

WORK SESSION OF SEPTEMBER 6, 2005

Mayor Ganz called the meeting to order at 5:02 p.m.

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

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

Closed Session:

Upon motion by Deputy Mayor Weinstein and seconded by Councilmember McCarthy, the following closed session resolution was unanimously adopted at 5:03 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 within sixty 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 5:10 p.m.

Review of Tentative Agenda 9/13/05:

Manager/Municipal Clerk Kwasniewski stated there were no changes or additions to the agenda.

Maple Avenue Deed Restriction:

Stuart Liebman, Esq. was present. He was requesting deed restrictions be lifted for two properties. He asked that these properties be consistent with the other properties on Maple Avenue. The properties will be redeveloped and the need for parking is important. He stated there are wetlands in the back of the property that they will stay away from. Attorney Lustgarten advised that when the deed restriction was lifted from the other properties, there was a stipulation that construction could not be done on that area.

Deputy Mayor Etler asked how far back do they plan to go. Mr. Liebman stated they will not be building that far back. Deputy Mayor Etler asked that he submit a sketch to the Council so they can see what he is talking about. In the sketch map tentative buildings should be shown.

There was a unanimous consensus for Mr. Liebman to produce a concept sketch map at the Work Session on September 20th.

Councilmember McCarthy wanted to see the other ordinances that were done for the car wash. Mayor Ganz said they were Court ordered. Councilmember McCarthy stated he would like consistency. Attorney Lustgarten stated that the previous Council's rationale at the time was that they were concerned about the spill off and had requested a buffer be put in.

Mayor Ganz stated that the Planning Board would have to decide. Mr. Liebman stated there would be no access from the rear, only from Maple Avenue.

Hartley Place Request for Overnight Parking:

Manager/Municipal Clerk Kwasniewski stated that Louis and Bernice Cicchella were present. They had come to her on August 17, 2005 about a parking problem in front of their house located at 1-32 Hartley Place. As you will recall, Traffic Safety Officer Franco alluded to their problem at the last work session when they were discussing the commuter parking problem on Hartley Place. Their house is on property that is 25 x 152.92 that they purchased in 1966 which has never had a driveway or garage. It is a two family house and they need a place to park, Currently they have an arrangement with Glen Rock Lumber. They have asked to be allowed to park overnight on Hartley Place.

Bernice Cicchella stated that they had purchased their house 34 years ago. At the time they were not aware of the parking restrictions. She said it is getting more difficult to find parking. She has approached the Church on the corner but they will not allow parking in their lot.

Louis Cicchella showed photos and a site map of the area.

Deputy Mayor Etler stated this is the same situation as the person on 3rd and Hopper. He suggested issuing permits for 3 to 4 months and they would need to come back to renew them. Mayor Ganz stated during a snow emergency the cars would have to be removed. Manager/Municipal Clerk Kwasniewski stated that Traffic Safety Officer Franco offered monthly permits. Mayor Ganz wondered what the neighbors thought. Mr. Cicchella stated he has been there 34 years and no one has ever complained.

There was a unanimous consensus that the Council consider authorizing four parking stickers, renewable every four months, but the cars must be removed from the street during an emergency.

Manager/Municipal Clerk Kwasniewski stated she will send a note to the Police Chief. Mayor Ganz wanted to make sure their neighbors on Hartley Place are aware of this decision.

Traffic Calming Devices:

Deputy Mayor Etlar stated that he was surprised to see the traffic calming devices. He felt it was not a good idea especially by CVS. When anyone is making a turn on to Abbott Road, the traffic backs up. He would like them removed. He also wanted to know why the Council was not aware of this. Mayor Ganz stated they were obtained through a grant that the Council approved. Manager/Municipal Clerk Kwasniewski explained that the Borough had gotten the money through a grant to do this on a temporary basis. They are designed to protect the pedestrians and it is illegal to pass on the right. River Road, Fair Lawn Avenue and Plaza Road are County roads and the Borough Engineer has been in contact with Mr. Murphy from the County. She felt they should leave them as they are for 5 to 6 months and re-evaluate the situation to see how they are doing. They could get bump outs. Deputy Mayor Etlar suggested a sign stating "Stop for Pedestrians".

Deputy Mayor Weinstein stated that he was surprised too. He wondered if the input from the residents has been good or bad. He felt it was truly making the area a downtown. They will have to balance it out. He thought they should get the input from the Police Department, River Road and now that school is open from the Crossing Guards.

Manager/Municipal Clerk Kwasniewski stated that some time ago, the Pedestrian Safety Task force came up with several items to improve safety. One of them was traffic calming devices. Councilmember McCarthy stated that pedestrians don't always heed the drivers. He felt they needed more time to see how it goes. He also wondered about snow plowing. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to find out the width of the plows. Councilmember McCarthy suggested that since school is starting, they give it time to see what happens before the snow season starts. Manager/Municipal Clerk Kwasniewski stated she will get the information. Councilmember McCarthy felt she should update the Council on a monthly basis. Mayor Ganz suggested monthly now through December. Manager/Municipal Clerk Kwasniewski stated she could have the Borough Engineer come in and talk with them. Councilmember McCarthy asked if there were any other traffic devices. Mayor Ganz stated all of them involve concrete or barriers that pinch in traffic. Attorney Lustgarten stated there are rumble strips they can consider. Mayor Ganz felt they should defer this to the County. Fair Lawn Avenue is a major route. The traffic volume is very high. Manager/Municipal Clerk Kwasniewski stated that everything the Borough does needs approval from the County.

Bank of New York Parking Lot:

Deputy Mayor Etlar asked why this lot was built. He sees people parking in it and going into the apartments. Manager/Municipal Clerk Kwasniewski stated it was built for cooperative parking. The agreement was signed eight or nine years ago. The Borough has had trouble with people parking in the lot and since then has put signs up. The Bank of New York has come to the Borough to let us know that their customers are having a

difficult time getting parking spaces. Traffic Safety Officer Franco checked it out and found there are people who park in the lot that go to the diner. They are continuing to work on the bank's problem.

Deputy Mayor Etler stated that the Borough of Fair Lawn invested money to make that a parking lot. He did not remember what the contribution was. Attorney Lustgarten stated that one thing they have not contemplated was that the Bank of New York customers have priority. Deputy Mayor Etler asked for a copy of the ordinance. He wants to see how the Council would allow for parking for the apartments. Manager/Municipal Clerk Kwasniewski stated the original plan was to charge for the parking spaces. Attorney Lustgarten stated that the Borough's cost would be for plowing and upkeep. The only problem would be commuter parking. He suggested that a survey of the cars that are parking at night be done. Mayor Ganz asked that Chief Rose be notified of this.

Fair Lawn Rotary Club - Clock:

Manager/Municipal Clerk Kwasniewski stated that the Rotary came up with a second proposal but they prefer the first proposal. They would like to have the clock installed by the Library.

There was a unanimous consensus to authorize the installation of the first clock at the Library and to see if the Library Board is interested in having the clock.

Renewal of Millbrook Landscape Contract:

Manager/Municipal Clerk Kwasniewski stated that the Borough has had a contract with Millbrook for several years. The Borough has paid Millbrook \$5,000 a year. This year they would like an increase to \$7,500 a year. They have found that there are few people interested in leaf composting. Mayor Ganz stated that Millbrook's fuel costs have increased.

There was a unanimous consensus to authorize the renewal of Millbrook Landscape's contract for leaf composting.

Change Order - Painting Cadmus Water Tank #2:

Manager/Municipal Clerk Kwasniewski stated the Borough Engineer has presented a change order for the painting of the Cadmus Water tank in the amount of \$17,925.00.

There was a unanimous consensus to authorize the change order for the painting of the Cadmus Water Tank #2.

Auxiliary Police Life Member Benefits:

Manager/Municipal Clerk Kwasniewski stated that Office of Emergency Services Director Metzler asked for these benefits for the Auxiliary Police. They would like to get clothing

allowances for the life time members. Mayor Ganz felt it was appropriate that the Council act on this. Manager/Municipal Clerk Kwasniewski stated it was a Council policy. Attorney Lustgarten advised to mirror the Fire Department's benefits.

Schedule Meeting with Board of Education Liaison Committee:

Manager/Municipal Clerk Kwasniewski stated that she had received a call from Superintendent Watson's Secretary asking for a meeting with the liaison committee to discuss the expansion of the Rescue Squad building and moving buses. Mayor Ganz stated there are items that they need to discuss with them. He suggested they meet on Monday, September 12, 2005 at 7:00 or 7:30 p.m.

Temporary Parking Lot:

Manager/Municipal Clerk Kwasniewski stated she had gotten a request from Stuart Kramer regarding the temporary parking lot on Berdan Avenue. He and his neighbors have asked to come to a meeting to make a presentation to the Mayor and Council. They are adamantly opposed to any plans by the Board of Education to make the parking lot permanent. Mayor Ganz asked if Manager/Municipal Clerk Kwasniewski checked with the Board of Education to see if they are available for the next work session and to see if they have an interest in listening to the residents.

There was a unanimous consensus that the temporary lot should remain a temporary lot.

Mayor Ganz stated that is the Council's opinion. He wanted to make sure that the Board of Education knows it. He stated that the deed says the Council must give approval. He felt the residents also should know how difficult it is around the high school and especially during construction. Manager/Municipal Clerk Kwasniewski stated she will let Mr. Kramer know.

CDBG - EDC:

Manager/Municipal Clerk Kwasniewski stated she had a meeting with the EDC. They would like a grant for a loan program to be available to the businesses in town. An endorsing resolution would be needed. They want to know if the Council would consider it. Deputy Mayor Etler stated he had reservation about the program. He understood the program would be through the Bergen County Improvement Authority.

Manager/Municipal Clerk Kwasniewski told him it is through Community Development. The grant pays the interest on the loan. Deputy Mayor Weinstein explained that the grant is only for the interest. Manager/Municipal Clerk Kwasniewski stated that each applicant goes to bank, if the business meets the banks criteria they get the loan. Deputy Mayor Etler stated he could not go for it.

There was a consensus to authorize an endorsing resolution for the program, with Deputy Mayor Etler dissenting.

9/11 Memorial Wall Ground Breaking:

Manager/Municipal Clerk Kwasniewski reminded the Council that at 1:00 p.m. on Sunday, September 11, 2005 they will be holding the ground breaking ceremony. Jane Spindel and Scott Levy have been working on plans. They should be able to go out to bid in a week to ten days. She explained that the street will be closed off, Officer Boone will officiate, businesses have donated food and they have invited the people who have purchased the pavers as well as the usual dignitaries.

Long Term Health Care:

Mayor Ganz read a letter he received from the League of Municipalities regarding Long Term Health Care. He suggested that Manager/Municipal Clerk Kwasniewski investigate. Councilmember Caan felt they should explore this because long term care is vital and the costs are astronomical.

There was a unanimous consensus to have Manager/Municipal Clerk Kwasniewski investigate and report back to the Council.

Miscellaneous Public Comments:

Felice Koplik, 6 Reading Terrace, stated she was in favor of the bump outs. It narrows the road so that the pedestrians are not crossing a wide road. She has seen plenty of near misses by Abbott Road. She felt that a lot of people use Fair Lawn Avenue as a cut through to go from Route 17 in Paramus to Route 20 in Paterson. These bump outs will make it annoying for these commuters. They will create hubs of areas where people can cross the street safely and go to the stores. She was glad to see these tubes.

Peter Kortright, 16-24 Ellis Avenue, stated he is a planner and gets involved with Master Plans. He felt the tubes on Fair Lawn Avenue do not work. They should look into other devices such as flashers or rumble strips. The way they are now are poorly designed. Even at Fair Lawn Avenue and Parmelee Avenue should be designed with State standards. Manager/Municipal Clerk Kwasniewski stated that Mr. Murphy from the County did not approve it because she understood they did not need County approval for the temporary measures. Mayor Ganz stated he was concerned about the turning radius. Mr. Kortright stated that the County could design it better. He suggested sending a letter to Gary Ascolese in the County Engineering office. He felt they did not want cars backing up into the intersection.

Mr. Kortright asked about the Berdan Bike route. Manager/Municipal Clerk Kwasniewski stated that Traffic Safety Officer Franco is getting signs. It is moving forward. She will contact him tomorrow to get an update.

Barry Winston, 19-11 Greenwood Drive, stated that he echoed Mr. Kortright's comments about the traffic tubes. He felt they will have internal Fair Lawn traffic going on to local streets, such as High Street. These streets are not intended to be higher speed roads.

Harvey Rubinstein, 28 Rutgers Terrace, felt the traffic tubes were wonderful but they should be tweaked a little bit. He questioned what RMC, CMC and AAE were after Manager/Municipal Clerk Kwasniewski's name. Manager/Municipal Clerk Kwasniewski explained Registered Municipal Clerk, Certified Municipal Clerk and Advanced Academy of Education. Mr. Rubinstein stated with those credentials the tone of voice should be more respectful. This is a public meeting and people come in and will see the way she is talked to by the Council. He felt it was disrespectful to yell. Mayor Ganz agreed that no one should talk to anyone like that.

Larry Koplik, 6 Reading Terrace, wondered what was the objective of restricting overnight parking on the Borough streets. Attorney Lustgarten stated over the years he has been told it was easier for the Police to look down a street and see if there are any cars that do not belong there and also for the esthetics of the Borough and it also helps with congestion. Mr. Koplik felt it should be re-thought. While he was on the Pedestrian Task Force Committee, the intersection of Fair Lawn Avenue and Abbott Road was a concern. They looked at having traffic lights. Mayor Ganz stated that Mr. Kortright had said that the County Engineer could help, so they will see if a traffic study can be done.

Closed Session:

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, the following closed session resolution was unanimously adopted at 7:00 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

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 formal appointment within ninety to one hundred twenty 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.

Upon motion by Councilmember McCarthy and a second by Councilmember Caan, the meeting was recessed until 7:30 p.m. at 7:17 p.m.

Mayor Ganz reconvened the Work Session at 7:30 p.m.

Special Meeting:

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the Special Meeting was called to order.

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, the Work Session was reconvened at 7:47 p.m.

Adjournment:

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, the meeting was adjourned at 7:47 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