager Sacks advised that Engineer Garrison has asked if they could include the well rehab in the fast track capital ordinance. The consensus was to include these projects.

Closed Session Resolution - Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, the following closed session resolution was unanimously adopted at 11:45 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 matters under anticipated and pending litigation and personnel; 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 within 6 months on pending and anticipated litigation and if approved within two weeks on personnel matters;

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 are ones which permit the exclusion of the public.

ADJOURNMENT - Upon motion of Councilmember Trawinski and a second by Councilmember Tedeschi, the meeting was adjourned at 12:20 a.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AEE

Municipal Clerk