

Council

Meeting Minutes - April 14, 2003

WORK SESSION APRIL 14, 2003

Mayor Ganz called the meeting to order at 6:15 p.m..

PRESENT: Mayor Ganz, Deputy Mayors Etlar and Weinstein (late), and Councilmember Caan.

ABSENT: Councilmember Amato.

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

Review of Tentative Agenda 4/22/03:

Acting Manager / Municipal Clerk Kwasniewski stated she was going to add two proclamations to the agenda for the April 22 meeting. Mayor Ganz announced the appointment of Allan Neggia as Class II Planning Board member.

Presentation by James R. Croucher:

James Croucher was present along with Paul Pospich and William Schmidlin from the New Jersey Department of Transportation. Mr. Pospich explained that Mr. Croucher had contacted the DOT asking for beautification of the Fair Lawn Avenue and Route 208 interchange. Mr. Croucher showed him how he had taken care of the area. Mr. Pospich stated he had met with the Joseph Maslo and Walter Neil to discuss what could be done. Mayor Ganz asked for an explanation of their program. Mr. Schmidlin explained that their program was called the Good Neighbor Landscape Program. They looked at the area and saw how well it was maintained. Their program looks at ways to beautify the area with the communities help. Mayor Ganz asked if they needed action from the Council. Mr. Schmidlin stated they were there for informational purposes only. Attorney Lustgarten felt there should be some type of acknowledgment of their work. Mr. Croucher explained in detail what had been done with the area and with the walkway.

Mr. Pospich spoke about the Park & Ride parking lot. He felt that the Borough should send a letter to the Department of Transportation to get the lot paved.

Deputy Mayor Weinstein arrived at 6:31 p.m.

There was a unanimous consensus to send a letter to the New Jersey Department of Transportation to have the Park & Ride parking lot paved. Mayor Ganz advised that the letter should be sent to the Governor, the Commissioner of Transportation, Senator Congilio and Assemblyman Ahearn and Assemblywoman Heck.

A general discussion followed regarding the paving of the lot, the types of landscaping that could be placed there in regard to the amount of space available. Attorney Lustgarten questioned who would do the maintenance. Mr. Pospich stated it was the State's property but they are encouraging community participation. This year he has made the area very showy with wild flowers and tulips will be planted in October. Attorney Lustgarten questioned whether the Garden Club would have a right to go on the

property. Councilman Caan felt they should also look at the Morlot Avenue exit from Route 208. Mr. Pospich stated he would look at it and put it on the list.

Mr. Croucher stated if the State works on the Park & Ride lot, the Historic Preservation would erect a plaque for the Lowe Farm.

Sale of the Arts Center:

Mayor Ganz stated that at last week's meeting they discussed the starting price for the sale of the Arts Center. Deputy Mayor Weinstein felt it was averaging around \$650,000 but was willing to lower the price to between \$600,000 and \$625,000. Councilman Caan felt \$600,000 was reasonable.

There was a unanimous consensus to set the starting price at \$600,000.

Mayor Ganz asked that CFO Eccleston be informed and to find out what forms will be needed. Attorney Lustgarten felt security would be needed and a Police Officer should be present.

Mayor Ganz requested that the Municipal Clerk should notify all the brokers in town and the surrounding areas with a cover letter either from the Mayor and Council or the Acting Manager inviting them and their clients to participate in this auction.

Report of Subcommittee re New Recreation / Cultural Arts Center:

Deputy Mayor Etlar stated they had met with the Board of Education who felt they needed ten to twelve thousand square feet of office space. Deputy Mayor Weinstein suggested they meet with the architect. He felt the space could be shared. Deputy Mayor Etlar stated that Acting Manager / Municipal Clerk Kwasniewski met with the various groups and put together their wish list. Acting Manager / Municipal Clerk Kwasniewski stated that the Architect, Allen Weitzman, met with the Art Association and the Radio Club and received their wish list and expanded on their ideas. The Radio Club has asked for two rooms and the Architect suggested putting their antennas in the woods. The theater group was unfocused. Attorney Lustgarten wondered if these groups were given a time line because he would not want one group slowing the process down. Mayor Ganz felt it was important for the groups to share the space.

Request to Use Walsh Pool by Prospect Park:

Acting Manager/Municipal Clerk Kwasniewski stated that last year the Council allowed Prospect Park residents the use of Walsh Pool. She proposed that the same conditions be applied.

There was a unanimous consensus to authorize the Borough of Prospect Park's residents the use of Walsh Pool as this will bring income into the Borough of Fair Lawn.

Report on Construction Debris Collection:

Acting Manager/Municipal Clerk Kwasniewski stated she had received the report from Recycling Coordinator Lottermann which stated they had turned away six people on Sunday. Fourteen tickets have been sold. Mayor Ganz asked when the next construction debris would be picked up. Deputy Mayor Etlar informed him it would be on May 1. Mayor Ganz stated it should be posted on the Website and Channel 77.

Professional Services Engineering for Installation of Diving Board:

Acting Manager/Municipal Clerk Kwasniewski stated they had talked about this last week. She had inquired if the company selling the diving board would make the inspection and they will not. Mayor Ganz advised that the fee for the professional engineer was reasonable and they should authorize the professional services agreement at the special meeting later that evening.

Sidewalk Café Streamline Process:

Mayor Ganz stated it has come to their attention about a problem getting sidewalk cafes approved. Acting Manager/Municipal Clerk Kwasniewski stated she had spoken to the Construction Code Official who informed her it was a simple process. Mayor Ganz stated he was told that the business would have to pay a \$2,200 fee to the Planning Board. He felt he would like to see cafes around town and would like to expedite the process. Acting Manager/Municipal Clerk Kwasniewski suggested removing the step that requires getting site plan approval. Attorney Lustgarten suggested for existing food establishments they should set up a plan that would by pass the Planning Board and pay a modest fee. He felt that it could be done administratively. Mayor Ganz explained that the requirement is a five foot set back from the street which would have to be unobstructed. Attorney Lustgarten explained the ways he felt it could be abused such as the placement of the tables, the sidewalk would be obstructed, people would be forced to walk in the street and there would be more trash. Mayor Ganz felt that for small businesses paying \$2,200 is a lot of money. Attorney Lustgarten advised they should draft an ordinance streamlining the process.

There was a unanimous consensus to introduce an ordinance allowing sidewalk cafes at the next meeting.

Bond Ordinance Projects:

Acting Manager/Municipal Clerk Kwasniewski stated she had Chief Financial Officer Eccleston prepare a list of projects. She also read a list from Superintendent of Recreation Frey of the items he felt should be fast tracked. Mayor Ganz suggested following Acting Manager/Municipal Clerk Kwasniewski=s recommendations to do the Recreation items and the trees. He felt they should wait to see what happens with the Arts Center.

There was a unanimous consensus to proceed with all the projects as listed.

River Clean Up:

Deputy Mayor Etlar stated the people from the River Keepers were working to plant trees along the Passaic River on Wagaraw Road. He informed them they would be present for the next two weeks cleaning up the area . He felt that people were taking pride in their town.

Light at Chandler Drive:

Mayor Ganz informed the Council that this project was an unfunded mandate and is in the Department of Planning in the County. It will not be in this years cycle. He will press for it next year.

Morlot Avenue Bridge:

Mayor Ganz stated he had received an inquiry about the Morlot Avenue Bridge. The bridge has lead based paint and for it to be painted it would have to be covered and vacuumed and cost between \$600,000 to \$1,000,000. He did not think it was prudent while work was being done on the Fair Lawn Avenue bridge to put this bridge out of service.

Areas of Redevelopment:

Mayor Ganz stated he has gotten acquainted with various parts of town that are not developed to their potential. He wondered what the next step the Council would have to take to designate an area of redevelopment. Attorney Lustgarten advised there is a statutory scheme to identify the property and that it has to meet the criteria. He will research the statute and circulate it to the Council. Mayor Ganz felt it was a good idea so that the Council could talk about it and also talk to River Road Improvement District and the Business Leadership committee. Attorney Lustgarten will draft it in a summary form.

Commerce Bank:

Mayor Ganz stated that he wanted to inform the Council that the Zoning Board has been sued by Columbia Bank for allowing Commerce Bank to build on River Road.

Crosswalks:

Councilman Caan wondered if there was any word heard on the crosswalks. Acting Manager/Municipal Clerk Kwasniewski thought he was following up on it with the County. Mayor Ganz advised Councilman Caan to check with the County Engineer.

Yield Signs:

Deputy Mayor Etlar felt the yield signs have been battered around and are a hindrance to the motorists. Attorney Lustgarten stated that he agreed 100%. Deputy Mayor Weinstein disagreed and felt they should continue using them.

Mayor Ganz stated that he had attended the Mayor=s Conference in Atlantic City. One vendor had a portable speed sign. They claimed that it slowed the speed down by 10 mph. He asked that Acting Manager/Municipal Clerk Kwasniewski investigate and get brochures. Mayor Ganz felt the sign sold between three to four thousand dollars.

There was a consensus to replace the yield signs that have been damaged with Deputy Mayor Etlar dissenting.

There was a consensus to come up with a proposal to acquire the portable speed sign.

Public Comments:

Don Oliver, 8-32 Mitchell Place, questioned if the Borough charged rent for the usage of the Arts Center. Mayor Ganz informed him that the clubs do not get charged rent. The Council may look at that during the next budget cycle. Mr. Oliver stated that last week it was brought up that Glen Rock would like to use the Borough fields. Acting Manager/Municipal Clerk Kwasniewski stated that Glen Rock has decided not to allow clinics on their fields this year. Mr. Oliver wondered if an agreement had been signed. Acting Manager/Municipal Clerk Kwasniewski stated the agreement has not been signed yet.

Special Meeting:

Upon motion by Deputy Mayor Etlar and a second by Councilman Caan, the work session was unanimously adjourned to a Special Meeting at 8:17 pm..

Mayor Ganz reconvened the Work Session at 8:29 p.m.

Adjournment:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, the meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF APRIL 14, 2003

Mayor Ganz called the meeting to order at 8:17 p.m.

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

Absent: Councilmember Amato.

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

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

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@

There being no comments by the public, upon motion by Deputy Mayor Weinstein and a second by Councilman Caan, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilman Caan and a second by Deputy Mayor Etlar, Resolution No. 149-2003 adopting Ordinance No. 1946-2003 was discussed.

Attorney Lustgarten stated this ordinance was amending the Orchard Street parking ordinance regarding areas of restrictions but does not remove the restrictions during the months of July and August.

There being no further discussion, Resolution No. 149-2003 adopting Ordinance No. 1946-2003 was unanimously passed.

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

ORDINANCE NO. 1947-2003

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

There being no further comments by the public, upon motion by Deputy Mayor Etlar and a second by Councilman Caan, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, Resolution No. 150-2003 adopting Ordinance No. 1947-2003 was discussed.

Attorney Lustgarten stated this ordinance would remove the parking restriction on Orchard Street during the months of July and August but would maintain alternate side of the street parking. Councilman Caan stated he does not agree with this and that he would not vote in favor of this because he felt there would be enforcement issues.

There being no further discussion, Resolution No. 150-2003 adopting Ordinance No. 1947-2003 was passed with Councilman Caan dissenting.

RESOLUTIONS BY CONSENT NO. 14-2003

Upon motion by Deputy Mayor Etlar and a second by Councilman Caan, Consent Agenda #14-2003 containing the following items was unanimously adopted.

- a. Resol. #151-2003 - Sale of Arts Center
- b. Resol. #152-2003 - Professional Services: Engineering for Installation of Diving Board

RESOLUTION NO. 153-2003 - Professional Services - Alternate Public Advocates

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 153-2003 was discussed.

Mayor Ganz stated one of the individuals on this resolution is on the Library Board and practices land use law. He felt, as a member of the Library Board, it may pose a problem. Attorney Lustgarten stated he would look into it and if there was a problem the Council could remove him.

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, the meeting was adjourned to the Work Session at 8:29 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

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