

SPECIAL MEETING OF JUNE 22, 2004

Mayor Ganz called the meeting to order at 6:09 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.

Business Leadership Committee Update:

Deputy Mayor Weinstein thanked the Mayor and fellow Council colleagues. It has been almost three years since the formation of the Business Leadership Committee. He thanked the Mayor and Council and the Manager for their foresight and support for the creation of this committee.

Deputy Mayor Weinstein stated that he also needed to preface tonight=s presentation with a special thanks to all of the volunteers of the Business Leadership Committee. Since being charged with the preparation of plans for the following three Council initiatives: 1) Borough wide Economic Development Corp., 2) Broadway Special Improvement District and 3) Strategy for the Radburn Business District area, the committee has spent numerous hours over the last seven months researching, debating, discussing and formulating recommendations, under the guidance of their facilitator, Don Smartt.

Deputy Mayor Weinstein stated that this committee is ready to move forward. A number of member of the committee were present. Without further ado, he turned the floor over to Don Smartt.

Don Smartt extended his appreciation to the Council and to Deputy Mayor Weinstein. The committee has met six times this year. He cannot underscore the success and commitment of these members. He complimented Manager/Municipal Clerk Kwasniewski as Manager. They made the body of this work worthy of the Mayor and Council=s consideration. He thanked The Ives Group for the assessment surveys they did which can be found online at www.ivesgroup.com.

Mr. Smartt stated the members of the Business Leadership Committee were charged with providing recommendations to the Mayor and Council regarding the establishment of a local economic development corporation to facilitate, coordinate and advocate for the strengthening of Fair Lawn=s economic and commercial vitality. The members of the committee strongly believe that a primary role of a local EDC lies in the advocacy by the EDC in arenas of local impact such as identifying and recommending zoning changes that will stimulate better commercial design, decrease permit or review waiting times or costs or work more effectively in bringing community members together with potential investors to work together to find common solutions to shared challenges.

The committee believes a local EDC would work with local commercial property owners, the leadership of the existing River Road SID and that of the proposed Broadway SID and larger developers and corporate institutions in developing materials and strategies to recruit new businesses and investment for the community and improving the mix and quality of goods and services offered within the commercial districts and, work with the planning and zoning boards of the community, in achieving commercial development which adds to the commercial areas attractiveness.

The corporation would be able to seek and accept private grants and county, state and federal funding. To advance its advocacy role the EDC would engage staff assistance and professional counsel, enter into

contracts and carry-out the mission and programs of the corporation consistent with its by-laws and certificate of incorporation.

Towards that end, the committee has drawn upon resources and materials provided through the facilitator, internet and press resources for county, state and national economic development corporation as well national models for business recruitment, strengthening and expansion developed by the National Trust for Historic Preservation=s Main Street Program.

The committee has identified strategies that have proven useful in other communities which they believe benefit Fair Lawn. It is the committee=s belief that a local EDC would work closely with other existing agencies at the County and State level. They believe there is a role for coordination of projects of local impact such as the Radburn Streetscape Design. The EDC will serve to offer such coordination and advocacy thus performing a vital function that offers a >bridge= between the developer and the community. Currently only the planning or zoning board review process which is highly structured and constrained by state statute and very expensive for all parties offers the opportunity for hearing which can bring the community together.

They envision a private, not-profit corporation representing a public/private partnership that brings local government together with significant business and commercial interest in the borough in a cooperative undertaken while allowing non-profit and residential representation.

An EDC without resources B leadership, staff, materials B would be unable to carry out the expected and hoped for mission. Therefore it is the expectation that the corporation would receive funding as may be needed to undertake its advocacy and programming. Mr. Smartt stated they envision funding for the EDC to be shared equally between the municipality and private sectors on a matching 1:1 basis similarly to the partnership upon which the work of the BLC has been based. Each year the trustees of the corporation would project the costs necessary to carry out its annual work plan and establish the levels of funding needed. With the acceptance of this recommendation by the Mayor and Council, the committee is prepared to work with local Borough Counsel to incorporate the EDC and establish the first board of trustees for the corporation. Following the appointment of the trustees, the trustees would develop their own by-laws, budget and work plan for the organization. With the acceptance by the Mayor and Council of the proposed work plan and the commitment of funding for the work plan by the public and private partners needed to fund the plan, the corporation will begin its work.

Deputy Mayor Weinstein stated it would be an umbrella to most districts where there is not enough businesses to taken on an improvement corporation.

Mr. Smartt stated they aid not expect the Mayor and Council to make a decision this evening.

Attorney Lustgarten asked since the EDC would have perpetual life how long would they be seeking funds. Mr. Smartt replied there would be a minimum of three years since it would take that long to establish the goals. Councilmember McCarthy asked if they had thought about a time line if it goes over three years. Mr. Smartt explained that their goal was to create a non profit corporation that would come back to the Council for direction. He sensed that by October they would have a board and work plan in place.

Mr. Smartt stated in regard to the Broadway members of the Business Leadership Committee were tasked with the development of a special improvement district within the Broadway commercial district. They have worked diligently since January in reviewing the significant body of study and work undertaken by the volunteers who served on the Broadway Improvement Committee, several of whom serve on the current committee.

They were also ably assisted in understanding the issues and opportunities confronting the area by a professional existing conditions assessment study undertaken by local planning and design firm, The Ives Group and its principals, Allen Weitzman and Joel Ives. The assessment report, donated by the firm, is available online. The committee and the community of Fair Lawn have benefitted greatly from their donated services and experience.

Some of the committee members having served on the former Broadway Improvement Committee were of the opinion B lacking information to the contrary B that little progress had been made in carrying out the recommendations made by the Broadway Improvement Committee. During the course of the review, they found that Borough officials had made progress and taken action on significant areas of concern addressed by the former committee.

Mr. Smartt stated that on the basis of their review, their discussions on the district=s vulnerabilities and the strategies most desired to treat those vulnerabilities, they have prepared a work plan delineating actions, strategies and programs that address those vulnerabilities. Since there exists a significant body of experience in the utilization of special improvement district=s throughout our county and state, they were able to draw upon that experience in developing not only the work plan but the costs and potential revenues to support the work plan. Those assumptions are found in the work plan which he passed out with his recommendations.

Mr. Smartt stated with the acceptance of their recommended work plan, the committee will proceed to lay the foundation of the organization of a non-profit corporation similar to the River Road Improvement Corporation and will identify prospective trustees for the corporation. In cooperation with prospective trustees and with the support of the committee=s facilitator, the trustees would incorporate, develop their own by-laws and would present for formal adoption by the Mayor and Council, their first year work plan and budget. With the acceptance of the first year work plan and budget by Mayor and Council, the work of the Business Leadership Committee regarding Broadway would come to an end.

Deputy Mayor Etlar felt having a way to streamline permits and Zoning changes on the north side of Broadway would help. He will talk to residents that live there.

Mr. Smartt explained the Radburn Strategic Plan Study Area Recommendation. The members of the Business Leadership Committee, representing the many diverse constituencies and interests from within the larger community of Fair Lawn, have worked diligently since January, 2004 to assess the strengths, vulnerabilities, opportunities and threats to the area that they identified as the Radburn Strategic Plan Study Area, encompassing the B1 and B3 Zones in and abutting the New Jersey Transit Railroad lines.

Committee members toured the district, drew upon the intimate knowledge of the area by those from within the committee who own property, operate businesses and live adjacent to the study area. They were also ably assisted in understanding the issues and opportunities confronting the study area in the conduct of a professional existing conditions assessment study of the area undertaken by local planning and design firm, The Ives Group and its principals, Allen Weitzman and Joel Ives. The assessment of existing conditions report, donated by the firm, is attached. The Committee, and the community of Fair Lawn, have benefitted greatly from their donated services and experience.

Mr. Smartt stated that the Committee found that with the understanding that the current design of the thoroughfares and cartways, streets and sidewalks, parking and parking lots of the current district disproportionately favor vehicles over pedestrians and that the district lacks almost all of the pedestrian, design and aesthetics most commonly associated with and favoring successfully pedestrian oriented attractive and aesthetically pleasing elements such as wider sidewalks, trees, benches, pedestrian scaled lighting, bike racks and other such elements. The existing parking lots of the district lack basic directional

signage and any aesthetic element which softens the starkness of the asphalt to the passerby. The Committee recommends the construction of >streetscape= project on the public rights of way incorporating design elements similar to that which was undertaken and completed on River Road and in many other successful commercial districts throughout Bergen County and the State of New Jersey.

Mr. Smartt stated that the Committee recommended that the design element of the project be coordinated under the auspices of the recommended Fair Lawn Economic Development Corporation. The Committee, based on the experience of River Road and other communities, believes the cost of the design element of the project would range from \$15,000 to \$25,000. Design proposals should be sought from qualified firms and competitively awarded. The EDC would coordinate the process in cooperation with the Borough Engineer=s Office and provide a recommendation to the Mayor and Council regarding the award of the professional services agreement. The EDC would work closely with the design firm and the constituencies most impacted by such a project within the study area to develop a design concept supported by the community.

Funding for the design element should be sought from both the public and private sectors to emphasize the public/private nature of this project. Funding for the engineering and construction phases of the project should be explored with the Borough at the time of the receipt of the construction estimates prepared by the design firm. Also at that time, discussion would focus on the most appropriate strategy to be used to ensure that once the streetscape is built it will be properly and routinely maintained.

Councilmember Caan stated that as a member of the committee he knew how much time and effort was put into this study. He felt they need to move forward and let the people do what they have to do. Mr. Smartt stated the committee is planning on meeting the business owners and residents to get their feedback.

Mayor Ganz, on behalf of the Mayor and Council, thanked everyone for their efforts.

Miscellaneous Public Comments:

Todd Malkin stated he was looking forward to moving this committee forward.

George Bate stated a lot of the things they talked about will dovetail with the Property Maintenance Committee.

John Nakashian asked what they were planning to do for the average resident. Mr. Smartt stated the assessment rates rose which went to the local property taxes, the general revenue of the Borough and the schools. Deputy Mayor Weinstein stated it will keep the people in Fair Lawn. Councilmember Caan explained the EDC and the Radburn plan will include other business areas in Fair Lawn. Attorney Lustgarten advised that it will help sustain the stability in town.

Elyss Frenkel stated she felt positive about what the committee has come up with.

Barbara Simon stated she has seen good things happen.

Seymour Karas stated this is a learning process. He has seen a lot of questions about time line. These SID=s are etched in time and hopefully 50 years from now RRIC will still be in existence.

Ted King felt that now is the time for this project.

David Nadini stated that when any piece of land is improved it makes the Borough of Fair Lawn better.

Joseph Capone stated they should try to improve the community.

Felix Belferman stated he had seen what happen on River Road.

Janice Pessar felt they have a vibrant community and this is a win, win situation for her, her business and her children.

Manager/Municipal Clerk Kwasniewski thanked Felix Belferman for doing a great job on River Road. Deputy Mayor Weinstein stated he has been a leading actor in this committee.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, the meeting was recessed to the regular meeting at 7:04 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

REGULAR MEETING OF JUNE 22, 2004

Mayor Ganz called the meeting to order at 7:30 p.m. Assistant Municipal Clerk Bojanowski 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 Councilmember McCarthy.

ABSENT: Councilmember Caan.

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

COUNCIL COMMENTS

Deputy Mayor Weinstein stated he was happy to see there is activity at the Plaza Building in Radburn. He attended the Columbia Savings Bank re-opening and went to Quiznos and had a delicious sub.

Mayor Ganz stated they had a work session prior to this and discussed the Economic Development Corporation and the proposed Broadway SID and proposed SID to cover other areas in town. He stated Deputy Mayor Etler was the lead Councilmember on this along with Councilmember Caan and they had a room with nineteen people and a rather extended presentation. It is clear that there are a number of items and things that are going to be on the Council's plate in the coming weeks and months for not only the Broadway area but the Radburn area and other business areas in town. He congratulated Deputy Mayor Weinstein on an outstanding job through the presentation. Deputy Mayor Weinstein thanked all the members

of the committee who volunteered a lot of time for the good of Fair Lawn.

MANAGER=S REPORT

Manager/Municipal Clerk Kwasniewski commented the fireworks presentation is scheduled for July 1st with a rain date of July 3rd . Tickets are on sale at various locations. They are on pre sale at discounted prices now until July 1st after that they can be purchased at the gate but the price will be higher. Mayor Ganz added included in the price of the ticket is photo engraved copy of the Declaration of Independence signed by John Hancock together with a Council signed Proclamation on the occasion of America=s Birthday.

RESOLUTIONS BY CONSENT #16-2004

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Consent Agenda 16-2004 containing the following items was unanimously adopted.

a. Resol. #210-2004 -Approval of Minutes

Work Session 12/16/03

Special Meeting 12/16/03

Closed Session 12/16/03

b. Resol. #211-2004 - Approval of Raffles: St. Anne Church On-premise 50/50

c. Resol. #212-2004 - Renewal of Liquor Licenses 2004-2005

d. Resol. #213-2004 - Award of Bid: Industrial Supplies

e. Resol. #214-2004 - Award of Bid: Ambulance Corp Supplies

f. Resol. #215-2004 - DOT Grant Application - Roadway Improvements Bellair Avenue

g. Resol. #216-2004 - Use of Walsh Pool by Elmwood Park

h. Resol. #217-2004 - Authorizing Execution of Vegetative Waste Disposal Contract

i. Resol. #218-2004 - Authorizing Issuance of Estimated Tax Bills

j. Resol. #219-2004 - Appointment to Cable Television Board

RESOLUTION NO. 220-2004 - Authorizing the Execution of Various Documents with BCIA=s Bergen Municipal Bank Program

Mayor Ganz stated the Bergen Municipal Bank is the newest financial innovation in Bergen County and it comes through the Board of Chosen Freeholders where he is the Legislative father of this program. He stated it will save taxpayer=s not only in Fair Lawn but in Bergen County. It will allow the use of the County=s AAA credit rating which is the highest rating. It will allow the acquisition of everything from vans, ambulances, police cars, fire trucks, rescue trucks, pipe threaders, lawnmowers, heating systems, security alarms, cameras, communications, radios, wheelchair vans and many other things on very favorable terms.

Mayor Ganz explained that Manager/Municipal Clerk Kwasniewski will send the application in and there will be a decision within twenty-four hours and the items will be funded. He stated he was delighted to have participated in this with the Manager and Chief Rose and is equally delighted at this time to recommend it to the Council. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to send a copy of this resolution to BCIA.

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 220-2004 was unanimously passed.

MISCELLANEOUS PUBLIC COMMENTS

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

No one wished to be heard.

There being no comments from the public, upon motion by Deputy Mayor Etler and second by Councilmember McCarthy, the time for public comments was unanimously closed.

ADJOURNMENT

Upon motion by Deputy Mayor Etler and second by Deputy Mayor Weinstein, the meeting was recessed to the Work Session at 8:44 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION JUNE 22, 2004

Mayor Ganz called the meeting to order at 7:45 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Etler and Deputy Mayor Weinstein, Councilmember McCarthy.

ABSENT: Councilmember Caan

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

Zoning Change Naugle House (Block 1702, Lots 4 & 10):

Deputy Mayor Etler stated that David Nadini was present to discuss his proposal of building on the site where the Naugle House is located. Mr. Nadini has indicated that they want to save the Naugle House as it is and give it to the Borough. Deputy Mayor Etler stated the area would need to be rezoned for townhouses. He felt this would enhance the Borough. Attorney Lustgarten advised the present zone is residential. Mayor Ganz suggested they discuss this conceptually if it was wise to rezone the area. He stated assuming they agree it should be sent to the Planning Board with the concept for their review. He advised Attorney Lustgarten that he would need to prepare a developer=s agreement that would deed the house to the Borough. Attorney Lustgarten advised they would need recommendation from the Planning Board. Mayor Ganz stated the area could be created as a historical area since a stone house is on the lot. The developer has stated he would bring the house up to code and add parking spaces.

Deputy Mayor Etler stated he had visited the site three times and felt that the project would be appropriate for the site. The Planning Board will decide on the density. Attorney Lustgarten advised that the Planing Board would need to make the recommendation to rezone the area and the Council could introduce an ordinance concurrently.

Mayor Ganz advised Mr. Nadini to take a conceptual plan to the Planning Board. Deputy Mayor Weinstein felt the proposed project was good for the site. Councilmember McCarthy agreed that it would be appropriate for the area. He felt it was important to save the house and this is a reasonable approach to handle it. He thought going forward with a townhouse zone was the best option. Mayor Ganz stated it was a rare opportunity for the Council to have this chance to save the Naugle House.

There was a unanimous consensus to establish a townhouse zone for Block 1702, Lots 4 & 10.

Balloon Flying over the Plaza Building:

Mayor Ganz stated it had come to his attention there is a balloon flying over a business. The business had received a notice to stop flying the balloon. Mr. Van Hook has said he would be amenable to have another way to let the business owner do advertising. Mayor Ganz advised Manager/Municipal Clerk Kwasniewski to work with Mr. Van Hook on protocol for Quiznos to be able to advertise.

There was a unanimous consensus to refer this to Manager/Municipal Clerk Kwasniewski.

All Sports:

Deputy Mayor Weinstein stated he would like to have a meeting about the maintenance of the field. Mayor Ganz advised they would have a meeting.

Field Lights:

Manager/Municipal Clerk Kwasniewski reported that PSE&G has been hooked up. They are now testing it. They would like to do a night test which should take place next week. Mayor Ganz felt the Council owes Paramus Mayor Jim Tedesco a thank you. He asked that a resolution of thanks be presented to him.

Mayor Ganz stated he would like to schedule a date for a grand opening. Councilmember McCarthy felt they should find out when summer baseball begins and then have a ceremony turning the lights on before the game.

Miscellaneous Public Comments:

Ed Dunn, 40-13 Kuiken Terrace, reported on the continuing problem 40-09 Kuiken Terrace. He attended a Mayor and Council meeting back in April and he thought it would be taken care of. He has noticed that the Building Department has been there several times but the problems are not being corrected. There are so many violations the house is dangerous. Manager/Municipal Clerk Kwasniewski stated they have done several inspections and they are not doing anything illegal. A father and son are living there who are supposed to leave soon. Mr. Dunn reported that they are paying rent. Attorney Lustgarten questioned if there were separate entrances.

Manager/Municipal Clerk Kwasniewski stated that the Borough has been there several times. The father and son told the inspectors that they have found another place to live. The owner of the property has cleaned up the area. She said they have found the house is not condemnable.

Mr. Dunn stated there is a stagnant pond in the backyard with no drain. Attorney Lustgarten advised that would be a Health issue. Manager/Municipal Clerk Kwasniewski stated she will send the Health Department to check it.

Judy Pitson, 40-18 Kuiken Terrace stated that one of the guys makes indecent comments. No one knows who lives there which she finds very unsettling. Attorney Lustgarten advised she knew to call the Police. Ms. Pitson said she had called the Police. The people in the house are always yelling and screaming.

Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to report back to the Mayor and Council by the

end of the week on the status of this problem. Attorney Lustgarten suggested obtaining the Police records for the last twelve months. Mayor Ganz stated they will get the reports and take action.

Rita Golding, 14 Rutgers Terrace wondered why they are going to widen Plaza Road. Manager/Municipal Clerk Kwasniewski informed her Plaza Road was a County road not the Borough=s. Ms. Golding asked about Topps Cleaners closing and what is planned for that site. She wondered if it had something to do with building townhouses on Daly Field. Mayor Ganz stated it was private property. Deputy Mayor Etlar stated he is a member of the Planning Board and there has been no plan submitted to them for Topps Cleaners or Daly Field.

Stewart Golding, 14 Rutgers Terrace stated on Plaza Road between Berdan Avenue and Fair Lawn Avenue there is a big hook in the road and they would lose some property.

Rita Golding said she was curious about the widening of Plaza Road. Manager/Municipal Clerk Kwasniewski stated she would like to know who was spreading the rumors. Attorney Lustgarten advised that it could be something else. Ms. Golding said she would get a copy of the letter.

Closed Session:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy the following closed session resolution was unanimously adopted at 8:31 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 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 Personnel within 30 to 45 days or upon appointment by the Borough Manager and relating to Anticipated Litigation with three to six months excluding legal strategy.

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 8:36 p.m.

Traffic Light at Chandler Drive and Fair Lawn Avenue:

Mayor Ganz reported that he had attended a meeting with Assistant County Engineer Eugene Murphy regarding the light at Chandler Drive. The problem is the parking at the Brunch Club. Mr. Murphy has agreed to change the pattern of the parking lot. Patrons of the business will not be able to make a left when exiting. Attorney Lustgarten wondered if Fair Lawn Commons had any objections. Mayor Ganz felt it did not matter to them. He said he would set up another meeting with Mr. Murphy. He had concerns about people making turns out of the Cosmos Club. Attorney Lustgarten advised that they do not have legal authority to change their traffic pattern.

Deputy Mayor Etlar stated he had looked at the area and there are several poles that will have to be moved.

Mayor Ganz stated the other issue is the speeding on Fair Lawn Avenue from Plaza Road to Radburn. Attorney Lustgarten felt the traffic going east travels faster. He suggested they install radar traps. Manager/Municipal Clerk Kwasniewski felt a light was needed at Parmelee Avenue and Fair Lawn Avenue. Mayor Ganz said they should ask the County to install one. He will ask for another meeting with the County Engineer.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, the meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk