

WORK SESSION OF JULY 12, 2005

Mayor Ganz called the meeting to order at 7:32 p.m.

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

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

Review of Agenda 7/19/05:

Councilmember McCarthy stated that he would like to make a presentation to the "Project Ask Softball Team" for their participation in the Special Olympics. Mayor Ganz stated he wanted to add a resolution authorizing agreement with Bergen County for signalization of Fair Lawn Avenue and Chandler Drive traffic light. He said the Freeholders will be adopting an ordinance tomorrow.

Closed Session:

Upon motion by Deputy Mayor Weinstein and seconded by Councilmember Caan, the following closed session resolution was unanimously adopted at 7:38 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

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 upon the conclusion of these matters by the Mayor and Council of the Borough of Fair Lawn or within sixty to ninety days and legal strategy never to be revealed;

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.

Mayor Ganz reconvened the Work Session at 8:04 p.m.

Expansion of Rescue Squad Building:

Tom Metzler, Director of Emergency Services along with Rescue Chief James Van Kruiningen and Traffic Safety Officer Franco were present. Mr. Metzler stated that the Rescue would like to put an addition on their building. They suggested closing Fairclough Place between Kipp Street and Romaine Street to use for parking. He explained that the

Rescue Building was built in 1993 and they entered into a 99-year agreement with the Borough of Fair Lawn to lease the property known as 16-01 Romaine Street. The Rescue Squad Association utilizes funds provided through its annual fund drive which paid for the two story building with off street parking, a three bay garage, office and meeting room. This construction resulted in the Heights Avenue building being returned as surplus to the Borough. In 1997 OEM merged the Rescue Squad and Hazmat Team. As part of the merger OEM returned the Hazmat building to the Borough as surplus. In order to house the Hazmat truck the Rescue Squad again utilized funds provided by its annual fund drive to construct an addition to the Rescue Building.

Mr. Metzler explained that the dynamics of the rescue service has changed in the past five years following the attack on the World Trade Center on September 11, 2001. The Rescue Squad has taken over the responsibility of a deep water rescue from the Recreation Department at Memorial and Walsh Pools. Rescue is trained and maintains equipment for confined space, trench and building collapse rescue. They house and are the primary response agencies for OEM to deliver shelter supplies and equipment in disaster. Rescue is the primary response agency for emergency service rehabilitation during large scale events.

Mr. Metzler explained Rescue's equipment is stored all over town. The Rehab Bus is stored at the Water Department. The collapse equipment is stored at the Auxiliary Police building along with the CERT equipment and rescue boat outdoor storage.

Mr. Metzler stated if the street was vacated between Fairclough and 16-01 Romaine Street, half the street goes to the Borough. Traffic Safety Officer Franco stated that it may be possible to close the road since it is a municipal road. Mayor Ganz asked if it could be closed with a chain. Attorney Lustgarten advised that they would need to pass an ordinance closing the street. The Board of Education would have to be approached to see if they would be willing to sell the land to them for \$1. Deputy Mayor Weinstein suggested extending the parking lot for the High School. Traffic Safety Officer Franco stated there were several issues which he has not explored.

Manager/Municipal Clerk Kwasniewski asked if the Council could come to a consensus so that they can go further. Deputy Mayor Etler felt the case was made but wondered about the houses that are around the building and how they feel about it. Chief Van Kruiningen stated that he had spoken to the neighbors that border the building and none of them have any problems with it. Traffic Safety Officer Franco stated that once they get a consensus from the Council they can come forth with concrete ideas. Mayor Ganz felt this may be the wrong forum. He suggested if the Council is interested, it should be referred to the Planning Board. If they come up with a conceptual plan and the people are notified, the Council would be in favor. Councilmember Caan thought they should find out if the Council has a consensus to agree to a street vacation. If they do, Rescue can go forward with it. Councilmember McCarthy asked if anyone spoke to the Board of Education regarding the traffic pattern. He did feel it was a good proposal. Mr. Metzler stated that without vacating Fairclough there is no plan that would work.

There was a unanimous consensus that the Council was willing to vacate the street as long as the residents are notified. Attorney Lustgarten was to investigate the matter with the

Board of Education.

Request from Fair Lawn Deaf Program:

Manager/Municipal Clerk Kwasniewski stated that at the last meeting questions were raised about the wattage. Teresa Bianco, Director Fair Lawn Deaf Program advised her that the sign will have two 75-watt bulbs housed in the center of the doubled-sided sign. Mayor Ganz asked if they had agreed to turn the sign off by 9:00 p.m. Manager/Municipal Clerk Kwasniewski advised that the lights will be on a timer. She said that Ms. Bianco sent two pictures of possible locations for the sign. They just want to know if they can proceed with installing the light.

There was a unanimous consensus to adopt the plan with time limitations previously discussed.

Fair Lawn Rotary Club - Clock Presentation:

Councilmember Caan stated that this year is the 100th Anniversary of Rotary International. Fair Lawn Rotary would like to donate a four faced pedestal clock to the Borough of Fair Lawn in honor of their anniversary. They suggested two possible locations, one here at the Municipal Building and one at the Library. They are seeking approval from the Mayor and Council. The Borough would be asked to supply electrical service to the clock. Deputy Mayor Etlar stated it was a noteworthy acquisition but suggested a sub committee to get in touch with Rotary and Borough officials. Mayor Ganz suggested asking Engineering, the Traffic Safety Officer and the Emergency Services. Deputy Mayor Etlar was concerned there would be too much on the lawn of the Municipal Building. Mayor Ganz suggested inviting the Veterans and the Emergency Services to see what they think. He also felt that the Library should be informed about this to see what they think. He asked that Engineering prepare a diagram with the footprints of what is on the lawn already and also a diagram of the Library's front area.

New Jersey League of Municipalities Convention:

Manager/Municipal Clerk Kwasniewski stated there have been questions about who goes to the convention. Generally they allowed the Planning Board and Zoning Board chairs or vice chairs to attend. Last year the Planning Board Chairman and the paid Secretary went. This year the Vice Chairman also wants to attend. Housing costs are approximately \$300 for two nights, three days. Mayor Ganz suggested they take the seminars and stay one night. Deputy Mayor Weinstein felt the Chairman or a substitute should be allowed to attend but they also much go to the Seminar in March. Mayor Ganz stated there is a requirement that each member must take a CEU or they cannot sit on the boards. Deputy Mayor Etlar felt that other boards don't put in as much time as the Planning Board. He thought this was a minimum cost and they should allow them to attend. Councilmember McCarthy agreed that the Chair, Vice Chair and Secretary should be allowed to go. He said that he appreciates the people who serve on these boards. Councilmember Caan felt that for the Zoning and Planning Boards, the

Chair and Vice Chair should be allowed to go. If other members want to attend, the Borough should pay their registration. He felt that letting everyone go was excessive because the lodging was too much.

There was a unanimous consensus that members of the Zoning Board and Planning Board attend one day on the condition that they attend classes.

There was a consensus to pay for the registration but not the lodging, Councilmember McCarthy dissenting.

There was a consensus for all members to share room for one night, with Councilmember McCarthy and Deputy Mayor Weinstein dissenting.

There was a consensus for the Chair, Vice Chair and Secretary to go for three days, two nights with no room sharing, with Mayor Ganz dissenting.

There was a consensus to allow the Planning Board Secretary to go with Councilmember Caan dissenting.

Request to Use Walsh Pool - The Albright Academy:

Manager/Municipal Clerk Kwasniewski stated The Albright Academy and Tell Me Why Montessori School has requested the usage of Walsh Pool for their summer program which has 20 children in it. After evaluating the schedule, the Borough can accommodate them on Wednesdays from July 27 through August 31. The fee would be \$600 for the usage of the facility for a total of six dates.

There was a unanimous consensus to allow The Albright Academy the usage of Walsh Pool as recommended by Manager/Municipal Clerk Kwasniewski.

Mayor Ganz suggested that in the future Manager/Municipal Clerk Kwasniewski approve the use of Walsh Pool without coming back to the Mayor and Council as long as there is room.

There was a unanimous consensus authorizing Manager/Municipal Clerk Kwasniewski to approve the usage of Walsh Pool.

Community Development and Open Space Projects:

Manager/Municipal Clerk Kwasniewski stated the deadline to submit an application is October. The staff is thinking of projects which are limited to the Senior Center, Barrier Free projects and Open Space. Mayor Ganz asked if they could do something for the Rescue Building. Manager/Municipal Clerk Kwasniewski stated the timing may not work but they can look into it. Councilmember McCarthy asked to have a copy of the application sent to him. Mayor Ganz suggested working on curb cuts.

Ownership Change of Quality Claims and Renewal for 2006:

Attorney Lustgarten stated that Quality Claims has joined forces with Qual Care. QualCare wants stipulations put in the contract. Other than that he sees no change in service. This is just a reconfiguration of the ownership. Mayor Ganz stated he was satisfied. Manager/Municipal Clerk Kwasniewski stated that she agreed with Attorney Lustgarten. They continue to deal with the same people. Deputy Mayor Etlar asked if the Borough gets good service from them. Manager/Municipal Clerk Kwasniewski explained that they work on workers compensation cases.

There was a unanimous consensus to adopt a resolution assigning the contract in accordance with Attorney Lustgarten's recommendation.

Chandler Drive:

Mayor Ganz stated that the Freeholders would be passing a resolution. The Borough is also required to adopt the same resolution. He gave a copy of the resolution to Manager/Municipal Clerk Kwasniewski. He asked that Attorney Lustgarten look at it before the next meeting. Mayor Ganz said the construction will start in the fall. Deputy Mayor Etlar asked about the synchronization of the traffic lights and wondered if they could make a recommendation. Mayor Ganz stated it is a County road over a State highway. They could make a list of suggestions. Attorney Lustgarten stated he reviewed it and recommended adding it to the Agenda for next week.

There was a unanimous consensus to put the resolution on next week's agenda.

Daly Field, Heyward Tract and Archery Plaza:

Mayor Ganz stated that these tracts were not zoned the same in the Master Plan. He felt the Master Plan should reflect the reality of what the planners did. He said that Burgis will prepare the documents that would change it from townhouse to residential. Deputy Mayor Etlar stated that the Planning Board took action last night. The Attorney will be preparing it for their August meeting. Manager/Municipal Clerk Kwasniewski stated the Planning Board has a contract with Schoor DePalma. Councilmember McCarthy asked if there is a challenge in Court, will the Planner give a rationale. Attorney Lustgarten advised that the Planning Board has the expertise. They would need a professional planner to give the rationale. There would have to be a planning reason to make the change in the Master Plan. Mayor Ganz stated that Mr. Burgis has agreed to do this for the Borough. Attorney Lustgarten advised that Doug Bern should call Burgis Associates. Mayor Ganz felt they did not need two.

There was a unanimous consensus to use Burgis for the planning element.

Electronics Recycling:

Manager/Municipal Clerk Kwasniewski stated they have been doing this since 2000. They have gotten quotes. She questioned why this needed to be done by a Professional Service

resolution. She needed the Council consensus to continue the Electronics Recycling. Attorney Lustgarten advised to do it by Purchase Order. Mayor Ganz stated it was exempt on every level.

Miscellaneous Public Comments:

Harvey Rubinstein, 28 Rutgers Terrace, asked if the traffic light was going to cost the Borough money. Mayor Ganz informed him that one of the costs would be the security that the Police Department would have to provide. Manager/Municipal Clerk Kwasniewski stated the Borough would have to supply Police Officers at the site and it will be up to the Chief. Mr. Rubinstein asked if there would be right and left-hand signals. Mayor Ganz stated that Morlot Avenue will be a normal T intersection. On Fair Lawn Avenue there will be right and left-hand signals. The lights will be re-synchronized. Mr. Rubinstein wondered if the conduit will cost the Borough money. Manager/Municipal Clerk Kwasniewski stated the Borough Electrician will take care of it.

Arlene Rubinstein, 28 Rutgers Terrace, stated that Burgis had apologized because he was misled since he was given the charge to keep Daly Field green. She suggested that the Council make their charge to Burgis clear. They should bring the Master Plan up to date with the Zoning Ordinances.

Closed Session:

Upon motion by Councilmember McCarthy and seconded by Councilmember Caan, the following closed session resolution was unanimously adopted at 9:20 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 Attorney Client Privilege, 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 Personnel upon appointment by the Borough Manager and or the Mayor and Council within 30 days and in regard to Attorney Client Privilege within 60 days after formal settlement, legal strategy never to be revealed; and

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 Deputy Mayor Etlar and a second by Councilmember McCarthy, the meeting was adjourned at 9:35 p.m.

pectfully 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 Etlar

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein