

## WORK SESSION OF APRIL 20, 2004

Deputy Mayor Etlar called the meeting to order at 5:35 p.m.

PRESENT: Deputy Mayors Etlar and Weinstein and Councilmembers Caan and McCarthy.

ABSENT: Mayor Ganz.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski and Attorney Lustgarten

Review of Tentative Agenda 4/27/04:

Manager/Municipal Clerk Kwasniewski stated that if she received the application for a raffles license from The Rotary Club she would add it to the agenda for next week.

Expiration Time for Preliminary and Final Approvals:

Manager/Municipal Clerk Kwasniewski stated that they received a memo from Planning Board Chairman Winston who was present this evening. The Planning Board is suggesting that the Council amend the ordinance to provide for the expiration of the Board=s preliminary approval in accordance with the statutes. Borough Attorney Lustgarten stated that the preliminary approval expires after three years in accordance with the statutes. Chairman Winston thought it was appropriate to put a time limit from final approval to construction. He was led to believe that the Borough=s ordinance was not in compliance with the Municipal Land Use Law. Borough Attorney Lustgarten indicated that was not true. Until the recent Supreme Court ruling, municipalities had no authority to put a time limit on an approval.

There was a unanimous consensus to amend the ordinance so that final site plan approval and/or variance approval expire after two years if no construction has begun. Borough Attorney Lustgarten will check to see if this provision should apply to the Zoning Board approvals too.

Health Department Ordinance Changes:

The Health Department has proposed a number of changes. Currently there is no fee for picking up squirrels. They would like the \$5.00 fee to apply to the squirrels.

The State of New Jersey has instituted a new classification of Vital Statistics records called a certification. It is a copy but it does not have the seal. Currently there is no fee. Manager/Municipal Clerk Kwasniewski recommended that the fee be \$6.

Manager/Municipal Clerk Kwasniewski explained that years ago the Council was concerned about special events because there was no way to know who the vendors were.

An ordinance was adopted that covered everything. Then Councilmember Dobrow brought to the Council=s attention that it was not fair that the charitable organizations had to get a permit and pay a fee. The ordinance was changed so that it only applied to Borough-sponsored events such as the Marathon and the fireworks. The Health Officer has suggested that all the events be covered. The schools have carnivals, the churches have food bazaars and the Health Department has no idea who the food vendors are. It is a policy call. The goal is to protect the public. It is the vendor who has to pay the fee not the charitable organization.

Borough Attorney Lustgarten suggested the ordinance take effect 90 days from the date of adoption so the organizations could be notified.

Councilmember Caan inquired if there was a definition of a food booth. Manager/ Municipal Clerk Kwasniewski stated they inspect to be sure that the food is being held at proper temperatures and that the proper cleanliness procedures are followed. Borough Attorney Lustgarten will have the ordinance prepared in two weeks.

The Health Officer has requested that a yearly fee of \$50 be instituted for inspecting kitchens that are not in a retail establishment. Councilmember McCarthy thought the suggested fee was too high and wondered how often they are inspected. Deputy Mayor Weinstein and Councilmember Caan thought there should be no charge.

Manager/Municipal Clerk Kwasniewski will find out how often the inspections are made.

The Health Officer has asked for an additional section that would require the food vendor to substantiate that the food has been

prepared in an establishment that has been inspected by a health agency. Borough Attorney Lustgarten suggested that Areasonably@ be inserted before substantiated and that additional language as follows be added: Aand has been handled from point of origin to point of delivery pursuant to acceptable health standards.@

The consensus was to confirm with the Health Officer that this section applies to events and if so, the ordinance would be amended as requested.

#### Meeting Locations:

Manager/Municipal Clerk Kwasniewski stated that the current ordinance does not permit the regular meetings of the Council to be held out of the Municipal Building. She suggested that the ordinance be amended to reflect that the Council does hold its regular meeting at the schools.

The Council concurred.

#### Amusement Games/Bowling Alley:

Manager/Municipal Clerk Kwasniewski stated that she received a memo from the Planning Board who indicated that they are not in favor of permitting arcades all over the Borough but would be amiable to permitting them under certain conditions at the Bowling Alley. A representative of Brunswick Lanes attended the Planning Board and indicated that they had no finalized their plans but they were willing to conform to the Planning Board=s suggestions. The Police Department issues the permit and would do the enforcement. Borough Attorney Lustgarten noted that some of the issues raised in the Planning Board=s memo are not planning issues. He suggested that the memo be circulated to the Police Department and the Health Department for their comments on enforcement.

Manager/Municipal Clerk Kwasniewski explained that the current ordinance only allows for two games per establishment. Brunswick Lanes has asked for more than two. Councilmember Caan suggested that the fee be \$100 per game. Borough Attorney Lustgarten wanted to know the rationale for allowing up to twenty games in bowling alleys but only up to two in other establishments. He suggested returning this to the Planning Board and asking them to look at all the permitted locations in all the commercial zones.

The consensus was to send it back to the Planning Board to review all the commercial zones where a video arcade might be put to devise general standards. Manager/Municipal Clerk Kwasniewski will ask Acting Chief Rose if he has any additional comments or recommendations.

#### Garbage Collection Bids:

Manager/Municipal Clerk Kwasniewski reported that they received bids for garbage collection. She presented a summary sheet of the bids received. They have not budgeted sufficient funds which can be corrected by amending the budget to add another \$106,000. Part of the problem lies in the way they had to draft the specifications. The Council has said that it will not allow dumpsters at several of the apartments so the specifications had to contain several options. There were four options for which the bidders had to provide a cost: for curbside pickup at Fair Lawn Commons, Hollow Run, Jan Gardens and Radnor Manor; for dumpster pickup at these apartments and if the Borough was administrative ordered to provide either of the pickups.

Mr. Frisch of Fair Lawn Commons has advised that he does not understand the rationale for having to put out cans. They would have to put out 680 garbage cans which would be unsightly and unsanitary. He has requested a meeting with Mayor Ganz. The law was changed requiring the Borough to provide garbage collection or to reimburse the apartment owners. The Borough has not done either. If the bids are rejected, the specifications have to be changed before rebidding.

Borough Attorney Lustgarten suggested that this matter be deferred until Mayor Ganz returns.

The consensus was to hold a special meeting would be held at 6:00 p.m. on May 11 to discuss the garbage bids and to meet with Mr. Frisch.

#### Use of Walsh Pool - Rising Stars Dance Academy:

Manager/Municipal Clerk Kwasniewski asked that this matter be deferred for two weeks.

#### Request from National Federation of Grandmothers:

Manager/Municipal Clerk Kwasniewski reported that the National Federation of Grandmothers is holding their convention this fall in

New Jersey. The Fair Lawn Chapter has asked for 150 of the Borough tokens to distribute to the attendees.

The consensus was to give the tokens to them.

Status on Field Lighting:

Manager/Municipal Clerk Kwasniewski reported that the poles were delivered. The contractor is putting in the service panels.

Report on Fair Lawn Prescription Card:

Councilmember Caan reported that Garden State Pharmacy Owners is now capable of tracking how many members, how many prescriptions and how much has been saved. As of March 30 there are 3,263 members, 2240 prescription claims processed and \$41,861.68 was saved. The average savings is 29 percent.

Naugle House:

Borough Attorney Lustgarten sent a letter to the people looking at the Naugle House asking for a copy of the DEP status letter they were supposed to have received. To date he has had no response. Deputy Mayor Etler will follow up on this matter. Borough Attorney Lustgarten will send another letter.

Hand of Friendship Day:

Manager/Municipal Clerk Kwasniewski reported that she received a request from the Knights of Pythias to hold their annual Hand of Friendship Day on May 16 at Memorial Pool from 8:00 a.m. to 4:00 p.m.

The consensus was to approve their request.

Dedication of Veteran=s Monument:

Manager/Municipal Clerk Kwasniewski will ask the Acting Police Chief to divert the traffic during the ceremony.

Request from St. Anne=s Church:

Councilmember McCarthy stated that St. Anne=s Church is in the process of planning a small expansion project for which they would like to make an informal presentation to the Council. Scott Levy, landscape architect and Jacob Solomon, architect were present. Mr. Levy will be doing the site plan and design. He presented a conceptual plan. They want to create more outside space by redesigning the area in the court yard between the church and the school. They want to create a park like area. They want to create a play area for the children who use the school. They may want to reduce the size of the street to allow a larger space in front of the church. They will lose parking spaces by doing this project. They have taken some spaces off the street and put them in the parking lot. There will still be an opening from Summit and Lyncrest. They want to increase pedestrian safety. They still have some planning issues to be resolved.

Deputy Mayor Etler thanked them for their presentation.

Radburn Plaza Building:

Deputy Mayor Weinstein stated that Dr. Coccoziello was invited to give the Council a status report on the Radburn Plaza Building reconstruction. Dr. Coccoziello indicated that the half of the building that is standing should be finished in the next two to three weeks. The roof should be finished by then. They are waiting for PSE&G for the formal electric hook up which hopefully they will do tomorrow. The elevator should be installed on April 26 and 27. They received permission for the curb cut from High Street. The fencing will be moved to enclose the area that is still being constructed. He expects the other side should move faster. He explained that the winter was severe and they had issues with the Radburn Association concerning the roof which held them up for several months. They encountered numerous problems with the steel. It is just about one year since the permit was issued. He anticipated four months to finish the burned out side.

He expects to obtain his Certificate of Occupancy for May 1 based on the roof being completed, the electric and water being in and the parking being approved. Manager/Municipal Clerk Kwasniewski added that the sprinklers and the elevator need to have the final inspections.

Columbia Bank will be moving into the space previously occupied by Strehl=s Pharmacy, then Radburn Deli, then Quiznose and a

nail salon. Assemblyman Gordon, an attorney, and an accountant have rented offices on the second floor. He expects that the Bank, Dunkin Donuts, a pizza place and a Japanese grocery will be in the south side. They have not rented the second or third floors of that section.

Councilmember McCarthy mentioned the parking problems they had prior to the fire. Dr. Coccoziello indicated that they will have the same number of parking spaces. He realized that it was a problem. He has the option of providing valet service but he would prefer not to do that. Borough Attorney Lustgarten stated that he thought the Mayor had an idea that he should negotiate an agreement with Eckards for tenant and employee parking so that would give the customers more parking at the Radburn Plaza Building.

Deputy Mayor Etler thanked him for coming.

Miscellaneous Public Comments:

No one wished to be heard.

Closed Session

Upon motion by Deputy Mayor Weinstein and seconded by Councilmember Caan the following closed session resolution was unanimously adopted at 7:30 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 formal action by the Borough Manager within 60 to 90 days if approved;

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.

Deputy Mayor Etler reconvened the Work Session at 8:00 p.m.

Adjournment:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned at 8:00 p.m.  
Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk