

## WORK SESSION OF SEPTEMBER 3, 2002

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

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

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

### Review of Tentative Agenda:

Mayor Ganz announced that the September 11 meeting will be limited to remarks by the Council of the events that took place last year along with a resolution from the Council. Acting Manager / Municipal Clerk Kwasniewski informed them the meeting location was changed from Radburn School to the Municipal Building. The September 24 meeting will be held at Radburn School.

### Murray Fence Agreement - Pellington Drive:

Deputy Mayor Etlar stated they have discussed this issue for months. The homeowners would like to install a free standing fence on Pellington Drive with an entrance to Brookdale Park that should not be locked. Attorney Lustgarten advised that a standard licence agreement should be prepared.

There was a unanimous consensus to prepare a standard license agreement for a fence between the Borough of Fair Lawn and Mr. and Mrs. Murray.

### Orchard Street Signs:

Deputy Mayor Etlar stated the signs are a nightmare on Orchard Street. The residents do not know when they can park and that they wanted no parking from 8:00 a.m. to 2:00 p.m. He suggested removing those signs and established no parking Monday through Friday 8:00 a.m. to 2:00 p.m. Acting Manager / Municipal Clerk Kwasniewski stated they have had exhaustive discussions on this subject. She has talked to Superintendent Maslo and they know the signs need to be corrected. Councilmember Amato stated the residents are only interested in the 8:00 a.m. to 2:00 p.m. restriction. Deputy Mayor Weinstein stated he had looked at the signs and thought putting Monday - Friday on the first sign and combining the other signs would help clarify the situation. Attorney Lustgarten stated the Council had plenty of input. He advised them to fix the signs because they are confusing. Acting Manager / Municipal Clerk Kwasniewski advised them the ordinance is due to sunset in December. She suggested they fix the signs and let it go for the month of September to see how it goes. Councilmember Caan stated the problem is the signs are wrong. He explained the way they should read. The reason they went to alternate side of the street parking was because of the safety issue.

There was a unanimous consensus to have the signs done correctly and to add Monday through Friday on the second sign.

Councilmember Amato stated the signs do not look good. The Council has labored over this subject. Mayor Ganz asked that they defer this to later in the meeting.

### Protocols - Review of Personnel Files:

Acting Manager / Municipal Clerk Kwasniewski stated she was in a meeting with the Blue and White Collar Union want to see their personnel files. She stated that Attorney Lustgarten drafted the protocol that explained the process the employee would have to follow. Attorney Lustgarten added they structured a policy so that the Manager would not become inundated with requests from the employees. He also included the option that the employee can contest what is in their files. Mayor Ganz stated he agreed the Manager had the right to start this policy but would like to see it done as an ordinance. He would also like to make it clear it was a policy of the Council. Deputy Mayor Etlar wondered what the employees were doing now. Mayor Ganz informed him they were denied access to their files.

There was a unanimous consensus to establish the protocol policy. There was another unanimous consensus to do it by resolution.

### Cell Tower Bids - Memorial Park:

Acting Manager / Municipal Clerk Kwasniewski stated they took bids again. Borough Engineer Garrison reviewed them. There was a question and Attorney Lustgarten reviewed it also. It was her recommendation to award to the highest bidder, Omnipoint. She

stated she would like to award this bid tonight at the special meeting.

There was a unanimous consensus to award the bid to the highest bidder at the special meeting to follow.

#### Public Comments:

Steve Rickett, 14-13 Berdan Avenue, wondered if they notified everyone of the changes. Acting Manager / Municipal Clerk Kwasniewski stated they have sent notice several times. Mr. Rickett felt many people were not aware of the changes were done. Mr. Rickett stated when the signs went up people were looking at them with amazement. He felt that Saturday and Sunday restriction really hurts the residents.

Mike O'Shea, 15-01 Berdan Avenue, stated they never notified him that they would put up the signs. He stated that originally he was not opposed to the 8:00 a.m. and 2:00 p.m. during school hours. Originally the sign said when school is in session but sometime over the summer they covered that part of the sign. Mr. O'Shea said he lost all parking in front of his house. Now he has the problem of alternate side of the street parking. He thought these signs made the street look like a street in New York City. He would like to see 8:00 a.m. and 2:00 p.m. while school is in session and to allow parking all day during the summer. Mr. O'Shea felt this street was fine for the last six years he was living there. He is embarrassed when he has people visiting because he has to tell them where they are allowed to park.

Councilmember Amato reminded him that this restriction did not just happen. It took place because of the high school students smoking and littering. Mr. O'Shea stated the original sign restricted parking between 8:00 a.m. and 2:00 p.m. while school is in session. He stated that in August no one is around. Mayor Ganz stated they would have to look farther into this but not tonight. He asked Acting Manager / Municipal Clerk Kwasniewski to get Traffic Safety Officer Franco's opinion.

#### Municipal Building Renovations:

Acting Manager / Municipal Clerk Kwasniewski stated she expects the west wing construction to start next week. Once that work is completed there will be empty spaces. She would like to phase in moving other departments into where the Health Department, Building Department and the vault were. She was told to anticipate completion in January. Acting Manager / Municipal Clerk Kwasniewski presented a memo on how much it will cost to refurbish the existing municipal building and stated during construction they will go out to bid for the work. She explained that the Health Department will be moved to the first floor of the new addition, the Building Department will be on the second floor and the vault will be in the basement. Mayor Ganz asked about an estimate of how long the new space would be adequate. Acting Manager / Municipal Clerk Kwasniewski stated this addresses the long term needs of the departments except the Police Department.

There was a unanimous consensus to authorize bonding for the Municipal Building renovations in the amount of \$97,260.00.

#### Critical Incident Command and Communications Task Force Shared Services Agreement:

Acting Manager / Municipal Clerk Kwasniewski stated this matter was brought to her attention by the Emergency Management Coordinator after last September 11. Much emphasis has been on shared services. This agreement is between the Borough of Fair Lawn, the Borough of Paramus and the Village of Ridgewood. Mayor Ganz stated this just sets up a formal policy of the way it is going to be handled. Acting Manager / Municipal Clerk Kwasniewski stated the Emergency Management Coordinator has monthly meetings with other Emergency Management officials. This is not only for a 9/11 event but also for other disasters. Deputy Mayor Etlar stated he was in full agreement. Deputy Mayor Weinstein wondered if the Emergency Management Coordinator was out of town would someone else step in. Councilmember Amato stated that is why mutual aid exists. Acting Manager / Municipal Clerk Kwasniewski stated mutual aid was for fires not emergency management.

There was a unanimous consensus to approve the agreement upon approval of the Borough Attorney.

Attorney Lustgarten stated it will be an interlocal agreement. Councilmember Amato felt the Borough should see if any other towns were interested in joining.

#### Revision to Municipal Code 125-37 (Hot Tubs):

Acting Manager / Municipal Clerk Kwasniewski stated currently hot tubs are required to have a three-foot fence and this has been a problem. She said the Construction Code Official asked that it not be left up to him. Mayor Ganz stated it would have to be brought up to BOCA code. Acting Manager / Municipal Clerk Kwasniewski stated children have died in them. A four-foot fence would be adequate and would meet the code. Councilmember Caan wondered about people who currently have hot tubs. Attorney Lustgarten advised if the tubs were non conforming they would need permits when they replace it. He stated they needed

clarification for the difference between hot tubs and spas. Acting Manager / Municipal Clerk Kwasniewski stated she could have the ordinance ready by September 17 and introduce it on September 24.

There was a unanimous consensus to have the ordinance in accordance with BOCA building code along with the definition of the spa and hot tub in the ordinance.

#### Chandler Drive & Fair Lawn Avenue Intersection Report:

Acting Manager / Municipal Clerk Kwasniewski stated Mayor Ganz had received an inquiry about the status of the Chandler Drive and Fair Lawn Avenue intersection. She said the County was waiting for information from Rigg Associates which is the last piece. It will be going to the County sometime this week. Mayor Ganz stated they were looking at it as a 2003 project.

#### Slogan Contest Prizes to be Offered:

Deputy Mayor Weinstein stated the prizes for the slogan contest will be: first prize - a key to the Borough, a reproduction of the slogan, a 2003 bus pass, a 2003 free registration to All Sports, 2002 - 2003 Community School gift certificate and a 2003 pool pass for the entire family. The second prize is a \$75.00 gift certificate to a Chamber of Commerce store and the third prize is a \$50.00 gift certificate to a Chamber of Commerce store. Deputy Mayor Weinstein explained the Recreational Facilities Review Committee will narrow down the entries and announce the winner at the Public Meeting on October 22, 2002.

#### Well Drive Resident Request for Property:

Deputy Mayor Weinstein stated interest has risen from residents wanting this property. Attorney Lustgarten advised that this issue has been raised several times over the years. The issue is whether the residents are willing to pay fair market value along with the added assessment. He advised if the Council decides to sell the parcels the Borough would have no access to those lots. They would need to establish a fair market value according to the size of the parcel. Mayor Ganz wondered whether they needed an appraiser or could use the Tax Assessor's appraisal. Attorney Lustgarten stated they would need to find out who was interested. He recommended sending letters to the residents along that area stating the fair market value and the added assessment. Councilmember Caan felt that there would be lots that become isolated. Attorney Lustgarten advised he could not recommend a land lock scenario. He stated what looks good on paper does not always work because they have to think about getting equipment onto those lots if needed. Mayor Ganz stated the parcels are only worth something to the contiguous property owners who abut the lots. He suggested they ask the Tax Assessor to look at this for the value of the land and send letters to the property owners to see if they are interested. Attorney Lustgarten suggested they get an appraisal and send it to them along with a map of each parcel and what it will cost.

#### Special Meeting:

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etler, the meeting was adjourned to a Special Meeting at 9:10 p.m.

Mayor Ganz reconvened the meeting at 9:26 p.m.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was recessed at 9:26 p.m.

Mayor Ganz reconvened the meeting at 9:35 p.m.

#### Orchard Street Signs Continued:

Councilmember Caan presented an idea of what the signs should look like on Orchard Street. He suggested on one side of the street on the top sign read "No Parking This Side 8:00 a.m. and 2:00 p.m. Tuesday and Thursday". The bottom sign would read "8:00 a.m. and 10:00 p.m. Monday, Wednesday, Friday, Saturday". For the other side of the street, the top sign would read "No Parking This Side 8:00 a.m. and 2:00 p.m. Monday, Wednesday, Friday". The bottom sign would read "8:00 a.m. and 10:00 p.m. Tuesday, Thursday, Sunday". Attorney Lustgarten advised that they need a No Parking Here to Corner. Deputy Mayor Etler stated he was confused with it and that what the Council said and what the ordinance says is wrong.

There was a consensus to do the signs as proposed by Councilmember Caan with Deputy Mayor Etler dissenting.

#### Sasso Field:

Acting Manager / Municipal Clerk Kwasniewski stated signs have been ordered and are due in by the end of the week. They need

language for the entry signs into Fair Lawn.

**Cooperative Parking:**

Mayor Ganz presented a conceptual cooperative parking plan that will allow an owner of property to draw a line 750 feet in all directions and have those lots designated as part of the plan. It would also include Borough streets that would allow the Borough to charge a fee. This plan would also allow private people to make their own agreements. Mayor Ganz said the principal area would be Radburn but it will also cover the other business districts. He explained that the plan would also provide parking meters with tokens. Mayor Ganz suggested the plan be sent to Traffic Safety Officer Franco, Engineer Garrison and Attorney Lustgarten who would come back with any flaws or questions. Acting Manager / Municipal Clerk Kwasniewski suggested obtaining input from the Planning Board and Zoning Board. Councilmember Amato stated that this plan makes legal what the people do already. He felt it will also allow extra constraints. Mayor Ganz stated the starting point would be to hear the comments from the Planning and Zoning Boards. Deputy Mayor Weinstein felt the atmosphere of the Radburn area would change. Deputy Mayor Etler wondered what would be the advantage of joining. Attorney Lustgarten advised that they would have to meet the requirements or get a variance. This plan would be the mechanism for the Board to say they do not meet the legal requirements. He felt out of town businesses may fear there is not enough parking and this plan would allow them to obtain more spaces. Councilmember Caan stated he saw potential for this plan especially in the Radburn area not only for new businesses but also for existing businesses that want to expand.

There was a unanimous consensus to send a draft copy of the cooperative parking plan to the Planning and Zoning Boards, Traffic Safety Officer Franco, Engineer Garrison, Attorney Lustgarten, Chamber of Commerce and River Road Improvement Corporation.

**Jersey Professional Management:**

Mayor Ganz stated that Dan Mason from Jersey Professional Management would like a liaison person that he can deal with on a daily basis. He suggested Councilmember Caan. He asked that it be coordinated with Acting Manager / Municipal Clerk Kwasniewski who should retain a copy of any resume that they receive.

**Pool Closing:**

Mayor Ganz suggested the pool close on September 15 and for the balance of the month it be open to the public for free. Acting Manager / Municipal Clerk Kwasniewski stated she thought it should have been closed earlier. Deputy Mayor Etler expressed his concerns about the water shortage.

There was a unanimous consensus to close the pool and let the residents swim free until September 15.

**LOSAP Reporting:**

Councilmember Caan stated the ID cards can be used and get read at a fire and downloaded into a PDA. The report would go to Tom Metzler once a month.

**Flag Retirement:**

Mayor Ganz stated that Assemblyman Ahearn obtained for the Borough a special exemption from the state to allow burning of the flags. He asked that a letter of thanks be sent to Assemblyman Ahearn on behalf of the Council and the Veterans.

**Public Comments:**

Don Oliver, 8-32 Mitchell Place, wondered about the cost of renovations to the old space in the Municipal Building. Mayor Ganz told him \$97,260. Mr. Oliver asked about the hours on the signs. He believed according to the way the signs are no one can park on either side of the street. Attorney Lustgarten explained the way the signs will be.

**ADJOURNMENT:**

Upon motion by Councilmember Caan and a second by Councilmember Amato, the meeting was adjourned at 10:26 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

SPECIAL MEETING OF SEPTEMBER 3, 2002

Mayor Ganz called the meeting to order at 9:10 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 SECOND READING:

Upon motion by Deputy Mayor Weinstein 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. 1922-2002

BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY APPROPRIATING \$494,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$470,850 OF BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etler, Resolution No. 288-2002 adopting Ordinance No. 1922-2002 was discussed.

Mayor Ganz stated this bond ordinance was for items such as improvements to the municipal facilities for the Fire Department and the Municipal Building, public safety equipment for the Fire Department and Ambulance, furniture and equipment for the Children's Department of the Library and the Recreation and Parks Department, electronics and computer equipment for the Library and Legal Department, equipment for the Road Department, and tree replacements, machinery and equipment in the Shade Tree Department. He stated he was pleased that the Council acted so quickly passing these important items.

There being no further discussion, Resolution No. 288-2002 adopting Ordinance No. 1922-2002 was unanimously passed.

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

Ordinance No. 1923-2002

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND "TRAFFIC", ARTICLE II "PARKING"

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

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 289-2002 adopting Ordinance No. 1923-2002 was discussed.

Mayor Ganz reported this ordinance has many changes as to where one can and cannot park in the Borough. He appreciated the work that went into this ordinance which was done by Traffic Safety Officer Franco, Assistant Engineer Brouca and Acting Manager / Municipal Clerk Kwasniewski. Acting Manager / Municipal Clerk Kwasniewski stated the Norma Avenue alternate side of the street parking was included in this ordinance. Mayor Ganz asked that the residents on Norma Avenue be notified that the ordinance was adopted.

There being no further discussion, Resolution No. 289-2002 adopting Ordinance No. 1923-2002 was unanimously passed.

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

ordinance by title and open the time for public hearing.

Ordinance No. 1924-2002  
(Resolution No. 290-2002)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND "TRAFFIC", ARTICLE VIII "TRAFFIC", SUBSECTION 232-50 "BUS STOPS" AND ORDINANCE NO. 1841-2001

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

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 290-2002 adopting Ordinance No. 1924-2002 was discussed.

Attorney Lustgarten explained this ordinance was deleting the sunset provision that was in Ordinance No. 1841-2001. Mayor Ganz stated there were fears that the bus stop would cause accidents which has been unfounded.

There being no further discussion, Resolution No. 290-2002 adopting Ordinance No. 1924-2002 was unanimously passed.

Upon motion by Deputy Mayor Etlar 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. 1925-2002

AN ORDINANCE TO AMEND ORDINANCE NO. 1918-2002 WHICH PROHIBITS THE USE OR POSSESSION OF TOBACCO PRODUCTS IN THE BOROUGH OF FAIR LAWN WITHIN 1000 FEET OF SCHOOL PROPERTY BY ANY PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

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

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 291-2002 adopting Ordinance No. 1925-2002 was discussed.

Mayor Ganz stated this ordinance is an administrative change requested by Police Chief Marshall to change who does the reporting.

There being no further discussion, Resolution No. 291-2002 adopting Ordinance No. 1925-2002 was unanimously passed.

#### RESOLUTIONS BY CONSENT #18-2002

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Consent Agenda #18-2002 containing the following items was unanimously adopted.

a. Resol. #292-2002 - Approval of Minutes:

Work Session 6/18/02

Special Meeting 6/18/02

Closed Session 6/18/02

Special Meeting 6/25/02

Regular Meeting 6/25/02

Work Session 6/25/02

Closed Session 6/25/02

b. Resol. #293-2002 - Refund of Overpayment of Taxes

c. Resol. #294-2002 - Approval of Raffles & Bingo:

Temple Beth Shalom Bingo

d. Resol. #295-2002 - Extension of Water & Sewage Pump Station Maintenance Contract

e. Resol. #296-2002 - Extension of Tree Planting Contract

f. Resol. #297-2002 - Extension of Tree Removal with Stumps Contract

g. Resol. #298-2002 - Extension of Tree Trimming Contract

Resolution No. 299-2002 Award of Bid: Cell Tower

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 299-2002 was discussed.

Mayor Ganz wondered what the time frame was for the exchange of documentation. Attorney Lustgarten informed him 45 days. Mayor Ganz requested they find out when construction will begin and how long it will take for completion of the tower.

There being no further discussion, Resolution No. 299-2002 was unanimously adopted.

#### ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, the meeting was adjourned to the Work Session at 9:26 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk