

WORK SESSION JUNE 1, 2004

Mayor Ganz called the meeting to order at 7:34 p.m.

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

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

Review of Tentative Agenda 6/15/04:

Manager/Municipal Clerk Kwasniewski stated she would like to add three resolutions to the June 15th meeting which is a combined work session and regular meeting. Mayor Ganz directed her to put them on the Consent Agenda unless she hears from them otherwise.

Expanding the Veteran=s & Volunteers:

Councilmember Caan stated he would like to add service people=s families that are currently serving to the list of people who are part of this program. Mayor Ganz stated there are currently three service people in Iraq and Afghanistan. Councilmember Caan felt they should explore doing other things for these people while they are serving. Councilmember McCarthy suggested the Council should consider offering free beach passes like some of the shore towns have been doing. Councilmember Caan stated he would like to see as many discounts as they can offer them. Mayor Ganz suggested that a committee of Councilmember Caan and Councilmember McCarthy along with Manager/Municipal Clerk Kwasniewski be established to come up with other ideas.

There was a unanimous consensus to add active service personnel and their families to the Veteran=s and Volunteer Program.

Mayor Ganz stated he would like to have this done by the next meeting. He suggested that for the summer the pool passes should be free. They could introduce an ordinance at the next meeting. Attorney Lustgarten advised they will do this administratively. Councilmember McCarthy suggested it gets posted on the web page and Channel 77.

Request from Fair Lawn Gardens Committee:

Manager/Municipal Clerk Kwasniewski stated she had received a request from the Garden Club requesting permission to have a fair at the Cadmus House and the parking lot on September 12, 2004. Mayor Ganz thought they would need to obtain permits from the Department of Transportation and Cadmus House.

Endorsement of NJDCA Grant Proposal - Triangles a safe for kids:

Mayor Ganz suggested that Manager/Municipal Clerk Kwasniewski refer this to the Police Chief to see if he see any issues with this. He also thought that Traffic Safety Officer Franco and Health Officer Wagner should be aware of this. Mayor Ganz asked that this should be deferred for two weeks.

CDBG Appointments:

Manager/Municipal Clerk Kwasniewski stated it was time to make appointments for the representatives to

Community Development. There are two appointments - she makes one and the Council make the other. Previously Deputy Mayor Etler and Deputy Mayor Weinstein along with George Brouca were appointed. She suggested Borough Engineer Ken Garrison as the alternate. She felt it was very important for a Councilmember to be present. Mayor Ganz stated it was good to have someone that is street savvy and competent such as Ken Garrison. He suggested Deputy Mayor Etler and Deputy Mayor Weinstein should continue.

There was a unanimous consensus to continue with Deputy Mayor Etler and Deputy Mayor Weinstein and as an alternate appointment Borough Engineer Ken Garrison.

Professional Services - Berdan Grove Field Drainage Improvements:

Manager/Municipal Clerk Kwasniewski reported she had sought proposals for this project. Boswell Engineering submitted a proposal for \$16,000. They are proficient in this area. Mayor Ganz stated the project needs to be done.

There was a unanimous consensus to authorize a professional service agreement with Boswell Engineering in the amount of \$16,000.

Status on Field Lighting:

Manager/Municipal Clerk Kwasniewski reported that the wiring has been completed and all that is needed is for PSE&G to do the hook-up. Mayor Ganz stated he wanted a date to put the lights on. He asked that she report back to the Council on June 15 as to when they can have the grand opening ceremony.

Opposing S2073 - Civil Rights Act:

Deputy Mayor Etler felt this would open a Pandora's box. They should do a resolution against it. Attorney Lustgarten advised that no state legislation can supercede the law from 1983. Mayor Ganz asked that it be put on the Consent Agenda at the next meeting.

Change Order Rescue Truck:

Manager/Municipal Clerk Kwasniewski stated the Rescue Truck committee looked at the new truck and found that they need upgrades which will cost \$2,000. The dealer made the recommendation to add seats and do electrical upgrades. To make these changes later would be more costly. Deputy Mayor Etler explained that the electrical upgrades were for them to hook up with other towns.

There was a unanimous consensus to add this change order to the Consent Agenda.

Property Maintenance Issues:

George Bate, Chairman of the Property Maintenance Committee was present with three other members. He thanked the Council for giving them the opportunity to speak with them tonight to share Attorney Lustgarten's comments.

Larry Metzger stated there were several issues that he would like to discuss regarding home rental. The areas he covered were safety, legal and maintenance. He presented the issues as questions as follows, who is the owner and how do we contact them, if it is an owner corporation and or layered corporation, how many people living in one house, what are the safeguards to make sure the home is not being used as a boarding house and for security reasons the Borough should know who the tenants are. Mr. Metzger continued with

the legal issues such as are they regulated with rent control, do they abide by the BOCA regulations and meet the codes of the Borough, who takes care of maintenance when it is an absentee owner. He felt it the property is not maintained inside and outside the property value decreases. Mr. Metzger stated these homes have become a business. He felt there should be enforcement. He presented copies of an ordinance and registration he received from Waldwick. In regard to the outside maintenance, he felt if it was an absentee owner they would not care if the grass and weeds were a foot high.

Attorney Lustgarten stated he had reservations about getting names of people living in the rental houses. He advised that the Borough does not require homeowners to list who lives in the house. Councilmember Caan thought the tenants list showed who lives there. Manager/Municipal Clerk Kwasniewski stated the names of the tenants are redacted. Attorney Lustgarten advised that the Borough can always identify the owner through the tax records. Deputy Mayor Weinstein stated an important issue is there has to be a way to communicate with the owner. Manager/Municipal Clerk Kwasniewski stated that the Borough follows what the State Statute requires. Councilmember Caan wondered if rent control applies to one homeowner rentals. Attorney Lustgarten sometimes a tenant will call Sylvia Tedona saying their rent is being increase tremendously and they do not realize they are covered under rent control.

Councilmember Caan wondered what the maximum number of people can live in a one bedroom unit. Attorney Lustgarten explained that as long as there is a kitchen, bathroom and separate entry they can put as many people in there as they want. If they subdivide the area the Building Department would define the areas as separate living area. Other towns have run into problems trying to define a boarding house. Deputy Mayor Etler asked if there were mechanisms for over crowding. Attorney Lustgarten advised only health violations.

Mr. Metzger spoke about safety issues. These houses are businesses. They owners should follow the same guideline as the multiple apartment landlord. Attorney Lustgarten said the problem would be identifying these homes. Mr. Metzger felt it could be picked out when someone pays the water bills and it is a different name than the owner. Mayor Ganz advised it was not feasible to do that. Attorney Lustgarten stated we have records of ownership in the Tax Assessor=s office. Manager/Municipal Clerk Kwasniewski stated the problem was there is only one person doing Property Maintenance for the entire Borough. He leaves a violation notice when something is wrong and if it is not corrected a summons is sent to the owner. Attorney Lustgarten stated if the work does not get done the Borough steps in and does it and then adds it to their tax bill. Deputy Mayor Weinstein felt there are businesses that leave junk in their windows. He felt they should speed the process up by asking for an e-mail address or phone number.

Deputy Mayor Etler felt they should not accept post office boxes for the owners and the Council should do something to shorten the time to fix the damage. Attorney Lustgarten suggested putting into an ordinance the stipulation that non owner occupied landlords have to put up a bond to ensure their property is maintained. He felt it could be an incentive for them to put up a cash bond. Mayor Ganz felt it was a radical idea. Manager/Municipal Clerk Kwasniewski stated not everyone registers. Mayor Ganz advised it should apply to those who have not registered.

Mr. Metzger stated there may be thirty homes in Fair Lawn not being taken care of. The residents on the block are the ones that have to deal with the eyesore. Mr. Bate stated action needed to be taken. He suggested that they hire more than one person to handle the property maintenance issues for a town this size. He urged that they take action since this has been going on for over four years.

Mayor Ganz asked Attorney Lustgarten to review the possibility of bonding absentee owners. Deputy Mayor Weinstein felt amnesty should be given. James Vanderbeck was present and stated they should ask the Building Department if there is a problem with property maintenance.

Mayor Ganz requested Manager/Municipal Clerk Kwasniewski to ask Construction Code Official Van Hook if there is a problem and to give solutions. He asked that she report back to the Council on June 22.

James Vanderbeck spoke about his concern about the tree planting. He had seen that only a few residents have requested trees to be planted. He felt the town has become barren of trees. He reported that Paramus has a program of planting trees 15 feet in from the curb. This area does not affect any sidewalks or curbs. The money is in the budget but nothing is getting done. Attorney Lustgarten stated they need homeowner consent to plant the tree. Once they take the tree it will be their responsibility. The Borough does not have the manpower to take care of all of those trees. Manager/Municipal Clerk Kwasniewski stated if the resident does not want the tree they will not water it and the tree will die. Mr. Vanderbeck suggested planting trees street by street. Deputy Mayor Weinstein wondered if before they start planting trees has anyone knocked on people's doors to see if they want trees. Attorney Lustgarten suggested having the boys and girls scouts distribute the flyers. He advised there would be more claims once they start planting more trees. Mayor Ganz felt they did not have the resources to plant eleven thousand trees. Councilmember Caan stated they should select certain areas or homes. Mr. Vanderbeck felt they should concentrate on certain areas for each planting season. Councilmember McCarthy stated they should develop a five to six year plan.

Mr. Bate asked about the painting of the Morlot Avenue bridge. Mayor Ganz stated it had come to his attention that it is a big job. The Freeholders are getting quotes to do a study on what to do with the bridge. It was built in 1905 and has a 100 year lifespan. The Freeholders are looking into the various options about what should be done.

Mr. Bate stated that he has been working with the Chamber of Commerce about paper signs in store windows. The Chamber has a different opinion. Mayor Ganz asked if he had a problem with paper signs in the supermarket windows. Mr. Bate said he did not but the signs in the small stores that are hand written are the problem.

Jack Weinberg was present and passed out photos of the stores that have signs in their windows covering more than 25%. Mr. Metzger felt the small handwritten signs give the town a honkey tonk look. Mayor Ganz asked Attorney Lustgarten if he had a first amendment issue with this. Attorney Lustgarten responded that he did.

Deputy Mayor Weinstein stated that the Business Leadership Committee has discussed this and are waiting for input from the businesses. Councilmember McCarthy felt they should not eliminate all paper signs because there are charitable causes that put up the signs. He felt it would upset many people. Mr. Metzger stated they have discussed this several times. The committee has no problem with signs that deal with charities. It is just the signs that degrade the community. Attorney Lustgarten felt the Chamber of Commerce should do the policing. They should send a letter enforcing the ordinance that is on the books. Mr. Bate stated that Stu Herrmann has been very cooperative and is coming to their September meeting with proposals. Mayor Ganz offered to give them the first line of defense by giving them by October 1 to comply or the Borough will enforce the code of only having 25% coverage in their windows. Deputy Mayor Weinstein felt they should educate the businesses to do better advertising. Mayor Ganz suggested that Property Maintenance send out a flyer. Mr. Metzger felt they should put a notice on Channel 77 or in The Shopper. Attorney Lustgarten advised they had more right to ask for bonds from the commercial property to comply with the Borough ordinances.

Mr. Bate stated his last item would be where the garbage cans are located. He preferred that the garbage cans be in the back of the house or on the side as a compromise. Attorney Lustgarten stated that on his block, Burbank Street, everyone puts their garbage cans on the side of the house and they blend right in. Manager/Municipal Clerk Kwasniewski stated he never heard complaints about this. Councilmember

McCarthy stated he agreed with Attorney Lustgarten that everyone has the cans on the side of the house. Mr. Bate felt that it is unsightly when they have it where it can be seen.

Mr. Vanderbeck stated he had one more issue to discuss which was the landscaping at Borough Hall. He said the place looks horrible. Manager/Municipal Clerk Kwasniewski stated she thinks it looks bad too and does remind them to work on it. She felt it was not the wisest design. Mr. Vanderbeck stated that several people have told him how bad the parking lot looks and also the front of Borough Hall. Manager/Municipal Clerk Kwasniewski stated they are redoing the sprinkler system in the front now that the west wing has been

completed. She said that Superintendent of Parks and Recreation is working on a landscaping plan. They are shorthanded. Mayor Ganz asked that she give status reports at the June 15, July 13 and August 10 work sessions. He also suggested the County inmate program work on the landscaping around the Municipal Building. He can set it up with the Sheriff.

Mr. Bate stated they were not complainers they just want Fair Lawn to look it=s best. He thanked them for listening and urged them to help them.

Miscellaneous Public Comments:

Don Oliver, 8-32 Mitchell Place stated he has heard all of this before. If a tree was planted on his property he would cut it down. He felt if the town maintained it he would not mind.

Mr. Oliver questioned the sign ordinance and who enforces it. He felt it was tough with only one person inspecting them. This is an enforcement issue.

Mr. Oliver stated if a person has a corner house it is very difficult for them to not have the cans visible. He questioned who would enforce that. He wondered if it would be the same person doing both.

Mr. Oliver questioned the expansion of the Veteran & Volunteer program. He asked who they would consider on active duty. Attorney Lustgarten responded anyone on current active duty.

Larry Metzger wanted to know how the Borough would know they are on active duty.

Mayor Ganz stated they know there are three in Fair Lawn. The Borough can get a list from the State. Mr. Metzger wondered if they would participate in the drug program.

Special Meeting:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the Work Session was unanimously adjourned to a Special Meeting at 9:40 P.M.

The work session was reconvened at 9:45 P.M.

Update on WTC Memorial:

Mayor Ganz asked for an update on the World Trade Center Memorial. He asked what Council action they could take to get this project going.

Bid Results:

Councilmember Caan wondered why there was only one bidder for the Printed Supplies bid.

Manager/Municipal Clerk Kwasniewski explained that a lot of companies do not like to work with purchase

order, etc. This year the bid was expanded with newsletters and water quality reports. Potential bidders chose to ignore bidding on it.

Closed Session:

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy the following closed session resolution was unanimously adopted at 9:48 P.M.

WHEREAS, the Open Public Meetings Act of the State of New Jersey permit 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 relating to personnel within 30 days or upon appointment by the Borough Manager.

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 meeting at 9:58 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF JUNE 1, 2004

Mayor Ganz called the meeting to order at 9:40 p.m.

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

Also present: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

ORDINANCES: FIRST READING

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

Ordinance No. 1982-2004

ORDINANCE AUTHORIZING THE EXECUTION OR ACKNOWLEDGMENT AND DELIVERY BY THE BOROUGH OF FAIR LAWN OF CERTAIN AGREEMENTS IN CONNECTION WITH THE BERGEN

COUNTY IMPROVEMENT AUTHORITY=S REVENUE BONDS, SERIES 2004 (FAIR LAWN COMMUNITY CENTER, INC. PROJECT)

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 197-2004 introducing Ordinance No. 1982-2004 was discussed.

Mayor Ganz stated this ordinance was required so that the Bergen County Improvement Authority could lend money to build the Fair Lawn Community Center at a reduced rate. The amount will not exceed thirteen million dollars. The County is guaranteeing the rate.

There being no further discussion, Resolution No. 197-2004 introducing Ordinance No. 1982-2004 was unanimously passed.

RESOLUTION BY CONSENT #14-2004

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, Consent Agenda 14-2004 containing the following item was unanimously adopted.

1. Resol. #198-2004 - Award of Bid: HVAC Repair & Maintenance

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Etler and a second by Councilman Caan, the meeting was adjourned to the Work Session at 9:45 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk