

WORK SESSION JUNE 10, 2003

Mayor Ganz called the meeting to order at 6:18 p.m. Assistant Municipal Clerk Bojanowski read the statement of compliance with the Open Public Meetings Act.

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

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

Reorganization of Office of Emergency Management:

Deputy Mayor Etler felt that with the amount of information coming in regarding homeland security the Borough needs a coordinator to pass the information to the Emergency Services offices. He wanted Acting Manager/Municipal Clerk Kwasniewski to talk this over with the Emergency Service personnel and get back to the Council next month. Deputy Mayor Etler presented a chart he had prepared showing what the Office of Emergency Management handles. Mayor Ganz felt that duplicate services would be done with a coordinator but suggested that Acting Manager/Municipal Clerk Kwasniewski come up with protocol.

League of Municipalities Conference Attendance:

Acting Manager/Municipal Clerk Kwasniewski stated a question had arisen regarding the Planning Board Secretary attending the League of Municipalities Conference. Mayor Ganz stated he understood that the Chairman of the Planning Board had requested she attend the conference so that she can attend the various seminars the League hosts since the Planning Board will be grappling with a new Master Plan.

Mayor Ganz felt it was wise to allow the Councilmen-elect to attend the conference. Councilmember Caan felt they can obtain a lot of information and it gives them a running start in their job as Councilman.

There was a unanimous consensus to continue to allow newly elected Councilmembers to attend the League of Municipalities Conference at the expense of the Borough.

There was a unanimous consensus to authorize the Secretary of the Planning Board to attend the League of Municipalities Conference at the expense of the Borough this year.

Councilmember Amato arrived at 6:30 p.m.

New Recreation / Cultural Arts Center:

Deputy Mayor Weinstein stated that they were searching for grants. He is concerned about the time period and felt the Council should ask the Architect for help in preparing the necessary paperwork. Mayor Ganz stated he had met with Joseph Rutch from Community Development regarding grants for this project. He was told the building would require an elevator. He asked that they explore an amphitheater with the Architect. Deputy Mayor Etler suggested a subcommittee be started to meet with the Architect to define what they want and don't want. Mayor Ganz felt it was a good approach. He explained that an important component of this project was the funding. Since the Borough would most likely go with the BCIA, they would have the ability to bond it. Deputy Mayor Etler suggested Deputy Mayor Weinstein contact the Architect to meet with him and define what the Borough wants.

Representatives to Community Development & Open Space Trust Fund:

Acting Manager/Municipal Clerk Kwasniewski stated they have to name a representative and an alternate to Community Development. The Council would have to do it by resolution.

There was a unanimous consensus to have Deputy Mayor Weinstein and Deputy Mayor Etler be the representatives.

Acting Manager/Municipal Clerk Kwasniewski stated she would be appointing Ken Garrison and George Brouca to Community Development. Acting Manager/Municipal Clerk Kwasniewski will be appointed as the Open Space Trust Fund Representative.

Request from Property Maintenance Committee for Policy Change re Tree Planting:

Acting Manager/Municipal Clerk Kwasniewski stated she had received a letter from the Property Maintenance Committee asking the tree policy be changed. In the past they did not plant trees unless the property owner wanted them. The trees create a problem with the sidewalks and sewer lines. Deputy Mayor Weinstein stated that being part of the committee they felt that residents do not know they can request a tree. Mayor Ganz suggested running the announcement on Channel 77, the website and put on the Manager's newsletter. Deputy Mayor Etler felt the Borough should replant trees on the streets that have no trees. Councilmember Amato did not think the Borough should force trees on people who don't want them because of the problems that come along with them such as the leaves and sewer problems. Mayor Ganz felt they should be given an option of what kind of tree they would want planted. He suggested the list be put on Channel 77, the website and in the Manager's newsletter.

There was a unanimous consensus to respond to the Property Maintenance Committee. Deputy Mayor Weinstein will relay the message to the committee tomorrow night.

Professional Services Architect for Municipal Building Renovations:

Acting Manager/Municipal Clerk Kwasniewski stated this item will be on the agenda later tonight. Mr. Micky redrafted the language in the contract and Attorney Lustgarten is satisfied with it. She stated the Awest wing@ is expected to be completed in August. Deputy Mayor Etler asked about the date for the cornerstone laying. Acting Manager/Municipal Clerk Kwasniewski stated the date has not been confirmed.

There was a unanimous consensus to put the item on the Consent Agenda.

Flashing Light - Morlot Avenue and 17th Street:

Mayor Ganz stated that the County has agreed to install a light at the intersection of Morlot Avenue and 17th Street.

COACH Brief:

Mayor Ganz stated there is enough work for Mr. Mondello to do which should add up to 25 hours. Acting Manager/Municipal Clerk Kwasniewski stated they would need to encumber enough money to cover it.

There was a unanimous consensus to encumber enough money for 25 hours of work.

Miscellaneous Public Comments:

No one wished to be heard.

Closed Session:

Upon motion of Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 7:00 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 Anticipated Litigation; 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 days or sooner by public resolution of the Mayor and

Council and Anticipated Litigation upon resolution of the matter present time frame not specifically known except for legal strategy which will not be divulged.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public is excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

Adjournment to Public Meeting:

Upon motion by Deputy Mayor Etler and a second by Councilmember Amato, the meeting was adjourned to the Public Meeting at 7:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RBC
Assistant Municipal Clerk

REGULAR MEETING OF JUNE 10, 2003

Mayor Ganz opened the meeting at 7:40 p.m. Assistant Municipal Clerk Bojanowski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 27, 2002. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald News and Shopper. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

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

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

Mayor Ganz stated that on the agenda there was a second reading of an Ordinance, some resolutions by consent and then miscellaneous public comments. The Council met earlier in the work session today to make up for the session they did not have last week because of the elections.

ORDINANCES SECOND READING:

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

ORDINANCE NO. 1955-2003

AN ORDINANCE TO VACATE PROPERTY OF THE BOROUGH OF FAIR LAWN GENERALLY KNOWN AS A CERTAIN PORTION OF WATKINS AVENUE TO BECOME PART OF LOT 1, BLOCK 3325, AND A CERTAIN PORTION OF WATKINS AVENUE TO BECOME PART OF LOT 33, BLOCK 3325

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Resolution No. 195-2003 introducing Ordinance No. 1955-2003 was discussed.

Mayor Ganz stated that this ordinance involved a vacation of a portion of Watkins Avenue. The Borough Engineer has certified that the portion that is involved is no longer needed by the Borough. It is appropriate under the circumstances to revert this portion back to the adjacent landowner. Borough Attorney Lustgarten added that this was an easement that the Borough had for many years and is not needed for public purpose. It was an impediment on the property and the council decided to vacate parts of the easement on both sides of the street that are not needed.

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

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 195-2003 introducing Ordinance No. 1955-2003 was unanimously passed.

RESOLUTIONS BY CONSENT #18-2003

Upon motion by Councilmember Caan and a second by Deputy Mayor Etler, Consent Agenda #18-2003 containing the following items was unanimously adopted.

a. Resol. #196-2003 - Approval of Minutes

- Budget Meeting 2/8/03
- Budget Meeting 2/11/03
- Regular Meeting 2/11/03
- Closed Session 2/11/03
- Work Session 2/11/03
- Budget Meeting 2/18/03
- Work Session 2/18/03
- Closed Session 2/18/03
- Special Meeting 2/18/03

b. Resol. #197-2003 - Approval of Raffles: St. Anne Church Non-Draw Mdse.

- St. Anne Church On-premise 50/50

c. Resol. #198-2003 - Extension of Contract for Uniforms - Public Works

d. Resol. #199-2003 - Award of Bid: Arch Backstops

- e. Resol. #200-2003 - Award of Bid: Court Refurbishments
- f. Resol. #201-2003 - Renewal of Liquor Licenses 2003-2004
- g. Resol. #202-2003 - Professional Services: Computer and Electronic Recycling
- h. Resol. #203-2003 - Professional Services: Architectural Services Municipal Building Renovation
- i. Resol. #204-2003 - DOT Grant Application Road Improvements 17th Street
- j. Resol. #205-2003 - DOT Grant Application Traffic Calming - Various Streets
- k. Resol. #206-2003 - Award of Bid: Fire Department Equipment

Mayor Ganz stated that two of the applications that the Council just approved were for road improvements and traffic calming devices at 17th Street and elsewhere in the Borough. At the intersection of 17th and Morlot, a blinking yellow light is going to be installed as a result of efforts of the Bergen County Planning Department.

MISCELLANEOUS PUBLIC COMMENTS:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, it was unanimously agreed to open the time for public comments.

Francis Davis, 14-01 Morlot Avenue, read a letter from Jane Spindel addressed to the Mayor and Council. The League of Women Voters is concerned about the future about the Fair Lawn Avenue Bridge. The League is aware that Passaic County has responsibility of this historic bridge and is considering many alternatives for its future. Their representative was told that the Council had not yet decided on its recommendation to the County as to the alternatives. The League would like to urge the Council to give Passaic County its recommendation before the County makes a decision or even a partial decision on possible actions. The Board members have questions as to the traffic impact of the various alternatives. They wanted to know what traffic study the Passaic County Engineering Department has made to determine that improving the bridge will have no impact on Fair Lawn Streets. The new Home Depot in Paterson is in the 3% sales tax and enterprise zone, so it will attract business from all over Bergen County. They wondered if the County considered that Sunday shoppers will be traveling through Fair Lawn to the Home Depot since Bergen County stores are closed on Sunday, and Fair Lawn Avenue is the major connection into Paterson. If the Council has contact with Passaic on these matters, they would be interested to hear of the Council's comments as well as the Council's response.

Mayor Ganz stated that the Council has not yet acted on this because he asked specifically that the Council hold action until the Bergen County Board of Chosen Freeholders looked at the issue and decided to impose a weight limitation for three tons for all traffic between 3rd Street and the Bridge. No matter what happened to that bridge, no substantial truck would be eligible to go over that roadway. The opinion of the traffic experts of Passaic County was that there will be absolutely no traffic at all that will come from Bergen County to Passaic County if Home Depot opens. Specifically, they are saying that if you have \$50,000 worth of goods to buy, which is not an unreasonable home improvement cost, that you are going to spend 6% willingly at the Home Depot on Route 17 instead of going to spend 3% in Paterson. He does not suggest that this is accurate, he only suggest that this is the definition of the study that is there. In regards to the traffic impact on Fair Lawn Avenue, this is going to be a 24 hour Home Depot, so if somebody needs anything from Home Depot and lives in Bergen County, the route of choice is going to be Fair Lawn Avenue. The Council will eventually deal with this issue, but the County Planning Board and the Board of Chosen Freeholders is going to deal with it as well. As a Freeholder, he was able to add to this years County budget \$350,000 to do the preliminary engineering work on the restoration on the Morlot Avenue bridge which is also necessary. Both bridges were built around the same time and have the same need of restoration. It would be best to try to look at both bridges in the context of trying to work with both structures rather than looking at them singly.

Deputy Mayor Etlar stated that this bridge dates back to 1902 and according to the Passaic County Engineer,

no matter what they do to that bridge, they can only get 10 more years out of it because it is so badly deteriorated. He highly doubts that this bridge will stay there when the new construction starts.

Jane Drepeveen, Borough Historian, 14 Ryder Road, was very concerned about the historic impact. She went to this meeting as well and received a summary of all the alternatives. As historian, saving the bridge, not demolishing it, and keeping its historic trust is what she prefers.

Zoya and Alexander Gomestyn, 13-40 Comerford Place stated they have been residents in Fair Lawn for 17 years. The neighborhood used to be very quiet, but in the last two or three years, families have moved in with young boys ranging from 7 to 13 years of age. Last summer, they received motorized scooters. Her environment has become unsafe because when they pull out of the garage, they need to be ten times more cautious because children don't watch for cars. It also became very noisy. She contacted the Department of Environmental Protection, and they sent her an email that there is no regulation for children scooters. The only regulation they have is for motorized vehicles. Motorized vehicles are supposed to have mufflers, these scooters don't have mufflers. She contacted several manufacturers of the scooters. One manufacturer sent her data that one motorized scooter produces 80 to 90 decibel of noise, which is equal to a lawnmower or leaf blower. Unfortunately the kids don't ride by themselves, two to four of them get together, and they ride up and down the block for a few hours, meanwhile driving everyone crazy, forcing everyone to keep there windows closed. Even with closed windows it is still unbearable. She also contacted a manufacture regarding electric powered motor scooters which are quieter then gas powered. One boy was driving his motorized scooter with the gas tank open and gas spilling out with the strong smell of gas in the air, so it became a question of the quality of life also.

Borough Attorney Lustgarten stated that under the noise ordinance, 85 decibels is permissible in the day and 65 at night. The collective noise of more than one scooter would be above that. He suggested that the Council refer this to the manager to have police presence observe what is going on and have the designated health officer go out with a measuring device. These are not classified as motor vehicles. The immediate solution is to have administrative staff check the decibel levels, and if they exceed what is permissible, then these children can be told that they cannot collectively ride.

Mayor Ganz requested Acting Manager/Municipal Clerk Kwasniewski ask the Chief if there can be some enforcement of this and if at the same time the Health Officer would get a collective reading, and if it exceeds the decibel level, to act appropriately and report back the Council.

Councilmember Amato asked if this ordinance specifies what type of noise it references.

Borough Attorney Lustgarten stated that the ordinance gives examples of the types of devices that generates noise. Measuring this type of noise is rather sophisticated because you have to exclude background noise and really pinpoint the offensive noise.

Councilmember Amato wondered if it matters where the noise is coming from, Borough Attorney Lustgarten gave an example that lawn mowing is a specific kind of noise and that there are standards in the Ordinance.

Mayor Ganz requested that Acting Manager Kwasniewski report back to the Council in July.

Alice Weisman, 347 Owen Avenue, questioned the garbage company not putting garbage cans back on the curb.

Mayor Ganz told her that the Borough had a contract with the garbage company and if she has a problem with the company to contact Acting Manager Kwasniewski. If it continues to happen, the Borough has the ability to fine them. He has experienced the same problem. He advised her to call the Manager or call him at home.

There being no further comments from the public, upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the time for public comments was unanimously closed.

ADJOURNMENT:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was unanimously adjourned at 8:10 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk