

WORK SESSION OF AUGUST 10, 2004

Mayor Ganz called the meeting to order at 7:55 p.m.

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

ABSENT: Deputy Mayor Weinstein and Attorney Lustgarten.

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

Review of Tentative Agenda 8/17/04:

Manager/Municipal Clerk Kwasniewski stated she would like to add more minutes to be approved and also an application for the Fair Lawn Jewish Center Casino Night. Mayor Ganz advised her to put those items on the Consent agenda.

Memo of Understanding - BCDHS and Local Hazardous Response Team:

Manager/Municipal Clerk Kwasniewski stated that this issue has been around since last year. She had spoken to Attorney Lustgarten who had concerns about this. He had written to the County but had gotten no response. Councilmember Caan had asked Tom Metzler to attend this meeting to explain. Mayor Ganz asked Mr. Metzler if he could attend the next work session after the August 17th meeting since Attorney Lustgarten was not here and he is the one with the concerns. Councilmember Caan felt that Mr. Metzler was present and could explain it to them.

Tom Metzler, Director of the Office of Emergency Management was present and explained how the program will work. He stated that the County Health Department received a grant from Homeland Security. The County agreed to purchase equipment and spread it out among the eleven Hazmat teams. He felt that Attorney Lustgarten's concern would be that Fair Lawn would no longer have first choice. Mr. Metzler informed the Council that there have been a number of times that Fair Lawn has refused to send someone. Fair Lawn is the only municipality that has not signed this agreement. He believed under the State statute that the Borough would have first right of refusal. He assured the Council that the Borough would never be left without back up.

Deputy Mayor Etler stated his concern was if the County wanted a technical truck and the Borough has no one to man it, what would happen. Mr. Metzler stated if the team was activated they know who would be covering the Borough. It all has to do with proper planning.

Manager/Municipal Clerk Kwasniewski stated that Attorney Lustgarten had three questions. He is concerned about going Countywide if something is going on here. She noted that Mr. Metzler has already addressed that. The other question was who pays for the equipment used. Mr. Metzler stated the expendables would be paid for by Fair Lawn. If a federal declaration is issued, they could go back to the Federal government.

Manager/Municipal Clerk Kwasniewski stated as they do with the Fire Department in the past the Borough has always tried to be cooperative however it is Council policy. She did not think it was necessary for Mr. Metzler to attend another meeting. Mayor Ganz said he was concerned about the concerns Attorney Lustgarten had and that they should be addressed.

Mr. Metzler stated it would expand the area of activation. Many lessons were learned at the World Trade Center. There are also the assets that the County will make available to the Borough. If Fair Lawn was unable to respond they would have personnel come and pick up the equipment. Mayor Ganz stated his

questions were answered and asked that the resolution be put on the Consent agenda.

Status of World Trade Center Memorial:

Manager/Municipal Clerk Kwasniewski stated the plans from Scott Levy were almost ready to go out to bid. The project has been scaled back a little. The main concern is if the Mayor and Council want the ramp to be redone. The ramp is not in too bad of shape. However, the steps are definitely in need of repair. Mayor Ganz suggested she send him an e-mail about the steps so that he could talk to Community Development about getting funds to repair them. Deputy Mayor Etler wanted to know what the cost would be. Manager/Municipal Clerk Kwasniewski stated that Jane Spindle has gotten Joel Tanis & Sons, Inc. to donate the concrete. Ms. Spindel has estimated it will cost around \$40,000 to \$50,000. The Garden Club has raised \$13,000 so far and the Council has budgeted \$29,000. Mayor Ganz stated he will check on getting \$8,000 for the ramp.

There was a unanimous consensus to authorize Manager/Municipal Clerk Kwasniewski to go to bid for this project.

Sale of Campbell Street Lots:

Manager/Municipal Clerk Kwasniewski stated this has come up numerous times before. The last time was in 1998 and the Council decided it did not want to sell the lots at that time. Mayor Ganz stated that was then and there were concerns they had. There are now enough parking spaces. He recommended that they ask the Tax Assessor what the value would be. Deputy Mayor Etler stated he did not have the vision to sell the lots. Mayor Ganz stated the idea had come from former Mayor Joe Tedeschi.

There was a unanimous consensus to authorize Manager/Municipal Clerk Kwasniewski to get the highest value and best use value from the Tax Assessor.

Rezoning of Lots 4 and 10, Block 1720:

Manager/Municipal Clerk Kwasniewski stated this is in regard to the Naugle House. The Planning Board determined it can be rezoned for townhouses but did not indicate the density within the zone. The developer is interested in building townhouses on that lot and saving the Naugle House. Deputy Mayor Etler stated the Planning Board discussed allowing 10 units provided that the Naugle House is restored. Mayor Ganz thought that the Naugle House should be deeded over to the Borough. He said there were other stipulations such as the developer would have to put in adequate parking and bring the Naugle House up to code. He felt under these circumstances he would be in favor of rezoning the area for townhouses. The site plan would have to address the width of the streets to allow for emergency vehicles to travel them. Deputy Mayor Etler stated he agreed with the terms. Councilmember McCarthy stated he also agreed. Councilmember Caan felt it was a way to save the house. The owner could have said he would not save it.

There was a unanimous consensus to rezone Lots 4 and 10, Block 1720 to townhouses.

Manager/Municipal Clerk Kwasniewski stated Attorney Lustgarten will draft the ordinance and then it will go to the Planning Board for their statutory review.

League of Municipalities Conference - Zoning Board:

Manager/Municipal Clerk Kwasniewski stated she had received an e-mail from Scott Levy asking if he could attend the conference as a representative of the Zoning Board. She felt it was a Council policy call for the Vice Chairman and the Chairperson to go to the conference. Deputy Mayor Etler stated that they are volunteers and they do a lot of work and felt it was important that both the Vice Chairman and the

Chairperson attend. Mayor Ganz saw the conference as very useful to them. Councilmember McCarthy stated he agreed since the conference is invaluable to them since it covers a broad spectrum. Mayor Ganz stated it is a rare opportunity to network with other officials. Councilmember Caan stated that he also agreed that he has found the conference to be a big help.

There was a unanimous consensus to allow the Vice Chairman of the Zoning Board to attend the League Conference in November.

Manager/Municipal Clerk Kwasniewski stated that last year the Planning Board Secretary requested to go to the conference and was allowed to go. She has asked to attend this year. Manager/Municipal Clerk Kwasniewski recommended that she does not attend but knows that if she says no, the employee will go to the Mayor and Council. Deputy Mayor Etler felt she was in a vital spot and should be able to attend. Manager/Municipal Clerk Kwasniewski felt it was unfair to the other secretaries. Mayor Ganz wondered if Manager/Municipal Clerk Kwasniewski had a plan to send other secretaries and if she did not she should develop one. Manager/Municipal Clerk Kwasniewski stated she would not send any other secretaries. Councilmember McCarthy felt the Planning Board Secretary should be allowed to go because it would be beneficial to the board. Councilmember Caan stated he was not sure. Mayor Ganz recommended this be deferred for another week and to contact the Planning Board Chairman for his thoughts.

Tenant Registration:

Mayor Ganz felt they do not have a handle on whom the tenants were. He drafted a plan where they would have to submit their names. He suggested the plan be circulated and discussed next week. Manager/Municipal Clerk Kwasniewski stated it seemed to be a combination of the State statute. She wondered what kind of enforcement they would use. Mayor Ganz felt they could send a letter to every resident in the Borough advising them they have to register with the Municipal Clerk's office. He suggested that Attorney Lustgarten review it.

Junior Firefighter Program:

Manager/Municipal Clerk Kwasniewski stated at the last meeting there was a question of what benefits they would receive. After reading it, the policy did not specify the benefits. Mayor Ganz advised her to get the totals of the benefits and report back at the next meeting. Manager/Municipal Clerk Kwasniewski stated the other issue was LOSAP. Councilmember Caan wondered how Rescue handles their junior members. Manager/Municipal Clerk Kwasniewski stated that their program is not in our ordinance. Councilmember Caan thought they would count the two years instead of waiting the two-year period. He thought that Rescue should have it in writing. He also wondered if the LOSAP ordinance addresses the junior squad and if it does not they need to change the policy.

There was a consensus to prepare a policy to include the junior squads of the Fire Department and Rescue Squad.

No Standing in Front of Abbott Road Post Office:

Deputy Mayor Etler felt this was an ongoing problem of people parking in front of the mailboxes. He thought they should authorize a plan to paint a yellow box in front of the mailboxes. Manager/Municipal Clerk Kwasniewski stated she had spoken to Traffic Safety Officer Franco about this and he thought they cannot paint a yellow box on the street but recommended that the curb be painted yellow. Councilmember Caan wondered why they could not put up a fence. Councilmember McCarthy thought a yellow curb is good idea. Manager/Municipal Clerk Kwasniewski stated painting the curb would be an inexpensive way to try to alleviate the problem. Deputy Mayor Etler felt they should try the yellow curb to see if it helps.

Status 36-08 Lindsay Road:

Manager/Municipal Clerk Kwasniewski reported that tomorrow the Parks Department will go there and mow the grass and weed wack and in return the property owner will be billed. She reported that the property owner has applied to the Zoning Board and is working on their problem. She felt this was the best solution. The Borough can put a lien the property.

There was a unanimous consensus to authorize Manager/Municipal Clerk Kwasniewski to have the Parks Department mow and weed wack 36-08 Lindsay Road.

Mayor Ganz advised Manager/Municipal Clerk Kwasniewski to let the Zoning Board know of this situation. He also wanted to ask Attorney Lustgarten whether the Council can make the recommendation contingent upon the owner living up to this agreement.

Appointment of Public Agency Compliance Officer:

Manager/Municipal Clerk Kwasniewski stated that they did have George Brouca as the Public Agency Compliance Officer but he is now retired so she recommended Borough Engineer Ken Garrison. A resolution is required annually naming the Public Agency Compliance Officer. She would like to add the resolution for next week=s meeting. She also reported that the investigator was very pleased with the Borough=s compliance. Manager/Municipal Clerk Kwasniewski commended Cathy Tyls and Marilyn Bojanowski for doing a great job to be sure that the Borough was in compliance.

There was a unanimous consensus to authorize Manager/Municipal Clerk Kwasniewski to name Ken Garrison as the Public Agency Compliance Officer.

Amending Resolutions:

No. 217-2004 re: Disposal of Yard Waste: Manager/Municipal Clerk Kwasniewski stated that when the resolution was prepared it only referred to co-mingled grass. She would like to amend the resolution to include other forms of vegetive waste.

There was a unanimous consensus to amend Resolution No. 217-2004 to include everything on the proposal.

No. 73-2004 re: Consulting & Support Services with DMV/DRS Creative Services (formerly known as The Community Advocates): Manager/Municipal Clerk Kwasniewski reported that the Council did appoint The Community Advocates but in the meantime they changed their name. She advised that Attorney Lustgarten felt the name change should be done by resolution.

There was a unanimous consensus to amend Resolution No. 73-2004 amending the name from The Community Advocates to DMV/DRS Creative Services.

Change Order Recreation Lighting:

Manager/Municipal Clerk Kwasniewski stated that Engineering had requested a change order. The grant will cover the additional amount.

There was a unanimous consensus to authorize the change order.

Status of Construction Department Inspectors:

Manager/Municipal Clerk Kwasniewski reported she had found a part time electrical inspector which allows the other inspector to stay in the building to review the plans. They have reduced the backlog but are still a month behind. The Sub-code official is in the office more often and can answer the resident=s questions. The Plumbing Inspector is only five days behind. The CCO Inspector is still far behind. She had added more reviews each day. She advised the Council that there is someone working in Elmwood Park that would be interested in coming here. He would like to be full-time. He can help with the Property Maintenance, the CCO=s, and the Building permits. It would cost approximately \$55,000 plus benefits. The other problem she sees is the Clerical staff. They need a data entry clerk. In the budget she put in for a full-time person for the Building Department. She stated she would continue to look for part-time people but have found they are not interested in either part time or Saturday hours. Mayor Ganz stated it was essential to have someone on a weekend. He felt she should offer premium pay. Manager/Municipal Clerk Kwasniewski stated she had offered between \$30 and \$35 an hour but they felt they had enough work during the week and were not interested. Mayor Ganz advised that they need to raise the bar by offering \$40 an hour. Councilmember McCarthy felt that once summer was over they may find more people would be interested. Mayor Ganz advised Manager/Municipal Clerk Kwasniewski to come back with a proposal for a full-time person working on Saturday.

Councilmember McCarthy wondered if they agreed to this how long would it take to clear up the backlog. Manager/Municipal Clerk Kwasniewski stated the inspectors felt the backlog could be cleared up within two weeks. Mayor Ganz felt she needed to come up a plan.

Status of Field Lighting:

Manager/Municipal Clerk Kwasniewski reported that the Engineering Department advised her that they are waiting for MUSCO, the manufacturer, to replace three light bulbs that did not work when they did the initial testing of the lights. Once this has been corrected, they will need to schedule an official turn on.

Fence Request 13-69 Finn Terrace:

Manager/Municipal Clerk Kwasniewski stated that Saul Neidell, 13-69 Finn Terrace applied for a permit to replace his existing fence on Saddle River Road. He was not able to obtain a permit because the fence is on Borough property. When the fence was originally installed, it was on Mr. Neidell=s property. When Saddle River Road was widened, he lost four feet of his property so now the fence is on Borough property. Mayor Ganz explained that in the past the Council has granted permission to residents provided that the property owner enters into a fence agreement with the Borough. Manager/Municipal Clerk Kwasniewski stated she had DPW and Engineering check the area and they see no problem with it.

There was a unanimous consensus to allow Mr. Neidell to install a six-foot fence with the usual license agreement that Attorney Lustgarten will prepare.

Mayor Ganz asked that the license agreements be recorded with the County Clerk.

Labor Day at Memorial Pool:

Mayor Ganz reported that a suggestion was made to him to conclude the pool season making it free to everyone. He thought they should make it a festive event with a DJ. Deputy Mayor Etler saw no reason to spend money on a DJ. Councilmember Caan wondered how they would know where the people were from.

There was a unanimous consensus to have the pool free for Labor Day.

There was a unanimous consensus to get sponsors to fund the cost of hiring a DJ.

Councilmember McCarthy expressed concern that some people want quiet time while they are at the pool to read or just relax. He suggested that the DJ keep the music low. Manager/Municipal Clerk Kwasniewski stated she would find out if the DJ is available Sunday 1:00 p.m. to 5:00 p.m. or on Monday. Mayor Ganz advised that if the DJ cost \$500 they should proceed with it.

Police Explorer Program:

Manager/Municipal Clerk Kwasniewski said that the Police Department has a program that they want to start which is a natural procession from the Eagle Scout program. It is geared for 14 to 21 year olds. They would get training. They want to give the opportunity to the youth to build morale. The Boy Scouts would supply insurance. So far 15 officers have expressed interest in the program. They are looking at holding this program on Monday evenings. Mayor Ganz asked if it would be Borough sponsored. Manager/Municipal Clerk Kwasniewski stated it would. They do it here and they would get to visit the jail and the police academy. They plan on holding social events. She felt the worse case scenario would be the Police Officers getting a total of 300 comp hours. She had been assured that they would use the time and not bank it. Mayor Ganz suggested that Attorney Lustgarten give input to see if there are any releases needed. He felt it was a great program.

There was a unanimous consensus to authorize the program subject to Attorney Lustgarten=s review.

Southern Drive No Parking Request:

Manager/Municipal Clerk Kwasniewski stated this request came from Traffic Safety Officer Franco because a resident has asked for relief for no parking. Mayor Ganz stated this has to be done by petition. Taking a poll does not show that all of the neighbors agree.

Manager/Municipal Clerk Kwasniewski reported that Mr. Ring of 2 Aberdeen Place would like an overnight parking sticker since his neighbors were allowed to get them. She saw no problem with it since his neighbors were allowed.

There was a unanimous consensus to allow Mr. Ring to obtain an overnight parking permit.

Amir Fruits, 12-64 River Road:

Manager/Municipal Clerk Kwasniewski stated that the owner of Amir Fruits had requested permission to have sidewalk sale like B&B Deli has been doing and were denied. Mayor Ganz stated they cannot allow that one store owner is allowed and the other is not. He suggested that Manager/Municipal Clerk Kwasniewski contact Don Smartt from RRIC to find out if both businesses can be treated the same. If Council action is required she should come back to them. Deputy Mayor Etlar stated he did not remember granting them permission to have a sidewalk sale or did RRIC give them permission. Mayor Ganz asked that Manager/Municipal Clerk Kwasniewski go back in her notes to see when the Council approved this.

Football Association Capital Request:

Manager/Municipal Clerk Kwasniewski stated that during the budget process the Football Association advised the Council that they need a new roof and storage trailers. She said the CFO has found money in an old capital ordinance to fix the roof but they need \$16,000 for the trailers. Mayor Ganz felt they should put up a steel building instead of the trailers. Manager/Municipal Clerk Kwasniewski stated that is what they are looking at. She would like to add this to the Capital Budget. Mayor Ganz stated he was in favor of this

because the building is in need of repair. He suggested that CFO Eccleston put in a request with the Bergen Municipal Bank.

There was a unanimous consensus to authorize the purchase of a new steel building.

Chandler Drive:

Mayor Ganz reported that he had met with the County Engineer who contacted the Cosmos Club and they have agreed to share the ingress. All that remains is the taking of the property. He asked that Attorney Lustgarten follow up on this.

Abbott Road:

Councilmember Caan reported that looking down the street the sight line is blocked by the trees that were planted there. Mayor Ganz felt the bushes were not in the right of way. He advised Manager/Municipal Clerk Kwasniewski to ask the Zoning Board if it violates the Zoning ordinance.

Radburn as a National Historic Landmark:

Mayor Ganz stated he received notice that the Secretary of the Interior has been considering naming Radburn as a historic landmark. He felt the Council should pass a resolution supporting this move.

There was a unanimous consensus to put a resolution of support on the next week=s agenda.

Parking Area on Fair Lawn Avenue at Lucena:

Manager/Municipal Clerk Kwasniewski stated that Traffic Safety Officer Franco had come up with a way to keep visibility there so that Dr. Parker can have parking in front of his house. She stated that Traffic Safety Officer Franco can draw the map and they can take care of this administratively.

There was a unanimous consensus to authorize Traffic Safety Office Franco to devise a plan to allow for parking at Fair Lawn Avenue and Lucena Drive.

JIF:

Councilmember Caan stated that he was going through their proposal and wondered what the options were. Mayor Ganz suggested he call Steve Edwards to get more information. He advised him to ask for alternatives and to see if this parallels what they currently have. Manager/Municipal Clerk Kwasniewski stated she had received a renewal letter from JIF but did not know what the numbers were. Mayor Ganz asked that she get the numbers by the end of the month.

There was a unanimous consensus to have Manager/Municipal Clerk Kwasniewski obtain a response a JIF and to get a written proposal from them.

Radburn Lights:

Deputy Mayor Etler reported that a lot of street lights are out in the Radburn area. He spoke to the chief dispatcher from PSE&G who said they would work on it. Mayor Ganz suggested that Manager/Municipal Clerk Kwasniewski send the list of the lights that are out to Mayor Tedesco in Paramus.

Miscellaneous Public Comments:

Don Oliver, 8-32 Mitchell Place wondered whatever happened to the Mary Ann Collura memorial. Councilmember Caan informed him that the Police Department was working on it. They want to handle it themselves. Mayor Ganz stated that the Council had left it to the

Police Department. He advised that the Post Office in Radburn will be named in her honor this fall.

Mr. Oliver stated he understood that Detective Boone had stepped down from the Detective Bureau to Patrol. Manager/Municipal Clerk Kwasniewski stated it was a temporary assignment.

Howard Hyde, 13-07 Ellis Avenue, wondered what the cost is for the employees to attend the League Conference. Manager/Municipal Clerk Kwasniewski stated the room cost \$150 per night, \$40 for conference registration and funds for mileage tolls and meals. Mayor Ganz suggested that she get the figures for him.

Mr. Hyde felt that paint the curb yellow would not be a deterrent. He mentioned that the DOT needs to repave the tracks on Morlot Avenue. Mayor Ganz asked a letter be sent over his name to the DOT Commissioner to see if they have any plans to fix the tracks. He also stated that when he slows down going over the tracks people pass him on both sides. He felt there should be more Police enforcement there. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to pass this onto Chief Rose.

Suzanne DiGeronimo, 16 Beekman Place stated in regard to the Open Space question what parcels do this pertain to. Mayor Ganz said whatever parcel fits in with the requirements of the resolution. Ms. DiGeronimo stated she did not know of any other open space. Mayor Ganz stated he did not agree with that. Ms. DiGeronimo asked if he would identify the other locations before the November election. She suggested that our Open Space question should be binding like Paramus did so it would be dedicated to open space.

Stewart Golding, 14 Rutgers Terrace, had a copy of Paramus= resolution which he gave to Manager/Municipal Clerk Kwasniewski. Mayor Ganz asked that Attorney Lustgarten review it and report back to the Council in September.

Closed Session:

Upon motion by Councilmember McCarthy and seconded by Councilmember Caan the following closed session resolution was unanimously adopted at 9:45 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 Contract Negotiations; 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 and or the Mayor and Council and for Contract Negotiations at the conclusion of the negotiations but never as to legal strategy; and

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 Work Session at 9:55 p.m.

Adjournment:

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk