

## Regular Meeting - April 27, 1999

Deputy Mayor Ahearn 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 late, Deputy Mayor Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

### MANAGER'S REPORT:

Manager Sacks reported that an employee in the Court had a heart attack and that she has authorized a part time person to keep the calendar going.

Councilmember Tedeschi asked if the Shade Tree Department was doing all of the tree planting and pruning as stated in the Manager's Report. Manager Sacks stated she will ask the Superintendent Davidson.

### ORDINANCES: FIRST READING

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

#### Ordinance No. 1759-99

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

Councilmember Tedeschi asked the Borough Attorney if the Council could approve this Ordinance with the Prosecutor not listed on it as he thought all legal professionals were to be a part of this Ordinance.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 136-99, introducing Ordinance No. 1759-99 was unanimously tabled.

### 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. 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 \$1,943,700 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,851,141 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Councilmember Trawinski stated he would like to make a motion to divide this question into two components because it does not make sense to bond photocopiers, computer equipment and police light bars. While he wholeheartedly agrees that the Borough needs these items, he feels they belong in the Operating Budget.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi to divide this question, the motion failed with Councilmember Dobrow and Deputy Mayor Ahearn voting against it and Councilmembers Tedeschi and Trawinski voting for it.

Attorney Lustgarten explained the vote needed to divide this question.

Councilmember Trawinski asked the Councilmembers who voted against it to reconsider their vote.

Manager Sacks stated she spoke to CFO Eccleston who said these items did not have to be bonded. He said Fair Lawn has done

it both ways.

Councilmember Trawinski stated that John Keith opened his eyes to the process of shifting these types of items out of Capital into the Operating Budget. He felt that was the direction the Council had wanted to go in.

Deputy Mayor Ahearn asked if the Borough can decide to switch. Manager Sacks responded that it certainly could.

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. 137-99 adopting Ordinance No. 1755-99 was unanimously tabled.

Upon motion by Councilmember Trawinski and a second by Councilmember

Tedeschi, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

**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**

Al Placka, 38-12 Pellington Road stated that the Fair Lawn Arts Center should be torn down and made into a parking lot.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 138-99 adopting Ordinance No. 1757-99 was unanimously passed.

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

**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**

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

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 139-99 adopting Ordinance No. 1758-99 was unanimously passed.

**RESOLUTIONS BY CONSENT #9-99**

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Consent Agenda #9-99 containing the following items were unanimously adopted.

a. Resol. #140-99 Approval of Minutes:

Work Session 3/2/99  
Closed Session 3/2/99  
Closed Session 3/2/99  
Regular Meeting 3/9/99  
Budget Meeting 3/9/99  
Closed Session 3/16/99  
Work Session 3/16/99  
Closed Session 3/16/99

b. Resol. #141-99 Refund of Overpayment of Taxes

- c. Resol. #142-99 Indemnify Borough Manager
- d. Resol. #143-99 Endorsement of Treatment Works Approval Application - Lea & Perrins
- e. Resol. #144-99 Farmer's Market
- f. Resol. #145-99 Award of Bid Radio Repair & Maintenance

**RESOLUTION NO. 146-99 TRANSFER OF LIQUOR LICENSE - ALLISON BEVERAGES OF NEW JERSEY, INC., PLACE TO PLACE TRANSFER**

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 146-99 was unanimously adopted.

**MISCELLANEOUS PUBLIC COMMENTS**

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

Leon Wender, 17-22 Manor Road, referring to the Manager's Report wondered about the Borough using a vendor for outside tree service. Deputy Mayor Ahearn stated that was done due to the backlog of trees that have come down or are diseased.

Mayor Ganz arrived at 8:15 p.m.

Mr. Wender continued speaking about the use of outside sources for tree removal wondering what the Borough employees were doing. He also spoke on several other topics such as the turnout for the School Board Election, the trucks on River Road and the amount of smog they cause, Walsh Pool and the supposed bacteria found in the water.

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.

**Closed Session Resolution:**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, the following closed session resolution was unanimously adopted at 8:25 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 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 90 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.

**Adjournment:**

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Trawinski, the meeting was unanimously adjourned at 10:40 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk

**Work Session - April 27, 1999**

Mayor Ganz reconvened the meeting at 8:25 p.m.

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

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

**Police Director or Police Chief** - Councilmember Trawinski complimented Municipal Clerk Kwasniewski for her efforts on the transcript of the meeting of April 21. He spoke to some advisors in a general sense and there seems to be a fair amount of opinion. The Manager has been here long enough to give the Council a critique of the Department. Knowing the basis of her conclusions would be helpful. He asked for a written memorandum. Manager Sacks thought that doing that without getting into the specifics of individuals would be hard. She could discuss some items. Attorney Lustgarten advised that asking for the rationale for the opinion is an appropriate request. He thought she could structure a response that would not be specific to personnel.

Councilmember Tedeschi indicated that while he wanted to reach a decision sooner than later, he did not want to do that without due diligence. He asked the Municipal Clerk to order the tape of the seminar Deputy Mayor Ahearn attended last November. Municipal Clerk Kwasniewski will get copies of the tape for each of the Councilmembers and the Manager.

Mayor Ganz noted that it was his intention to bring this matter to closure on May 4. He will put it on the agenda. It will be up to the Council to vote it up or down. Attorney Lustgarten advised that this item will be on the agenda for May 4 and at that time any Councilmember can say that he does not have enough information and can ask to have it removed from the agenda. The majority will decide the issue. Manager Sacks indicated she would submit something to the Council. Attorney Lustgarten will review it in a general sense to be sure that it does not encroach on personnel.

**ADJOURNMENT** - Upon motion of Deputy Mayor Ahearn and a second by Councilmember Trawinski, the meeting was adjourned to Closed Session at 8:45 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AEE

Municipal Clerk