

Regular Meeting - April 13, 1999

Mayor Ganz opened the meeting at 7:35 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 "News Beacon" issue of December 17, 1998. 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 Record, the North Jersey Herald and News, and the Shopper. The Annual Notices identified the meeting location and the time of the Council Meetings and Work Sessions.

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

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

RESOLUTION NO. 119-99 RECOGNITION OF SERVICE WILLIAM MUNCZINSKI

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 119-99 was unanimously adopted.

Councilmember Trawinski stated he first got to know Bill when the Council was wrestling with some difficult problems for the residents on Orchard Street. Bill offered his services to the Borough. He continued with the residents on Prospect Street, discussions with the DOT about Broadway and when they had difficult situations facing the development of the McBride project. He expressed his appreciation on behalf of himself and the people who elected him for all the good work Bill has done for the residents of Fair Lawn and the residents of this part of the State.

Mayor Ganz stated the Council appreciated the outstanding work he has performed during his long tenure with the Borough and that he typifies everything that is good about a public servant. Mayor Ganz then presented the Resolution to Mr. Munczinski.

Assemblyman Felice presented a Citation from the New Jersey Assembly to Mr. Munczinski. It is a breath of fresh air to have someone like Bill who jumped in and cut through the red tape to get projects accomplished. On behalf of the Assembly and the State Legislature, they are very proud of their end of the chain where people like Bill make it so easy for all of them.

Mr. Munczinski stated he did not know what to say. When he was told to come and receive this great honor he was in shell shock. He thought himself an ordinary Joe, just doing his job the best he possibly could. It gave him great honor to accept this and in the name of all public employees and volunteers who work to make Fair Lawn a great place to live.

UNTABLE ORDINANCE NO. 1752-99 (ARTS CENTER FEES)

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, a motion to take Ordinance No. 1752-99 from the table was unanimously adopted.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Trawinski, a motion to rescind Ordinance No. 1752-99 was considered. Attorney Lustgarten explained that this Ordinance was being replaced with Ordinance No. 1757-99 which was being introduced tonight. Mayor Ganz stated this Ordinance was being rescinded based on the concerns raised by Mr. Reilly and Deputy Mayor Ahearn. Hearing no further comment, the motion to rescind Ordinance No. 1742-99 was unanimously adopted.

RESCIND ORDINANCE NO. 1754-99 (CERTIFICATE OF CONTINUED OCCUPANCY)

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, a motion to rescind Ordinance No. 1754-99 was considered. Attorney Lustgarten commented after a discussion with the Construction Code Official the Council decided to rescind this Ordinance as it needs more fine tuning. Mayor Ganz stated that this Ordinance has been discussed during several different administrations and is going to happen shortly. Attorney Lustgarten affirmed that with a few minor changes it will be ready. Hearing no further comment, the motion to rescind Ordinance No. 1754-99 was unanimously adopted.

ORDINANCES: FIRST READING

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

Ordinance No. 1755-99

BOND ORDINANCE PROVIDING FOR VARIOUS 1999 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, STATE OF NEW

JERSEY (THE "BOROUGH"): APPROPRIATING \$2,145,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,043,141 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 120-99 introducing Ordinance No. 1755-99 was considered. Municipal Clerk Kwasniewski asked Attorney Lustgarten for guidance as to which Ordinance should be introduced as there were two versions of this Ordinance with different amounts. Attorney Lustgarten advised to go with the one which was published on the Agenda.

Councilmember Trawinski stated that he contacted the Chief Financial Officer Eccleston, Borough Engineer Garrison and the Superintendent of the Department of Public Works Davidson because he thought the amount for the DPW building was too high. Mr. Davidson indicated \$1.4 - \$1.5 million was the appropriate figure. He had further discussions with Mr. Eccleston and Mr. Davidson and is pleased to see as result of those discussions, Manager Sacks has now submitted a revised ordinance to reduce the cost to \$1.5 million with 12% added for the bonding cost.

Councilmember Trawinski proposed amending the ordinance. Mayor Ganz however wanted to hear from Manager Sacks first.

Manager Sacks stated they recently made some changes at the DPW complex so she knew the project would be less than was originally anticipated. The Borough Engineer had advised her that with the site costs, paving and the Animal Control facility the project should be \$1.5 million. There was no need for the higher number in the ordinance just read by title and that was the reason she sent a memo around asking the Council to consider an alternate ordinance for a lesser amount.

Councilmember Tedeschi stated reducing the amount of the appropriation does not reduce the cost of the facility. Reducing the amount of the appropriation simply correctly restates the cost of the facility. The original cost was overstated as it went through the budget process. CFO Eccleston indicated to him that he passed that information on to Manager Sacks and had created the new ordinance.

Mayor Ganz asked if the ordinance attached to the April 12th memo is the correct ordinance by title. Attorney Lustgarten stated that if that was the pleasure of the majority of the Council to go with the second set of figures then it would be appropriate for the mover and seconder of the motion to request that the \$2,145,300 be amended to \$1,943,700 and that \$2,043,141 be amended to \$1,851,141. It should be noted that the change would relate to Section 3 - Improvement Descriptions Subsection F because that is the reduction of the numbers that caused the change in the title of the ordinance.

Upon motion by Councilmember Trawinski and Councilmember Tedeschi, it was unanimously agreed to amend the ordinance as suggested by Attorney Lustgarten.

Councilmember Trawinski had proposed an deleting items C, D & E totaling \$60,300 from the fast track ordinance as it does not make sense to go out to bond for computers, copiers and police light bars which belong in the Operating Budget. Mayor Ganz stated if the useful life is appropriate they should be in the Capital Ordinance. Deputy Mayor Ahearn stated if it relates to the Y2K program the replacement equipment and software are bondable. Councilmember Trawinski felt computer equipment and copiers only have a life span of two or three years. Deputy Mayor Ahearn asked if this would be appropriate to use surplus funds to purchase these items. Manager Sacks stated it was a policy call.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, amending Ordinance No. 1755-99 by deleting items C, D & E was rejected with Deputy Mayor Ahearn, Councilmember Dobrow and Mayor Ganz voting no.

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

Ordinance No. 1756-99

BOND ORDINANCE PROVIDING FOR REHABILITATION OF WELLS AT VARIOUS LOCATIONS WITHIN THE BOROUGH, BY THE WATER UTILITY OF THE BOROUGH, A LAWFUL PUBLIC PURPOSE, BY AND IN THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH"): APPROPRIATING \$84,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$80,000 BONDS OR NOTES OF THE WATER UTILITY OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 121-99 introducing Ordinance No. 1756-99 was unanimously adopted.

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

Ordinance No. 1757-99

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTERS 2-13 "DEPARTMENT OF RECREATION", SUBSECTION 2-13.3 "CHARGES AND FEES" TO ADD A FEE FOR THE USE OF THE FAIR LAWN ARTS CENTER

Mayor Ganz thanked Deputy Mayor Ahearn and Mr. Reilly for bringing their concerns to the Council's attention.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 122-99 introducing Ordinance No. 1757-99 was unanimously adopted.

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

Ordinance No. 1758-99

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING CHAPTER VII "TRAFFIC", SUBSECTION 7-3.4, SCHEDULE II, PARKING PROHIBITED CERTAIN HOURS

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 123-99 introducing Ordinance No. 1758-99 was unanimously adopted.

ORDINANCES: SECOND READING

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

Ordinance No. 1751-99

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

Charles Coviello, 5-07 Fifth Street, a member of the Fair Lawn Homeowners Association, stated he was confused about this salary ordinance. He asked why the position of Chief Water Treatment Plant Operator was still listed since the person has retired and the Borough Engineer was doing the job. Manager Sacks responded that it was a separate title that had to do with Civil Service. CFO Eccleston said these were two different positions. Mayor Ganz told Mr. Coviello to take this up with the Chief Financial Officer. Manager Sacks stated that none of these are new positions.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 124-99 adopting Ordinance No. 1751-99 was unanimously adopted.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

Ordinance No. 1753-99

"AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING CHAPTER II ENTITLED "ADMINISTRATION, SECTION 2-13 ENTITLED "DEPARTMENT OF RECREATION", SUBSECTION 2-13.3 "CHARGES AND FEES"

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

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No.125-99 adopting Ordinance No.1753-99 was unanimously passed.

INTRODUCTION OF 1999 BUDGET BY TITLE ONLY

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 126-99 Introducing the 1999 Budget by Title was considered.

Councilmember Trawinski stated it was his understanding the Council was only going to introduce the Operating Budget. He was concerned about the inclusion of a new ambulance and the acquisition of the GIS system into the Capital Budget. He proposed to divide the question or to amend the capital portion out for further discussion.

Manager Sacks stated the spending plan that appears in the Municipal Budget is not the same as the capital ordinance. The ordinance is the authorization to go ahead, this is a plan that can be amended at any time. This is to give the State a general idea of the magnitude of capital expenditure the Borough has.

Councilmember Trawinski stated one of the reasons why he raised this was because in last years League of Women Voter's debate one member of this Council indicated that by adopting a document like this in 1998 the Council had indeed committed to spend it because it was labeled Capital Budget. That was news to him because he never voted to appropriate a half a million dollars for the GIS System. It becomes readily apparent the confusion that could exist in the minds of the public in looking at a document called Capital Budget Current Year Action and seeing figures over \$22 million dollars.

Mayor Ganz stated it was his understanding that a separate Capital Ordinance is required before any expenditures on Capital items can be effective.

Attorney Lustgarten stated it was mostly correct but obviously if funds can be found in the Operating Budget for capital items that is another way of funding it. You have to fund it by ordinance to implement the Capital Budget.

Councilmember Tedeschi stated it was very good that they were sitting there talking about the process but the process they should be addressing is the diligence that the Council took going through the process not to haphazardly approve it.

Mayor Ganz stated that there is no one on this Council that does not take this very seriously. In fairness he thinks there is not one of the six people sitting on this Council committed to spend 6.272 million dollars for a new Police Headquarters. He asked CFO Eccleston in his opinion if everything in the Budget were appropriate and proper given what you know.

CFO Eccleston stated the Council had not finished wrapping up the Capital Budget items. This is a Capital Budget plan which was created by Trenton so that Councils would do some Capital Budget planning to look into the future.

Attorney Lustgarten referred to Sheet 40a which encompassed what was stated prior. He suggested the Municipal Clerk read that page to the public. Municipal Clerk Kwasniewski read Sheet 40a which stated: "The Mayor and Council have reviewed all departmental capital budget requests and has prepared this multi year planning instrument to identify needed capital projects and to coordinate the financing and timing of these improvements in a way that they feel will maximize the return to the people of the Borough of Fair Lawn. Projects slated for the year 1999 are approved on a planning basis and do not receive ultimate expenditure authority until they are eventually incorporated in a Capital Ordinance. The following are the projects planned for the year 1999 to 2004".

Councilmember Trawinski stated this is precisely the reason why it does not belong here as these projects are not planned for the years 1999 - 2004. He is going to have difficulty supporting the budget. He would like to divide the question or amend it.

Mayor Ganz said it was not appropriate to try to amend this when it is only being introduced tonight.

Deputy Mayor Ahearn stated this just identifies needed projects. Mayor Ganz asked the CFO about the statutory time frame to have this budget adopted. CFO Eccleston stated it had to be adopted by March 28, 1998. Councilmember Tedeschi asked the CFO what the statutory time frame was for introduction of the budget. CFO Eccleston replied February 10, 1999.

Councilmember Tedeschi stated they looked at a five year plan that lays out a number of monies for different projects. He does not think that any of them thought that capital items that were included in 1999 were put in there as a plan. They were put in there with the expectation that they would be done and completed in 1999. They have not even completed their review and that concerns him.

CFO Eccleston suggested that he could go through and take all the projects that were not in the Capital Ordinance and put them into the year 2000. They would then have to amend the Capital Budget at a later date.

Councilmember Tedeschi asked CFO Eccleston to restate what he proposed to do between the introduction and adoption of the budget with regard to the Capital items of 1999. CFO Eccleston stated his proposal was if they wanted to make the change he would take all of the capital projects slated for 1999 and move the projects that are not included in the two ordinances that were introduced into the year 2000. They would address it when they did the Capital Ordinance. The Capital Budget would have to be amended to move those projects back into the year 1999 or he could delete all those projects entirely.

Attorney Lustgarten suggested since this is both a budgetary and a planning document and they only have four weeks between introduction and adoption, the Council meet to go over the capital projects and then decide what they will leave in or make a decision to amend to take it out prior to adoption.

Manager Sacks wondered if that would be a substantive amendment since it may not even affect the bottom line on the Operating Budget. Attorney Lustgarten stated he did not think that was a substantive item since he viewed this as an unappropriated planning document not the operational cost for 1999. Any changes in that planning document would not be a substantive change because they have the right to let that planning document die by never appropriating a bonding ordinance.

Councilmember Trawinski said the budget itself is as much a policy statement as it is a fiscal plan. He was concerned about the Borough Manager's 9.44% raise and the appropriation of a touch too much surplus which affects the Borough's bond rating. He said it was tempting for him to vote against this budget or abstain. He proposed a series of amendments. The budget should have \$10,000 for cabling and wiring of the Municipal Council Chambers, \$42,750 to reflect the true cost of the water usage at Memorial Pool, \$100,000 for the trucking and removal of leaves from the Recycling Center added to it and \$15,750 for the radios should be added to the Operational Budget. He then mentioned the Borough Manager's contract referring to a portion that said that once annually and at least 30 days prior to introduction of the budget the review and evaluation of the Borough Manager.

Deputy Mayor Ahearn stated this was his first time through the budget process thanking all of the Department Heads, the Borough Manager and everyone on the Council for their assistance. He supports the budget agreeing and disagreeing with some of Councilmember Trawinski's comments. He stated "Welcome to Campaign 99" as this was the beginning shots being fired out on all sides. These are very politically charged issues. He spoke about the leaves stating that all of them want to do something about it.

Councilmember Tedeschi responded that he is not running for office and is not making a political speech but has problems with this budget. The only way to understand a budget is to immerse yourself in the process and ask questions. He is not convinced this Council has done that very effectively. He suggested he and Attorney Lustgarten negotiate with Mr. Bleeker believing they could come to a settlement within one hour. Attorney Lustgarten stated he volunteered his services if that was the pleasure of the Council.

Councilmember Trawinski stated his amendments are not political. They are about doing what is right. The Council made a commitment that they would do everything humanly possible. He did not think doing it as an emergency appropriation is doing everything humanly possible about the leaf issue. Keeping in mind that the budget is also a policy statement he thinks that collectively they send a very strong policy message by doing that. He does believe Campaign 99 started in 1998 when two members refused to vote for a budget that had the Borough paying for debt that had been incurred over the previous ten years. He feels the time is right to cable the Council Chambers. The Council had asked the Borough Manager for figures last November and there is still not a full report.

Councilmember Dobrow stated there was a problem in that same area twenty five years ago because of a sewer plant. The people in that area complained about the odors which were all year round. When she was Mayor they closed down the sewer plant and had sewer lines built to go under the Passaic River to go to the Passaic sewer plants. It was a fortune of money and they felt the people were deserving of it.

Mayor Ganz stated that assuming the Council decides it wants to cable the Council Chambers it would be appropriate to put it in the Capital Budget because the cabling has a long life time. The \$42,000 for the water is simply a question of whether it was put in the water account or this account. With respect to the radios in the budget he felt strongly that it is a capital item and that is where it belongs. In regard to the issue of the leaves they are absolutely committed when they have the legal opportunity to do so, by emergency appropriation which may or may not be in this budget cycle and legal timing.

Manager Sacks stated a memo had been circulated with the figures for the cabling which came in under \$2,000. There has not been a discussion about this and it is a capital item.

Mayor Ganz stated the best way to handle this is to take the items collectively and vote them all together as an amendment.

Councilmember Trawinski requested that including the \$100,000 for trucking of the leaves be voted on separately. Mayor Ganz ordered the question to be divided.

Councilmember Trawinski further stated that the Council never spoke to Mr. Bleeker to ask if they could negotiate a settlement. Had they had the opportunity for that discussion with Mr. Bleeker it may have been appropriate to have added into this budget an addition amount for a settlement or a buyout. The other option they lost sight of collectively was to negotiate. Mayor Ganz stated they have not lost sight of it at all. Attorney Lustgarten stated that before Councilmember Tedeschi made that offer tonight he did have a discussion with Manager Sacks as she was going to propose dates to the Mayor and Council for Mr. Bleeker to come in. Mayor Ganz would like a consensus from the Council allowing Councilmember Tedeschi and Attorney Lustgarten to negotiate with Mr. Bleeker from Millbrook. The Mayor and Council were unanimous in their consensus.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, amending the budget was rejected with Deputy Mayor Ahearn, Councilmember Dobrow and Mayor Ganz voting no.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, including an additional \$100,000 for removal of leaves at the composting site was rejected with Deputy Mayor Ahearn, Councilmember Dobrow and Mayor Ganz voting no.

There being no further comments, Resolution No. 126-99 introducing the 1999 Budget by title was adopted with Councilmember Tedeschi dissenting.

INTRODUCTION OF SID BUDGET BY TITLE ONLY

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 127-99 was unanimously passed.

RESOLUTIONS BY CONSENT #8-99

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Consent Agenda #8-99 containing the following items, with the exception of items C and E, were unanimously adopted.

a. Resol. #128-99 Approval of Minutes:

Budget Workshop 2/20/99

Work Session 2/23/99

Closed Session 2/23/99

Regular Meeting 2/23/99

Budget Meeting 2/27/99

b. Resol. #129-99 Refund of Overpayment of Taxes

c. Resol. #130-99 Removed

d. Resol. #131-99 Confirmation of Treasurer's Purchases

e. Resol. #132-99 Removed

f. Resol. #133-99 Award of Bid: Bioxide Odor and Corrosion Control Chemical to US Filter Davis Process

RESOLUTION NO. 130-99 REJECTION OF BIDS - SCADA

Councilmember Trawinski stated he was in support of this resolution. He thanked Attorney Lustgarten for doing his homework. He suggested that in the future bids should go through the Borough Attorney's office. Attorney Lustgarten said it was a good idea and that the process should be formalized.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 130-99 was unanimously adopted.

RESOLUTION NO. 132-99 CREATING WALSH POOL/COLUMBIA HEIGHTS PARK CITIZENS ADVISORY COMMITTEE.

Mayor Ganz stated this committee was suggested by Councilmember Trawinski. He wanted to make certain a non partisan appointment process to appoint without party affiliation was used.

Councilmember Trawinski thanked the Borough Attorney for preparing the resolution. He suggested a revision to amend paragraph 7 by adding these two items, 1) evaluate and recommend the location of the bicycle path and 2) develop a vision for the Columbia Heights Park if the Council should determine to close Walsh Pool.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 132-99 was unanimously adopted.

MISCELLANEOUS PUBLIC COMMENTS

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

Ed Reilly, 18 Godwin Avenue, wondered why the Police cars park where they do. Attorney Lustgarten replied that this issue came up several years ago stating there are several reasons why these police cars are parked where they are.

Mr. Reilly wanted to know why a permit is needed to install a water heater. Manager Sacks stated a permit is required in municipalities and that the Borough of Fair Lawn has one of the lowest rates. Mr. Reilly wanted to know what the consumer got for the \$50 permit fee. Mayor Ganz said the Borough inspects it. Mr. Reilly then asked if anyone of the Council has read the leaf

composting agreement.

Miriam Levin, 42-39 Herold Drive, spoke in support of Councilmember Trawinski's motion for the \$100,000 being reinstated in the budget. She said not acting on every single attempt until it has been exhausted concerning the contract would be detrimental to her neighborhood. She was invited to the Council meeting of February 9, 1999 when the first part of this issue was discussed. She is dismayed and disappointed she was never informed about the carting of leaves. She asked how Attorney Lustgarten's report could be completed if he has not met face to face with Mr. Bleeker. She feels it is unprofessional and that emergency appropriation is risky. She asked the Council to do what is right. There has been sufficient time to meet with Mr. Bleeker. Mayor Ganz stated that Mr. Bleeker has been in Florida until last week. Every attempt will be made to set up a meeting with Attorney Lustgarten and Councilmember Tedeschi. Mrs. Levin stated she felt the money should remain in the budget until the finalization of the agreement with Mr. Bleeker.

Attorney Lustgarten stated that he would like to clarify some issues. On several occasions Mrs. Levin has called him. He did not give her a run around. This topic has not been an Agenda item, it has been on the back burner as Mr. Bleeker was away. This has not been a long time.

Councilmember Dobrow stated if the Council put the \$100 thousand dollars in the budget, there can be no discussion as to what they are willing to pay.

Councilmember Trawinski stated that if they did the Emergency Appropriation it would have to be paid by the taxpayers. Surplus is generated by revenue of uncollected taxes and from unanticipated funds.

Leon Wender, 7-22 Manor Road, referred to the last Work Session where there was talk about putting more trees in and he does not understand why because of the problem with the odor of the leaves composting at the DPW site. He thought the Arts Center was condemned three years ago. He felt the behavior of the elected officials here was very unbecoming. He said the Open House at Borough Hall on March 11, 1999 was a night of conflict, poor planning on the Borough's part.

Charles Coviello, 5-05 Fifth Street, a member of the Fair Lawn Homeowners Association, stated the patrol cars in the lot have rifles and sophisticated equipment and if they got out to the public there could be a major problem. He questioned the Resolution indemnifying the Borough Manager. Attorney Lustgarten replied that it had to do with the Martin vs. Borough Manager lawsuit.

Mr. Coviello stated the money for the leaves should remain in the budget. He said there must be an easy way out of the contract with Millbrook. He asked how much money was moved to offset surplus. Mayor Ganz replied \$71,000. Mr. Coviello asked about the microphones and if the system will change. He also spoke about the Library Theater and the money that had been put into it. He spoke about the Recycling Center, Phase II, and the amount of the project. Councilmember Trawinski stated with bonding costs it was \$1.2 - \$1.4 million dollars.

Mr. Coviello asked about the Capital Budget and the surplus amount. Mayor Ganz stated that in 1995 70% of surplus was allocated. Councilmember Trawinski stated it was a slightly larger amount of surplus than last year.

Ed Reilly asked what the balance of the surplus was. Councilmember Trawinski replied in the \$1 million dollar range. He also spoke again about the Moody's report that among the items Moody's mentioned was that the surplus had to be increased to give the Borough a better rating.

Anna Piro, 42-17 DeBruin Drive, stated she was concerned about the leaf composting site as it was an impossible situation for many people. She agrees the money should be put in the budget to alleviate the situation at the compost site. Mayor Ganz stated she misunderstood. They will do what they can. Ms. Piro asked if the money for the leaves was in or out of the budget. Councilmember Tedeschi stated they can do an Emergency Appropriation but it has to be included in next years budget. Ms. Piro asked if this can be resolved this year. Mayor Ganz replied that lawsuits move slowly.

Miriam Levin, 32-49 Herold Drive, wanted to clarify the issue with Attorney Lustgarten stating she has no doubt that he would call her. Attorney Lustgarten stated that the \$100,000 had to be part of the tax revenue that had to be raised. If they do not use it or need it the tax payers will still have to pay for it.

Ms. Levin stated she was concerned about the Council having a platform to make statements. She asked not to close this issue. Mayor Ganz stated it would never be closed.

Ms. Piro asked if the Council were planning a meeting with Millbrook. Mayor Ganz said Manager Sacks will pick the dates. Attorney Lustgarten stated they will meet before May 11, 1999.

Deputy Mayor Ahearn said he hoped Attorney Lustgarten and Councilmember Tedeschi work something out with Millbrook. He urged the residents to document everything. He also wanted to follow up on the March 11th Open House in Borough Hall. He proposed to have Borough Hall open one night a quarter.

Councilmember Trawinski said under the previous Manager the Council established a policy of forms being available on the Internet. He feels the policy should be increased and kept going.

There being no additional comments from the public, upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the time for public comments was unanimously closed.

Adjournment to Closed Session:

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, the following closed session resolution was unanimously adopted at 10:45 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 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 30 days after resolution of the matter.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters set forth above is one which permits the exclusion of the public.

Mayor Ganz reconvened the meeting at 11:00 p.m.

RESOLUTION NO. 134-99 APPOINTMENTS TO WALSH POOL/COLUMBIA HEIGHTS PARK CITIZENS ADVISORY COMMITTEE

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 134-99 was adopted.

Adjournment

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the meeting was unanimously adjourned at 11:05 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk