

Regular Meeting - May 25, 1999

Mayor Ganz opened the meeting at 7:40 p.m. Assistant Municipal Clerk Dugan 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 and Tedeschi. Councilmember Trawinski absent.

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

MANAGER'S REPORT

Manager Sacks stated they were available on the front table with no additions.

ORDINANCES: FIRST READING

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

Ordinance No.1760-99

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

Upon motion by Councilmember Dobrow and a second by Deputy Mayor Ahearn, Resolution No. 162-99 introducing Ordinance No. 1760-99 was unanimously adopted.

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

Ordinance No.1761-99

AN ORDINANCE AUTHORIZING THE MANAGER AND MUNICIPAL CLERK OF THE BOROUGH OF FAIR LAWN TO EXECUTE AN AGREEMENT WITH THE COUNTY OF BERGEN TO SUPERSEDE THE COOPERATIVE AGREEMENT DATED MAY, 1996, AND AMENDMENTS THERETO ESTABLISHING THE COMMUNITY DEVELOPMENT PROGRAM.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 163-99 introducing Ordinance No. 1761-99 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.1759-99

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

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

Upon motion by Councilmember Dobrow and a second by Deputy Mayor Ahearn, Resolution No. 164-99 adopting Ordinance No. 1759-99 was unanimously passed.

RESOLUTIONS IN RECOGNITION OF SERVICE

Resolution No. 165-99 Merck - Medco

Mayor Ganz stated the next item is a resolution in recognition of service for Merck-Medco and before he asked the Clerk to read

the resolution, he just wanted to say on behalf of the Council the lifeblood of any municipality is its volunteers. Most of the Councilmembers have previously been volunteers on one board or another in this Municipality. They are very deeply appreciative, far more than any words of recognition or any plaque is going to convey. He concluded the resolution that follows is sincerely from each of them on the Council.

Councilmember Tedeschi stated any time a citizen comes forward to help its community it is a good thing. When a company comes forward and encourages its employees, it is even better because that involves the company and the employee with the community.

Deputy Mayor Ahearn echoed the sentiments of everyone else on the Council and added this is just a wonderful thing that both the individuals do in giving of themselves and that the company does in partnership with the community. It is a wonderful partnership for which the Council is grateful.

Councilmember Dobrow stated she is sure other towns are envious of Fair Lawn for having such a group in town who are willing to serve the Community. It is great. The Council appreciates it.

Upon motion by Councilmember Tedeschi and a second by Councilmember Dobrow, Resolution No. 165-99 was unanimously adopted and Mayor Ganz presented the plaques to them. At this time Merck- Medco presented Pulse Oximeters, along with CPR Classes, to the Borough in honor of its 75th Anniversary.

RESOLUTIONS BY CONSENT #11-99

Upon motion by Councilmember Dobrow and a second by Deputy Mayor Ahearn, Consent Agenda #11-99 containing the following items were unanimously adopted.

a. Resol. #166-99 Approval of Minutes:

- Work Session 4/6/99
- Special Meeting 4/6/99
- Closed Session 4/6/99
- Regular Meeting 4/13/99
- Closed Session 4/13/99

b. Resol. #167-99 Refund of Overpayment of Taxes

- c. Resol. #168-99 Cancellation of Arrears for Tax and Water Utility Charges
- d. Resol. #169-99 Award of Bid: Printed Supplies - Recycled Paper
- e. Resol. #170-99 Award of Bid: Tree Removal with Stumps
- f. Resol. #171-99 Award of Bid: Tree Trimming of Existing Borough Trees
- g. Resol. #172-99 Appointments to Community Development
- h. Resol. #173-99 Award of Bid: Ductile Iron Pipe, Valves and Fittings
- i. Resol. #174-99 Award of Bid: Memorial Park Hockey Court
- j. Resol. #175-99 Authorization to Execute DOT Jurisdictional Agreement
- k. Resol. #176-99 Confirmation of Treasurer's Purchases
- l. Resol. #177-99 Naming Veterans Circle
- m. Resol. #178-99 Appointments to Fair Lawn 75th/2000 Anniversary Committee

RESOLUTION NO. 179-99 AWARD OF BID: BARRIER FREE RAMPS AND CURB REPLACEMENT

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 179-99 was unanimously adopted.

MISCELLANEOUS PUBLIC COMMENTS

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

Leon Wender, 7-22 Manor Avenue, spoke about the Recycling employees putting the containers on the curbs after they are picked up.

Charles Coviello, 5-07 Fifth Street and a member of the Fair Lawn Homeowners Association spoke about the resolution awarding a contract for trimming trees. He thought that was a responsibility of the Shade Tree Department. Mayor Ganz explained that the company was awarded the bid will be used only when the Shade Tree Department has a backlog. He also said that it was less expensive to go out to bid then to add new employees. Mr. Coviello asked who taught the Right To Know class. Manager Sacks informed him that JIF taught it.

Jim Storozuk, 27-15 Urban Place, Chairman of the Flag Protocol presented their report, signed by Jim Storozuk, David Break, Marc Colyer and Robert V. Kneer, to the Mayor and Council. Mayor Ganz asked the Assistant Clerk to copy and distribute to the Borough Council. He thanked the members of the committee for their time and effort.

There being no additional comments from the public, upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, the time for public comments was unanimously closed.

Adjournment to Work Session:

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Tedeschi, the meeting was unanimously adjourned at 8:25 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk

Work Session - May 25, 1999

Mayor Ganz called the meeting to order at 8:30 p.m. Assistant Municipal Clerk Dugan read the statement of compliance with the Open Public Meetings Act.

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

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

River Road Cooperative Parking - The Mayor and Council discussed the River Road Special Improvement District. Mayor Ganz was troubled by the fact that this seems to be never ending but he is also troubled by the fact that without cooperative parking River Road cannot succeed. He was unwilling to approve an open ended contract where River Road appears to be reallocating their budget. He is troubled by the fact that they came to the Council after the Borough's budget process was over.

Manager Sacks stated this was the implementing plan to tell the Borough what is needed, for example it would tell if a parking utility is needed, the number of people needed to staff it and whether or not an Ordinance had to be adopted to implement these things.

Councilmember Tedeschi said it was hard to believe that a \$10,000 payment would be the lynchpin whether a project that the Borough has spent literally hundreds of thousands of dollars on is going to succeed or not.

Mayor Ganz stated that Don Smart alluded the Borough has to take the lead in this issue. Attorney Lustgarten stated they emphasized a partnership between River Road and the Borough. The Council had made it very plain that River Road had to take the lead. The Council will fund it, the Council will provide staff to help but there are fundamental things where they were supposed to take the lead. Manager Sacks suggested meeting with them.

There was a consensus to invite River Road Special Improvement District to come in at their convenience to discuss where they are right now, who is on board, how many spaces are available or targeted and what objections they anticipate that they do not have now.

Wireless Acquisition Services, Inc. - Omnipoint / Sprint Spectrum - Attorney Lustgarten had written a memo to Municipal Engineer Garrison which had not been circulated to the Council. One of the telecommunications carriers is seeking to sublease the monopole that will be installed at the Recycling area. His recollection was that the Council was of the impression that they would have a monopole and possibly some stationary equipment, it was never discussed that additional space would be utilized for the subleases for the additional equipment. There may be enough property so it does not make a difference but that was what his memo covered.

Attorney Lustgarten requested this matter be put on the next Work Session Agenda to give the Council a chance to review his memo.

Broadway - Route 4 Redevelopment - Councilmember Tedeschi commented his only concern was the process and the involvement of the public in general and where they fit into the process. Mayor Ganz stated it was the Councils intention to bring the public into this as rapidly as possible but until they hire a planner there is not much they can talk about other than the Council wants collectively to redevelop Broadway.

There was a consensus to proceed to hire a planner without designating who the planner was for the Broadway Route 4 corridor with Councilmember Tedeschi abstaining. Mayor Ganz announced that Councilmember Trawinski, if he were there, would have also abstained based on a discussion they had. Without objection, if the Council proceeds further his prepared remarks may be inserted stating his reason for abstention.

Closed Session Resolution - Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, the following closed session resolution was unanimously adopted 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 personnel, anticipated litigation, contractual 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 regarding anticipated litigation upon determination of the issue present dates unknown, regarding negotiations upon finalization of the contract present dates unknown and regarding attorney/client privilege probably nondisclosure relating to strategy;

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

ADJOURNMENT - Upon motion of Deputy Mayor Ahearn and a second by Councilmember Tedeschi the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk

Closed Session - May 25, 1999 Redacted for Public Release

Mayor Ganz reconvened the meeting at 9:05 p.m.

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

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

Personnel - Redacted

Contractual Negotiations - The Mayor and Council discussed the redevelopment of Broadway and the possibility of hiring a planner.

Mayor Ganz had concerns that the plan for redevelopment may be good now but in twenty five years it may not be as good. Attorney Lustgarten stated this is where the Master Plan comes in.

Attorney Lustgarten advised that if the Council wanted to go forward with this plan they would have to get the planner to the table. Mayor Ganz suggested having a meeting at Warren Point School to bring together local residents, business owners, the planner and Treeco. Treeco would present a plan. The Council could get input from each of those groups as to what they would like to see done to the area.

Councilmember Tedeschi stated that he does not like it that the Planning Board is out of it. Mayor Ganz explained that the planner, in their proposal, has clearly stated what role the Planning Board will have.

Manager Sacks stated she had worked with Heyer & Gruel in South Orange and they were very thorough and did a fine job.

Attorney Lustgarten advised that the planner should pay to defend any legal suits that may arise.

There was a consensus to hire Heyer & Gruel as planners for the redevelopment of Broadway for the sum not to exceed the amount stated in their proposal, with Councilmember Tedeschi abstaining.

Attorney Lustgarten stated he will prepare a Professional Services agreement to be approved at a Special Meeting to be held on June 1, 1999.

Mayor Ganz will issue a Press Release that will be faxed to the Manager, The Shopper and The Record. He stated he would like this plan to be completed within several months.

Anticipated Litigation - Condemnation - Redacted

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk