

## WORK SESSION OF JANUARY 16, 2002

Deputy Mayor Etlar called the meeting to order at 7:35 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

Also present: Manager Sacks, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Review of Tentative Agenda - Municipal Clerk Kwasniewski stated that she would like to add a resolution approving Fair Lawn High School raffle and a resolution rejecting the cell tower bids.

2002 Pool Season - Manager Sacks advised that they have applied for the Borough's aquatic permit from May 9 to September 29 for Memorial Pool and from June 12 to September 2 for Walsh Pool. If the Council wishes to extend the pool season they will be able to because the permit covers the extended time period.

Date for Fireworks - Manager Sacks asked if the Council wanted to hold the fireworks on July 4 which is a Thursday. Deputy Mayor Weinstein suggested July 3 with a rain date of July 8. Councilmember Caan suggested July 4 with a rain date of July 6.

The consensus was to hold the fireworks on July 3 with a rain date of July 4.

Mayor Ganz arrived at 7:45 p.m.

Update on Alliance for Substance Prevention Meeting - Deputy Mayor Weinstein attended his third meeting. They are doing a survey of students in grades eight through 12. They will have a meeting at the High School in April to educate parents about the survey. They would like him and Mayor Ganz to attend that meeting. The CRC attended the last meeting. They are looking for more exposure possibly through the use of the Cable Channel to educate the people on the various programs, i.e., nonsmoking programs.

Creation of Business Leadership Committee - Deputy Mayor Weinstein thought this Committee should be established with representatives of the Chamber of Commerce, the business districts (RRIC, Broadway, Radburn). He had a meeting with the Bergen County Economic Development Committee this morning. When the funds are distributed to the various communities that are eligible, the EDC wants each community to determine the eligibility of the small businesses in that community. He thought the fairest way to do that was to select people from the various districts to establish the criteria. If they are not able to receive funding, this committee may have to work on getting other funds either from fund raising or working with the banks for low-interest loans. The main focus is facade improvements. He would like to lead the committee to bring the various business leaders together. He thought someone from the property maintenance committee should be on the committee.

The consensus was to create this Committee. A resolution is needed. Deputy Mayor Weinstein will give the highlights to Attorney Lustgarten who will draft the resolution.

Public Comments on Items on the Agenda - No one signed up to speak.

CWN Statistics - Councilmember Amato gave some background on this matter to the new Councilmembers. He has not received the December statistics yet. Manager Sacks advised that the Borough has changed providers so she may have to obtain historical data from CWN. Ron Lotterman has asked the new provider to provide the data. Manager Sacks will check on this request.

Garbage Collection at Schools - Manager Sacks advised that the estimated cost for the additional pick up of the garbage at the schools is \$20,000. Under the old contract there was only one pick up. The schools had a separate arrangement with Manella for a second pick up. The Board of Education has said they want the second pick up. She recommended that the Borough not pay for that additional pick up but if the Board of Education wants to see if they can pay for it on their own she had no objections.

Mayor Ganz pointed out that they were unaware of the second pick up when the specifications were drafted since the Board of Education did it on their own. The problem is that this request has an impact on the Borough's budget.

The consensus was that the Board of Education should pay for the additional service.

Fence Request - 39-06 Pellington Drive - Manager Sacks explained that the Murrays obtained a permit to install a fence, but when the inspection was done, they discovered that the fence is encroaching on the Borough's property. The Borough owns that strip of land that is overgrown. It is not possible to get equipment through this right-of-way nor is it something that the Borough will need.

She recommended that the Borough allow the fence to remain with the usual provision that the fence has to be removed at the owner's expense if the Borough needs the right-of-way. Deputy Mayor Etlar advised that he had looked at the fence and he concurs with the Manager's recommendation.

The consensus was to enter into the usual license agreement with the property owner.

Mayor Ganz thought the agreements should be recorded, but Attorney Lustgarten disagreed. The agreements are filed with Municipal Clerk Kwasniewski and a copy is given to the Construction Official for their file.

Attorney Lustgarten needs a survey so he can prepare the license agreement. Manager Sacks will contact the property owner to get the survey and then forward it to Attorney Lustgarten.

Park Hill (Howard Avenue) Parking - Manager Sacks advised that she received a call from Fay Berlin who would like to be able to park on Howard Avenue.

Fay Berlin, 23-08 Howard Avenue stated that many cars have been parking overnight in front of her building. They have parking stickers. She wants a parking sticker, but she cannot obtain one because she does not live in Knollcroft or Eldorado Village. When the parking regulations were suspended for the holidays, she was able to park in front of her building instead of having to park in the back. She felt it is safer to park on the street than in the back of the building. Councilmember Amato sympathized with Ms. Berlin but they cannot just give her a sticker. They would have to give everyone one. Deputy Mayor Etlar added that the Council does not want cars on the street overnight and they cannot make exceptions.

Ms. Berlin stated that some of the people with stickers are parking in the crosswalks but they do not get tickets. Deputy Mayor Etlar asked Manager Sacks to bring this matter to the attention of Chief Marshall. She also mentioned that many people are violating the 15 minute parking restriction on High Street by the Post Office. She would like to see the laws enforced.

Borough Hall Additional - Approval of County Planning Board - Engineering Professional Services - Manager Sacks reported that the County Planning Board has asked for more survey work and in greater detail. Van Cleef Engineering has submitted a proposal that would not exceed \$11,000 to perform this work. The contract with Anastos Engineering did not include this work. They only did the surveying required for the specifications. Mayor Ganz asked to defer this item and discuss something related in Closed Session under anticipated litigation.

The Council concurred.

Pedestrian Yield Signs - Manager Sacks advised that the Department of Transportation advised her that in February they will issue new guidelines for the installation of these signs. She did not think the Borough should install any of the signs until the guidelines are released. Once she has the guidelines she would come back to the Council. An ordinance has to be adopted and sent to the Department of Transportation before the signs can be installed. The DOT will not approve any ordinances until they have done the new guidelines. The staff has done all the background work, but the ordinance will have to wait.

The consensus was to defer this matter.

Proposed Ordinance Prohibiting Shoplifting and Bad Checks - Attorney Lustgarten advised that the Prosecutor recommended that the Council adopt ordinances prohibiting shoplifting and bad checks. If the Borough had these ordinances, plea arrangements could be reached if the complainants agreed. The offense could be downgraded to a municipal ordinance violation. Attorney Lustgarten concurred and drafted the ordinance accordingly.

The consensus was to introduce the ordinance as drafted.

Proposed Ordinance Retail Sales with Professional Sales and/or Accessory Use to Business Office - Attorney Lustgarten advised that a businessman had requested the change. He had sent it to the Planning Board for their opinion. The Planning Board recommended that the change be made. He drafted the ordinance accordingly.

The consensus was to introduce the ordinance as drafted.

Proposed Ordinance Maximum Penalty - Attorney Lustgarten advised that the statutes that authorize community service stated that it cannot exceed 90 days. The Borough's ordinance needs to be amended to include that language. He drafted the ordinance to correct that defect.

The consensus was to introduce the ordinance as drafted.

Establishment of Fair Lawn Veteran and Volunteer Coalition - Attorney Lustgarten advised that based on the information given to him by Councilmember Caan he prepared the resolution. The Council needs to decide the maximum number of members, when the Coalition should make its report and when the Coalition should sunset. Councilmember Caan felt that the Coalition should have 11 members including one representative from each of the groups to benefit from the program. He spoke at the Chamber of Commerce meeting and they were receptive to the idea of the program.

After a short discussion it was agreed that the Coalition should have no more than 15 members, that a representative of the business community and such other individuals the Mayor and Council deem appropriate be added, the preliminary report will be made in four months and a final report made six months after the preliminary report and the Coalition should sunset in a year.

The resolution will be adopted at the next meeting.

Creation of Fair Lawn Recreational Facility Review Committee - Attorney Lustgarten drafted the resolution based on Deputy Mayor Weinstein's guidelines. He recommended that the chairman be a voting member of the Committee and a quorum not be established in the resolution. The Council concurred. It was also agreed that the preliminary report is due in four months, the final report made in six months after the preliminary report and the Committee should sunset in a year.

Deputy Mayor Weinstein explained that the idea is to arrive at short term and long term goals. He would like to hold the first meeting February 4. Manager Sacks suggested that they go into Closed Session to discuss appointments to this committee.

Special Meeting - Upon motion by Mayor Ganz and a second by Councilmember Caan the work session was recessed to a Special Meeting at 8:45 p.m.

Deputy Mayor Etlar reconvened the meeting at 9:05

Closed Session Resolution - Upon motion by Mayor Ganz and a second by Deputy Mayor Weinstein the following closed session resolution was unanimously adopted at 9:05 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, anticipated litigation and labor negotiations; and

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

WHEREAS, public disclosure of the results of these discussions shall be made relating to personnel by resolution of the Mayor and Council to be adopted not later than 60 days, relating to anticipated litigation within 90 to 120 days with the exception of legal strategy which will not be disclosed and relating to labor negotiations upon the execution of a contract with the labor unions with the exception of legal strategy which will not be disclosed;

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 of Councilmember Weinstein and a second by Councilmember Caan the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE  
Municipal Clerk

SPECIAL MEETING OF JANUARY 16, 2002

Deputy Mayor Etlar called the meeting to order at 8:45 p.m.

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

ALSO PRESENT: Manager Sacks, Municipal Clerk Kwasniewski and Borough Attorney Lustgarten.

ORDINANCES: SECOND READING

Upon motion by Mayor Ganz 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. 1886-2002

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

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

Upon motion by Mayor Ganz and a second by Deputy Mayor Etlar, Resolution No.46-2002 adopting Ordinance No. 1886-2002 was considered.

Councilmember Amato wanted to know how the ordinance was created. Manager Sacks explained that the contract with the Supervisor's Union was settled. This ordinance implements that contract. The Council also approved the stipend for the sewer operator and the increase for the Planning Board Secretary. Councilmember Amato wondered why all the titles were in one ordinance. He would have preferred that the Manager's salary be in a separate ordinance. Manager Sacks explained that it was one ordinance because there were all salaries.

Hearing no further discussion, Resolution No. 46-2002 adopting Ordinance No. 1886-2002 was passed with Councilmember Amato dissenting.

Upon motion by Mayor Ganz 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. 1887-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2 ENTITLED "ADMINISTRATION: DEPARTMENTS AND PROCEDURES", MORE SPECIFICALLY, SECTION 2-10, RULE VI.A. CONSENT CALENDAR

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

Upon motion of Mayor Ganz and a second by Councilmember Caan Resolution No. 47-2002 was considered.

Mayor Ganz was delighted that this ordinance will permit the use of the Consent Calendar at Special Meetings for many items that previously took a great deal of time to read when the Council had already discussed them. The resolutions will still be available for anyone who wants one but it will avoid the need to read them. He thanked Attorney Lustgarten for his efforts in making this change.

Hearing no further discussion, Resolution No. 47-2002 adopting Ordinance No. 1887-2002 was unanimously passed.

Upon motion by Mayor Ganz 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. 1888-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 140 ENTITLED "LITTERING", MORE SPECIFICALLY, SECTION 140-20 ENTITLED "VIOLATIONS AND PENALTIES"

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

Upon motion of Deputy Mayor Weinstein and a second by Mayor Ganz Resolution No. 48-2002 was considered.

Mayor Ganz stated that this ordinance is an example of the Council being responsive the residents surrounding the High School. Deputy Mayor Weinstein with the Manager met with the Board of Education to discuss the problem of littering and loitering. A simple answer was to amend the ordinance to allow the Judge to assign community service as a penalty for violating the littering ordinance. It is a small group of students that is the problem but the neighbors need relief.

A copy of the ordinance will be sent to Mr. Rickett, Ms. Panella, Dr. Watson, Daniel Dunay and Arlene Liebman. A notice will be posted on the website and Channel 66.

Hearing no further discussion, Resolution No. 48-2002 adopting Ordinance No. 1888-2002 was unanimously passed.

#### RESOLUTION NO. 49-2002 PROFESSIONAL SERVICES CLAIMS MANAGEMENT

Upon motion by Mayor Ganz and a second by Councilmember Caan Resolution No 49-2002 appointing Quality Claims Adjusters, Inc. (QCA) as the Claims Manager was unanimously passed.

#### RESOLUTION NO. 50-2002 JOINT INSURANCE FUND ALTERNATE

Upon motion by Mayor Ganz and a second by Deputy Mayor Weinstein Resolution No 50-2002 appointing Thomas Metzler as the Joint Insurance Fund Alternate was unanimously passed.

#### ADJOURNMENT

Upon motion by Mayor Ganz and a second by Deputy Mayor Weinstein, the meeting was adjourned to Work Session at 9:05 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE  
Municipal Clerk