

WORK SESSION OF SEPTEMBER 21, 2004

Mayor Ganz called the meeting to order at 7:03 p.m.

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

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski, Attorney Lustgarten, CFO Eccleston and Chief Rose.

Review of Tentative Agenda 9/28/04:

Manager/Municipal Clerk Kwasniewski requested that two items be put on the Agenda, one for the trustees and the other was to approve minutes. Attorney Lustgarten stated he had a request from a teacher at Radburn School asking that the public comments section be earlier in the meeting so that the children can be present to ask the Mayor and Council questions. Mayor Ganz suggested that a special public comments section earlier on the agenda be added.

Closed Session:

Upon motion by Deputy Mayor Etler and seconded by Councilmember McCarthy the following closed session resolution was unanimously adopted at 7:08 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

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 appointment by the Borough Manager and or the Mayor and Council within 120 to 150 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 Work Session at 8:25 p.m.

Solar Energy:

Councilmember Caan introduced Scott Hunter from New Jersey's Clean Energy Program who explained their program which offers financial incentives and low-interest financing to governments and schools. This program allows local governments and schools to develop comprehensive energy efficiency and renewable energy generation projects and to save money each month through low-interest financing programs. Qualified projects include energy efficiency upgrades in combination with installation of a solar energy system or other form of distributed renewable energy.

There was a unanimous consensus to have Manager/Municipal Clerk Kwasniewski investigate this further and to let the Council decide later.

Fair Lawn Avenue & Chandler Drive Traffic Light:

Mayor Ganz advised that he had received communication from the Cosmos Club agreeing to deed land over to the Borough for \$1 in conjunction with the Borough agreeing to pay for widening their driveway. He felt their request was reasonable under the circumstances. Attorney Lustgarten felt they would need a cost analysis for widening the driveway. Mayor Ganz advised it would be a minor cost. Manager/Municipal Clerk Kwasniewski stated they could include this project in the paving contract since it would not be a significant amount.

Attorney Lustgarten reported that he had only two responses from the letters he had sent out. The owners have gotten copies of the site plan. Mayor Ganz asked that he let him know who the owners were that have not responded.

Parking Around High School During Construction:

Deputy Mayor Weinstein stated that there will be a lot of construction around the High School and he thought they should investigate what the parking arrangements will be. Mayor Ganz advised Manager/Municipal Clerk Kwasniewski to contact the Board of Education to see what arrangements they have made.

Manager/Municipal Clerk Kwasniewski stated that she and Superintendent of Parks & Recreation Frey met with Superintendent Watson and they are planning several things to take care of the parking. She stated that the High School contractors need to park by Center Rec and the project should take fourteen months. The second problem will be that parking for the students will be eliminated. They may want to use the corral for parking or make Burbank Street one-way. Mayor Ganz asked if the Board of Education know how many kids drive to school. He suggested that Chief Rose have one of his officers take a survey over the next week. Manager/Municipal Clerk Kwasniewski felt that now is not the problem in the spring is when they have more students driving. Mayor Ganz stated that because of the construction at the High School and on the new Community Center there will be a loss of parking. He asked that they quantify the number of spaces that will be lost. Attorney Lustgarten felt that they should ask John Cosgrove how many workers will be on the construction site.

Councilmember McCarthy voiced his concern about garbage from the contractors. Municipal Clerk stated that each contractor said they would have a program so that it does not become an issue. Councilmember McCarthy suggested a letter be sent to the contractors to preempt a problem. Mayor Ganz suggested that Manager/Municipal Clerk Kwasniewski speak to Superintendent Watson to make sure he knows that one of the Council's priorities is litter around the construction site. He asked that she report back to the Council in three weeks.

Parking Across from Recreation Center:

Manager/Municipal Clerk Kwasniewski stated she had met with residents who want parking put back on the south side of the street. Mayor Ganz asked that the Fire Chief and the Traffic Officer give an opinion. Manager/Municipal Clerk Kwasniewski stated she already had that information. That street is no different from any other street with the exceptions that there are no driveways for them to turn around in. Mayor Ganz suggested that they get a recommendation from the Fire Chief and Traffic Safety Officer in writing.

Campbell Road Property:

Manager/Municipal Clerk Kwasniewski stated she had gotten a new assessed value estimated at \$400,000 selling as is or subject to getting a variance. Attorney Lustgarten advised if they indicate a value as

suggested subject to either the Zoning Board or Planning Board approval. Mayor Ganz stated that the proceeds from selling these parcels would go into next year=s budget. Attorney Lustgarten advised they would need a letter stating that the land is not needed for public purposes, then they would need to do an ordinance to sell the land, the Council would have to set the conditions, they would have to set an amount, go out to bid and then the successful bidder would have to close within a few days, then their application would be up to either of the boards. Mayor Ganz thanked former Mayor Joseph Tedeschi for this suggestion to sell the property. He felt it was a prudent way to get income.

Deputy Mayor Etler stated this was brought up before and rejected. It is a critical position for the Borough since this is a patch of green. He is against it. Councilmember McCarthy stated he was leaning toward keeping this area green and not selling it. Councilmember Caan stated it was not something to be decided tonight. Deputy Mayor Weinstein felt it was a patch of green and they should never build on it. He felt there was too much building in that area already.

There was a unanimous consensus to take no action at this time.

Endorsements of CDBG Applications:

Manager/Municipal Clerk Kwasniewski stated she had received two requests for endorsing resolutions. One was for Care Plus NJ Inc. and the other is from Alliance Against Homelessness of Bergen County, Inc. These resolutions do not obligate the Borough=s money.

There was a unanimous consensus to approve the endorsing resolutions for the two applications.

CDBG Applications:

Manager/Municipal Clerk Kwasniewski stated they have applied for grants to replace the air conditioning at the Senior Center and for Roadway Improvements. Mayor Ganz asked if they had included the Senior Card Room at the new Community Center. Manager/Municipal Clerk Kwasniewski stated that the 501 corporation would have to apply. Mayor Ganz stated he did not want this opportunity to slip by and wants this grant to be applied for. Attorney Lustgarten advised that they could assist the 501 corporation in filling out the grant application and then do an endorsing resolution.

Update Kuiken Terrace:

Deputy Mayor Weinstein wondered what the status was since there does not seem to be any improvements around the house. Manager/Municipal Clerk Kwasniewski stated that Property Maintenance had issued a summons which got postponed in Court. The owner then filed a complaint that the Borough was harassing him which is now in the Courts hands. Mayor Ganz asked that an update be sent to the Council.

Miscellaneous Public Comments:

Charles Coviello, 9-02 Saddle River Road, stated that he works for Weichert Realtors and has run into problems with some of his clients getting Certificates of Occupancy before the closing. In some instances the homeowner's had to put in \$20,000 to fix the violations. The time frame has been in excess of thirty days. His office has found that this has been causing a lot of hardship for the sellers because of the amount of money they have to put in escrow. Mr. Coviello felt that something should be done to rectify the problem.

Attorney Lustgarten advised that he has only received one call since the inception of the CCO ordinance. He reminded Mr. Coviello that transfer of home ownership has gone from 300 to 500 closings a year. The escrow amount is determined between the buyer and seller. Mayor Ganz stated that Clifton is using a tiered

system. Attorney Lustgarten stated he would be opposed to that since it would not be equitable. He will give a legal opinion at the next Work Session.

Mr. Coviello stated that one of his customers had permits for everything except a shed and fence and were charged \$10,000 in escrow. Manager/Municipal Clerk Kwasniewski stated that people have come to her furious because they have to pay for things they did not do.

Mayor Ganz asked that Manager/Municipal Clerk Kwasniewski report back to the Council on how the escrow fees are set.

Mr. Coviello asked about getting the permit within thirty days. Manager/Municipal Clerk Kwasniewski suggested that the person selling the house start the process as soon as possible. Deputy Mayor Weinstein informed him that they can get a CCO anytime and they should come ahead of time.

Don Oliver, 8-32 Mitchell Place, wondered what the process was for endorsing CDBG grant applications. Mayor Ganz explained how the Council has to adopt endorsing resolutions so that the non profit organizations can apply for Community Development Funds from the County. Mr. Oliver asked how many safe houses were in Fair Lawn. Mayor Ganz informed him there were seven or eight. Mr. Oliver wondered what happened to the Triangles safe house. Deputy Mayor Weinstein stated that they needed approval from Fair Lawn to buy a piece of property but since their plan did not fit the residential area it never was approved.

Mr. Oliver stated that he now sees black and white police cars. Manager/Municipal Clerk Kwasniewski stated that Chief Rose would like to phase them in over the next couple of years. Chief Rose believes that this is what police cars should look like. Attorney Lustgarten stated that look is a traditional view of the police vehicles which causes immediate distinction.

Mr. Oliver wondered why during the Jewish holidays police vehicles were parked at the temples. Manager/Municipal Clerk Kwasniewski stated that the temple paid for the police officers to be there. After 9/11 they now want the police presence seen and they want their congregants to have a sense of security.

Minutes:

Mayor Ganz felt that having the Closed Session minutes made public before an issue was resolved was not a good idea. Manager/Municipal Clerk Kwasniewski stated portions of the minutes can be redacted.

Parmelee Avenue Traffic Light:

Mayor Ganz felt that Traffic Safety Officer Franco should do a study for a signalized traffic light at Parmelee and Fair Lawn Avenue. After that they can pass the study onto the County.

There was a unanimous consensus to have the study done and passed on to the County for their review.

Motorized Floats for the Veteran's Marching in the Parade:

Mayor Ganz requested that the Veteran's have motorized floats for the parade so they do not have to walk the route.

Update on Monument for Mary Ann Collura:

Mayor Ganz stated he knew that a plaque had been placed at Van Riper's Church and asked

Manager/Municipal Clerk Kwasniewski to find out how much the actual memorial will cost so that they can put this in the budget.

PSE&G:

Manager/Municipal Clerk Kwasniewski stated that she had e-mailed Mayor Tedesco with a list of street lights that are out. There were lights on River Road that were repaired. Mayor Ganz stated that the Borough of Fair Lawn owes a debt of gratitude to Mayor Tedesco for helping out getting through the red tape at PSE&G and for getting things done quickly. He still has a proclamation for Mayor Tedesco that will be given to him at a later time.

Grants:

Mayor Ganz wanted to make sure the Borough was on top of applying for grants. Manager/Municipal Clerk Kwasniewski stated the Borough has applied for each category. She will forward copies to the Council. Assemblyman Gordon sent letters on behalf of the Borough for the domestic preparedness.

Retirement Lunch:

Manager/Municipal Clerk Kwasniewski stated that the Council usually funds a luncheon for the retirees. She is looking at holding the luncheon on December 17, 2004. Mayor Ganz stated it was nice to reward them for the faithful service to the Borough.

There was a unanimous consensus to authorize the retirement luncheon.

Closed Session:

Upon motion by Deputy Mayor Etlar and seconded by Councilmember McCarthy the following closed session resolution was unanimously adopted at 10:01 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 when formal action by the Manager has been finalized estimated time is three to six months by formal statement except for legal strategy on Contract Negotiations when there is a consummation by formal resolution of the Council with the PBA and SOA contracts estimated time three to six months and by formal resolution of the Council, except for negotiating strategy which will not be disclosed; 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 Work Session at 11:16 p.m.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the meeting was adjourned at 11:16 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk