

WORK SESSION OF MAY 3, 2005

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

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

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski, Assistant to the Municipal Clerk Van Kruiningen and Attorney Lustgarten.

Review of Tentative Agenda - 5/10/05:

Manager/Municipal Clerk Kwasniewski stated the Police Unions voted unanimously to accept the Council's offer so they will have a salary ordinance prepared for next Tuesday. She added there were proclamations, minutes and two raffles that they wished to add. Mayor Ganz advised Manager/Municipal Clerk Kwasniewski to put those on and if any member of the Council had changes they should just notify the Clerk.

Chandler Drive Overnight Parking:

Councilmember Caan stated recently they had requests to consider permitting overnight parking on Chandler Drive and in that area. Parking is limited and every night there are people who have to call their cars in. The residents have contacted Affiliated Management on this and a representative, Michael Aversa is with them tonight as well as Traffic Safety Officer Franco who has looked at the streets and has his recommendations. He added Arlene Glassman who is the president of the Tenant's Association is in attendance with her views on this problem. He felt each party should express their views and concerns and suggestions to alleviate the problem as well as what the Council could do to help.

Officer Franco stated the problem is similar to most of the apartment complex's in town. They have received requests through the years from several individuals representing various complexes' and believed as they did in the past they will handle each request individually. He stated cars are parked on Chandler Drive, Chadwick, Caylene and Carlton. The parking spaces do not meet the amount of vehicles that may be or have a possibility of being present there.

Mr. Aversa stated they have 327 parking spaces and 92 garages which come to 418. They have handed out 460 parking stickers. Mr. Aversa stated except for reserved parking and the garages there are no assigned spaces. Some tenants pay for parking and garages so they have a reserved spot. Manager/Municipal Clerk Kwasniewski stated she heard that many of the garages are not used for cars but for storage which is a problem. Mr. Aversa stated that was correct and starting next week they have the fire department inspecting the garages. He will be going around with them to note any violations. They will also be doing this to empty out any garages that are being used for storage because the lease agreements states garages are not be used as storage but for parking only. They believe there is up to 40 garages that are being used for storage which is a big concern.

Mr. Aversa explained to the tenants that he has walked the property extensively and has come up with some ideas for additional parking. They are going to attempt a back to back parking. They have already had families show interest in doing this in reserved spots.

Mrs. Goldberg 19-38 Chandler Drive asked how they would pull out if they park two cars deep. Mr. Aversa explained it would be designated spots where space is available. Mrs. Goldberg asked what the charge would be. Mr. Aversa stated there would be no charge. Councilmember Caan explained some areas in the complex would not be able to do this such as by Mrs. Goldberg's apartment. He explained it would be two cars from the same apartment that would be parked back to back and they would be required to shuffle their cars around themselves. Mr. Aversa stated they would give them an identifying sticker that is a different color. Mayor Ganz stated that would require a site plan change.

Mr. Aversa was notified today that seven garages are used by their staff and contractors which they are putting an end to next week. Deputy Mayor Weinstein asked what if the garages are reserved for people that have no cars but have it in the lease that the garage is theirs. Mr. Aversa explained they cannot really do anything because they will just leave the garage empty and that would be a waste. He hoped that no tenant would do that. Borough Attorney Lustgarten asked if the 460 parking stickers reflect all of the cars in the complex used by tenants. Mr. Aversa did not believe so from walking around the property he noticed stickers that seem as though they were taken off one car and put on another. Borough Attorney Lustgarten stated if they have 418 spaces once they clean out the garages and 31 more spaces for the back to back they should have 449 spaces versus 460 parking stickers. Mr. Aversa felt he could probably find more spaces if they walked around the property more thoroughly. He added if they wanted to go deeper into the property and dig up more grass they could add more spaces but they did not want to do that at this point.

Councilmember Caan stated they could possibly do something with the pool area. Mr. Aversa added they had a brief conversation about that area and are trying to moving ahead with it. He explained where the pool was located and that there was a problem with that area because it is a raised area which would require extensive work. They had come up with diagrams and thoughts on how they would do such a project. They felt they could get about 30 more spaces in there but that could vary. He explained they would be taken away a forest to put a parking lot in and really did not believe in knocking trees down, but are planning on moving on it. Mayor Ganz added it would require site plan approval from the Planning Board.

Mr. Aversa stated they estimated the cost would hundreds of thousands of dollars to build and Affiliated Management would not get anything back from this. Mayor Ganz explained when they spoke Mr. Aversa had asked if it was possible to have additional reserved parking spaces. Borough Attorney Lustgarten explained the question was asked if that would be tied into rent control and he did not believe it would as long as they did not tie in a particular space to a lease. He went on to explain it would have to be general parking spaces open to whoever they wanted to sell or rent them to. However, once they set the price for it then that number would most likely be subject to future rent control numbers.

Mayor Ganz asked if they had an estimated time as to how long it will take to undergo construction on this and including actual approvals from the Planning Board and other Municipal approvals. Mr. Aversa felt it would be a good two month time project. He added as far as the additional back to back spaces they have received estimates but not a time line. He felt it would probably be about a month for that project. The contractor is ready to start when they tell him it is okay.

Sheila Kornrich, 20-14 Chadwick Place asked where the back to back parking would be located. Mr. Aversa explained where the area would be and showed her on the map. He added there were some spots between Caylene and Carlton which would not be back to back but maybe three spaces could be added. He explained most of the calls were from Caylene Drive tenants. Ms. Kornrich asked if there were any going by her on Chadwick because it is tight back there with the dumpster. Councilmember Caan stated there was no room back there.

Arlene Glassman stated there is no question that there was difficulty for residents finding parking spaces coming home after a certain hour. It is also difficult during the day. The Fair Lawn Tenant's Organization sent a letter to Affiliated Management and received a nice reply from Wayne Canastra that did address the pool area. He told her according to the way it sounds he was not ruling it out. She felt it would be a good idea but the longer Affiliated Management waits to do it the more expensive it will be. They have been asking for this for many years. Mr. Aversa stated as tenants move out they are given an exit survey and there are always wonderful things said about the property but the one thing that comes up is parking. He explained that was his primary goal and that the pool area is a fight that he is working to get done. Mayor Ganz asked if generally speaking if they approved of the concept of Affiliated Management paving over the pool area and adding additional spaces. Ms. Glassman did approve of it. Mayor Ganz asked her if they approved of adding the 31 back to back spaces. Ms. Glassman was still unsure of what area they were referring to. Councilmember Caan explained the concept of having parking spaces back to back would be for an apartment where they voluntarily agree to use back to back spaces. Ms. Glassman needed to see what they were talking about. Mr. Aversa and Councilmember Caan explained to her it would be like having a driveway. Ms. Glassman stated according to the layout of Chandler Drive that could only be located where the driveways are entering into the parking lots. Mr. Aversa explained it would be more into the grassy areas. Ms. Glassman asked if they would be taking away some of the grassy areas. Mr. Aversa stated that was correct. Ms. Glassman stated she wanted to give them some of the other options before she answered.

Ms. Glassman stated some other options were on street parking on Chandler Drive and asked if that had been looked into. She explained it had been addressed before and they were told they could not do that but Wayne Kanasca told her he would like to re address that. Officer Franco stated the layout on Chadwick, Caylene and Carlton is similar. There is parking on one side of the street only. The only street he was looking at to put parking on both sides is Chadwick. He asked if any trucks access the parking area from Chadwick. Mr. Aversa stated the garbage trucks do. Officer Franco stated the width of roadway will only accommodate parking on one side. The only street that is wider is Chadwick. He would consider the possibility of putting parking on both sides as long as there is no

restrictions for driveway access. He added it would not add many more spaces but if would add a few. His concern was whether the garbage truck would hit a parked car trying to swing into the parking lot. Mr. Aversa stated it is a egress way out so they should be fine.

Mrs. Glassman added they heard Borough Attorney Lustgarten say something about not assigning a space to a specific apartment and she felt if they had fewer reserved spaces and more first come, first serve then it would be better. She stated tenants complain they cannot find a space because there is so many reserved. When a tenant rents an apartment initially even if they have one car they should be entitled to a parking space without having to rent one. Many tenants feel they are compelled to pay for one otherwise they will never find a space. Mayor Ganz reminded her there are only 40 reserved spaces right now. Mr. Aversa understood Ms. Glassman concerns and explained they are trying to alleviate those congested areas by adding the double spaces or adding spaces.

Ms. Glassman asked about the garages that are used for storage. She felt there is so little room for storage in the apartments and asked if they could provide storage anywhere else in the apartments or in the basements. Mr. Aversa stated they could not accommodate that because it creates more problems than they can handle. He explained that Councilmember Caan had come up with an idea to call storage facilities and see about discounts they could get for the 30 to 50 people that are going to need storage room. He added they currently have calls into two places and they have offered a 10% discount. From his understanding that is what they offer anyone. They were looking for more and he would personally go to the places and talk to the people. He stated he would work hard to get them a better deal. Ms. Glassman stated they would have had more people from Chandler Drive tonight but they actually told her they did not want to move their cars and lose their spots.

Officer Franco asked if they pay they for a reserved parking space in addition to the rent and if they pay extra for a garage. Mr. Aversa stated they pay for both. Officer Franco asked if they cannot use their garage for storage then they have to pay extra for a storage facility and if so do they give up their garage. Mr. Aversa explained legally they have the garage in their lease. Officer Franco stated in his opinion if he cannot use his garage for storage and he has to pay for storage elsewhere then why would he even need his garage that he cannot put his car in. Mr. Aversa stated that is what they are trying to explain, these people should give their garages up. Mr. Aversa explained if garages are averaging between \$26.00 to \$65.00 a month. Officer Franco asked could he rent a storage facility elsewhere for \$50.00 a month and would it be a fair exchange. Mr. Aversa stated he believed they could and that is what they are looking to do.

Ms. Glassman asked if the back to back parking it would take away some of the grassy areas and wanted to know if they meant the courtyards. Mr. Aversa explained it would be some of the back courtyards. Ms. Glassman felt that was reasonable.

Mayor Ganz recapped the amount of spaces, 30 garage spaces, 31 back to back, 20 if parking was allowed on the three small streets and 30 for the pool area. He added that

would be 131 spaces with a need right now for about 60 which would be moving in the right

direction to solve this problem.

Stuart Shaw, 19-32 Chandler Drive stated they received a copy of request for parking on Chandler Drive similar to the parking on six other streets in Fair Lawn where they need a sticker to park. He asked that they be added to their present ordinance that allows parking on those six streets. He felt that would be a quick way to move this along. He had not heard from Mr. Aversa or Borough Attorney Lustgarten on why they are against the idea of parking on Chandler Drive. He stated if they go look out there right now they will see there is parking on Chandler Drive. Their talking about not being able to park between 2 a.m. and 5 a.m. He wanted to know what the reason why they could not park there. He loved the ideas he heard so far except the grass being removed. Borough Attorney Lustgarten stated he did not agree with parking on Chandler Drive. He did not feel Fair Lawn should turn into a parking lot overnight except in the most exceptional circumstances. If the parking resolution could be on the side streets then parking on Chandler Drive would not be necessary and would preserve as much of the no parking plan as possible. His math taking in all the proposals would total 519 parking spaces with a need right now by permit of 460. They try to restrict as much parking on the streets overnight as possible and every argument made for Chandler Drive people on another street will have the same argument and want to park overnight also. Mr. Aversa agreed with Borough Attorney Lustgarten and also liked what the complex looks like now.

Thelma Nelson, 16-75 Chandler Drive stated she would not mind parking on Chadwick but would be very unhappy on nights when she comes home late. She did not understand why some nights she was allowed to park on Chandler and other nights she was not. Mayor Ganz asked if she agreed if a 131 spaces were added in accordance with the plans that were discussed they would not have a problem. Ms. Nelson agreed and stated she lived there three years and had her name on a list for a parking space or garage and still has not been offered one. Mr. Aversa stated there was no waiting list that he knew of and would look into that and follow through with her. Ms. Nelson added she liked the front of the complex but felt the back is neglected and they do not get flowers planted. Mr. Aversa stated most of the flowers are planted by the residents themselves but she could request a garden.

Officer Franco explained overnight parking can be suspended for holidays, holy days and at the Police Chief's discretion. It was established that people could call for permission for one night. They have a service that answers those calls from 6 p.m. to 2 a.m. They have been directed to allow one night permission by phone to prevent people from calling every night. He felt it may be possible to change the one night rule to two nights and would look into that with the Police Chief. He added the rule has been that way for many years. The overnight service knows due to up to date technology if people called the night before and with what address and plate number.

Sheila Kornrich, 20-14 Chadwick Place stated there are delivery trucks that come in the back entrance and wanted to make sure they would not hit cars with two side parking.

Mayor Ganz stated they should be able come and go the same as the garbage trucks. Ms.

Kornrich believed they used to have two side parking but had changed because of the access for emergency vehicles. Officer Franco stated he would research that.

Rhoda Pollack, 19-11 Chandler Drive stated other towns have residential tags that go on the rearview mirror and asked if that could be supplied for the tenants of the apartment complex. Borough Attorney Lustgarten stated the street are for the public and that does not mean just Fair Lawn people but everyone. Unless they can show exceptional circumstances the courts have said they cannot say the spot in front of someone's house or apartment is reserved strictly for that person. He added as far as an identification sticker that was not a legal question but a policy call. The complex could issue them some type of identification sticker that say they are tenants there. Mr. Aversa asked if they were talking about the street parking or lot parking. Ms. Pollack stated she was referring to the street parking and the sticker would identify them as a resident that is allowed to park there like they do in other towns. Borough Attorney Lustgarten explained anyplace that gave out permits and have been challenged the courts have stated unless they can show an exceptional circumstance, environmental laws may be one, they cannot restrict parking for just town residents. Public street are for the public.

Ms. Pollack explained when she first decided to move in to the apartment she explained her daughter went to school in Rhode Island and she was told by Veronica she would have to have New Jersey plates and driver license to park in the parking lots. She added when she moved in she noticed plates from all over and the reason she was given was the children of residents and their care givers need them. She stated she has three adults living in her apartment and wanted to know which one they were going to tell her to move out. Her children have no where to go but they are only allowed two spots. She gave up her spots for her children so she could get ticketed on the street or have to pay the Gulf Station on the corner to park. Mayor Ganz stated this is the same problem anyone has when they have three cars and a two car driveway. This complex was built 50 years ago and then it was rare that people had any cars at all. Ms. Pollack stated a lot of the residents are aging out, either dying or going to nursing homes. They are moving out and they do not have cars and the new tenants moving in have two cars. Mayor Ganz felt the proposal they spoke about today would add 131 spaces which would help resolve the problem.

Ms. Pollack stated when they raised the rent the amount on the reserved spaces went up also. Borough Attorney Lustgarten explained that if the garage is part of her lease agreement then it is subject to an increase under rent control.

Harold Lambert, 19-38 Chandler Drive stated his concern when people come on Chandler Drive by the Brunch Club there is a bend there and someone could get hurt. He felt that area should be a no parking zone. The entrance and exit to the Fair Lawn Commons is right there and cars are coming and going and it is dangerous. Mayor Ganz asked Officer Franco to look at that and report back to the Council. Officer Franco stated if they were concerned about speed it is a traffic engineering fact that when vehicles are removed from the roadway speed increases. Leaving cars parked gives the illusion of smaller roadway slowing cars down.

Harvey Rubinstein, 28 Rutgers Terrace asked about Fire Department access and the circulation of cars in and out of the driveways. Mayor Ganz explained that would be the

Planning Board part of the site planner review.

Sherry Lambert, 14-16 Chandler Drive stated excluding the pool because there seemed to be conflicting figures on what this is actually going to cost and the letter she received said minimal cost. Mayor Ganz stated \$50,000.00 or \$100,000.00, neither one is minimal cost. He added as a guideline between \$2,000.00 and \$3,000.00 per space for construction on a site that does not need a lot of work. Ms. Lambert stated they were not sure how many cars the pool area would hold. Mayor Ganz explained if 31 cars is accurate then \$100,000.00 is a reasonable ballpark figure. Ms. Lambert stated excluding pool if they did the back to back they would still be deficient 11 spaces . Borough Attorney Lustgarten stated that was correct. Mayor Ganz stated freeing up the garages would free up another 30 spaces then they are no longer deficient. Ms. Lambert asked with the garages if they would be at capacity for the residents as of now. Mr. Aversa stated they would be about 25 spaces more.

Ms. Lambert stated what she was seeing is people having two cars per one bedroom apartment. She was concerned what is was going to happen if they keep renting one bedroom apartments to people with two cars. Mr. Aversa stated if they have the pool area developed plus they could still put more spaces in the rear of the building then they will have everything covered. He added Affiliated Management is moving along with the times the best they can with what they have. When these 20 spaces fill up then they will have to what is necessary to make more spaces. There are some grass areas and although they really do not like to take away from the greenery they understand the need of the tenants. Borough Attorney Lustgarten stated adding up all the spaces they will free up should leave them with a 60 space surplus.

Craig Miller, 5 Ramapo Terrace expressed his concern about emergency vehicles getting in and out on Chadwick. He asked about the residents who have garages in their leases but do not have cars. Mayor Ganz understood there were about 30 to 40 people who are using garages for storage other than cars. Mr. Miller thought he heard them say there are people who have garages in their leases that do not have a car. If they are freeing up a garage for someone who does not have a car they have an open spot. Mayor Ganz stated they do not have an open spot unless the person gives up the lease. Mr. Miller asked if the amount for the garage is in the their lease basically they are paying for a garage they are not going to use. He added a resident could offer to give up their spot since they would not be using it. Borough Attorney Lustgarten stated no one knows how many garages are part of leases that are used for storage and the person has car. They do not know but think there is about 40 garages that have storage in them.

Mr. Miller also brought up the area on the bend of Chandler and agreed it was a dangerous area. He suggested looking into putting speed bumps in. Officer Franco stated the Borough received a grant for traffic calming measures throughout town and they are entertaining different areas based on pedestrian traffic. He stated he would added Chandler Drive to the list as a consideration. Mayor Ganz asked if he favored speed bumps. Officer Franco stated it is not really a speed bump but a speed table. Speed
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bumps will not be put on a public roadways they are for parking lots. Mayor Ganz explained speed tables are tables in the road that are elevated and slow people down.

Stuart Shaw, 19-32 Chandler Drive asked about the places in Fair Lawn that have a sticker system and only the people who have a sticker are allowed to park. He asked about the six streets that were covered and what the legality is. Borough Attorney Lustgarten stated they are apartment complexes. Mr. Shaw stated so is Chandler Drive. Borough Attorney Lustgarten stated he was mixing two different questions. This question was to permit only Fair Lawn resident and no one else to park there. These stickers are for people who are bonafide tenants in the complex and would be able to park overnight from 2 a.m. to 5 a.m. They are not excluding other people during the day who come from other places to park in those spaces.

Sheila Kornrich, 20-14 Chadwick Place expressed her concerned regarding the entrance of Chandler Drive and also had a problem with people exiting the Brunch Club. They pull out of the Brunch Club and sit right in the road. Mayor Ganz stated the County Engineer had made that point to them this week.

Howard Lambert, 19-33 Chandler Drive suggested people looking at Mr. Shaw's garden because he has a wonderful garden in front of his apartment.

Mrs. Goldberg, 19-38 Chandler Drive stated the garages given out are not behind the apartments. She has to drive to get to her garage. In the winter and at night she feels it is dangerous. She used her garage for storage because it is too far away so she parks her car on the street or the back if she can. Mrs. Goldberg asked if she gave up her garage if it comes off her rent. Mr. Aversa explained she would no longer have to pay for the garage. He did not want people to misunderstand. They are not trying to take away garages. They are trying to make more spaces for people to park. There may be someone on the other side of the complex who has the same problem who may want to switch with her. Mayor Ganz stated she would have the opportunity to switch garages with someone or give it away.

Mayor Ganz suggested entertaining an ordinance to allow parking on Chadwick, Caylene and Carlton. They should put that into their special meeting for tonight with the purpose of having a first reading on it. He added then they should refer it to the Planning Board, going through the emergency service issues with turning radius and to look at the other things that are associated with it. He added if Affiliated Management works diligently on this and puts an application in they can ask the Planning Board to look at the back to back spaces at the same time and the pool issue.

Deputy Mayor Etlar asked Mayor Ganz for an update on the light on Chandler Drive. Mayor Ganz stated the Council has worked diligently for more than five years to get a traffic light at Chandler Drive. He was able in his capacity as a Freeholder to persuade the County Engineering Department to allocate a substantial amount of County resources in order to do that. In the course of the last four months he has contacted the property owners along with the Borough Attorney and Manager. Easements are required from each of them because the intersection needs to be widened and Fair Lawn Avenue needs to

have its direction slightly changed in order to accommodate the traffic light. All of the easements are now in and have been sent to Hackensack for recording. The County

Engineer has told them once those are in and recorded then there is money that has been allocated in this year's budget which as Chairman of the Budget Committee he was able to assist with in order to have this project begin shortly. He felt although it will be a bit disruptive they will have a fully functioning traffic light by the end of the year.

Borough Attorney Lustgarten thanked the property owners. Mayor Ganz thanked them also and advised everyone these property owners agreed to sell the easement right for \$1.00 to the Borough. These are good people and citizens and they recognize this will be very beneficial to the community as a whole. Borough Attorney Lustgarten stated they all cooperated with the Borough and saved the town thousands of dollars.

Consensus was taken to have a first reading as part of their special meeting on Chadwick, Caylene and Carlton for additional parking spaces.

Councilmember Caan thanked Mr. Aversa, Arlene Glassman and all the residents that showed up. He added this has been a long ongoing issue and felt this was a good step. He was please with what the Management Company said about adding additional spots.

Mayor Ganz asked Borough Attorney Lustgarten to coordinate with Manager/Municipal Clerk Kwasniewski to have a covering memo go to the Planning Board outlining not only the issues with respect to the first reading but the other spaces the Council is looking at in conjunction with this so that the Planning Board does not look at this in a isolated fashion but understands the Council is looking at this as part of a whole plan that will include the freeing up of garage space, pool area and back to back spacing.

Manager/Municipal Clerk Kwasniewski explained she had already prepared a draft ordinance which she passed around to the Council. Borough Attorney Lustgarten stated they could expedite this with Manager/Municipal Clerk Kwasniewski approach to this. This is not an amendment to the zoning code or any of those ordinances so the Council if they are in favor of it can adopt this in the normal time frame without going to the Planning Board. Manager/Municipal Clerk Kwasniewski stated there are two other items in it that since they were doing a traffic ordinance she felt they could take a quick look at. She added Officer Franco included a petition from Christie Street to help on the commuters parking which they have traditionally granted if they submitted a petition. It would prohibit parking between 8:00 to 10:00 a.m. Monday through Friday. She explained Officer Franco stated they would need a housekeeping item and she included that as well. Mayor Ganz stated they would consider that when they get to the special meeting portion of the meeting.

Arlene Glassman thanked the Mayor and Council and Mr. Aversa. She felt it was a productive meeting and deeply appreciated it.

Recess was taken at 9:04 p.m.

Upon motion by Deputy Mayor Etlar and second by Councilmember Caan, Special meeting was called to order at 9:10 p.m.

Upon motion by Deputy Mayor Etlar and second by Deputy Mayor Weinstein the meeting was reconvened at 9:18 p.m.

Disabled Veteran Property Tax Exemption:

Mayor Ganz explained that Mr. Howard Marks received an exemption on February 23, 2005 from the Department of Veterans Affairs with an effective date of November 26, 2003. He requested that the taxes be refunded since the effective date. He stated they have a memorandum from the Manager stating the amount for that is \$14,083.02 covering 2003, 2004 and 2005. Mayor Ganz explained the breakdown of the figures that came to that amount.

Mayor Ganz stated his dad served during the World War II and hold veterans in the highest possible regard. He explained the Veteran Administration is a slow deliberate and political act designed to renege our promises that were made years ago to Veterans who served their country in return for \$26.00 a month in pay. He explained his own dad who passed away last year was still on a list to get a hearing aid sometime over the next five years. He felt that is the way the Veteran Administration worked and that was why they are working on this in 2005 from a request in 2003. He asked the Council and volunteered to make the motion himself to get a consensus for the Mark's to receive the complete amount be given to them.

Shirley Marks, 13-49 Henrietta Court thanked the Council for listening to them and explained her husband Howard Marks is a World War II Veteran and has been receiving service payments from the Veteran Administration for many years. He is 100% disabled and is asking for his tax refund to be retroactive. They have submitted to the Mayor and Council all the necessary forms and paperwork and 100% was as signed effective November 26, 2003. Her husband is hoping the Council will make a resolution for his back taxes. She thanked them for their consideration.

Councilmember Caan concurred with Mayor Ganz that this is not an easy process to go through. He observed that Mr. Marks was wearing a watch with a purple heart on it which showed he served and served well.

Deputy Mayor Weinstein stated his grandfather served in World War I and his father served in the Korean War and he stated he hold these people in the highest regard for what they have done. He felt it was a shame Mr. Marks had to wait so long for this resolution and felt they should do whatever they could to stop that problem in the future.

Councilmember McCarthy agreed with everyone and stated his father is a Korean War Veteran. He added unfortunately this process took a significant period of time to make this

determination
s. He felt Mr.
Marks should
not be
penalized in
any manner
for delays of
government
because he
has obviously
served more
than valiantly
for our
country. He
believed they
did have
surplus funds
to cover rainy
days like this
and could
think of
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better than to spend that money to reward someone like Mr. Marks who bravely served our country and was injured. He felt they would be doing a disservice to Mr. Marks and every other veteran by reaching any other conclusion.

Deputy Mayor Etler stated as an old soldier he agreed with everyone. He did not believe redundancy and everyone has said the right words.

Mayor Ganz stated Mr. Rubinstein asked how many residents are tax exempts because they are disabled veteran or widows of disabled veteran. Tax Assessor Henderson advised him there are currently 18 disabled veterans with widows that are tax exempt.

Consensus was to refund the \$949.56 for 2003, \$10,506.77 for 2004, \$2,626.69 for 2005 the full amount due to Mr. Marks. He stated that after this the full exemption should be in effect .

Special Meeting:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the meeting was recessed to the Special Meeting at 9:10 p.m.

Mayor Ganz reconvened the work session at 9:17 p.m.

Bike Route:

Manager/Municipal Clerk Kwasniewski stated there was a presentation made, however, Traffic Officer Franco had some concerns about the area by Route 208 exit ramp and the Ambulance Corp. Officer Franco stated although it is not a very busy area because it is a dead end street there is really no configuration of the roadway. The Borough has a typical right of way and roadway area from Plaza Road to the dead end by the railroad tracks. Mayor Ganz stated it is going over a State Highway access route. Officer Franco stated it is an entrance and exit ramp from Route 208 northbound. He explained the current configuration for vehicles which would be the same for bicycles. Bicycles operate as vehicles so if someone is traveling westbound it is not a problem because they can stay on Berdan Avenue, cross Plaza Road and then stay on Coopers Way. Mayor Ganz asked if a bike path could be put on the north side of Coopers Way. Officer Franco explained he was still in the process of doing that and there are a couple other options to make a dedicated bike lane. Deputy Mayor Etlar asked when they get to Plaza Road is there any kind of walking light they would need there. Officer Franco did not believe so, westbound traffic is not effected because they could continue right across, eastbound traffic if they stayed by the tracks in the bike lane, if it is possible, would get to Plaza Road stop and walk across in the crosswalk and then proceed in the same direction of traffic.

Mayor Ganz stated the real problem is the egress going down Route 208 because those vehicles are not looking for bicyclist that are coming up that way. Officer Franco explained he is researching if there is enough space to put in a dedicated bike lane from the railroad track area to Plaza Road to accommodate two way traffic and a bike lane. Deputy Mayor Etlar

understood
that Officer
Franco had a
lot to do but
asked him if
they could
move this
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along. The weather is nice and he has been asked by EPA Committee people if there is a way they could move this along. Officer Franco stated there is a lot more material and literature available than he had thought and there has been quite a few studies by the Federal Highway Administration. He believes that there is enough room in the area from the ramp toward the railroad track area. He was concerned about the little stretch from where the edge of the ramp is on the north side. He was not sure there is enough room there for a bike lane because it is curved there and then they would be interfering with the westbound traffic and the entrance to Route 208 north.

Mayor Ganz asked Officer Franco how long it would take to reach that conclusion. Officer Franco stated he would like to have it done this month, if the Engineering Guideline tells them there is enough room they could do it.

Mayor Ganz asked Officer Franco to get the information the Manager/Municipal Clerk Kwasniewski by May 24th so they can act on this that evening.

Consensus was taken to wrap this up this month so if they needed to pass an ordinance to accomplish this they would be able to do so.

Officer Franco stated the second part of his concern on the bike route was to continue on Berdan Avenue as originally proposed which leads to Saddle River Road. He stated people would cross Saddle River Road as they would in any other situation. He explained similar to Plaza Road except Plaza Road is a signaled intersection which makes it a bit easier whereas Saddle River Road and Berdan Avenue is not. The original concept was to connect Memorial Park with the County Park. There is no entrance except on private property at Berdan Avenue and Saddle River Road. They could go on private property through the nursing home to get to the County Park or make a right, which he did not recommend because they would have to cross Saddle River Road against traffic. His recommendation is to turn to left from Berdan Avenue after they cross Saddle River Road and then to the County Park from there. When they exit the County Park from there they can cross with the safety of the signal on Fair Lawn Avenue and then proceed southbound on Saddle River Road to Berdan Avenue. He added there are other ways they could go but

that would require crossing Saddle River Road at other areas that he did not think was in the best interest of anyone.

Mayor Ganz asked Officer Franco to come back to the Council with a concrete proposal and a map that shows the route.

DPW Parking Lot improvements Project:

Manager/Municipal Clerk Kwasniewski stated the contractor for this project is out of business, she believed he filed bankruptcy. Mayor Ganz stated that was correct and asked Borough Attorney Lustgarten in light of the mandatory stays that are involved in this could they take any action without getting permission from the bankruptcy trustee. Borough Attorney Lustgarten he owes them services but they do not want to take action against him. They need to bid this out to another bidder so they could get it done. He added he never started

the job and
was not paid
any money.
Mayor Ganz
asked if the
bankruptcy
trustee Page
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wanted to affirm the contract as opposed to dis-affirm it does he have a right to do that and could the Borough be held liable. Borough Attorney Lustgarten stated they would have to have the ability to perform and have not indicated since October 2004 that they are willing to do anything with this contract. He could concurrently write to the attorney for the bankrupt but also recommend they get started with a resolution authorizing this to go out to bid again. They do not have to technically rescind that contract until they hear from them. He recommend Manager/Municipal Clerk Kwasniewski prepare a resolution for next week to authorize them to rebid. They also need an abandonment letter or release from the bankrupt.

Consensus was taken to follow the recommendation of the Borough Attorney Lustgarten.

CDBG Program Membership:

Manager/Municipal Clerk Kwasniewski stated this is a program that runs for a three year period and will expire June 30, 2005 and they need to renew it.

Consensus was taken to adopt a resolution to renew the Borough's membership at the next meeting.

Miscellaneous Public Comments:

Karen Kannegiessei, 13-09 Alexander Avenue stated her family has lived there for about 8 1/2 years. Their house is about 10 feet from where digging for the new parking lot has begun. They are not against the Board of Education, in fact they moved her because of the school system and even helped make phone calls to people to try to get them to vote yes on the budget.

Ms. Kannegiessei stated yesterday she came home to the truck loaders and the field being demolished in a big pile of dirt. They received a letter from the Board of Education just today advising them of this. She understands they own that property and can do whatever they wish to do, however, she attended all the meeting and saw the plans and went to meeting to ask them what they planned to do with that land and was told nothing. She

stated 90% of that field is gone and all the dog walkers and children that are going to school are going to park on those streets are going to be diverted three or four feet from their property. They are basically in their side yard now.

Ms. Kannegiessi wanted to know if a fence would be put up. Mayor Ganz understood they were going to put construction fences there. Deputy Mayor Etlar stated they should have buffers put there as well. Ms. Kannegiessi stated there is not much room, they may have ten feet between the end of their driveway and the actual lot. She stated other than a fence there is nothing preventing people from walking inside the fence and into their property. Mayor Ganz stated this is a Board of Education matter, not anything the Mayor and Council have jurisdiction over or has anything to say about. He added they made a

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courtesy presentation to the Council to tell them there would be issues that would need to be resolved. He felt they are a reasonable group of people and if they tell them that they have a problem they would try to be accommodative to them if they can.

Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to call the Superintendent's Office and find out who the construction point person was. Manager/Municipal Clerk Kwasniewski stated she had that information already and advised Ms. Kannegiessi to call the Manager's office in the morning to get it.

Jeff Kannegiessei, 13-09 Alexander Avenue stated they live at the end of the street and there is a guard rail at the end of the street so he cannot turn his truck and pull out. He called the traffic department and mentioned it a couple of time but nothing has been done. Mayor Ganz asked him if he had a proposed solution to his problem. Mr. Kannegiessei stated either give him enough space where there is no parking so he could get his van out or move the guardrail back. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to refer this to Traffic Safety Officer Franco for a solution.

Naugle House :

Howard Marks, 12-23 Ferry Heights asked about agreement between the town and the developer for the Naugle House. Borough Attorney Lustgarten stated they have a letter from the attorney for the Naugle House who made representations that if Zoning Board approval was granted they would do certain things. Mayor Ganz stated it is not yet a developer's agreement. Borough Attorney Lustgarten believed they would turn over title to the property for the Naugle House and the property underneath it if they get certain approvals.

Mayor Ganz added they are required to put in parking spaces, bring the Naugle House up to code, make certain repairs in draining, put in certain landscaping and various set backs. Deputy Mayor Weinstein added it was not just the code. The house was supposed to be available to be toured by people so they can park there and walk and visit the House. Mayor Ganz stated the developer is not required to do that, he is required to put the parking in and make the interior and exterior of the house completely up to code which would allow

the Borough to have the title to the property to then be able set up a situation where people could go to visit it. Deputy Mayor Weinstein added he believed there was supposed to be six parking spots available next to the Naugle House. Mayor Ganz stated the parking lots are going to be paved.

Deputy Mayor Etler added the builder said he would not deed the building to a historical society but only to the Borough of Fair Lawn. Mayor Ganz asked that a memo detailing what was just recited be transmitted to the Zoning Board. A copy of documents that Borough Attorney Lustgarten referred to should be given to Mr. Marks and the Zoning Board Chairperson. Borough Attorney Lustgarten suggested Mr. Marks call the Legal Department tomorrow and he could get the letter that Mr. Levine sent and the supplemental letter signed by the owners.

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Mr. Marks requested that the owner or lawyer show good faith and board up the windows. Mayor Ganz explained that it is private property. Borough Attorney Lustgarten stated since the representation is that they would bring the house up to code the more damage that is done the more they have to do on it.

Mr. Marks asked what the minimum requirement was for around the Naugle House because they put an inlet on the back. Mayor Ganz stated that was up to the Zoning Board to decide. Mr. Marks stated he would address them on it.

Harvey Rubinstein, 28 Rutgers asked about the parking the spaces. Mr. Rubinstein's stated his understanding from the last Zoning Board meeting was that the parking is by the park. Mayor Ganz stated that was not correct. Deputy Mayor Etler stated that was for extra parking. Mayor Ganz stated a memo is going to be sent to the Zoning Board from the Council and those elements will be explained.

Mr. Rubinstein asked if it is only the land under the building or is there a lot size that has to be conveyed. Mayor Ganz stated it has to incorporate the house and the parking.

Deputy Mayor Weinstein stated it was his understanding there would be parking there and that piece of land with the house was going to be conveyed to the Borough. Mayor Ganz stated that is why they are conveying to the Zoning Board what they have said and other documents and stated for the record so it is clear that as Mayor he will not execute a developer's agreement that does not incorporate the provisions that the Council had negotiated.

Closed Session:

Upon motion by Deputy Mayor Etler and seconded by Councilmember McCarthy, the following closed session resolution was unanimously adopted at 10:00 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 45 days, for Contract Negotiations upon conclusion within 30 to 60 days and for Attorney / Client Privilege at the next regular meeting; 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.

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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 Etler and a second by Deputy Mayor Weinstein, the meeting was adjourned at 10:20 p.m.

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

