

## WORK SESSION JULY 15, 2003

Mayor Ganz called the meeting to order at 6:10 p.m..

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

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

Review of Tentative Agenda 7/22/03:

Mayor Ganz stated that Senator Coniglio will be present at the meeting to give the Borough a \$500,000 check towards the Berkshire Road Sewer project. Manager/Municipal Clerk Kwasniewski stated there are several proclamations to be added.

New Recreation / Cultural Arts Center:

Allen Weitzman from the Ives Group was present along with his associate, Linda Kreczkowski. He presented schemes six and seven detailing the aspects of each one.

Councilmember Amato arrived at 6:17 p.m.

Mr. Weitzman explained that he had contacted several construction companies to get prices for the project. Scheme six will cost between \$8.5 million and \$12- \$15 million. He explained that the pool and retractable roof were costly items.

Mr. Weitzman detailed scheme eight which would have no pool and the gym would be at ground level along with the Board of Education having 8,300 square feet of space. He explained scheme nine which would demolish the existing building, replace the building with fifty-eight parking spaces, remove the escalators, pool and the grand staircase and not lift the building. He felt that this scheme took out all the expensive options.

Deputy Mayor Weinstein felt it would be nice to build a suspended track around the gym. Mr. Weitzman stated he could add that into the project. Deputy Mayor Etler felt that schemes= eight and nine seemed the most practical. Mayor Ganz stated that scheme eight was with the Board of Ed and scheme nine is without them but works well for the Borough. He felt that in the future if the Board of Education was interested the building could be designed to add a floor. Mr. Weitzman explained that the footings would be installed and the utilities could be snaked in later. Mayor Ganz asked that he give the Council the cost so that they could make a decision. Deputy Mayor Etler stated he liked scheme nine because everything was on street level. Deputy Mayor Weinstein stated that he also liked scheme nine. Councilmember Caan stated it looked like they were heading in the right direction. Councilmember Amato stated he like scheme nine but wanted to hear the costs. Mayor Ganz stated they will get a better handle on how this will affect the budget when they go out to the corporate areas. Manager/Municipal Clerk Kwasniewski wondered about the retractable roof since they would have to decide if they wanted it so that the grant application could be submitted by the due date of August 8. Mr. Weitzman stated he would prepare a schematic and informed her the cost of the roof would be \$1.5 million. Headvised that they would not be able to build above the roof.

Proposal from Don Smartt:

Deputy Mayor Weinstein stated that in 2002 a Business Leadership Committee was formed by the Council.

The committee met and walked Broadway and areas in other towns with an Improvement District. He felt that Don Smartt who is the consultant to River Road has the expertise that they need. He felt the Borough should hire him as a consultant.

Don Smartt stated the Borough and Council have taken the leadership for this committee. That leadership focused on what it would take to move forward, the Borough and the individual districts. The committee and the subcommittees have met with Broadway and Radburn. These committee members can only move so far. He felt this was a time to take advantage of the incentives. He felt if this were to get off the ground they should put together a public and private partnership. Mr. Smartt spoke about the opportunities that exist regarding obtaining DOT grants. He believed the Council should take advantage of the programs that are out there. Mr. Smartt stated that his consulting fee would be \$32,500. Ten years ago the Council wanted to spend ten thousand dollars on River Road and Broadway and the business community matched that amount.

Deputy Mayor Etler wondered why Radburn would need a Special Improvement District. Mr. Smartt stated he was not sure they do and they may find that Radburn does not need it. Deputy Mayor Etler wanted to know why the Borough had to pay for this. Mr. Smartt informed him that the partnership requires the funding. Mayor Ganz stated the real reason is that the community needs a facilitator. Mr. Smartt suggested that the Council hold a meeting and invite the community and members of the business community to show that the Council is supporting this endeavor. He explained that if the meeting was held and the response was not what it should be there will be no commitment between himself and the Borough. Mayor Ganz stated there would be no financial expense to the Borough because if half is not raised by the business community the Borough is not going to participate.

Deputy Mayor Etler wondered if the Broadway businesses had been contacted. Deputy Mayor Weinstein stated that a year ago the Business Leadership Committee walked Broadway and made a list of things they thought needed to be done. He said that several businesses have expressed an interest in contributing. Manager/Municipal Clerk Kwasniewski stated that the Broadway businesses have never stepped up to the plate. There have been no improvements and she felt without the Special Improvement District they would not get the improvements.

There was a consensus to hold a town-wide meeting in September at the Senior Center. The Borough=s businesses should be invited that will be effected by this along with members of the Business Leadership Committee. A notice should be put on Channel 77 and the website to invite anyone who is interested.

Attorney Lustgarten suggested that the Chamber of Commerce and the former members of the Broadway Advisory Committee also be invited. Mayor Ganz asked that Manager/Municipal Clerk Kwasniewski reach out to the groups that may have an interest in this process.

Closed Session Resolution:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the following closed session resolution was unanimously adopted at 7:45 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 matters under pending litigation; and

WHEREAS, these matters permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn at the resolution of these matters within thirty to sixty days relating to a pending appeal or not except for legal strategy which will not be available;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth above are ones which permit the exclusion of the public.

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein the meeting was reconvened at 8:07 p.m.

#### Possible Revision to Sign Ordinance:

Manager/Municipal Clerk Kwasniewski stated she had received a letter from George Bate, Chairman of the Property Maintenance Committee regarding the sign ordinance. He has informed her that his committee has decided that they would like paper signs banned from store windows. George Bate was present. He said that enforcing the current sign ordinance is difficult. He felt it would be easier if paper signs were prohibited and would like the Council to consider this. Having an ordinance that would not allow paper signs would be easy to enforce. Attorney Lustgarten advised that when the sign ordinance was written several years ago the 25% was a compromise for the small businesses that needed the ability to put signs in their windows for advertising. He felt it was a judgement call. Mayor Ganz wondered in commercial speech could be restricted. Attorney Lustgarten advised they would have to have rational basis because they could not fully eliminate commercial speech. Mayor Ganz suggested that a sub-committee be formed to talk with business owners. Mr. Bate felt that things go in windows are timely and sometimes they do not get removed when they should. Attorney Lustgarten advised Manager/Municipal Clerk Kwasniewski to get the word out that windows should be cleaned up.

Mayor Ganz suggested a press release should be sent to The Shopper. Attorney Lustgarten suggested enforcement instead of revision.

#### August Meeting Schedule:

Mayor Ganz stated that he would not be present for the August 12 or 19 meeting. Deputy Mayor Weinstein stated he would be not be present at the August 12 meeting either. Attorney Lustgarten advised that he would not be present at the August 19 meeting.

There was a unanimous consensus to change the meeting dates to August 4 and August 26.

#### Fair Lawn Welcome Packet:

Councilmember Caan stated he knew this was not a new idea but felt that every department should provide information to the new residents so they know what services the Borough offers. He felt there was a wide variety of information to send out and they need to take the time to do it. Manager/Municipal Clerk Kwasniewski stated the Borough already does a newsletter and a yearly calendar. Mayor Ganz advised Manager/Municipal Clerk Kwasniewski to notify each department to gather the information and for her to return to the Council in October with a sample. He wanted to see it done electronically also. He asked that a line item be put in the budget for postage and printing for next year.

#### Resident Services:

Councilmember Caan stated he would like to see Borough Hall become more user friendly. He would like to

see customer service emphasized. The State offers courses on how to be more user friendly. Manager/Municipal Clerk Kwasniewski stated that years ago the Borough had a receptionist who handled the calls and the people coming in and now the calls are defaulted into the Municipal Clerk=s office. Attorney Lustgarten stated the phone numbers should be put on Channel 77 and the website. Mayor Ganz stated he would like the employees to be more user friendly.

There was a unanimous consensus for the employees to be more user friendly.

#### Municipal Hotel and Motel Occupancy Tax Ordinance:

Mayor Ganz stated he learned that a new State statute would allow the Borough to collect a hotel and motel tax. He drafted an ordinance. Attorney Lustgarten advised they should introduce the ordinance at a special meeting later that evening. The ordinance is required to be sent to the State Treasurer and to the hotels in the Borough.

There was a unanimous consensus to add the ordinance to the Special Meeting.

#### Removal of Restriction Maple Avenue:

Attorney Lustgarten stated that Commerce Bank had requested removal of a restriction on Maple Avenue. He said the Borough would not object. He recommended that the restriction be removed. He will prepare a resolution for the July 22 meeting.

There was a unanimous consensus to lift the restriction on Maple Avenue.

#### Parking Restriction Request - Morlot Avenue by Tryon Place:

Manager/Municipal Clerk Kwasniewski stated she had received a petition to ban parking on Morlot Avenue by Tryon Place. She said that Traffic Safety Officer Franco stated that would be giving relief to the residents on Tryon Place.

There was a unanimous consensus to follow through with the request.

#### Speed Humps:

Mayor Ganz felt it was physically impossible to speed on Phillip Street by Milnes School. Manager/Municipal Clerk Kwasniewski stated the layout of the street was actually a calming effect by itself. Mayor Ganz asked that Traffic Safety Officer Franco get back to the Council by August 4 regarding speed humps around school areas.

There was a unanimous consensus to wait for Traffic Safety Officer Franco=s recommendation.

#### Date for Mason Ceremony / Cornerstone Laying:

Manager/Municipal Clerk Kwasniewski informed the Council that October 5 at 1:00 p.m. had been confirmed by the Masons for the cornerstone laying ceremony.

#### West Wing:

Mayor Ganz requested a written report by Friday of why the time line is not being met. He said he was appalled that Engineering could not get the project completed. This project holds a significant impact on the

Police Department and a lot of other departments.

#### Reorganization of Office of Emergency Management:

Manager/Municipal Clerk Kwasniewski stated she had sent a memo to find out what direction they wanted her to go. Deputy Mayor Etler explained that it was not a take over of any one department but it was a conduit to flow information out to the other volunteers and the public. Attorney Lustgarten wondered why there was a suggestion to add another layer to the process they already have. Deputy Mayor Etler felt Emergency Management was an integral part of the Fire Department. Attorney Lustgarten stated that they were separate entities. There are jurisdiction questions that have to be resolved.

Councilmember Amato wondered if they were trying to strive for a facilitator of information. He felt that the Chief should be made aware of any discussions on this matter. Deputy Mayor Etler said the other volunteer departments did not know about pathogen training since they did not have a secretary like the Fire Department does so it would be helpful to them.

Councilmember Caan stated that he agreed with Deputy Mayor Etler that the Emergency Management needed to be upgraded. He presented a flow chart of how he felt it should be broken down. Attorney Lustgarten asked what the perceived gaps were in the existing services and for the goal they wanted to achieve. He felt the worse thing they could do were to repeat services. Councilmember Caan felt it should be discussed and this was a good time to do it. Deputy Mayor Etler suggested that Manager/Municipal Clerk Kwasniewski sit with the Office of Emergency Management staff, Hazmat and Fire and report to the Council what she thought should be done. Attorney Lustgarten felt the Manager should touch base with them to see what functions should go to the Office of Emergency Management and what ones should stay in their department. Mayor Ganz advised Manager/Municipal Clerk Kwasniewski to report to the Council by October 1.

#### Status Report Dance Studio Ordinance:

Attorney Lustgarten stated he asked the Planning Board for their input into this ordinance. They recommended one space for every employee plus one space for every three students. He advised that the Land Use ordinance would have to be amended. Mayor Ganz stated that the Council's view is different from the Planning Board's. Attorney Lustgarten suggested having the Building Department review it then do ordinance by next Tuesday.

There was a unanimous consensus to draft an ordinance requiring one parking space per twelve students.

#### Revision to Food Handlers Ordinance:

There was a unanimous consensus to revise the food handlers section by ordinance and to require the Planning Board to adopt this as a board policy to implement it immediately. The Planning Board reported they will move quickly with those applications. Attorney Lustgarten to draft the ordinance for next week.

#### Special Meeting:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the Work Session was unanimously adjourned to a Special Meeting at 9:55 p.m.

Mayor Ganz reconvened the Work Session at 10:00 p.m.

#### Public Comments:

Don Oliver, 8-32 Mitchell Place, wondered about the fee Don Smartt will be charging. He felt the Borough's portion was the taxpayers money and the Borough should not give away the money until the business owners clean up their stores and property. Mr. Oliver thought that maintenance issues should be enforced. He is not against helping them but they should help themselves.

Mr. Oliver spoke about the amount of signs that have been posted around town. He felt the signs are posted too close together and there were too many signs.

Mr. Oliver suggested placing the new Arts Center on Fair Lawn Avenue and Well Drive. He felt it would be the perfect location. He thought that location was more convenient since it is not located in the middle of a residential neighborhood.

#### Certificate of Occupancy:

Mayor Ganz suggested that the form be amended to delete a potential buyers name. He has encountered people who have had problems with that. Attorney Lustgarten suggested adding the anticipated closing date instead.

#### Explore Certain Areas of Redevelopment:

Mayor Ganz thought the Council should explore certain areas in need of redevelopment. An outside attorney would be needed. He suggested hiring Robert Goldsmith to guide the Borough through the process.

There was a unanimous consensus to request a proposal from Robert Goldsmith to guide the Borough through the redevelopment process.

#### Closed Session Resolution:

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 10:16 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 permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn in regard to personnel within sixty to ninety days and contract negotiations upon adoption of a resolution authorizing execution of a contract except for negotiation strategy which will not be revealed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth above are ones which permit the exclusion of the public.

#### Adjournment:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was

adjourned at 11:13 p.m.  
Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

### SPECIAL MEETING OF JULY 15, 2003

Mayor Ganz called the meeting to order at 9:55 p.m.

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

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

### ORDINANCES: FIRST READING

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

#### ORDINANCE NO. 1956-2003

AN ORDINANCE TO ESTABLISH CHAPTER 95 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, AHOTEL AND MOTEL ROOM OCCUPANCY TAX@, AS AUTHORIZED BY P.L. 2003, c. 114

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 221-2003 introducing Ordinance No. 1956-2003 was discussed.

Mayor Ganz stated that this ordinance is regarding the hotel and motel room occupancy tax that the Borough is now entitled to collect as authorized by the State.

There being no further discussion, Resolution No. 221-2003 introducing Ordinance No. 1956-2003 was unanimously passed.

#### RESOLUTIONS BY CONSENT NO. 22-2003

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etler, Consent Agenda #22-2003 containing the following items was unanimously adopted.

a) Resol. #222-2003 - Renewal of Liquor Licenses 2003-2004

#### 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 10:00 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk