

Work Session of June 15, 2004

Mayor Ganz called the meeting to order at 6:05 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Etler, Councilmembers Caan and McCarthy. Deputy Mayor Weinstein arrived at 6:10 p.m.

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

Review of Tentative Agenda 6/22/04:

Manager/Municipal Clerk Kwasniewski stated that a special meeting has been scheduled for 6:00 p.m. on June 22 for the presentation by Deputy Mayor Weinstein and Don Smartt on the Fair Lawn Business Leadership Committee report. They will also have several other members present.

Cooperative Parking:

Manager/Municipal Clerk Kwasniewski stated that Mayor Ganz had sent her an e-mail expressing the Planning Board's concern that the Council's intention to allow a 25 percent reduction in the parking requirement for those who enter into a cooperative parking agreement is not effective. Mayor Ganz stated that the RRIC felt that cooperative parking would work better if the distance was changed from 700 feet to anywhere in the Special Improvement District. It would allow someone at the end of River Road to use the George Street lot spaces which they could not presently do because that is more than 700 feet.

Deputy Mayor Etler thought the problem was a lack of leadership in the RRIC. RRIC could take over the liability, the insurance and maintenance of the lots. Mayor Ganz thought as the property owners want to change uses and there is a lack of parking, it becomes imperative to sign onto a cooperative parking agreement to take advantage of the reduction in the parking requirement. He suggested that Borough Attorney Lustgarten redraft the ordinance to allow anyone within the Special Improvement District to sign onto the cooperative parking agreement.

Deputy Mayor Weinstein stated that RRIC wants to develop more of a feeling that when people come to shop they are not coming to one store but to the entire district.

Zoning Change Naugle House:

Deputy Mayor Etler stated that since the application has not been received, this item should be deferred.

Overnight Parking at Memorial Park:

Manager/Municipal Clerk Kwasniewski stated that she met with Engineer Garrison, Chief Rose, Traffic Safety Officer Franco and Superintendent Frey to discuss the concerns of the neighbors who did not want the parking by their house. They propose to move it to the other side by the swing area but still by Canger. It would take the cars away from the houses. There is a street light so it would not be dark. She presented the map showing the location. Todd Newman, one of the residents who objected, looked at the new location and indicated that he did not want the cars in the park at all. Chief Rose and TSO Franco understand the residents' concerns, but that is not what experience has shown. Borough Attorney Lustgarten suggested adding a sunset clause of one year which would allow them to review the situation. Deputy Mayor Weinstein thought a better compromise would be have them park further up by the bath house which may alleviate the concerns of the residents while still providing relief to the other residents. Councilmember Caan asked that

the light poles be added to the map. Councilmember McCarthy suggested using the area by the bathhouses.

Manager/Municipal Clerk Kwasniewski will send a letter to those individuals who spoke at the Council meeting advising them of the locations proposed and asking them to make comments. A small version of the map would be included.

Endorsement of NJ Dca Grant Proposal - Triangles a Safe Place for Kids:

Manager/Municipal Clerk Kwasniewski stated that the Health Officer had concerns about ventilation. They would be preparing their own meals. Police Chief Rose did not see any problems that would relate to his department. They would need a use variance from the Zoning Board. Those people using the home would be between 18-21 years of age who have generally been thrown out of their homes because of their sexual orientation and have no where else to go.

Mayor Ganz supported this application. Deputy Mayor Etler was opposed to this application. He felt that group homes devalue the surrounding homes. Mayor Ganz noted that there are other group homes in the Borough and property values and not decreased. Deputy Mayor Weinstein would like to meet with the representatives of the organization. Mayor Ganz stated they need to obtain a grant to purchase a house and then they would have to obtain a variance. Attorney Lustgarten wondered if they will need a grant every year to keep operating. He suggested forming a subcommittee to meet with them. Mayor Ganz suggested Deputy Mayors Weinstein and Etler form a subcommittee. Deputy Mayor Weinstein will work with Manager/Municipal Clerk Kwasniewski.

Status of Trade Center Memorial:

Manager/Municipal Clerk Kwasniewski stated that she spoke to Jane Spindel who advised that they have raised \$12,000. The father of one of the young women killed is donating a bench and a tree. They have obtained the bricks from the Plaza Building from the builder in order to sell them as a fund raiser. Scott Levy has looked at the plans. Ms. Spindel believes that are almost ready to prepare specifications. Last year the Council budgeted \$29,000. The original estimate was \$75,000 but they have scaled the project back. The Garden Club will donate the plantings.

This item will be on the agenda for July.

Yard Waste Disposal:

Manager/Municipal Clerk Kwasniewski stated that the DEP has increased the restrictions on the yards. The Borough had a five-year contract with Organic Renewal. The first year was fine. Last year they lost their DEP permit for the site they had been operating. They owned another site in Goshen, New York so everything had to be taken to that site. Now that business has been sold. The new owner will take the yard waste but at an increased price and he will limit the quantity. They have obtained three proposals. She proposed awarding the contract to S. Rotondi and Sons since he is the least expensive option. He does not want a five-year contract, but he is willing to do a two-year contract with a two-year option to renew.

The consensus was to follow Manager/Municipal Clerk Kwasniewski's suggestion. A resolution will be on the next agenda.

Status of Municipal Building Parking Lot:

Manager/Municipal Clerk Kwasniewski advised that the Parks Department weed whacked, mowed and removed some dead shrubs. They are looking at redesigning the front of the building now that the sprinkler

system has been installed. In conjunction with that they will be looking at the parking lot. She thought they could keep the trees and use decorative stone which would be easier to maintain.

Manager/Municipal Clerk Kwasniewski stated she has set up a regular monthly maintenance schedule.

Status on Field Lighting:

Manager/Municipal Clerk Kwasniewski reported that on May 12 they advised PSE&G that the Borough was ready for them, but they are still waiting for PSE&G. Mayor Ganz will speak to Mayor Tedesco.

Manager/Municipal Clerk Kwasniewski stated that Gary Hickey from the Engineering Department has worked exceptionally hard on this project. The High School had a winning season so Mr. Hickey worked with them to be sure they would not be disrupted by the installation of the lights.

Use of Walsh Pool by Elmwood Park:

The consensus was to allow Elmwood Park to use Walsh Pool.

Change Order - Heavy Rescue Truck:

Manager/Municipal Clerk Kwasniewski stated that the Rescue Squad had requested a change order for \$2000. They have looked at the truck again and are asking for another \$295. Deputy Mayor Etlar went with Rescue to the factory. The new truck has roll out trays. The change order is to allow the addition of reflective tape.

The consensus was to add the reflective tape at a cost of \$295.

Dot Grant Application - Roadway Improvements Bellair Avenue:

Manager/Municipal Clerk Kwasniewski stated that this is the usual application for DOT funds. Bellair Avenue would be improved from River Road to Arnot Place. The application is for \$100,405.

The consensus was to submit the grant application.

Summer Meeting Dates:

Manager/Municipal Clerk Kwasniewski stated that meetings have been scheduled for July 13 and 20 and August 10 and 17.

OEM Director Metzler would like to schedule a demonstration of the Emergency Operation Center in B5. She suggested scheduling that demonstration on July 13 at 6:30 p.m.

The consensus was to schedule it on July 13 at 6:30 p.m.

Authorize Issuance of Interim Tax Bill:

CFO Eccelston would like to have interim tax bills issued to allow him to make the payment due to the School Board. Mayor Ganz suggested sending out estimated tax bills using the budget as it has been introduced and once the budget has been adopted the actual rate will be reflected in the November tax bill. Manager/Municipal Clerk Kwasniewski explained that the statutory formula must be used. If the calculation is more than 5 percent, permission must be received from the Division of Local Government Services. The

resolution is prepared if it is needed. The cost for the estimated bills is \$8500 but compared to the interest for tax anticipation notes which is the other option it is much cheaper.

The consensus was to send out estimated tax bills.

Miscellaneous Public Comments:

Don Oliver, 8-32 Mitchell Place, was opposed to endorsing the grant since 18-21 year olds are not children as the title of the organization would have you believe.

Howard Hyde, 13-07 Ellis Avenue, questioned the legality of anyone waiving liability to park on Borough property. Borough Attorney Lustgarten explained that it would be a limited license. It is a trade off for permission to park. Mayor Ganz stated that in return for the right to park in the Borough=s parking lot the person will have to give up their ability to sue.

Mr. Hyde wondered why Ellis Avenue had not been paved in 20 years although Mayor Ganz pointed out that a portion of the road was repaved. Mr. Hyde continued that a drain grate had been asphalted over because it was not working. The curbs and streets are in disrepair. He asked when the portion of Ellis Avenue east of 12th Street will be paved. Manager/Municipal Clerk Kwasniewski will find out and let Mr. Hyde know.

Mr. Hyde continued that when he had asked for a legal opinion at the April 13 meeting Borough Attorney Lustgarten had suggested that the minutes would not take very long to be prepared. Those minutes have not yet been prepared. He asked when he could expect the minutes or the Borough Attorney=s legal opinion. Manager/Municipal Clerk Kwasniewski replied that they are working on January now and she expects they would be ready in September. Mr. Hyde felt that was too long.

Todd Newman, 10-07 Essex Place stated that their Neighborhood Watch was meeting on July 12 nd July 29 and he wanted to get an opinion from that group. He felt that Memorial park is not well lit or in busy area. It is an area that is an attraction for mischief at night. Mayor Ganz requested that Manager/Municipal Clerk Kwasniewski obtain from the Chief of Police an incident report for the last year and a half for Memorial Pool. Mr. Newman felt that many things that happen do not get reported to the police. He felt that parking cars there will be an attractive nuisance. That park is dark. They are worried about an increase in crime. They are concerned about the safety of those parking in the lot. Manager/Municipal Clerk Kwasniewski stated that the police will get to know the cars that are parked in the lot. The Traffic Safety Officer and Police Chief have said there is no difference between parking there and parking on the street as far as crime issues are concerned. She will get the report from the Chief.

CLOSED SESSION

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, attorney/client privilege; and

WHEREAS, these matters are ones that permit exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of the discussion relating to Personnel within 60 to 90 days by announcement if Manager=s appointment or by resolution by the governing and relating to Attorney/Client Privilege a general statement of matters discussed except for legal strategy within 120 days.

Adjournment

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

REGULAR MEETING OF JUNE 15, 2004

Mayor Ganz opened the meeting at 7:37 p.m. Manager/Municipal Clerk Kwasniewski read the following statement of compliance.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 19, 2003. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The annual notice identified the meeting location and the time of the Council Meetings and Work Sessions.

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

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski and Borough Attorney Lustgarten.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 19, 2003. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

COUNCIL COMMENTS

Deputy Mayor Etler gave his activity report for the month of May 2004 indicating that he attended the following:

- VFW Loyalty Day Meeting
- CERT graduation in Paramus
- American Legion Meeting in Rochelle Park for Mary Ann Collura presentation
- Helped in town with Litter Pick Up Program run by the Recycling Department
- Heavy Rescue Demonstration at the high school athletic in full view of high school students
- Jewish Center garden dedication to slain Olympic athletes
- Fair Lawn History Meeting
- Cadmus House re-opening

Planning Board Meetings

Bergen County Highway Safety Commission Meeting

Deputy Mayor Weinstein commended the Parks Department for their efforts in getting rid of the geese at Memorial Pool.

Councilmember Caan stated the amendment to the Volunteer and Veteran Coalition Program currently is open to Military, Veterans and their families and Emergency Service Volunteers. The amendment would offer this to all active military and their families who live in the Borough of Fair Lawn. In addition the Council has agreed to let them use the pool for free. He and Councilmember McCarthy are looking for other benefits they can offer them and their families.

Councilmember McCarthy stated on June 2, 2004 he was invited to a fifth grade class at Warren Point School and participated in a Video conference with Congressman Rothman and a member of his staff. He thanked all the students for their attention during the lecture. He also congratulated the boy=s high school volleyball team for making it to the State finals. He congratulated the softball and baseball team who were ranked in the top five in the Bergen Record. He commended Superintendent George Frey and the members of the Parks and Recreation Departments for their efforts in this year=s Memorial Day Parade. He urged all the residents to and see both the monument in front of the Municipal Building and the Avenue of Heros.

Mayor Ganz stated they have had some new business activity in the Borough, Commerce Bank is opening a new branch on Maple Avenue, Columbia Bank is having their grand reopening at the Radburn Building this Saturday. Assemblyman Gordon has moved into the Radburn Building.

He participated in the golf outing with Fire Company #4. He also went to the Maple Glen Nursing Home and met with residents and nurses at Fair Lawn Appreciation Day.

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 hearing.

Ordinance No. 1980-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED ALAND DEVELOPMENT@, MORE SPECIFICALLY, SECTION 125-67, ENTITLED APRELIMINARY MAJOR SUBDIVISION AND SITE PLAN APPROVAL@ AND SECTION 125-68 ENTITLED, AFINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS@

Mayor Ganz stated this ordinance requires that any approval granted by the Zoning Board or the Planning will a sunset if no action is taken within a specified period of time.

There being 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 Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 199-2004 adopting Ordinance No. 1980-2004 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 hearing.

Ordinance No. 1981-2004

AN ORDINANCE TO AMEND CHAPTER 59, ENTITLED AAMUSEMENT DEVICES@ OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, MORE SPECIFICALLY SECTION 59-7

Mayor Ganz stated the purpose of this ordinance is to allow bowling alleys, tennis facilities, golf facilities and movies in the Borough of Fair Lawn to add arcade games as part of their regular business application. No more than twenty machines are permitted.

Deputy Mayor Weinstein added this gives children a place to go that is a safe environment. He thanked Borough Attorney Lustgarten for his help with this ordinance. It is helping a viable business succeed.

Deputy Mayor Etler stated he would be voting against this ordinance because he does not believe the addition of twenty games of chance enhances the public welfare of the Borough. Borough Attorney Lustgarten stated these are not games of chance, they are video games and it is limited to places that are zoned recreation places.

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

Upon motion by Councilmember McCarthy and a second by Deputy Mayor Weinstein, Resolution No. 200-2004 adopting Ordinance No. 1981-2004 passed with Deputy Mayor Etler dissenting.

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 hearing.

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)

Mayor Ganz stated the purpose of this Ordinance is to allow the execution of a series of documents that will finance the Fair Lawn Community Center which is to be built on the site of the present Recreation Center on Kipp Street. This is a process that began some time ago and has taken them to the Board of Chosen Freeholders which authorized the County guarantee which will allow the County=s triple A credit rating which is the highest rate available and will bring down the cost to the Borough taxpayers. It is anticipated that ground breaking will commence approximately a month from today.

There being 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 Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 201-2004 adopting Ordinance No. 1982-2004 was unanimously approved.

RESOLUTIONS BY CONSENT #15-2004

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Consent Agenda #15-2004 containing the following items was unanimously adopted:

- a. Resol. #202-2004 - Refund of Overpayment of Taxes
- b. Resol. #203-2004 - Approval of Minutes
- Work Session 12/2/03
- Closed Session 12/2/03
- Special Meeting 12/2/03
- Closed Session 12/2/03
- Regular Meeting 12/8/03
- Work Session 12/8/03
- c. Resol. #204-2004 - Appointment to the Rent Leveling Board
- d. Resol. #205-2004 - Amend Veteran and Volunteer Coalition Program
- e. Resol. #206-2004 - Professional Service: Berdan Grove Field Drainage Improvements
- f. Resol. #207-2004 - Opposing Senate Bill 2073 - Civil Rights Act
- g. Resol. #208-2004 - Authorizing Change Order - Rescue Truck
- h. Resol. #209-2004 - Appointment to Community Development Committee

MISCELLANEOUS PUBLIC COMMENTS

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

Leon Wender, 7-22 Manor Avenue stated he was been here because the sidewalk on River Road between Park Avenue is in disrepair and has been for several years. He asked that they have it fixed because it is a hazard especially in the rain and snow. Manager/Municipal Clerk Kwasniewski stated she sent a letter to the property owner last week. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to follow up with the property owner on this matter and report back to the Council.

Mr. Wender stated when they hand out United State Flags at the Memorial Day Parade, they should say made in the U.S.A. not in China that is a slap in this face. Mayor Ganz replied no one intended any disrespect. Mr. Wender wondered when Radburn Plaza Building would be completed. Mayor Ganz stated the contractor has indicated it should be finished October 1st.

Steve Bass, 0-38 Hamlin Court stated he had some very scary moments the other day coming down Route 208 North making the turn onto Morlot Avenue. He looked to see if it was clear and went to turn and all of sudden there was a bicyclist in front on him riding on the wrong side of the road. He added many people are riding their bikes in the wrong direction and it is only a matter of time before someone gets hurt. He asked if there is anything that could be done to prevent that before it happens. Borough Attorney Lustgarten stated they have laws about riding and if a police officer saw it that they could stop them. Manager/Municipal Clerk Kwasniewski stated they do a bicycle rodeo but they don't get a large attendance They have found that most of the offenders are not children, they are adults. She suggested doing a public service announcement through community policing to bring awareness to this problem.

Rita Golding, 3-14 Rutgers Terrace asked why by the traffic light on Fair Lawn Avenue and Plaza Road by Berdan Avenue they cannot put a sign in the middle of the crosswalk like they have in Ridgewood stating that pedestrians have the right of way. She stated it is impossible to get across that street three quarters of the day. Borough Attorney Lustgarten stated it is the law that pedestrians have the right of way. This had come up years before and at that time he was concerned that if cars hit the signs they could become a danger. He stated now they have changed and they do have a secure base. On certain streets he believes such as Fair Lawn Ave they would need approval from the County. Manager/Municipal Clerk Kwasniewski stated they already have them. State law does not allow them to put them in the middle of the crosswalk. There is a certain number of feet that they have to be located from a crosswalk so they are giving the drivers

warning. They have found pedestrians think they can cross right there because the sign is there. The signs got badly damaged over the winter and they are out for repair. Mrs. Golding asked for police enforcement.

Mrs. Golding stated she attended the Planning Board Meeting last night and found that everyone did their job very well. She asked why they are paying taxpayers money to a planner to see why we are going to redevelop Nabisco and Daley Field. Mayor Ganz stated Nabisco had a tax appeal with the Borough and during that time they repeatedly told them they intended to close the plant unless a substantial tax reduction was imposed on them. They are the largest single tax payer. The Council thought it was prudent to review the property. The planner has indicated that they do not meet the criteria for an area of redevelopment. Mayor Ganz stated the Hayward track, Archery and Daley Field were included because at least two individuals came to the Council with proposals to put in industrial use there. He felt that was not an appropriate use for it but also knows the Hayward property has been in remediation for years and Daley Field has been laying fallow for many years. A professional opinion was needed.

Mike Roney, 14 Berman Place stated it has come to his attention that regular reports have to be filed with the State EPA and they should also be filing those reports with the Borough of Fair Lawn. Mayor Ganz stated he believes they come in on an semi annual or annual basis. Manager/Municipal Clerk Kwasniewski stated they get reports from DEP for various reason as far as remediation reports she does not believe so but they may go to the Planning Board. Mr. Roney stated he was at the Planning Board Meeting and they did not know anything about it. Mayor Ganz stated he would check into it and asked Manager/Municipal Clerk Kwasniewski to calendar that for a response.

Stuart Golding, 14 Rutgers Terrace stated he knows the speed limit on Fair Lawn Avenue is 40 mph but people drive 50 with no regard for anybody. He has not seen any policemen around at all. He stated if you want to cross to go to the Post Office from the south side of Fair Lawn Avenue there is a pedestrian sign but everyone ignores it. He believes the Police Department needs to pay attention to certain areas. Mayor Ganz stated they are aware of that and are working on it.

Peter Nawalany, 7-10 Forest Street stated he lives next door to Tabasco=s Bar. He stated he can=t sleep because the noise is terrible every night. He has numerous other problems with them including businesses being run out of the garages and the lack of response by the police. He asked if they could please looking into this situation.

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, the time for public comments was unanimously closed.

ADJOURNMENT

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk