

SPECIAL MEETING OF JULY 13, 2004

Mayor Ganz called the meeting to order at 6:00 p.m.

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

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

Emergency Operations Center Demonstration Room B5:

The Mayor and Council toured the Emergency Operations Center. OEM Director Tom Metzler explained how the center would operate in an emergency.

Public Comments:

No wished to be heard.

Adjournment to Work Session:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned to Work Session at 7:00 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF JULY 13, 2004

Mayor Ganz called the meeting to order at 7:30 p.m.

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

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski and Attorney Lustgarten

Closed Session:

Upon motion by Deputy Mayor Etler and second by Councilmember McCarthy the following closed session resolution was unanimously adopted at 7:33 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 pending 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 upon formal action by either the Manager or Mayor and Council within 30-60 days; 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 meeting at 7:50 p.m.

Tentative Agenda for 7/20/04:

Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to alert Mayor Tedesco to the proclamation they intend to issue.

Bergen County Interlocal Agreement - Hazardous Response Team:

Manager/Municipal Clerk Kwasniewski stated Borough Attorney Lustgarten sent a memo suggesting they do not join this since the County is making changes in the agreement. She advised Councilmember Caan asked that this be put back on to review and take a consensus. Borough Attorney Lustgarten felt the language in the County proposal was broad based. He asked them to review and change language and add subject to their availability. He asked them if Fair Lawn provides equipment and supplies to go out of town who is going to compensate the Borough or replace the equipment and he received no answers to his questions. He added one paragraph stated that Fair Lawn shall provide the response services upon the request of certified officer or designee and that would be the County representative so if they called Fair Lawn would have to go, and if they did not go they may be liable. His other concern was if there was more than one emergency and the County called and stated they wanted our personnel, he felt Fair Lawn should not be leaving their own town if they were engaged in town with their own emergency. He suggested to them they would go if they were not tied up in their own town and gave them language for that. He wanted to know who would cover the volunteers when they were working on the task force for worker compensation. This has been pending since December and he has had three phone conversations with a Assistant County Counsel. The last discussion was about two weeks ago and there was a lack of interest in changing their standard form language. He was told six other towns joined this program and did not care to have the language changed which did not impress him. He felt the agreement needs to be changed before he would change his recommendation.

Councilmember Caan stated there is another side to this and had hope OEM Director Metzler would be here to explain this. He believed they should not make a decision on this until they heard from both sides. Mayor Ganz stated with or without this agreement Fair Lawn would offer their help if they are needed.

Manager/Municipal Clerk Kwasniewski stated there is \$20,000.00 worth of equipment that they would be getting from the County once they signed that agreement and this is for catastrophic events. Deputy Mayor Weinstein suggested having an open form for all the municipalities to attend to address these issues.

Manager/Municipal Clerk Kwasniewski stated Tom Metzler indicated that he believes that all the towns were signed. Borough Attorney Lustgarten stated as of last week the Assistant County Council stated only six were signed at that time. Borough Attorney Lustgarten stated he disagrees with this being only for catastrophic events. Mayor Ganz stated he would talk with County Council or Administrator to see what is behind this and get back to them.

Junior Firefighter Program:

Manager/Municipal Clerk Kwasniewski stated they received a request from the Fire Chief to create a Junior Firefighter program and have provided the changes that would be needed. Mayor Ganz felt this was a great idea. Wendy Demoraski stated in the past they have had problems recruiting firefighters and thought this would be a good program. The Rescue Squad already has a program as well as other municipalities which have worked out well. Classes are provided at the Academy. When they turn eighteen they can officially join the fire department and continue with the hands on training that they would need to become state certified. Borough Attorney Lustgarten stated he is in favor of this but needs to cross correlate a few sections and asked Manager/Municipal Clerk Kwasniewski to check with JIF. Manager/Municipal Clerk Kwasniewski stated she already checked with them and they are covered the same as the Rescue Squad Youth Squad. Borough Attorney Lustgarten asked about the section that reads they shall receive some of the benefits of the firefighters of Fair Lawn receive. Chief Wensell stated they were referring to a clothing allowance, LOSAP benefits, exempt fire status, pool passes. Borough Attorney Lustgarten suggested Chief Wensell to find out what benefits they would like to have and clear that with the Fire Board and then let him know and he can amend this. Councilmember Caan asked if the benefits would be any different from the Rescue Squad. Chief Wensell stated they may be different since he did not know what the clothing allowance is for the Rescue Squad. Rescue member Van Kruiningen advised the amounts are different and she believed the amounts were decided by the officers. The percentages are calculated differently due to the restrictions of times when they are allowed to respond. Mayor Ganz asked Mrs. Van Kruiningen to get the information from Rescue and give it to the Fire Chief and then they could work with Borough Attorney Lustgarten on this. Borough Attorney Lustgarten stated the section that states the hours they can respond needs to state specifically what times, holidays, summer school hours, school hours.

There was a unanimous consensus to create a Junior Firefighter program.

N.J. 2-1-1 Partnership:

Mayor Ganz stated this is a proposal that came to the County which he felt could be very useful and helpful to them on a Municipal level. Teaneck has already been selected as a highlight. He stated this is a one call information line that can answer virtually any question that is asked. Instead of going to the Manager= officer, DPW, Health and so forth that person will answer any question the caller is asking. The County is looking at this to see if they can cut the overall number of personnel. He stated for a relatively modest cost the program makes a available the resources of this United Way Agency and has the ability to service the entire needs of a Community. Manager/Municipal Clerk Kwasniewski stated the amount would be \$12,660.00 if they had the information in electronic format. If not there is extra cost for data entry and they would have a lot of data entry to do. She stated most of our information is not in one place. If they could assemble it in one place electronically they may not have to spend much more. Mayor Ganz stated they agreed to take the electronic format for this and format it so it would cooperate with the website, so they could access information through that means if they did not want to speak to a live person. He added this would be available twenty four hours a day, seven days a week through an operator system that functions throughout the state of New Jersey. Mayor Ganz stated he thought this was a good plan and would like to Council to have the Manager investigate this further and come back with a recommendation. Councilmember Caan stated he would like to know if this system could actually answer specific questions. Mayor Ganz stated he saw the presentation showing the Teaneck model which is quite advanced and it could answer specific questions. Manager/Municipal Clerk Kwasniewski stated they need to give them all that information as well as update them with new information. Councilmember McCarthy stated his concern is about the amount of time this would take. Deputy Mayor Weinstein stated he would go to Teaneck and get some more information on this. Deputy Mayor Etlar did not know if this is a expense they can bear.

There was a unanimous consensus to authorize Manager/Municipal Clerk Kwasniewski to investigate this further and get back to the Council with a recommendation.

Maintenance of Dobrow Complex by All Sports:

Manager/Municipal Clerk Kwasniewski understood that All Sports is interested in taking over the maintenance of that complex. Deputy Mayor Weinstein stated All Sports put about \$17,000.00 into Garger Field and they are concerned that it is not getting the type of maintenance that they need for them to have it professionally manicured. He added they are talking about the infield not the outfield. Mayor Ganz stated the conversation he had was about taking over the whole thing because they felt it might be impractical to just take over a portion. Deputy Mayor Weinstein stated it is a helpful situation to the town and the Parks Department because now they will focus on those fields and Parks could focus on other things especially this time of year while the pools are open. Manager/Municipal Clerk Kwasniewski asked if it was just during baseball season. Deputy Mayor Weinstein answered this is just All Sports Baseball. Deputy Mayor Etlar asked who was going to regulate the use of the field. Mayor Ganz replied that is staying the same. Borough Attorney Lustgarten noted JIF covers them right now but if they hire from outside those people would not be covered and would need to have their own insurance. Mayor Ganz suggested to Manager/Municipal Clerk Kwasniewski that she meet with the All Sports representatives to clarify what it is they wish to take responsibility for, the duration and to clarify anything else the Borough Attorney wants clarified.

There was a unanimous consensus to allow All Sports to maintain the field.

Bergen County Volunteer of the Year Program:

Deputy Mayor Etlar stated the County Executive has reactivated the Bergen County Volunteer of the Year Program. He suggested Jim Croucher who he is a lifelong member of the Borough and a member of the History Committee. Mr. Croucher was very instrumental in getting the greenery in place on Route 208 and Fair Lawn Ave. He is always working in the garden. He stated he hoped the rest of the Council would agree with him about submitting Mr. Croucher's name. He will ask Mr. Croucher for a small bio and list of accomplishments.

There was a unanimous consensus to submit James Croucher's name for the Bergen County Volunteer of the Year Program.

Part-time Property Maintenance Inspector:

Deputy Mayor Etlar stated the Property Maintenance Committee feels they are in need of a part time inspector. Deputy Mayor Etlar stated they would have to at least work on a Saturday. Manager/Municipal Clerk Kwasniewski stated if they are going to be adding personnel in the Building Department, Property Maintenance is at the bottom of the list. She stated they still make their property maintenance inspection even though they are in the cycle for multi family inspections. She stated when she gets a complaint or someone else gets a complaint she gets an answer the next day. The issue with Saturday is a very good point, but the building department is six weeks behind on CCOs, plan review on electric and on building plan review they are four weeks behind. She added they are now splitting permits so they can allow people who do not need an electrical to start their work. They are splitting permits that came in May 8th . She stated if they are going to hire anybody it needs to be there. They are behind on their paperwork because the volume is too great to keep up. They have 1620 new permits to date with no sign of it abating. The residents are complaining. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to come back with a proposal at the next meeting for what it would take to get the building department on a more timely basis. He is getting calls and e-mails as well.

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

Deputy Mayor Weinstein complimented Ms. Laura Berthold for her compassion. He stated after a meeting with her and listening to their suggestions she realized that a residential neighborhood would not be the proper location for this type of entity. The residential neighborhood does not have the resources regarding transportation for the clients. The organization would not only be a home but would become a business having courses and counseling and maybe even training for jobs. In her planning the total goal was to obtain grants from the County and State. If she could not get the funds needed there is no other funding mechanisms in place at this time. They suggested to her that they look into a more commercial district with better transportation and better resources.

There was a unanimous consensus to have no action taken on this.

Proposed Ordinance Change:

Amendment to Cooperative Parking Plan: Manager/Municipal Clerk Kwasniewski stated Borough Attorney Lustgarten drafted a proposed ordinance and she understood that River Road was looking for more changes than just what is being proposed. Borough Attorney Lustgarten stated the request that was made was to delete the linear footage for the determination for the off street parking which he did. He does not know what else River Road has in mind and if they are not pressing immediately for this it would save the Borough money if only one ordinance is done. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to articulate what the other issues are for River Road. He had three conversations with Mr. Lanzettel Mr. Levine and Mr. Smartt and it is unclear to him what they want. Manager/Municipal Clerk Kwasniewski stated she attended the RRIC meeting and advised them they have made the change in the ordinance and they advised her there were other things they wanted to change and when they discussed what they were, one said one thing and another said something else. She does not believe they have clear idea of what they actually need. Mayor Ganz suggested Manager/Municipal Clerk Kwasniewski advise River Road to send a letter to the Council and they will consider it.

Health Department Fees: Manager/Municipal Clerk Kwasniewski stated the Domestic Partnership Law went into effect July 1st. The ordinance needs to be amended to charge a fee for the Domestic Partnership Certification. She recommends \$10.00. She stated currently they charge \$6.00 for a marriage license and that should be raised to that amount to \$10.00 as well. She added they are the lowest in the area and on Domestic Partnership they can go wherever they want. She stated most places are charging at least \$10.00.

There was a unanimous consensus to introduce the ordinance changes as discussed.

Police Department Fees: Manager/Municipal Clerk Kwasniewski stated under the Open Public Records Act there are very strict rules on what you can charge for copies. She stated a class action suit has been filed against some municipalities where the Police Departments have been charging an additional fee for mailing the reports. She stated their ordinance does contain the very provisions that is now illegal and despite the fact they don't charge that it would be best to get it off of their books. Borough Attorney Lustgarten stated he had no problem with that.

There was a unanimous consensus to adopt the Manager's recommendation.

Proposed Budget Schedule:

Mayor Ganz stated he received a letter from Commissioner Bass Levin that stated that Fair Lawn was awarded \$350,000 CY 2204 Municipal Property Tax Relief Act Extraordinary Aid and \$140,000 in Municipal Homeland Security Assistance.

Manager/Municipal Clerk Kwasniewski stated they have not had their public hearing on the budget and they have to amend the budget because this aid goes directly to provide property tax relief. They need to have ten days to advertise the public hearing on the budget and three days to advertise the amendment to the budget. The earliest they could have a meeting to amend the budget would be on August 3rd . It was agreed to hold a special meeting on July 27th. Manager/Municipal Clerk Kwasniewski stated she would take care of the required notices and CFO Eccleston is working on the budget amendment.

Status of Municipal Building Parking Lot:

Manager/Municipal Clerk Kwasniewski stated she believes the parking lot has looked much better. They are working on a plan to redo the front and the back would be considered at that time as well.

Status of World Trade Center Memorial:

Manager/Municipal Clerk Kwasniewski stated Jane Spindel has turned their current plan over to Scott Levy. Mr. Levy is working with that plan to get it into a biddable package so that all they would have to add is their boilerplate. He is also working on the estimate. They have scaled down their original plan and have raised over \$12,000. They are selling the bricks memorial pavers through September. Mr. Levy has assured her he will have everything done for the August 3rd meeting.

Status of Field Lighting:

Manager/Municipal Clerk Kwasniewski stated there were some faulty breakers, PSE&G have been very responsive and came out did what they had to do. The manufacturer is coming out to do a final walk through with the light monitor to make sure it is at the right candles and they are pointed in the right direction. She did not have a date for that yet.

Knights of Pythias:

Manager/Municipal Clerk Kwasniewski stated she received the letter for their annual Circus for September 12th. She stated they would do the same conditions as usual and do the resolution giving them permission.

There was a unanimous consensus to authorize the Knights of Pythias to hold their circus.

Status of Chandler Drive:

Manager/Municipal Clerk Kwasniewski stated she sent letters to the property owners. Mayor Ganz has had several meeting with the County Engineer and with Eugene Murphy, Deputy Assistant County Engineer in charge of traffic to get them to agree there would be no left turn during rush hour in the morning and at night but would allow it at any other time. He stated he was adamant that he wants the traffic flow reversed instead of coming in on the east side, he wants people to come in on the west side. He asked Manager/Municipal Clerk Kwasniewski how they are coming along with the consent of the property owners to the property that is needed to do the intersection. Manager/Municipal Clerk Kwasniewski stated they have not obtained the consent from anyone. Borough Attorney Lustgarten stated they have all the metes and bounds from engineering but he has been holding them until the plan it finalized because he does not want to approach the property owners with the actual taking and dollar amount until he knows it is final. Mayor Ganz stated there will be no further taking. The only issue that remains is the in entrance egress on the Cosmos Club and Fair Lawn Diagnostic. Borough Attorney Lustgarten suggested with the Council permission he will color code a map and send them the legal description and the appraisal. The brunch club site is back to doing it exactly as it is at the present time but they are closing the middle entrance point, they will have to come out on

Chandler Drive and make a right hand turn.

There was a unanimous consensus giving Borough Attorney Lustgarten permission to get in touch with the land owners with the condition that the letters state they are asking if they would like as a matter of good neighborliness to donate the casement. They would be indebted to them but in the absence of that they are willing just proceed with the taking of the easement as opposed to the land itself.

Status of Well Drive:

Manager/Municipal Clerk Kwasniewski stated they are appearing before the Planning Board on July 19th , Bob Matule will be representing the Borough and the surveyor Paul Azzolino will be making the presentation on the map. She stated this will subdivide the entire section so it is lined up with each of the lots. Borough Attorney Lustgarten stated Resolution 226-2004 will authorize the transfer. Deeds are in the process of being prepared. Once the minor subdivision is approved they will start sending out the request for payment. Mayor Ganz asked that a letter be sent to the residents of Well Drive from the Council. Manager/Municipal Clerk Kwasniewski stated everyone has received the notice and that has generated phone calls from most of the people making sure they are still going to be able to purchase the property . Mayor Ganz stated they are going to send this letter out tomorrow.

Property Maintenance on Lindsey Terrace:

Deputy Mayor Weinstein stated he has received two calls in the last week regarding the house that caught fire last winter. People are complaining there are weeds and nothing is being done. The person who owns the house is not living there but nothing is being done to maintain the property. Manager/Municipal Clerk Kwasniewski stated she will send someone from Property Maintenance and they will receive a summons.

Miscellaneous Public Comments:

Howard Hyde, 13-07 Ellis Ave asked where 2-1-1 program is generated. Mayor Ganz stated he understood there are three centers throughout the State.

Maurice Michaels, 7-16 Richard Street stated there is a beauty parlor on the corner of Richard Street and River Road for about thirty years it was a one man shop and now the current people have been doing construction and he employs six or seven people who he instructed to park on Lamrin Drive. He stated some of the time they are parked on both sides of the street and it is hard to get through not just with the School bus he drives, but feels a fire truck would have a hard time. He added although it is not listed as a play street children are all over when school is not in and creating a hazard there. The Traffic Safety Officer is working on this now but Mr. Michaels is afraid the owner will ask that the present restriction be removed. Mayor Ganz stated when it comes to adding or removing parking signs they require a petition signed by the neighbors. Mr. Michael stated he has a petition with about a dozen people that are involved. Manager/Municipal Clerk Kwasniewski stated she has spoke to Mr. Van Hook and one reason those cars are on the street is because the construction vehicles are in the driveway. She will have Mr. Van Hook follow up on this. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to get in touch with Chief Rose as to the enforcement of parking on that street. He asked the Manager to obtain a Certificate of Occupancy and what uses are lawful at that address and report back to the Council.

Jane Diepeveen, 14 Ryder Road stated she spent hours trying to read the minutes and there were no minutes for November and December. She was trying to find out when the conversation on redevelopment came up who actually initiated it. Mayor Ganz stated he would have Manager/Municipal Clerk Kwasniewski send her the information. She expressed her concern that the minutes were not being prepared in a timely

fashion.

Attorney Lustgarten stated the agenda and resolutions are put on the website and the regular meeting is televised so there is not an absence of information. He stated that is not an excuse for the minutes not being done on a timely basis. There is also competing interest of the volume of work. Attorney Lustgarten stated this has been a concern of the Council, the Manager=s office, and the Clerk=s office. There have been internal discussions about this. It is a problem and the Clerk and Manager are addressing it. He added since they are on summer schedule there are only two meetings instead of four a month that should give them the relief and breathing space to do the catch up.

Mrs. Diepeveen stated in regards to the redevelopment she found something in the December meeting but there must be something before that where the Council had a work session and somebody introduced the idea of declaring sites in need of redevelopment and the Council decided to do it and ask the Planning Board to pick the sites and she can=t find anything in the minutes. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to find that information and mail it to her. Mrs. Diepeveen stated she would appreciate that but would like to know who initiated it. Mayor Ganz stated it was a Council decision. Borough Attorney Lustgarten stated Mayor Ganz was concerned about the Sandoz property and the discussion went from that property to other potential properties in the Borough and he believes that is where it started. Mayor Ganz stated Sandoz was the primary concern of the Council and as long as they had to pay for a planner to discuss redevelopment it made sense for them to explore of it. Borough Attorney Lustgarten suggested Nabisco be added to it for obvious reasons and it proceeded from there.

Mrs. Depeveen asked about the hiring of Robert Goldsmith for professional services to identify areas. Borough Attorney Lustgarten stated Mr. Goldsmith is an expert in advising Planning Boards and Councils in the redevelopment process. He stated in a subsequent meeting he recommended to the Council for at least this time he would take care of the legal input so there would be no cost to the Borough.

Ed Dunn, 40-13 Kuiken Terrace stated Judge Mizdol gave 30 days to clean up the violations on 40-09 Kuiken Terrace. The building inspector two years ago asked him to replace the roof and he never did it. The last time he was here there was a complaint about the yard and the two things that were brought up was the little pond and he did move the rain barrel. The whole yard is a mess and wants to know if that resident is being fined. Manager/Municipal Clerk Kwasniewski stated the Health Department has been there and the Bergen County mosquito commission went there and found that there was not a mosquito problem and there is no stagnant water. Deputy Mayor Weinstein stated that house is terrible and something more has to be done within legal means. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to report back to the Council before the next session by a memo and let Mr. Dunn know as well.

Alex Kapulsky, 40-05 Kuiken Terrace expressed his outrage about number of people who stay in this house. Borough Attorney Lustgarten stated it is not okay to have a boarding house in a single family residential zone but it is not illegal for the owner of the house to rent out to a tenant. He stated they need proof. It is not the number of rooms it is the number dwelling units that is the key. A dwelling unit has a specific He stated what they know and what they can prove is two different things. Borough Attorney Lustgarten stated the local prosecutor would be the lawyer for the complaining witnesses. He advised Mr. Kapulsky to contact the Borough Prosecutor and explain to him the problems and bring him any proof they have and he will take it from there and file a complaint.

Kodak Plant Closure:

Mayor Ganz stated he received a letter last week that the Kodak Plant was closing and 230 people are employed there. This is a significant issue and problem. He put together a package at his Freeholder officer in the name of the Mayor and Council that will go to those employees that include information on pension

and healthcare issues, unemployment insurance rights and responsibilities, the Bergen County directory and GS Pop medical coverage card from the Mayor and Council.

Adjournment:

Upon motion by Deputy Mayor Etler and second by Councilmember McCarthy, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk