

SPECIAL MEETING OF OCTOBER 1, 2002

Mayor Ganz called the meeting to order at 8:06 p.m.

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

ALSO PRESENT: Acting Manager / Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Borough 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. 1928-2002

AN ORDINANCE CREATING THE COOPERATIVE PARKING PLAN FOR THE BOROUGH OF FAIR LAWN IN DISTRICTS OTHER THAN SPECIAL IMPROVEMENT DISTRICTS

Mayor Ganz stated this ordinance is a cooperative parking plan that was suggested by Deputy Mayor Weinstein. This plan is Borough-wide which will allow the Borough to count spaces within seven hundred feet along with a proposal to buy spaces. He thanked Attorney Lustgarten for getting the draft together so quickly. Attorney Lustgarten stated he acted as the editor and that the credit should go to Mayor Ganz.

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 320-2002, introducing Ordinance No. 1928-2002 was unanimously passed.

RESOLUTIONS BY CONSENT #20-2002

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Consent Agenda #20-2002 containing the following items were unanimously adopted.

a. Resol. #321-2002 - Approval of Raffles & Bingo:
St. Leon Armenian Church non-draw

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 8:10 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF OCTOBER 1, 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 Etler and Deputy Mayor Weinstein (late), Councilmember Amato and Councilmember Caan.

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

Mayor Ganz stated there were very courageous firefighters not only from Fair Lawn but from surrounding communities who were at work trying to save the Radburn Building on Plaza Road and Fair Lawn Avenue. Several mutual aid towns as far away as Allendale and Garfield have responded to the fire which has been going on for over two hours. He was up at the scene and felt the fate of the building did not look good. Fortunately no one was injured or hurt. Mayor Ganz asked that a resolution of thanks be offered to all of the Chiefs of the mutual aid communities that have responded. He was able to identify Paramus, Glen Rock, Saddle Brook, Rochelle Park, Allendale, Garfield and Elmwood Park but there may be others. There has been a tremendous outpouring which we should be very proud of. This is volunteerism at its highest point and they should all be thankful.

Review of Tentative Agenda:

Acting Manager / Municipal Clerk Kwasniewski announced that she made a statement at the last public meeting that a summons was issued to the Sacchinelli's and on double checking that was not the case. The summons was not issued. Since she made a public statement she wanted to do so again at next Tuesday's public meeting. Mayor Ganz stated that would be fine but asked that a formal letter over his signature apologizing for the erroneous statement and tell them they are always welcome at our Council meetings and sorry for any inconvenience this may have caused.

Orchard Street:

Acting Manager / Municipal Clerk Kwasniewski stated the Council had asked her to check with the Traffic Safety Officer Franco about the holidays and whether that should be exempt from the no parking rule. Traffic Safety Officer Franco informed her that the Police Department's position has not changed which is there should be alternate side of the street parking when school is in session. Acting Manager / Municipal Clerk Kwasniewski stated that Traffic Safety Officer Franco pointed out that holidays do not coincide with the school holidays. She reminded the Council that the ordinance is due to expire the end of the year unless the Council takes an affirmative action. Mayor Ganz felt that Traffic Safety Officer Franco brought up one of the problematic elements of at least one day and there are several others. There are probably several days the school is off when it is not an ordinary holiday. He felt it was only the 1st of October and they had 90 more days to see how the ordinance is going. He has gotten the impression that it seems to be doing what they had intended for it to do. He proposed that they look at it again in late November or early December and do what they have to do at that time.

Dead Ending Various Street / Left-hand turn at Midland Avenue:

Acting Manager / Municipal Clerk Kwasniewski stated they probably saw a letter from Mark Stout, who is Director of Capital Investment Planning and Developing which stated the Commissioner of the Department of Transportation was reviewing the problem statement that was submitted regarding the intersection of Route 4 and Midland Avenue. Their staff will begin undertaking a screening analysis of this problem to determine the best course of action. The screening process includes field investigations and consultations with Borough officials, and it normally takes 60 - 90 days. Once it is done they will provide the Borough with their results. Mayor Ganz asked that Acting Manager / Municipal Clerk Kwasniewski contact them to advise them that the Council has engaged Birdsall Engineering for the purposes of undertaking certain traffic analysis and certain

parking space requirements and ask them whether they want it integrated into their analysis. If they do want it incorporated Birdsall Engineering would have to be notified. Councilmember Caan wondered about contacting them directly instead of going through the Assemblyman's office. Mayor Ganz stated he preferred it to be done through the Acting Manager / Municipal Clerk's office or through the Council instead of having a series of intermediate layers. Acting Manager / Municipal Clerk Kwasniewski stated she will ask that their correspondence goes to her so that they are aware of what is going on.

Save Our Waterways Campaign - Request for Endorsement & Letter:

Mayor Ganz stated it seemed to him it was an interesting item. He stated Attorney Lustgarten has recommended that the Council give authorization for it if it is the will of the Council. Deputy Mayor Etler wondered how this was reflected in the Passaic River sewerage cleanup that is going on. Mayor Ganz stated he had the impression that there were multiple programs that are going on simultaneously including that one and many others and this is simply asking the Borough to endorse the general concept.

There was a unanimous consensus to adopt the endorsement request and letter.

Request to Purchase Borough Owned Property - Sampson Road:

Acting Manager / Municipal Clerk Kwasniewski stated she had received a letter from Demetri Rosenberg who has purchased the property next to the park and wants to purchase Borough land. Her recommendation is not to sell parkland. Deputy Mayor Etler stated he had no idea of what this was. Mayor Ganz stated he suspected he did not have to know exactly where it is when you hear the concept that they want to buy parkland from the Borough in order to build a house. Deputy Mayor Etler stated as he always does he goes out to visit every piece of property that comes before the Council. Since he is not familiar with this he would like to know more about it. Acting Manager / Municipal Clerk Kwasniewski explained it was next to Sampson Park. Mayor Ganz stated the general position of the Council is that they do not sell parkland for development purposes. He stated if Deputy Mayor Etler wanted to make an on-site inspection before they consider it further he would be happy to defer this for a week. Mayor Ganz asked that the matter be put on the next work session agenda. Attorney Lustgarten stated he had asked through the Manager for Engineering to look at this particular lot because some parks were created with restrictions that they cannot be used for anything other than parkland. There might be a restrictive covenant that is running with the land.

Grant Applications Update:

Acting Manager / Municipal Clerk Kwasniewski stated she had sent them a memo detailing the nine grant applications they filed so far. Copies have been sent to Assemblyman Ahearn as requested. She received a call from Senator Coniglio who asked for copies so that they can lend their support. The total amount they applied for was \$1,269,571.85. There are still two projects they are working on that have October deadlines. One of them is the Broadway overpass by the train station. There is a meeting scheduled with New Jersey DOT on Monday because the Borough needs a letter of endorsement from them. Acting Manager / Municipal Clerk Kwasniewski stated what she needed from the Council was a letter stating that they would maintain it with Elmwood Park.

There was a unanimous consensus that the Borough will to maintain it with or without Elmwood Park.

Acting Manager / Municipal Clerk Kwasniewski stated Elmwood Park's administrative staff is very enthusiastic but is not sure what their Council will say.

Councilmember Caan asked if they had obtained a consensus from the fire department about scanners. Acting Manager / Municipal Clerk Kwasniewski stated she had heard from all the fire companies and rescue

squad who are all in favor of the card reader to improve fire ground accountability. Councilmember Caan stated he was at the fire tonight and heard the sirens to get the firemen out of the building and he thought how nice it would be to have this system to make sure they are all accounted for. Councilmember Amato wondered if they were in agreement to use the card scanner to be used at the fire scene. Acting Manager / Municipal Clerk Kwasniewski stated they had all asked to be involved in the planning and implementation.

Bus Stop Dunkerhook Road:

Acting Manager / Municipal Clerk Kwasniewski stated the Borough has been having a problem the past two years with the Department of Transportation with some of the traffic ordinances that have been adopted. When the Borough recodified the ordinances the whole package was sent to DOT to be reviewed as required. Two years later the DOT still does not acknowledge the traffic chapter. She had spoke to Mr. Vanseskel who informed her they have just begun to look at those chapters. He had suggested, in the meantime, they do a resolution affirming the bus stop without any reference to the chapter. The resolution would become mute once they accept the whole ordinance. Mayor Ganz told her no. Attorney Lustgarten said it has to be done by ordinance. Acting Manager / Municipal Clerk Kwasniewski informed him bus stops could be done by resolution. Mayor Ganz stated the problem is that resolutions are not part of the code. What he would he willing to do is put in parenthesis formally known as a certain section if that is an assistance to them. Attorney Lustgarten stated they could do a resolution right now ratifying and confirming the ordinance as being the law of the Borough of Fair Lawn. Acting Manager / Municipal Clerk Kwasniewski stated it would be on next week's agenda.

Deputy Mayor Weinstein arrived at 7:55 p.m.

Capital Projects / Bond Ordinance:

Acting Manager / Municipal Clerk Kwasniewski stated the Council approved the capital budget projects but they need to fund them. She stated originally there was money included for the GIS system but there is some concern about including it. Mayor Ganz stated that Deputy Mayor Etlar called him and it was his recollection that the Council did not approve that by consensus. Acting Manager / Municipal Clerk Kwasniewski stated that her and CFO Eccleston's notes showed the Councils's approval for the system. Deputy Mayor Etlar stated he was against it because of the cost of \$275,000.

There was a unanimous consensus to remove the GIS system at this time.

There was a unanimous consensus to proceed with the other projects.

Acting Manager / Municipal Clerk Kwasniewski stated she would forward the information to the Bond Counsel so that the ordinance could be introduced in November.

Public Comments:

Don Oliver, 8-32 Mitchell Place, wondered about the amounts of the bonds and the total debt. Acting Manager / Municipal Clerk Kwasniewski told him the amount of the bonds. Mayor Ganz stated the total debt was 32 million dollars.

JoMarie Sacchinelli, 23-17 Ellington Road, wondered if the Borough was a member of the Passaic River coalition. Mayor Ganz explained the resolution was endorsing the clean up of rivers and also to show the Council's support. Ms. Sacchinelli asked that she be updated with any correspondence that comes in regarding the dead ending of the A-E streets and the left hand turn at Broadway and Midland Avenue. She

submitted an amended petition regarding the dead ending of the A-E streets.

Sal Feola, 12-23 Lexington Avenue, felt the problem on Orchard Street may have improved but the students smoking and loitering have moved to his street. He wondered if they had the amount of warnings that have been issued. Mayor Ganz asked Acting Manager / Municipal Clerk Kwasniewski to get the figures from Chief Marshall.

Special Meeting:

Upon motion of Deputy Mayor Etlar and a second by Councilmember Caan, the Work Session was unanimously adjourned to a Special Meeting at 8:06 p.m.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Mayor Ganz reconvened the Work Session at 8:10 p.m.

Mini-Bus Update:

Mayor Ganz reported that the mini-bus service to the malls will begin in November. Attorney Lustgarten suggested they should advertise the service because of the holiday season coming. Acting Manager / Municipal Clerk Kwasniewski stated they had planned on beginning the service in mid-October. Mayor Ganz requested the information be put on Channel 66 and on the website. He also asked that a press release be made to the news media.

Tree City USA:

Mayor Ganz stated that Joe Koenig suggested applying for the Tree City USA recognition. He asked that Acting Manager / Municipal Clerk Kwasniewski to work on this project.

Adjournment To Closed Session:

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 8:15 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 pending litigation and contract 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 relating to pending litigation disclosure of which will be within 120 days or a resolution of the matter which ever is sooner and contract negotiations within 60 to 90 days or upon adoption of a resolution adopting terms of a contract which ever is sooner except for legal strategy for pending litigation and contract negotiations; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Governing Body 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 Councilmember Caan and a second by Deputy Mayor Weinstein, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk