

WORK SESSION OF DECEMBER 20, 2005

Mayor Ganz called the meeting to order at 7:31 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etler and Weinstein, Councilmembers Caan and McCarthy.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

Mayor Ganz welcomed Senator Coniglio who presented a check in the amount of \$50,000 to the Borough. Mayor Ganz thanked him for supporting the Borough of Fair Lawn.

Proposed Zoning Changes:

Height limit and floor ratio - Deputy Mayor Etler stated he had contacted the Zoning Board for suggestions on how to rein in McMansions. They said the height of a building in Fair Lawn presently is measured from the mean with a restriction of 30' maximum. If they were to leave the height at 30' but change the way they measure to the ridge, the height of the building would be decreased by 3' to 4'. Currently the building coverage is 25% of lot coverage. If the Borough was to change to a floor area ratio formula, the size of the homes that can be built on the lot would be decreased. Councilmember McCarthy asked if he was trying to stop the McMansions that are being built. Deputy Mayor Weinstein asked how this would affect the current homeowners from building just a dormer. Deputy Mayor Etler stated they would measure the ratio of the building. He said what he has is just an outline.

Attorney Lustgarten, Councilmember Caan, Deputy Mayor Weinstein and Mayor Ganz had not seen what Deputy Mayor Etler was talking about. Mayor Ganz asked the Manager to distribute it to the Mayor and Council and to defer further discussion until later.

Renewal of Inter-local Service Agreement - Ridgewood:

Manager/Municipal Clerk Kwasniewski stated that they need to renew the inter-local service agreement with Ridgewood for Health Officer services. Currently they pay the Borough \$6,800. She proposed a \$500 increase and Ridgewood has agreed.

There was a unanimous consensus to renew the inter-local agreement as per Manager/Municipal Clerk Kwasniewski's recommendation.

Professional Services - Revaluation:

Manager/Municipal Clerk Kwasniewski stated that the State of New Jersey has finally granted approval for the Borough's tax maps to be used for evaluation purposes. The Borough entered into an agreement with Realty Appraisal Company who has requested that their contract be amended to reflect that the completion date will be October 1, 2006 instead of

October 1, 2005. Technically, their contract has run out and she wondered if a new professional service resolution was required. Councilmember McCarthy asked if the price would stay the same. Manager/Municipal Clerk Kwasniewski said they would just be amending the length of the contract.

There was a unanimous consensus to proceed by resolution to lengthen Realty Appraisal Company's agreement with the Borough of Fair Lawn for the terms as specified by Manager/Municipal Clerk Kwasniewski.

December 27, 2005 Meeting:

Manager/Municipal Clerk Kwasniewski questioned if they were going to cancel this meeting. Mayor Ganz stated unless there is an emergency situation, the next meeting will be January 3, 2006 with a new Council.

There was a unanimous consensus to cancel the December 27, 2005 meeting.

Manager/Municipal Clerk Kwasniewski said she will publish the notice in The Record and also post it on the website and Channel 77.

Councilmember-elect Trawinski arrived at 7:45 p.m.

Holocaust Memorial Update:

Manager/Municipal Clerk Kwasniewski stated that the Council had asked her to get in touch with Jane Spindel about the Holocaust Memorial. Mrs. Spindel met with Mr. Horn and has said that she will work with him to put on the side of the building. Deputy Mayor Etler asked about the size. Manager/Municipal Clerk Kwasniewski said that Mrs. Spindel would work on it. There was a general discussion about the amount of memorials being placed by the Borough Hall. Mayor Ganz suggested placing this on the first Work Session agenda in January to see what the new Council wants to do. Councilmember-elect Trawinski asked for a rendering of the memorial.

Proposed Zoning Changes - Continued:

Mayor Ganz stated that now having read what Deputy Mayor Etler was talking about from the Zoning Board, he felt that Engineering should review it and draft an ordinance. Councilmember-elect Trawinski stated that he concurred with it going to Engineering but would like it done on various size lots.

Deputy Mayor Weinstein stated he would not want to establish a new rule that would affect a homeowner from adding on. Deputy Mayor Etler stated that before as long as they didn't go out of the footprint they were alright. Manager/Municipal Clerk Kwasniewski stated they would have to go before the Zoning Board if they do not fit.

Councilmember-elect Trawinski stated that the Zoning Board is supposed to generate a yearly report. In that report they should be able to report the number of variances for height, building size, side yard set backs, etc. He felt they should see if it is fundamental or they can fix it. Manager/Municipal Clerk Kwasniewski stated she would get the breakdown on variances for the last two to three years. Councilmember-elect Trawinski thought the Zoning Board's memo was a good beginning.

There was a unanimous consensus for the Manager to report back with the information.

There was a concurrent consensus to have the Borough Engineer prepare a draft ordinance.

Decision of Government Records Council:

Mayor Ganz asked that this item be discussed in Closed Session.

Special Meeting:

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, the Work Session was recessed to the Special Meeting.

Mayor Ganz reconvened the Work Session at 8:03 p.m.

Deputy Mayor Etler gave Mayor Ganz and Councilmember Caan a plaque for their service to the Borough.

Deputy Mayor Weinstein stated it was a pleasure serving with them. They got a lot done. He wished the best to both of them and he looked forward to working with them in the future.

Councilmember McCarthy thanked them for their assistance to him the first two years on the Council.

Councilmember-elect Trawinski wished them both the best of luck. He told Mayor Ganz that he looked forward to working with him on the Freeholder board.

Councilmember-elect Baratta said it was a pleasure working with them.

Attorney Lustgarten stated that he echoed the sentiments previously made.

Ambulance Response:

Councilmember Caan stated that there have been calls that were not answered. The Borough needs a backup system. He felt it should be either Borough employees or an

outside company. Manager/Municipal Clerk Kwasniewski stated that the Ambulance Corp. responded to 21 out of 23 calls. She has two Recycling employees that will fill a spot on Monday afternoons but the problem is getting volunteers to do this. In the past the Council has talked about exploring a paid ambulance service in which they bill the resident's insurance company. She said it was a regional problem. Councilmember Caan stated that he agreed with what she said.

Miscellaneous Public Comments:

Craig Miller, 5 Ramapo Terrace, asked when the traffic light at Morlot Avenue and 17th Street will be working. Manager/Municipal Clerk Kwasniewski stated that is a County project and they are waiting for PSE&G. Mayor Ganz advised him to call the Freeholder office to find out more information.

Harvey Rubinstein, 22 Rutgers Terrace, questioned the proposed Zoning changes. He felt the Council should also look into the front yard setbacks. He suggested that the Borough hire a Planner to review the applications that go before the Zoning Board and Planning Boards.

Mr. Rubinstein asked about the fees that Ridgewood pays for the Health Officer services. Manager/Municipal Clerk Kwasniewski told him they will pay the Borough \$7,300.

Mr. Rubinstein felt that in reference to the Ambulance Service, a lot of people think it is a taxi service and they should be sent a bill. Manager/Municipal Clerk Kwasniewski stated they are volunteers and do not send a bill, however, if their insurance was billed they may get the message. Every call has been taken by the Ambulance Corps. Attorney Lustgarten advised that this came up several years ago and the Ambulance Corps advised that they would not make a judgement call since they do not have the ability to do that. Councilmember-elect Trawinski stated that this matter was discussed eight or nine years ago. After many discussions, they decided to continue with the volunteer service. He knows that many municipalities have gone to third party billing. He felt the Senior Citizens should be educated. Manager/Municipal Clerk Kwasniewski felt that education was a key component and they could give seminars at the Senior Center. The Senior Citizens tend to get frightened and sometimes by the time the Ambulance arrives, the situation has righted itself.

Donal Meyers, 8-22 Mayfair Terrace, asked if the Government Records Council was discussed yet. He said he did not wish to cost the taxpayers any money. Mayor Ganz asked if he had a proposal. Mr. Meyers said he was holding open the possibility of a settlement.

Mr. Meyers questioned the \$160,000 transfer to Police Salary and Wages.
Manager/Municipal
Clerk Kwasniewski

stated that when the Council cut the budget, it was easier to take it out of their line item. She informed him that all of it was not for overtime. Page Five

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They have added three new officers and a settlement was reached with one former officer that had to be paid after the budget was adopted.

Mr. Meyers wondered what the impact would be if the Borough did not amend the contract with Realty Appraisals. Attorney Lustgarten advised that the Borough could say they did not provide the service and there would be a stand-off. Mayor Ganz stated the firm would be entitled to the damages. Attorney Lustgarten advised that they should amend because it was beyond the Borough's control. The maps were not certified. Mr. Meyers asked if the Borough could get out of the contract. Attorney Lustgarten advised no because it was beyond the Borough's control and the firm is not raising their prices. Mr. Meyers said this firm has had problems in other towns plus they are a pay to play firm. They made substantial contributions to Mayor Ganz's campaign. He felt the Borough should seek to get out of the contract.

Closed Session:

Upon motion by Councilmember McCarthy and seconded by Councilmember Caan, the following closed session resolution was unanimously adopted at 8:35 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 Pending Litigation and Personnel; and

WHEREAS, these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS, public disclosure of the results of these discussions shall be made relating to Pending Litigation upon settlement or trial except for legal strategy which is never revealed and in regard to Personnel upon formal resolution by the Mayor and Council within 60 to 90 days; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Governing Body of the Borough of Fair Lawn.

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

Adjournment:

Upon motion by Mayor Ganz and a second by Councilmember Caan, the meeting was adjourned at 11:30 p.m.

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Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor David L. Ganz

Councilmember Allan Caan

Deputy Mayor Martin Etler

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein