

WORK SESSION DECEMBER 17, 2002

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

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

Well Drive Properties:

Assessor McCullum was present. Acting Manager / Municipal Clerk Kwasniewski stated that she had sent letters to the homeowners to see if they were interested in purchasing the lots. She received several responses. The residents stated that a few years ago the Borough offered the property to the homeowners for \$1. Mayor Ganz stated that since then the Borough has spent a lot of money to improve the area. Acting Manager / Municipal Clerk Kwasniewski stated the Borough fixed the drainage problem, cleared out the dirt and underbrush and there were engineering expenses. Assessor McCullum stated the Borough spent \$18,000. Acting Manager / Municipal Clerk Kwasniewski stated that in the past the Borough did not divide the lots the way it was divided now. Mayor Ganz stated these are not buildable lots. Assessor McCullum explained that a 65 X 100 piece of property is selling for \$300,000 which is \$40.00 per square foot. He priced these lots at \$1.25 per square foot. Attorney Lustgarten stated if these lots were buildable they would have to go out to auction. Some lots have multiple contiguous lots. The Borough will need a few lots to gain access to the area because it cannot be landlocked.

Mayor Ganz gave the people in the room the opportunity to speak.

Barbara Keller, 16-20 Well Drive, wondered when they buy that property would they be buying as is. Attorney Lustgarten advised her they would get it the way it is.

Florence Martin, 16-02 Well Drive, stated she was not interested in purchasing the lot but wondered how the Assessor came up with his price. Assessor McCullum stated it was a level lot, multiplied by the square footage by \$1.25. Ms. Martin asked if the taxes would go up. Assessor McCullum stated yes like any other property according to the re-evaluation of 1995. Councilmember Caan wondered what the taxes would be. Assessor McCullum thought it would be less than \$1,000. Attorney Lustgarten advised that when you add property to property there will be an added assessment and the market value will increase. Ms. Martin stated she has lived there for forty-six years. She thought it was terrible getting hit with this.

Lou Keller, 16-20 Well Drive, stated he was interested in the property but wondered about the appraisal. Assessor McCullum stated he had corrected it at the last meeting.

Sue Donahue, 16-24 Well Drive, stated she would like the Assessor to reinspect the lot to see if his original assessment was the same. Assessor McCullum advised that he would re-inspect the entire area. Ms. Donahue wondered how much the taxes would rise and how many people were interested in purchasing the property. Acting Manager / Municipal Clerk Kwasniewski stated there are eight or nine people that have expressed interest. Ms. Donahue asked if she does not purchase the lot what would happen to it. Mayor Ganz advised her it would be offered to the surrounding property owners or the Borough would have the right to auction it.

Tom Carney, 30-11 High Street, wondered why in 1996 this was not presented to the residents the same way. Attorney Lustgarten advised back then the Borough had put no money into the area so the property had no value. Since then, the Borough has made improvements to the area. Mr. Carney stated he is interested in purchasing the lot. He contacted Assessor McCullum who told him his taxes would increase \$600. Mr. Carney felt that was a hefty tax increase. Attorney Lustgarten advised him since his square footage increased his taxes would also increase.

Diane Boyer, 15-19 Radburn Road, stated she would like to know what the additional taxes would be and if there would be restrictions about what can be done to the lot. Mayor Ganz stated they would be subject to normal building codes.

Paul Einschlag, 16-16 Well Drive, stated he was amazed that the lots were previously offered for \$1. He cannot figure out why he should do this. Attorney Lustgarten stated if he were to go to a realtor they would give him a figure that it might be sold at. There is no exact science in assessing this it is based on formulas. Mr. Einschlag stated the only figures he has seen is the Borough's assessment. He felt this was the wrong way for it to be handled. Attorney Lustgarten suggested he contact an appraiser to get the fair market value. The Borough did the appraisal in house to save money. Mr. Einschlag wondered what the next step would be. Mayor Ganz stated Assessor McCullum would be contacting the residents to inform them of the taxes and assessments.

Richard Elfers, 15-21 Radburn Road, wanted to know what changed now that the Borough wants the property off their hands. How about the Borough taking it off the residents hands. Mayor Ganz stated the Borough cleaned up the lots, put drainage in and spent \$18,000. Mr. Elfers stated the Recreation Department previously cleaned up the area. The former owner, Brunetti, did not pay taxes and the town maintained the area. Mr. Elfers stated that back in the 80's there were issues of rats, odors and lack of maintenance. The residents were told the reason it was like that was because the Borough couldn't get heavy equipment in there. Mr. Elfers stated he would like the lot reevaluated. He felt the fact that a value was put on it was out of line since every weekend he was out there maintaining the area. Deputy Mayor Weinstein stated he understood that years ago no one was interested. It was brought up now because of the desire of some residents. Money has gone into it to make the lots more appealing. This is a sincere gesture by the Council. Councilmember Amato stated that so far half the people present voiced their concerns about the price and being taxed. If he suggested the Council sell the lots for \$1 how would they explain it to the other taxpayers. He represents 31,000 people. Mr. Elfers stated that a precedent was set when it was offered for \$1 and that amount was put in the residents minds. Attorney Lustgarten stated what was offered back then was not fair market value. It was wrong.

William Fraher, 16-22 Well Drive, stated he knows they were told it would increase the assessment but would like to know of eight comparable sales. Assessor McCullum stated he would send him his report. Mr. Fraher would also like to know the added assessments.

Galina Kim, 15-15 Radburn Road, wondered if the price listed was the final price the Borough calculated. Ms. Kim wondered if the land was sold to someone else how would it be divided and accessible. Mayor Ganz advised that any sale of property would have an easement.

Dennis Antonelli, 30-17 High Street, stated he was willing to buy but his concern was about the trees that have grown onto his property that prevents him from putting a fence up. Attorney Lustgarten stated because of the trees the lots should be looked at again.

John Wetzel, 16-08 Well Drive, stated he was interested in purchasing the lot behind his house and other lots also.

Mark Sheer, 16-06 Well Drive, stated that over the years they have cleared the land. He feels he is being penalized for cleaning up the land because he made it usable and more valuable. He wondered what the land was worth to the Borough. He asked why they just didn't offer it for \$1. Attorney Lustgarten advised that the lots do have a fair market value. He also stated that after the land was cleared Mr. Sheer used the lot without paying taxes. Mr. Sheer stated if he didn't clear the land it would be detrimental to the value. He has lived there for nine years and the Borough has never used it. He felt he was being penalized for doing the work there. Mayor Ganz thanked him for leveling the area. Mr. Sheer asked why the town has not maintained it.

Hattie Filip, 14-10 Radburn Road, wondered who would be responsible for the drainage. Acting Manager / Municipal Clerk Kwasniewski stated there was a sentiment to leave the area in its natural state. She has received letters from people who wanted to buy it. This Council can decide to just maintain the area. Ms. Filip asked if the drainage would be in its natural state. Acting Manager / Municipal Clerk Kwasniewski advised her if they bought it they owned it.

Leon Filip, 14-10 Radburn Road, stated since the town put in the drainage system every time it rains it floods. He wanted to know why the Borough was charging \$3,500 for wet lands. He also wondered about the easement. Mayor Ganz stated that if no one buys it would be extended. It is the property owners' responsibility to maintain it.

Chris Antonelli, 30-17 High Street, wondered if the price was a combination of fair market value and what the Borough put in. Attorney Lustgarten stated the Borough does not pass the costs onto the homeowner. Mr. Antonelli felt that no one would use the land. He said he was concerned that the Borough would sell the land, tax it and no one would buy it. Councilmember Caan stated that legally the Borough cannot sell property for \$1 because the law states it has to be sold for fair market value. Mr. Antonelli asked if the residents could hire a certified company to appraise it. Mayor Ganz advised only if all thirty homeowners bring in the appraiser together. Attorney Lustgarten advised Mr. Antonelli if he came in with another appraisal the Council has an open mind. He suggested he bring in documentation that the appraiser is qualified.

Ellen Lantsman, 16-19 Radburn Road, stated she felt the people were disappointed because they were originally offered the property for \$1. She was surprised to hear only nine people were interested. She wondered if the property gets assessed lower would the taxes be lower. Mayor Ganz advised her she would find out when she receives the letter from the assessor. Deputy Mayor Etlar stated it was beyond his comprehension that they were offered the property for \$1 and it was refused.

Barbara Keller, 16-20 Well Drive, stated she had a tree on Borough property that a limb broke off and wondered what would happen if someone got hurt. Attorney Lustgarten stated only if the Borough had notice. Ms. Keller stated the property is so filthy she won't walk back there. In the forty-three years she has lived there no one has ever cleaned the property.

Florence Martin, stated she felt bad after forty-six years this is the thanks they get for maintaining those lots. She stated she did not like their attitudes. Mayor Ganz stated they are treating them with the utmost respect but the Council has a responsibility to 31,000 residents. Ms. Martin stated she has never had a problem with the Borough and it bothers her that she has to have this aggravation.

Lou Keller, stated this was an enlightening meeting. He is not comfortable with this and it seems that everyone present agrees.

Sue Donhue, wondered if a list had been created.

Tom Carney, wondered if the property will be surveyed because he cannot tell the dimensions. Mayor Ganz stated it would be included in each deed. Attorney Lustgarten stated the metes and bounds would be indicated. Mr. Carney wondered if a road could be constructed in the middle if no one brought the property. Attorney Lustgarten advised him that would not happen.

Richard Elfer, stated they would need a reassessment and he assumed there are no liens on the property. Attorney Lustgarten advised there are no judgements or liens and no easements except access.

William Fraher, wondered about the wetland's permit.

Cecila Wetzel, 16-08 Well Drive, asked if the property was in the flood plan. Attorney Lustgarten advised if the property was in the flood plan it would reduce the value.

Terry Scheer, 16-06 Well Drive, asked if she were to put a fence up would they have to leave access for the town to get in. Mayor Ganz stated they would need to have an easement.

Leon Filip, stated in the event he wanted a survey he would have to hire someone. Mayor Ganz recommended he get a survey.

Ellen Lantzman, wondered if she decided not to go with this would it be offered to other people. Mayor Ganz stated that will be addressed when they found out how many people are willing to buy.

Barbara Keller, asked if that meant anyone could come in and buy it.

Request by Bergen County Bar Foundation for Mock Trial Competition:

Mayor Ganz stated that Judge Mizdol contacted him about having a mock trial competition in the Court Chambers.

There was a consensus to allow this mock trial to take place.

Feasibility of Left-hand Turn Lane at Fair Lawn Avenue & Saddle River Road:

Councilmember Caan stated he wanted to see if the other Councilmembers would be interested in having a left-hand turn lane at Fair Lawn Avenue & Saddle River Road. Mayor Ganz advised that the County and Traffic Safety Officer Franco would have to be notified.

Fair Lawn Chamber of Commerce Request for Street Fairs:

Acting Manager / Municipal Clerk Kwasniewski stated the Chamber of Commerce contacted her to get permission to have street fairs on May 18, 2003 and October 19, 2003.

There was a consensus to approve the dates for the street fairs.

Renewal of Third-Party Administration Contract (Quality Claims Adjuster's Inc.)

Acting Manager / Municipal Clerk Kwasniewski advised that the annual contract for third-party administration is up renewal. Attorney Lustgarten advised they were doing a fine job as long as the fee would be the same and recommended the contract be renewed.

There was a consensus to renew the contract with Quality Claims Adjuster's Inc.

Reorganization Date and Time:

Mayor Ganz advised the reorganization meeting will be held Tuesday, January 7, 2003 at 7:30 p.m. with a work session to follow immediately.

Construction Debris Removal:

Deputy Mayor Etlar stated that some time ago the Council instituted removal of construction debris at the Recycling Center. This service has cost the Borough \$41,000. Ron Lottermann, Recycling Coordinator, was present. He stated that when this service was started there were three definite circumstances, only small amounts, no rented vehicles and permits were needed to dump the debris. As it progressed, the residents argued those points and several times the police had to be called in. The problem has escalated to the residents coming two to three times a week. The tonnage has increased. Mr. Lottermann recommended since the Borough already has curb-side pick up that should be adequate and the bins can be eliminated. If in the future they see the need is to pick up more often they can expand it in the next garbage contract. Deputy Mayor Etlar asked the Acting Manager / Municipal Clerk Kwasniewski to find out the price of four pick ups instead of two. Mayor Ganz felt that the residents would not want to keep the debris around their house so he suggested a pay as you go system which would pass the cost onto the resident. Attorney Lustgarten suggested two pick ups a year but have the pay as you go system. Mr. Lottermann stated he had spoken to the Borough of Hawthorne that has a similar system with tickets and restrictions of what can be dropped off. He recommended a fee of \$15.00. A general discussion followed on how the tickets would be sold. Mayor Ganz suggested a plan be developed based on volume. Councilmember Amato stated the average guy is going to be angry having to pay. He felt they should be able to go to the Recycling Center and dump junk. He wanted to know how other towns handle it. Mr. Lottermann stated he only checked on towns that have a pay as you go system but as far as he knows most towns do not accept construction material. Deputy Mayor Weinstein felt this service was a luxury. If someone was spending thousands on a construction project, they could either hire a dumpster or do a pay as you go system. A discussion followed regarding when and how to sell the tickets. Mayor Ganz advised that Acting Manager / Municipal Clerk Kwasniewski will investigate and present a plan.

There was a consensus to follow up with a plan and an ordinance to implement the pay as you go system.

Public Comment:

No one wished to speak.

Special Meeting:

Upon motion of Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned to a Special Meeting at 10:11 p.m.

Mayor Ganz reconvened the Work Session at 10:15 p.m.

Closed Session:

Upon motion of Councilmember Caan and a second by Deputy Mayor Etlar, 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 Labor Negotiations; 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 on January 7, 2003 at the reorganization meeting and with respect to labor negotiations upon execution of a labor agreement specific date unknown, except for negotiations strategy, by the Mayor and Council of the Borough of Fair Lawn.

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 Etlar and a second by Councilmember Amato, the meeting was adjourned at 12:10 a.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF DECEMBER 17, 2002

Mayor Ganz called the meeting to order at 10:11 p.m.

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

ALSO PRESENT: Acting Manager / Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Borough 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 comments.

Ordinance No. 1932-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", MORE SPECIFICALLY SUBSECTION 232-11 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" AND SUBSECTION 232-13 ENTITLED "PARKING TIME LIMITED ON CERTAIN STREETS" AND ORDINANCE 1903-2002

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

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 359-2002 adopting Ordinance No. 1932-2002 was discussed.

Attorney Lustgarten stated this ordinance deletes the sunset provision for parking restrictions on Orchard Street. Mayor Ganz commended the Council for extending this discussion into January to allow the residents to revisit the subject.

There being no further discussion, Resolution No. 359-2002 adopting Ordinance No. 1932-2002 was unanimously passed.

RESOLUTIONS BY CONSENT #27-2002

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar Consent Agenda #27-2002 containing the following items was unanimously adopted.

- a. Resol. No. 360-2002 - Approval of Raffles & Bingos:
Temple Beth Sholom off-premise merchandise
- b. Resol. No. 361-2002 - Refund of Overpayment of Taxes
- c. Resol. No. 362-2002 - Award of Bid: Electrical Repair
- d. Resol. No. 363-2002 - Cancellation of Accounts
- e. Resol. No. 364-2002 - Transfer of Funds
- f. Resol. No. 365-2002 - Protesting Rate Increase by Cablevision
- g. Resol. No. 366-2002 - Change Order: Municipal Building Addition

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, the meeting was adjourned to the Work Session at 10:15 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk