

WORK SESSION SEPTEMBER 2, 2003

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

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

ABSENT: Councilmember Amato

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

Review of Tentative Agenda 9/9/03:

Manager/Municipal Clerk Kwasniewski stated she would be adding the award of bid resolution for the Mason Dump Truck with Snowplow. She also would be adding the Proclamation regarding Prostate Cancer Awareness.

Request to Vacate St. Anne Street:

Manager/Municipal Clerk Kwasniewski stated that the Police believe between Summit and Lyncrest Avenues would have minimal impact on the area. The Rescue Squad responded that they do not anticipate a problem having St. Anne Street vacated. She checked with Engineering and the Office of Emergency Management who felt it did not pose a problem. She has not heard from the Fire Department. Attorney Lustgarten advised that the property owners within 200' of the contiguous area should be notified. Manager/Municipal Clerk Kwasniewski stated they could barricade the area to see how it works. She advised that an area would have to be made for emergency vehicles. Councilmember Caan thought St. Anne=s only wanted it temporarily. Manager/Municipal Clerk Kwasniewski stated it appeared that St. Anne=s wanted to close the street permanently. Mayor Ganz advised that once the street had been vacated they could do whatever they want with it. Deputy Mayor Weinstein wondered if that was really what they wanted. Mayor Ganz suggested that Deputy Mayor Etler and Councilmember Caan meet with St. Anne=s to see what they want and to ask them if they would like temporary barricades. They are to report back to the Council.

Parking Restrictions Chandler Drive, Chadwick Place and Calyne Drive:

Deputy Mayor Etler stated that people have asked him to have the parking restrictions removed on Chandler Drive between Chadwick Place and Calyne Drive. Manager/Municipal Clerk Kwasniewski stated this was done by ordinance at the request of the residents to prevent commuters from parking there. Mayor Ganz advised that before they starting repealing ordinances they should ask the Tenants Association for their opinion. Councilmember Caan suggested a letter be sent to the tenants in the area. Attorney Lustgarten advised they follow the typical procedure with a letter to the resident telling them the Council would not consider lifting the restriction without a petition because they all have to be made aware that if the restriction is lifted anyone can park there. Attorney Lustgarten suggesting getting a contact list from the Rent Leveling Board.

Resident Service:

Councilmember Caan stated he knew there was a complaint filed in his area regarding a noise problem. The noise compliance officer was supposed to go check on the problem on Monday but did not show up until Thursday. He wanted to know why they did not come when they were supposed to. Manager/Municipal Clerk Kwasniewski stated that another Councilperson diverted this employee and then they had to go to the

County to borrow the equipment. Mayor Ganz stated the employee should have told the Councilperson he was not their boss and that she is their boss. He asked what policy she has in effect for a person that does not do as the boss instructed. Manager/Municipal Clerk Kwasniewski stated these things get funneled through her. Attorney Lustgarten stated there is an unwritten policy that elected officials have the same rights as residents. There is a policy that the Council is not to give directives to the employees. In the real world it is difficult to say no to a Councilperson. Mayor Ganz stated they should try to make the effort to go through the Manager to avoid an unpleasant situation.

Contract for Sale of Recyclables:

Manager/Municipal Clerk Kwasniewski stated that the current contract with Lobosco and Sons expires September 30. She explained that recycling contracts do not have to be bid. Recycling Coordinator Lotterman has solicited five proposals. Manager/Municipal Clerk Kwasniewski recommended entering into an agreement with Joseph Damato Paperstock Corp. beginning on October 1, 2003 and ending on September 30, 2008, which would be a five-year contract. Due to a problem the Borough encountered with the current contractor closing down their location the Borough was forced to travel further to his other location. Recycling Coordinator Lotterman recommended that a clause be added that the Borough would have the option of terminating the contract if their drop off location was more than five miles from the location in their proposal.

Mayor Ganz advised that Attorney Lustgarten should prepare the contract.

There was a unanimous consensus to adopt the proposal as recommended by Manager/Municipal Clerk Kwasniewski.

Professional Services - Ives Group:

Manager/Municipal Clerk Kwasniewski stated that Allen Weitzman had a new proposal based on the addition of the retractable roof. His fees would be \$380,223.00 without the roof and \$450,712.50 with the roof. Attorney Lustgarten explained the architect's responsibilities, such as providing oversight and review of the project. It is a flat fee with no add ons. He also stated the Council could not enter into a contract without a funding source. Manager/Municipal Clerk Kwasniewski stated they would also need an agreement with BCIA who would be financing the project.

Mayor Ganz stated there was a cash issue between now and January 2004. He felt that CFO Eccleston could find the money to fund it before the BCIA's funds become available.

Attorney Lustgarten advised that he would prepare a memo to the Mayor and Council and copied to Manager/Municipal Clerk Kwasniewski and Allen Weitzman dealing with the misconceptions of what the architect handles. Mayor Ganz stated he found the fees to be reasonable since the project has changed in size and scope.

There was a unanimous consensus to have Attorney Lustgarten prepare a memo of understanding detailing where the Borough stands at this time.

There was a unanimous consensus to have Manager/Municipal Clerk Kwasniewski and Mayor Ganz contact the BCIA to let them know the Borough is ready.

Opposition to S-2516 - Polling Places:

Manager/Municipal Clerk Kwasniewski stated this Senate bill proposed moving the polling locations from the

schools. She stated they would have to find a commercial location to hold the elections which would be a major problem.

Mayor Ganz advised to prepare a resolution of non-support.

Funding DPW Vehicles:

Deputy Mayor Etlar stated the Council should approve purchasing vehicles for the Department of Public Works since they need new equipment for the upcoming snow season. Mayor Ganz advised that Manager/Municipal Clerk Kwasniewski would be the one to say they need it. He felt the issue was the required down payment. He suggested that a list be prepared for other capital items. Manager/Municipal Clerk Kwasniewski and CFO Eccleston will prepare a list.

There was a unanimous consensus to authorize the Borough Manager and CFO to prepare a list of capital items for bonding in November.

CP Center:

Mayor Ganz stated that Mr. Mondello wanted a written memo no later than the 12th of September. Attorney Lustgarten advised he did not receive anything from Mr. Karas even though he told him to correspond with Mr. Faraj from International Engineering.

Application to Use County Fields:

Deputy Mayor Weinstein stated he had received approval from the County for the Borough sports teams to use the County parks. He advised that the Recreation Department would coordinate the process. Mayor Ganz stated that because of Deputy Mayor Weinstein's initiative the residents of Fair Lawn will be able to have use of the County parks.

Manager/Municipal Clerk Kwasniewski stated they would have to ask the County for permits to use the fields for blocks of time.

Mayor Ganz asked that Attorney Lustgarten send a thank you note to County Executive McNerney and Frank Barry for allowing the Borough to use the fields. He advised that Lightning Soccer should be told about this.

DPW Bid:

Councilmember Caan asked why there was only one bidder for this bid. He requested that the bidders be contacted to find out why they did not bid. Manager/Municipal Clerk Kwasniewski stated she would check with Purchasing and report to the Council.

Presentation by Robert Goldsmith re Redevelopment Project:

Mayor Ganz thought there were some areas in need of redevelopment. He advised that the Council would like to discuss the steps the Borough should take.

Robert Goldsmith, Esq., from the law firm of Greenbaum, Rowe, Smith, Ravin, Davis & Himmel was on a conference call. He explained that he had been doing redevelopment work for twenty-five years. He has been involved with Morristown since 1983 and has represented many towns over the years. He thought it was a very effective tool which generated partnerships between the Borough and business community. Mr. Goldsmith explained that they can negotiate the terms of the agreement and what the projects will be. He

stated the process was straight forward. The Borough looks at particular areas and would ask the Planning Board if the area is in need of redevelopment. The Planning Board would then study the area with the planner and makes recommendations to the governing body. The governing body can accept or reject their recommendation.

Mr. Goldsmith mentioned the laws of eminent domain and condemnation. The governing body decides which properties would be considered. He explained that NJSA 40A:12A-5 defined an area as in need of redevelopment as substandard, unsafe, unsanitary, dilapidated or obsolescent. Mr. Goldsmith stated this has applied to many communities as a broad flexible program. He advised that redevelopment could be a source of housing.

A lengthy discussion followed between the Mayor and Council and Mr. Goldsmith regarding the various aspects of redevelopment.

Mr. Goldsmith explained his rate would be \$195.00 per hour. He advised what steps he would take guiding the Council through the process. Mayor Ganz felt it would be a long term relationship. Mr. Goldsmith stated that depending on the planner chosen for this project and for a generalized plan it would probably cost \$30,000 for his fees and another \$30,000 for the planner.

There was a unanimous consensus if the Borough moved forward in the future on redevelopment Mr. Goldsmith's services would be employed. Attorney Lustgarten asked Mr. Goldsmith to send the Borough a letter of engagement.

Special Meeting:

Upon motion by Deputy Mayor Etlar and seconded by Deputy Mayor Weinstein the meeting was recessed to the Special Meeting at 9:22 p.m.

Mayor Ganz reconvened the meeting at 9:40 p.m.

Upon motion by Deputy Mayor Weinstein and seconded by Councilmember Caan the meeting was recessed at 9:40 p.m.

Upon motion by Deputy Mayor Etlar and seconded by Councilmember Caan the meeting was reconvened at 9:45 p.m.

Closed Session Resolution:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the following closed session resolution was unanimously adopted at 9:45 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 personnel; 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 by appointment from the Mayor and Council or Borough Manager;

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.

Mayor Ganz reconvened the Work Session at 10:35 p.m.

Building Department Log Book:

Deputy Mayor Weinstein stated he had reviewed the spread sheet from the Building Department. There are a lot of numbers. He went through the sheets and in his opinion there were a lot of inefficiency. He felt there should be a log book because these sheets are difficult to read. Manager/Municipal Clerk Kwasniewski stated he had received it broken down by each inspector. Deputy Mayor Weinstein thought there were other ways they could determine how long each inspection takes. Mayor Ganz advised what matters are how long it takes the residents to be serviced. Councilmember Caan stated there seemed to be a continuity on the number of inspections that are performed in one day. Manager/Municipal Clerk Kwasniewski stated that really depended on the types of inspections. Attorney Lustgarten gave an example of what information a log book would contain. He advised that the log book would give proof that the Borough was there. It would protect the town and the inspectors. Mayor Ganz stated it would also give the Council a handle on what is going on.

There was a unanimous consensus to have a log book done and circulated to the Council.

Mayor Ganz stated the real point of the log book would be for them to make a case for additional personnel. Manager/Municipal Clerk Kwasniewski stated they cannot do a log book as suggested because they are not computerized. Mayor Ganz advised to give it to him and he will prepare it on the computer. He felt the public is outraged at how slow the process is but this would show how busy they are.

Public Comments:

No one wished to be heard.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF SEPTEMBER 2, 2003

Mayor Ganz reconvened the meeting at 9:22 p.m.

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

ABSENT: Councilmember Amato

ALSO PRESENT: 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. 1959-2003

AN ORDINANCE TO REGULATE THE REGISTRATION OF MOTORIZED SCOOTERS IN THE BOROUGH OF FAIR LAWN TO BE CODIFIED AS CHAPTER 71, ENTITLED AMOTORIZED SCOOTERS@, OF THE CODE OF THE BOROUGH OF FAIR LAWN

Mayor Ganz stated this ordinance was not the ideal solution to this problem. This ordinance would require that scooters be registered and would give the Police Department the ability to impound them. He felt this was a good first step. Deputy Mayor Etler stated he would like to add another section regarding noise. He understands that the kids take the mufflers off. Attorney Lustgarten advised that the noise portion should not be added. They would have to look into a violation exceeding the noise decibels. Deputy Mayor Weinstein felt if they intentionally make it noisier there should be a penalty. Attorney Lustgarten questioned exceeding the noise ordinance. This ordinance is a registration ordinance. Mayor Ganz stated if they adopted a noise ordinance it could only be enforced for 18 or older. This is a different approach.

Deputy Mayor Etler offered a motion to add the noise section to the ordinance but no one seconded the motion.

Mayor Ganz felt the problem was unlicensed, underage drivers. They need to know the consequences that this has on the child. The ordinance before them was a registration ordinance only. Attorney Lustgarten advised this ordinance can stand alone and they should discuss the other issues later. He felt this ordinance would benefit the health and welfare of the residents. He felt that if a child got hurt the registration would help the situation by knowing who they were and the same would apply to someone leaving the scene of an accident.

Mayor Ganz stated he had spoken to other officers in the County and has found it is a problem everywhere. The Freeholders have adopted an ordinance not to allow them on County roads. Manager/Municipal Clerk Kwasniewski stated that the Police Department takes the children home and talks to their parents. She said a lot of this is already done through Community Policing.

Upon motion by Deputy Mayor Weinstein, and a second by Councilmember Caan, Resolution No. 249-2003 introducing Ordinance No. 1959-2003 was unanimously adopted.

RESOLUTIONS BY CONSENT #26-2003

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Consent Agenda #26-2003 containing the following item was unanimously adopted.

a. Resol. #250-2003 - Requesting the State to Regulate Scooters

Adjournment to Work Session:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk