

Council

Meeting Minutes - April 1, 2003

SPECIAL MEETING OF APRIL 1, 2003

Deputy Mayor Etlar called the meeting to order at 9:02 p.m.

PRESENT: Deputy Mayor Etlar and Deputy Mayor Weinstein, Councilmember Caan.

Absent: Mayor Ganz and Councilmember Amato.

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

ORDINANCES: FIRST READING

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 1946-2003

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232 ENTITLED AVEHICLES AND TRAFFIC@, MORE SPECIFICALLY SUBSECTION 232-9 ENTITLED APARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS@, 232-11 ENTITLED APARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS AND SUBSECTION 232-13 ENTITLED APARKING TIME LIMITED ON CERTAIN STREETS@

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 131-2003 introducing Ordinance No. 1946-2003 was discussed.

Acting Manager/Municipal Clerk Kwasniewski stated this ordinance included some housekeeping items for section 232-13. She explained that this ordinance does not talk about July, August and holiday exemptions. The next ordinance deals with the summer and holidays. She informed them that the alternate side of the street parking will stay in effect.

There being no further discussion, Resolution No. 131-2003 introducing Ordinance No. 1946-2003 was unanimously passed.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 1947-2003 (Resolution No. 131A-2003)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232 ENTITLED AVEHICLES AND TRAFFIC@, MORE SPECIFICALLY SUBSECTION 232-11 ENTITLED APARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS@ AND TO AMEND ORDINANCE NO. 1946-2003

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, Resolution No. 131A-2003 introducing Ordinance No. 1947-2003 was discussed.

Councilmember Caan stated he would vote on this only on introduction because of the doubts he has.

There being no further discussion, Resolution No. 131A-2003 introducing Ordinance No. 1947-2003 was unanimously passed.

RESOLUTIONS BY CONSENT NO. 12-2003

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Consent Agenda #12-2003 containing the following items was unanimously adopted.

a) Resol. #132-2003 Professional Services - Architectural Services

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the meeting was adjourned to the Work Session at 9:12 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION APRIL 1, 2003

Deputy Mayor Etlar called the meeting to order at 7:36 p.m.. Assistant Municipal Clerk Bojanowski read the statement of compliance with the Open Public Meetings Act.

PRESENT: Deputy Mayor Etlar and Deputy Mayor Weinstein, Councilmember Caan.

Absent: Mayor Ganz and Councilmember Amato.

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

Review of Tentative Agenda 4/8/03:

Acting Manager/Municipal Clerk Kwasniewski stated she would like to add the resolution authorizing Midland Park's Summer Recreation program to use Walsh Pool.

Presentation by Passaic County Engineering Dept. re Fair Lawn Avenue Bridge:

Myron Timinsky, of Parsons Transportation Group presented several different versions of how they would repair or replace the Fair Lawn Avenue Bridge. Sajib Iqbal of Parsons Transportation Group stated the bridge as it stands is in poor condition and is substandard. He described the following alternatives, Alternative 1: No Build, Alternative 2A: Major Rehabilitation, Alternative 2B-1: Minor Rehabilitation (maintain existing two-way traffic pattern), Alternate 2B-2: Minor Rehabilitation (maintain one lane one-way westbound only), Alternative 3A: Replace the existing bridge with a new structure in approximately

the same location as the existing structure, Alternate 4A: Construct a new bridge for the westbound traffic and rehabilitate the existing bridge for the eastbound traffic, and Alternate 4B: Construct a new bridge for the eastbound traffic and rehabilitate the existing bridge for the westbound traffic. Mr. Timinsky explained the different alternatives and the reasons why they are favorable or defective.

Deputy Mayor Etler stated his concern was the traffic that will be created when the Home Depot is built across the bridge in Paterson. He wondered if they were aware of the traffic study that the Paterson Planning Board required. Mr. Iqbal stated he saw the plan and most of the traffic will be passerby=s. He spoke about the peak travel times on the highway and how the Home Depot will not be affecting the volume at the peak times. Deputy Mayor Etler said he had major concerns about the volume of traffic traveling Fair Lawn Avenue to get to the Home Depot. He wondered if Passaic County would be restricting the weight limits on the bridge. Aura Mayer, Principal Engineer from the County of Passaic was present and stated they could not restrict the weight limit. Councilmember Caan wondered after the bridge is built what type of traffic do they foresee. Mr. Timinsky stated the same type the Morlot Avenue bridge carried which was trucks and cars. He felt the bridge would help traffic on both sides. He informed them that the money used to repair or refurbish the bridge would be federal money and they would have to adhere to their guidelines. Deputy Mayor Weinstein wondered what the life span would be if it were just refurbished. Mr. Timinsky informed him it would only last fifteen years. He said the substructure goes back one hundred years. The quality of the concrete is bad and cannot be reinforced. Deputy Mayor Weinstein felt their objective was to build a super highway in a local neighborhood. which was not good. Attorney Lustgarten wondered what the time frame would be. Mr. Timinsky advised him it would take about one and a half years to complete the project.

Councilmember Caan asked for a copy of the traffic study from Passaic County. Attorney Lustgarten advised that the amount of traffic is a major concern for Fair Lawn. He wondered if they thought about traffic backing up Fair Lawn Avenue which will be a safety issue. Councilmember Caan felt it would generate more truck traffic. Attorney Lustgarten stated that these plans do not meet the needs of Fair Lawn residents. He felt the residents were not being considered.

Don Oliver, 8-32 Mitchell Place stated the Home Depot will be built and wanted to know if there was a way to work with the County to change the weight limit on Fair Lawn Avenue. Mr. Oliver felt the Home Depot was the issue because it will draw traffic from Paramus.

Mr. Timinsky stated they were there looking for guidance from this Council. Deputy Mayor Etler stated they will talk to the Councilmembers that were not present tonight. Mr. Timinsky stated they had received an endorsement from Bergen County for total replacement of the bridge.

Well Drive:

Acting Manager/Municipal Clerk Kwasniewski explained that she and the Borough Engineer had meet with the subcommittee and came up with another alignment of the lots that will allow access to other lots and it will not be landlocked. Tax Assessor McCullum has recalculated them and the prices have come down. She stated she will contact the six other people to see if they are interested in the smaller parcels. Borough Engineer Garrison was present and explained the money that was budgeted for the survey and stakeouts. Acting Manager/ Municipal Clerk Kwasniewski recommended giving them two weeks, writing to the residents and selling what they can. She felt a lot hinged on how quickly the surveyor responds. Borough Engineer Garrison stated that in the future the Borough would still be able to sell the other lots. Deputy Mayor Etler commended Acting Manager/Municipal Clerk Kwasniewski for doing a great job.

Real Estate Broker for Sale of Arts Center:

Deputy Mayor Etlar stated it was the Council's intention to hire a real estate broker to sell the Arts Center. The commission would go up to a maximum of 4% and would be added into the sale price. Acting Manager/Municipal Clerk Kwasniewski stated they would need to find a commercial real estate broker. Deputy Mayor Weinstein wondered if whoever purchases the property understands the River Road plan. Attorney Lustgarten advised that a resolution would have to be prepared. He stated that the deeds were found and there are no restrictions. They would need to get a value from an appraiser. They would need an ordinance to sell the property as soon as the Council decides on what the starting price will be. Attorney Lustgarten suggested discussing it at a Closed Session later that evening. He advised that the auction should be four to five weeks from now.

Request to Use Walsh Pool by Elmwood Park and Saddle Brook:

Acting Manager/Municipal Clerk Kwasniewski advised that Elmwood Park and Saddle Brook have asked to use Walsh Pool doing it the same as last year.

There was a unanimous consensus to allow both municipalities the use of Walsh Pool.

Request for License Agreements:

Deputy Mayor Etlar stated he had visited both 5-03 Dewey Place and 5 Allen Place. He said he would approve this as long as they signed agreements with the Borough. Councilmember Caan and Deputy Mayor Weinstein agreed. Attorney Lustgarten stated he would need more detailed dimensions on both of them.

Professional Services Architect for Senior Center Improvements and Municipal Building Renovations:

Deputy Mayor Etlar stated that Mayor Ganz wanted this item pulled so that the Council can obtain more information on it. Acting Manager/Municipal Clerk Kwasniewski explained that it was for the architect for the Senior Center and the Municipal Building. She will make copies of the proposal and distribute them to the Mayor and Council.

AHand of Friendship Day@ Outdoor Fair (Knights of Pythias):

Acting Manager/Municipal Clerk Kwasniewski stated this fair takes place every year. They invite two thousand people and they use the Memorial Pool area. She stated they have never had a problem with them. Councilmember Caan stated as a member he would approve their request.

Request to Rent Field by Glen Rock:

Acting Manager/Municipal Clerk Kwasniewski stated the request from Glen Rock was for one of their associations to use of one of our fields on Wednesdays and Fridays for the four year-olds to play soccer. She further stated that she would request a \$500 maintenance bond. Attorney Lustgarten advised that the Borough of Fair Lawn needs indemnification from Glen Rock.

There was a unanimous consensus to allow them the use of a field. Acting Manager/Municipal Clerk Kwasniewski will work with Manager Kendall of Glen Rock and have the Attorney prepare an interlocal agreement.

Cablevision Survey:

Deputy Mayor Etler stated that the Cable Television Committee was trying to get a survey sent out by Cablevision who has been stalling. Violet Etler contacted the Shopper to see what the cost would be for an ad to be put in for the survey. The cost would be \$623.92. The problem is that Cablevision has the obligation to do the survey. Attorney Lustgarten stated he was going to send Cablevision a letter informing them that until the Council hears from them regarding the survey the Council will not consider their renewal. Acting Manager/Municipal Clerk Kwasniewski informed the Council of the statutory deadline for the hearing.

There was a unanimous consensus to leave the notice as it is and to adjourn the date of the meeting.

Miscellaneous Public Comment:

Don Oliver, 8-32 Mitchell Place, stated he was surprised to hear that the Borough would be considering renting fields to Glen Rock because the fields are a mess and they should be pulled and not used. Dobrow Field needs to be seeded and given a chance to grow. Attorney Lustgarten advised that he made a good point and brought to their attention the wear and tear that five year old will bring. Mr. Oliver wondered why they can't play in Glen Rock. Deputy Mayor Etler felt that Acting Manager/Municipal Clerk Kwasniewski should have someone check on the condition of the field and check with Glen Rock why they need our fields.

Mr. Oliver wondered if the next meeting would be live on television because it seemed to him that the Council was trying to hide something. He felt more people see it when it is live from Borough Hall. Attorney Lustgarten advised that the residents see the meeting fifteen minutes after it ended. Mr. Oliver suggested that when the budget is presented it should be at a meeting at Borough Hall that is being broadcast to the residents.

Special Meeting:

Upon motion of Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned to a Special Meeting at 9:02 p.m.

Deputy Mayor Etler reconvened the Work Session at 9:12 p.m.

Closed Session:

Upon motion of Councilmember Caan and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 9:14 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 with respect to Personnel within thirty to ninety days of appointment.

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 Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

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Questions or comments may be directed to the Web Master, Ron Lottermann
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