

## SPECIAL MEETING OF JANUARY 20, 2004

Mayor Ganz reconvened the meeting at 9:50 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.

### ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

Ordinance No. 1966-2004

#### AN ORDINANCE TO AMEND AND ADOPT THE LOCAL SUPPLEMENTAL VIOLATIONS BUREAU SCHEDULE OF DESIGNATED OFFENSES AND PAYABLE AMOUNTS FOR THE FAIR LAWN MUNICIPAL COURT

Hearing no comments by the public, upon motion by Deputy Mayor Weinstein a second by Councilmember Caan it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, Resolution No. 64-2004 adopting Ordinance No. 1966-2004 was discussed.

Mayor Ganz stated this ordinance will coordinate the Court fines with the State fines.

There being no further discussion, Resolution No. 64-2004 adopting Ordinance No. 1966-2004 was unanimously passed.

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

Ordinance No. 1968-2004

#### AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 104, ENTITLED, AFIRE PREVENTION@, MORE SPECIFICALLY, SECTION 104-10, 104-11, 104-12 AND 104-12.1.A

Hearing no comments by the public, upon motion by Deputy Mayor Etler and a second by Councilmember Caan it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 66-2004 adopting Ordinance No. 1968-2004 was discussed.

Mayor Ganz stated this ordinance will change the fees for Fire Prevention as recommended by the Fire Marshal.

There being no further discussion, Resolution No. 66-2004 adopting Ordinance No. 1968-2004 was unanimously passed.

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

Ordinance No. 1967-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED ALAND DEVELOPMENT, @ AND MORE SPECIFICALLY THE ZONING MAP AS REFERENCED IN SECTION 125-10, BY REZONING LOT 3 IN BLOCK 5724 FROM THE R-1-3 ZONE TO THE B-4 ZONE

Mayor Ganz stated this ordinance will take a lot located near River Road and bring it into conformance with the B-4 zone. Attorney Lustgarten read the following : Aby including the residential property designated as Lot 3 in Block 5724 in the abutting B-4 Zone, the Council acknowledges that it is inconsistent with the Land Use Element of the 1992 Master Plan, however, new development will be encourage as described above@. He advised that this would be more consistent with the area on River Road.

Jeff Kantowitz, representing Columbia Bank, stated several reasons why this ordinance should not be adopted. He pointed out a factual error in referencing the 1992 Master Plan when there is a more current plan from 1996. In reviewing the Zoning Map the depth of this zone does not exceed a one lot depth. The B-4 zone should not be expanded into another lot. He stated there were discussion two and a half years ago and the issues then were not persuasive. The notion that this will accommodate a bank use should not be considered. He mentioned another bank that used one lot depth. He advised there is on going litigation and felt this body should act it as a matter of policy and let the case take its course.

Attorney Lustgarten advised that Mr. Kantowitz indicated it would be a bank use. The Council does not zone for specific entities. Mr. Kantowitz stated he was referring to on going litigation. He felt that back in 1996 the Council adopted the River Road Master Plan as an amendment to the Master Plan. It spoke of guidelines, usage and visions far more in detain for that corridor. He asked that they give due consideration to planning of this corridor.

Mayor Ganz stated Mr. Kantowitz= statement is fair and accurate. The Council is looking for a harmonious way of redeveloping that entire area. This would effect the aesthetics of

the corridor. The River Road Master Plan has been examined by this Council and previous Councils. The lot in question is appropriate for the B4/B5 zone. It is not being zoned for any particular business. The use of that parcel is inappropriate and that is why the parcel is suited to be changed so that it fits. Deputy Mayor Etlar stated he agreed with Mayor Ganz=s comments. He travels River Road and felt this was the best use for the parcel. Deputy Mayor Weinstein felt it was the best use for the property. Councilmember Caan stated that after reviewing the documents he felt it would be beneficial to the Borough of Fair Lawn to rezone that parcel. Councilmember McCarthy felt it was the best use for that area. Attorney Lustgarten read the following Planning Board memo, dated January 13, 2004, into the minutes, AThe Board discussed the above-referenced ordinance at last night=s meeting. Although the rezoning of Lot 3 in Block 5724 is inconsistent with the 1992 Master Plan, it is recommended that this lot be rezoned to further the development of the River Road corridor which has been and continues to be a revitalized and developing area since the adoption of the 1992 Master Plan. It was the unanimous consensus of the Board to recommend the adoption of the ordinance@.

There being no further discussion, Resolution No. 65-2004 adopting Ordinance No. 1967-2004 was unanimously passed.

Resolution No. 67-2004: Approval of Grant - Cops In Shops

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Resolution No. 67-2004 was unanimously adopted.

Adjournment to Work Session:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the meeting was adjourned at 10:54 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

WORK SESSION JANUARY 20, 2004

Mayor Ganz called the meeting to order at 7:40 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.

Review of Tentative Agenda 1/27/04:

Manager/Municipal Clerk Kwasniewski stated the Police Department presented a grant to her for Cops in Shops that she would like to add to tonight=s Special Meeting.

Geese Management Program - Proposal:

Manager/Municipal Clerk Kwasniewski stated she had received the proposal from Kirk LaPierre in the amount of \$25,000 which would include everything he thought was necessary. Attorney Lustgarten advised that he would like to recuse himself because he had a financial agreement with them. Mayor Ganz stated he would deny that. He felt he should guide them as needed. Deputy Mayor Weinstein asked for a copy of the proposal.

Manager/Municipal Clerk Kwasniewski stated that Mr. LaPierre submitted recommendations. He will file a permit for egg addling along with his other suggestions. She felt they would have to go out to bid for the services if they spend \$25,000. Mayor Ganz requested that Attorney Lustgarten or his designee should issue an opinion. Manager/Municipal Clerk Kwasniewski stated if they went out to bid they would have to write specs for it. She informed them because of the time frame they would have to bid by the end of February. Attorney Lustgarten advised he would have one of the attorney=s review it and he would get back to them by the end of the week.

Welcome Packets:

Manager/Municipal Clerk Kwasniewski stated the packets were ready to go out. She did not hear from anyone about changing anything. If they all agree, she will start sending them out. Mayor Ganz requested she circulate an exact copy of the packet to the Council as it would go out to the residents.

### Resident Relations Follow-up:

Councilmember Caan stated this goes back to a couple of months ago to follow up with employees on how they handle residents concerns and questions. He thought it was misunderstood with the Manager. He would like a program on how to deal with the residents. The State does classes and seminars. Manager/Municipal Clerk Kwasniewski stated she did not understand that was what he was looking for. She will look into those programs. Mayor Ganz advised that a service company would submit a proposal or a manual and a seminar. He asked that she look into this.

### Report on Barriers on A.J. Clark Property:

Deputy Mayor Weinstein spoke with the management of the property regarding adding barriers in their parking lots. He would like to bring this matter to the Business Leadership Committee to get their input before they take legislative action. Mayor Ganz thought he should come back in 45 days.

### Closed Session:

Upon motion by Councilmember Caan and seconded by Deputy Mayor Etlar the following closed session resolution was unanimously adopted at 7:56 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 anticipated 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 relating to anticipated litigation within 180 days except for legal strategy or upon resolution if the matter is resolved; 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.

Mayor Ganz reconvened the Work Session at 9:55 p.m.

### Cops in Shops Grant:

Manager/Municipal Clerk Kwasniewski stated that Lt. Cook had found block grants for Cops in Shops. This grant would put a sting operation in the stores. They did something like this in 1997. The grant would be in the amount of \$5,670.00 with the Borough=s contribution being \$4,000. Mayor Ganz asked if the Council would like to resume the sting operation. He felt it was highly effective.

### Special Meeting:

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, the work session was unanimously adjourned to a Special Meeting at 9:50 p.m.

Mayor Ganz reconvened the Work Session at 10:54 p.m.

#### Professional Services:

Tax Map Revisions - Manager/Municipal Clerk Kwasniewski reported that the tax maps must be up to date. She received quotes from Riggs Associates in the amount of \$78,500 and from Azzolina in the amount of \$92,500. She explained that this is one of the items that the cost gets spread out over five years. They would be able to pay for this out of surplus. Mayor Ganz requested that she get quotes from Schoor DePalma, Boswell Engineering and Birdsall since he is not satisfied with Riggs. He wants Azzolina to know their figures are high.

Engineering & Land Surveying - Manager/Municipal Clerk Kwasniewski stated that Azzolina's contract has expired with the Borough. Their prices have gone up. Mayor Ganz explained that the money is not spent unless they do the work.

Consultant and Support Services for the Borough - Manager/Municipal Clerk Kwasniewski reported the Borough had received a proposal from Don Smartt as the consultant. The Council wanted a commitment from private and business people and they have done that so now a professional services resolution is needed. Deputy Mayor Weinstein stated Mr. Smartt's fee would be \$32,500 payable over six months. Mayor Ganz stated that the businesses rose to the challenge and now the Borough would have to do their share.

#### 4th of July Fireworks:

Manager/Municipal Clerk Kwasniewski stated they need the schedule for the fireworks. Mayor Ganz advised they would have to budget \$21,000. He asked about the donations from the private sector.

Manager/Municipal Clerk Kwasniewski stated she had sent letters to the contributors. She suggested July 1 with a rain date of July 3. Mayor Ganz asked for a list of the businesses she has solicited so far.

#### Dates for Budget Meetings:

Manager/Municipal Clerk Kwasniewski thought they should have the bigger departments, such as Police and DPW, come in first. Mayor Ganz asked if the Council would like to use BCIA funds to get vehicles and various pieces of equipment. Mayor Ganz felt this made a lot of sense since there would be an initial savings to the taxpayers in the area of \$242,000.

There was a unanimous consensus to send BCIA a letter of intent to advise them the Borough would be interested in using them to secure vehicles.

The following budget dates were set, Tuesday - February 3 at 6:00 p.m.; Saturday - February 7 at 8:30 a.m.; Tuesday - February 10 at 6:00 p.m.

#### Purchase Borough Property - Chester/Ontario:

Manager/Municipal Clerk Kwasniewski stated she had sent a memo to the Council. There have been problems in the past since the residents were very vocal against the sale of this property. They presented a petition to Council which at that time then voted not to sell. The residents wanted a park like setting along with a park bench. Attorney Lustgarten advised not to sell it since it was a quality of life issue. Deputy Mayor Etlar stated he was against selling it. Manager/Municipal Clerk Kwasniewski stated that sixty-eight people were against it. Mayor Ganz asked Attorney Lustgarten to send a letter to the residents within 200 feet for input on whether the property should be sold. Manager/Municipal Clerk Kwasniewski will check if park bench was installed.

### County Telephone Alerting System:

Manager/Municipal Clerk Kwasniewski stated she had received a letter from Tom Metzler regarding Options A & B. He advised they should stick with option A and also our current service. Mayor Ganz stated that if there ever was an emergency the cost would not be a factor. He felt using option A will be a wise choice. Attorney Lustgarten advised that he was waiting for a response to his letter from the Assistant County Counsel.

### Miscellaneous Public Comments:

No one wished to be heard.

### Snow Removal:

Deputy Mayor Etlar wondered if they could establish a list of private companies that do snow removal. He felt they would have to put a disclaimer on the list. He suggested the list be available at the Senior Center and also on the website. Attorney Lustgarten advised that prices should not be given out as the Borough is not endorsing this. Mayor Ganz felt it was a good idea. The list should be also posted at the Library and with the Chamber of Commerce.

### Letters to New Residents:

Councilmember Caan proposed a new program which would introduce businesses to the new residents. A letter would first go out to all the businesses in town explaining how this program worked. The letter would advise them that for a fee they could place an advertisement that would be sent to new residents. The fee will cover the mailing expenses.

Deputy Mayor Steve Weinstein recommended informing the Chamber of Commerce before proceeding with this proposal. Councilmember Caan concurred but added that he would introduce this offer to all businesses including but not limited to Chamber members.

Deputy Mayor Etlar stated that while it was good idea theoretically, ultimately he was opposed. He was concerned that this is government supporting business and felt that to be philosophically wrong. Deputy Mayor Weinstein suggested including a coupon for the Rotary. Deputy Mayor Etlar wanted to know who would do the processing.

Councilmember Caan responded by saying that at this early stage he was thinking of having the business ads compiled into an 8 2" by 11" booklet that would range between seven and eight pages.

Deputy Mayor Etlar stated that this would not be informing residents of services, but it would be using Borough Employees on Borough time to advertise for businesses and he disagreed with that.

Borough Attorney Lustgarten thought that if they support the business base, while making regular taxpaying residents aware of local services, it is something beneficial to both. It would in effect be government melding the two groups together, not just supporting businesses. Mayor Ganz agreed and commented that the biggest problem a new resident has is familiarizing themselves with the area. Most of the time they are aware of the location of the malls which may prevent them from searching out and patronizing local businesses. This program would benefit residents who do not receive the Chamber of Commerce News. He added that this would simply be making new residents aware of local businesses.

Deputy Mayor Weinstein asked for an estimate of the cost. Councilmember Caan could not see it going above \$60 per year. With an estimated 300-400 new residents each year, it would work out to be between six and seven cents per contact.

Manager/Municipal Clerk Kwasniewski stated that they already have a letter for new voters and new residents and a welcome packet. This raised concern for her regarding postage costs. She suggested including this in the welcome packet.

Councilmember McCarthy expressed concerns about the demands on the personnel.

Manager/Municipal Clerk Kwasniewski repeated her wish to see this included in the welcome packet instead of a separate mailing. She also added how time consuming these mass mailings are.

Borough Attorney Lustgarten recommended spacing out the mailing doing one or two letters a day to break up the work load. Borough Manager/Municipal Clerk Kwasniewski stated that it was the Council's decision but felt it was easier to do everything at once in one welcome packet and that the Mayor's letter is included in the welcome packet.

Deputy Mayor Steve Weinstein recommended getting feedback from the businesses somewhere down the line to see if they are actually getting more patrons.

Mayor Ganz agreed to this idea and added that in order to know if the added patronage is a direct result of this offer, the booklet needs to be made up of actual coupons that would be presented to the business when purchasing items. They would then ask the business to keep track of those coupons.

Councilmember McCarthy did not think it would be easy to get money from the business owners. Mayor Ganz mentioned that he shops with coupons all the time and most people do not mind using them if they know they will save money.

Manager/Municipal Clerk brought up the issue of the amount of businesses that would take part. Councilmember Caan calculated that if just ten businesses participated, that would be enough to offset the cost.

Borough Attorney Lustgarten suggested a standard stamp that would be on the outside of the envelope to bring to the homeowners attention that this is from the Borough of Fair Lawn and is important.

Mayor Ganz wanted to see the welcome packet exactly as it would be received by a new homeowner before it goes out. He then addressed Councilmember Caan and advised him to first consult with the Chamber of Commerce and then report back to Council.

Borough Attorney Lustgarten advised Councilmember Caan to let the Chamber of Commerce know that this was a potential discount program for new residents. Councilmember Caan stated that he could type it up himself.

Personnel: (this was done without a closed session)

Manager/Municipal Clerk Kwasniewski described the personnel matters that she needed to discuss with the Council. She needed to replace two labors and make one promotion. She informed them they would get the lower health benefits.

There was a unanimous consensus to authorize the Manager to hire two laborers and make the promotion.

Manager/Municipal Clerk Kwasniewski reminded them there were still openings on the Environmental Committee and the Zoning Board.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 12:10 a.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk