

Work Session - January 21, 2003

Mayor Ganz called the meeting to order at 7:35 p.m.

Assistant Municipal Clerk Bojanowski read the statement of compliance with the Open Public Meetings Act.

PRESENT: Mayor Ganz, Deputy Mayor Etler and Deputy Mayor Weinstein, Councilmember Amato and Councilmember Caan.

Also present: Acting Manager / Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

Review of Tentative Agenda:

Attorney Lustgarten requested that the introduction of the street vacation ordinance be deferred until February 4, 2003.

Presentation - Prescription Plan - Borough Residents:

Councilmember Caan researched a new program that would provide a discount to residents. Mayor Ganz suggested a subcommittee be formed of Councilmember Caan and Deputy Mayor Weinstein to report to the Council in three weeks.

Request for Street Vacation 3-44 Hartley Place:

Acting Manager / Municipal Clerk Kwasniewski stated she sent letters to four people and has heard from only one resident who is not interested in having the easement lifted. Attorney Lustgarten advised that one side of the street could be done. He requested the engineering costs be determined. Acting Manager / Municipal Clerk Kwasniewski is to contact the engineering firm and get back to the Council at the next meeting.

Status Report - Left-hand Turn at Fair Lawn Avenue and Saddle River Road:

Acting Manager / Municipal Clerk Kwasniewski stated it is in the County's hands. Mayor Ganz asked Councilmember Caan to follow up with the County.

Escrow Fees - Ordinance Change:

Mayor Ganz stated he had received notification from the Planning Board suggesting the ordinance be changed to allow escrow fees up to a maximum of \$10,000 on commercial applications.

There was a unanimous consensus to have Attorney Lustgarten draft an ordinance to raise the escrow fees.

Business District Block Watch Program:

Deputy Mayor Weinstein stated that due to incidents that happened in Bergen County many tips have come in for the business district block watch. He would like to meet with Acting Manager / Municipal Clerk Kwasniewski and Chief Marshall to expand on these ideas. Mayor Ganz asked Acting Manager / Municipal Clerk Kwasniewski to arrange for the meeting.

Removal of Bus Stop From in Front of Nabisco:

Deputy Mayor Etler stated he had received a letter from the people using the bus stop who want it to be moved closer to Maple Avenue. New Jersey Transit said they would do it. Acting Manager / Municipal Clerk Kwasniewski stated she had spoken to Traffic Safety Officer Franco who looked at it and advised her that none of the bus stops have been approved by the Department of Transportation because most of them do not meet their guidelines. Traffic Safety Officer Franco advised that he would not approve any of them because if he did the Borough will have to accept liability. Mayor Ganz wondered if the Council had authority to place a bus stop on a highway. Attorney Lustgarten advised not without approval from the Department of Transportation. He stated that New Jersey Transit was waiting for approval from the Council to move the bus stop. Mayor Ganz suggested asking them in writing for the site survey.

There was a unanimous consensus to contact the Department of Transportation to get the site survey.

Request for Temporary Parking Permit - Municipal Parking Lot B:

Acting Manager / Municipal Clerk Kwasniewski stated that a young man came in requesting permission to park in the municipal parking lot because he was home from school and there was no room in his driveway. Attorney Lustgarten suggested doing away with the driveway restriction in the Borough code so that this individual will be allowed to park in the municipal lot.

There was a unanimous consensus to draft an ordinance deleting the driveway restriction.

Miscellaneous Public Comments;

Mike O'Shea, 15-01 Berdan Avenue, felt the restriction on Orchard Street should only be when school is in session because it eliminates parking during the summer and on holidays. He does not know why this restriction started because the residents asked for no parking between 8 a.m. and 2 p.m. due to the litter problem.

Wendy Dabney, 13-05 Ivy Lane, Chairperson of the Environmental Commission spoke about the proposed sale of Well Drive wetlands. She read a letter about the concerns of the Environmental Commission. She stated that wetland's usage is strictly regulated by the NJDEP. The Freshwater Wetlands Protection Act limits activities in wetlands and transition areas, requiring either a Statewide General Permit or Individual Permits. Ms. Dabney explained that residents purchasing these lots would face restrictions on their use. She stated in addition, this spring the NJDEP will be instituting stringent guidelines for municipalities regarding storm water management and non-source point pollution, making wetlands protection important for all municipalities. Ms. Dabney stated that when these houses were built on Well Drive the importance of the wetlands to the ecosystem was misunderstood. It is only now that they realize that wetlands improve water quality and quantity. She felt if these parcels were treated as parts of the owners original lot, impervious coverage limits could increase, allowing additional construction to existing homes and further impacting the areas drainage problems. Ms. Dabney stated the Environmental Commission strongly advised that the Council deliberate further and take stock in all of Fair Lawn's wetland resources. She felt a Stormwater Management Plan should be developed and implemented to resolve the existing problems and protect the Borough from future ones.

Mayor Ganz thanked her for her opinion and asked Acting Manager / Municipal Clerk Kwasniewski to check with the DEP and get back to the Council in two weeks.

Jose Palicas, 12-33 Orchard Street expressed his concerns about the parking restrictions. He felt it should be between 8 a.m. and 2 p.m. while school is in session.

Orchard Street Parking:

Acting Manager / Municipal Clerk Kwasniewski stated that the Council removed the sunset clause so that the ordinance stayed in place while they took another look at it. She felt the restrictions were working but the residents are not happy with it. Acting Manager / Municipal Clerk Kwasniewski stated that with alternate side of the street parking it has been easier to navigate the streets. The Police staff felt it should be left as is. Acting Manager / Municipal Clerk Kwasniewski stated from what she saw the noise and littering problems have improved but felt the crunch time would come in the spring when more students get their licenses and start driving. Attorney Lustgarten stated there was a draft of an ordinance with the restriction for only while school is in session. Technically the Police could not tell when school was in session. He wondered if they want to ease the restriction for the month of August. Mayor Ganz felt the restriction should be lifted from July through September since there is no problem during the summer. Mayor Ganz also felt the residents should be allowed to park on the street on holidays. Attorney Lustgarten advised the ordinance would have to reflect the dates the parking restrictions would be lifted.

Steve Rickett, 14-13 Berdan Avenue, stated all the residents wanted was the 8 a.m. to 2 p.m. restrictions while school was in session. He felt this solved the problem but did not think alternate side of the street restrictions are fair. Attorney Lustgarten wondered if the Council amended the Ordinance for restrictions from 8 a.m. to 2 p.m. while school is in session would he be coming back to the Council to complain. Mr. Rickett said his biggest problem was with the lunch littering.

Todd Newman, 10-07 Essex Place, felt that residents should be exempt. Mayor Ganz informed him that was not possible.

Councilmember Caan felt that alternate side of the street parking should stay and that the 8 a.m. to 2 p.m. restrictions should stay all year. Attorney Lustgarten advised this was a policy call more than a legal issue. Deputy Mayor Weinstein felt the summer and holidays have less traffic which means less littering. He suggested exempting weekends, holidays and June 21 through Labor Day.

Mike O'Shea felt there would be a problem with the signs because it would become a large sign and would be worse than New York City.

Mayor Ganz suggested they contact the PTA to see if they have any views. Acting Manager / Municipal Clerk Kwasniewski stated she had received a letter from Joan Hughes, Corresponding Secretary to the Fair Lawn High School PTA in response to correspondence she sent her about the Orchard Street parking. Ms. Hughes informed her the PTA would be meeting again in February and they will address the issue further. The letter Ms. Hughes submitted stated they had received her correspondence regarding deleting the sunset clause in the ordinance regarding Orchard Street. They were aware that this had made the parking restriction permanent. They know that the students have been following these restrictions during the hours of 8:00 a.m. and 2:00 p.m. She wrote that they were aware that these restrictions were not always being adhered to during the evening and on weekends. Ms. Hughes wrote that they will continue to try to make the students and parents aware of these restrictions. She asked that the Mayor and Council do all in their power to make sure that the parking restrictions are enforced equally and that those parking illegally when school is not in session are also ticketed.

There was a unanimous consensus to await a response from the PTA of their position and to amend the ordinance to exempt holidays, Saturdays, Sundays and June 21 through Labor Day with Councilmember Caan dissenting until they received the PTA's response.

Construction Debris Removal:

Acting Manager / Municipal Clerk Kwasniewski felt the barrel idea might be a problem and thought they should go by car load limit. She thought this would work well. They were trying for March 1 and will advertise

on Channel 77. Mayor Ganz commended Deputy Mayor Etler for looking into this.

There was a unanimous consensus to defer taking action on this until the budget discussions have taken place.

Schedule Dates:

Fireworks: Acting Manager / Municipal Clerk Kwasniewski stated the fireworks are scheduled for July 2 with a raindate of July 3. Councilmember Caan advised there would be a conflict for the Mayor because of a Freeholder meeting on July 2.

There was a unanimous consensus to invite the Freeholders to have their meeting here in Fair Lawn and to attend the fireworks. Mayor Ganz asked that the Clerk write to the Freeholder Clerk, Valerie Coniglio about that meeting.

Pool Opening: defer discussion to the budget meeting.

Budget Meetings: the following meeting dates were agreed upon, Saturday, February 1 at 8:30 a.m., February 4 at 6:00 p.m., February 8 at 9:00 a.m., and February 11 at 6:00 p.m.

Bar Association Mock Trial - Use of Borough Equipment:

Deputy Mayor Etler stated it had come to his attention that Creative Cable was dissociated with the Borough but they have been scheduled to video tape the mock trial and felt they should not be allowed to use our equipment. Acting Manager / Municipal Clerk Kwasniewski stated they are certified as operators from Cablevision. The Bar Association may be paying Creative Cable to record their trial. Attorney Lustgarten stated this was a request from the Bar Association and there was no question of who is running the equipment. Councilmember Caan wondered if there was a fee involved. Mayor Ganz asked that Acting Manager / Municipal Clerk Kwasniewski find out if there is a fee involved. Acting Manager / Municipal Clerk Kwasniewski stated the Judge asked for Fair Lawn TV to do live feed with Creative Cable doing the shooting. Mayor Ganz advised determining if there are fees involved.

There was a consensus, with Deputy Mayor Etler dissenting, to ask for additional information from the Bar Association and if there is no fee involved it is subject to Fair Lawn TV doing the live feed.

Special Meeting:

Upon motion of Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned to a Special Meeting at 9:04 p.m.

Mayor Ganz reconvened the Work Session at 9:05 p.m.

Lamring Road:

Mayor Ganz stated he had received a request from a resident about Lamring Dairy. The application is going before the Planning Board or Zoning Board. He suggested the Public Advocate participate. He asked that the appropriate Public Advocate be notified.

Budget:

Mayor Ganz stated the Auditor will be reviewing the Budget.

There was a unanimous consensus to authorize up to 50 hours at the applicable rate to have the budget reviewed by February 1, 2003.

Fire Department Floor:

Councilmember Caan stated he did not see the Fire Department floor in this year=s budget. Acting Manager / Municipal Clerk Kwasniewski will find out from CFO Eccleston.

Grants:

Mayor Ganz read a letter from Senator Coniglio=s office advising that Fair Lawn has been awarded a \$100,000 local domestic preparedness grant. He also read another letter from Susan Bass Levin, the Commissioner, which advised that the Borough of Fair Lawn will be receiving a grant of \$7,300 for the recreation for individuals with disabilities program which will provide a six-week summer camp program for thirty-four children with disabilities. Mayor Ganz felt they were doing well in the grant department. He asked that thank you notes on behalf of the Mayor and Council be sent to Senator Coniglio, Assemblyman Ahearn and Assemblywoman Heck.

Closed Session:

Upon motion of Councilmember Caan and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 9:15 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 Labor Negotiations; and

WHEREAS, these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS, public disclosure of which to be in the time frame previously set forth on the record;

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.

Adjournment:

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF JANUARY 21, 2003

Mayor Ganz reconvened the meeting at 9:04 p.m.

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

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

RESOLUTIONS BY CONSENT #4-2003

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Consent Agenda #4-2003 containing the following item was unanimously adopted.

a. Resol. #52-2003 - Professional Services: Engineering & Licensing Surveying

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned to the Work Session at 9:05 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk