

WORK SESSION OF SEPTEMBER 17, 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 Mayor Etlar and Deputy Mayor Weinstein (late), Councilmember Amato and Councilmember Caan.

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

Review of Tentative Agenda:

Acting Manager / Municipal Clerk Kwasniewski stated she would like to add two Proclamations - Domestic Violence Awareness Month and Race Equality Week. She stated they had a request from the Board of Education asking the Council to do an endorsement resolution for CDBG grants for the barrier free access to the school district buildings. She explained that the request was for \$402,150.00. Acting Manager / Municipal Clerk Kwasniewski stated she would be glad to see barrier free improvements made to the schools because she has received flack from the Election Division since some schools are not barrier free. The snow plow agreement was also added to the Consent Agenda on September 24 at Radburn School. Attorney Lustgarten advised that they should amend the sunshine notice for 7:00 p.m. at Radburn School to look at the weather station. Mayor Ganz suggested adding a possible Work Session.

No Parking Zone Mayfair Avenue Request:

Deputy Mayor Etlar stated he had received an e-mail from Donald and Harriet Meyers who live at 8-22 Mayfair Terrace, alerting him to a traffic situation at the corner of Madison and Mayfair. The homeowners have requested to eliminate parking in front of their house. Acting Manager / Municipal Clerk Kwasniewski stated that Traffic Safety Officer Franco went out to the location and spoke to the residents. The only people it effects are the Meyers. She said he did mention that taking away parking will increase speeding but he saw no reason not to eliminate parking. Attorney Lustgarten stated there are signs in place already that should offer relief for no parking within 25 feet of the corner.

Donald and Harriet Meyers, 8-22 Mayfair Terrace, stated the problem is the configuration of the intersection. He said his property fronts all of the intersection. The people park right up to the corner. Attorney Lustgarten wondered if it were a question of signage. Mayor Ganz explained that the Council had the ability to ban parking once they ban it, however, it is highly unlikely that it would be restored and that may pose a problem to them at some other point in their lives. He suggested putting signs up that may solve the problem but if it does not work they should come back to the Council. Attorney Lustgarten stated the first step would be no parking at Mayfair and Madison, sign that properly and enforce it and people may get the idea that they are not supposed to park there which would allow the homeowners to still park in front of their house. Mrs. Meyers stated they did not want parking there. Mr. Meyers stated people do not stop for the stop sign. The way cars are parked blocks the line of site which creates a difficult situation. Attorney Lustgarten stated the Council has the authority to ban parking but that pertains to everyone. Somewhere down the line if they want to sell their house it may not be attractive to a future buyer and they should understand the full consequences. Mr. Meyers stated he has plenty of parking. Attorney Lustgarten stated for the record it is the homeowners' request to eliminate seventy-five feet of parking in front of their house. Mayor Ganz repeated to the Meyers that they understand that having it done they cannot undo this in the future. Attorney Lustgarten explained the process of getting a recommendation from the Traffic Safety Officer, then introducing the ordinance, publishing it and then adopting it. It should take approximately three weeks and then another three weeks for the signs.

There was a unanimous consensus to do this based on the recommendation of the homeowners and the Traffic Safety Officer subject to the report from the Traffic Safety Officer. Mayor Ganz asked that the Meyers be notified of the adoption of the ordinance.

Request for Street Vacation - Broadway & Blue Hill Avenue:

Acting Manager / Municipal Clerk Kwasniewski stated the attorney representing 0-24 Gas Stations, Inc. that made the request was present. Henry Ramer of Williams, Caliri, Miller, Otley & Stern, P.C., 1428 Route 23, Wayne, New Jersey, stated the only people affected by the street vacation would be the people who are directly across the street from the gas station, who are Ernest, Catherine Ann and Leonard Affuante and they have indicated to him that they would go along with the vacation. He explained his client's location on an excerpt from a tax map. Mr. Ramer stated if the Council agrees, they would extend the rear property lines of both lots 18 and 1 to join in the middle of Blue Hill and from that point forward to Broadway would make the street vacation. He stated no one would be blocked and no access would be denied because of the improvements that were made. Mayor Ganz wondered if the Fire Department had any opinions on this. Acting Manager / Municipal Clerk Kwasniewski stated it has not been

sent to the Fire Department and the only person that she spoke to was the Borough Engineer who does not ever foresee the State reopening that portion of the road. Mayor Ganz stated that it occurred to him if there was a bad pileup in front of the gas station that prohibited someone from taking Broadway the logical way would be to go through Blue Hill Avenue. He stated he would like to hear what all the Emergency Services has to say about this. Attorney Lustgarten suggested that Mr. Ramer color code a second map to show what it will ultimately look like if there is a vacation. Mayor Ganz remembered when his client came before the Zoning Board six years ago they had a survey. He suggested he uses that survey. Attorney Lustgarten thought they should circulate the survey to the Emergency Services people. Mr. Ramer stated no parcels would be landlocked. Mayor Ganz stated he assumed that Mr. Ramer's client and the property owners across the street were aware that the increase in area would probably result in an increase value in real estate value. Attorney Lustgarten stated the Tax Assessor would do an added assessment.

Mayor Ganz asked that the professional survey be submitted to the Emergency Services for their response.

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

Acting Manager / Municipal Clerk Kwasniewski stated at the last Work Session there was a question of what the difference was between a hot tub and a spa. She reported that a hot tub consisted of wood and a spa consisted of fiberglass. Currently in the Borough code there is no difference between the two. Attorney Lustgarten recommended that a slash be put between a hot tub / spa and to convert the ordinance as recommended by the Construction Code Official to conform to the BOCA code.

There was a unanimous consensus to adopt the recommendation by Attorney Lustgarten through an ordinance.

Radburn Cooperative Parking Plan:

Mayor Ganz stated the Planning Board had a number of comments that have been circulated to everyone. He stated they did not hear back from the Zoning Board. Mayor Ganz suggested that the Borough Attorney take the existing cooperative parking proposal revise it to incorporate the Board's comments and get it introduced. Attorney Lustgarten advised they still had to refer it to the Planning Board once it is introduced. Mayor Ganz proposed that the ordinance be given to the Zoning Board as a courtesy.

Card Reader Scanner:

Councilmember Caan stated that Tom Metzler told him he would be able to scan the ID cards used for the Veterans and Volunteers discount program for the Fire Department. This is a safety issue which would keep track of when they went in and came out of a fire. It will also keep track of LOSAP reporting. He felt that all four fire companies and the Rescue Squad think it is a good system. Acting Manager / Municipal Clerk Kwasniewski stated there was a grant available for emergency preparedness. She recommended this system be added to the grant. She explained that the Borough already have agreements between the Village of Ridgewood and the Borough of Paramus. This is an opportunity that they would share with us and by pulling together that brings the Borough to the top of the list when the grants are being handed out. Mayor Ganz stated the Borough had until September 30 to submit the grant. He said they would need endorsements. Mayor Ganz suggested the Borough Engineer's proposal for global positioning be made a part of the grant.

Deputy Mayor Weinstein arrived at 8:10 p.m.

Mayor Ganz stated he would like to have a letter from each of the Fire Captains that they want the accountability system.

There was a unanimous consensus to proceed with grant application and to move ahead to get more information.

Edmunds Accounting system - Demo by CFO Eccleston:

CFO Eccleston was present. He explained the PC Anywhere software and the ease in which the Councilmember's could access the financial information from his systems. Councilmember Caan wondered about printing reports. CFO Eccleston informed him they would print out on his mainframe. He estimated the cost of the system to be \$4,000. Deputy Mayor Weinstein wondered if they could check on any open invoice. CFO Eccleston stated they could see all of the year's transactions from January forward. Mayor Ganz asked how soon the system could be installed. CFO Eccleston stated he could include it in the Bond Ordinance and have it installed three weeks after the adoption of the ordinance. Mayor Ganz stated every system has been hacked and wondered if CFO Eccleston had checks and balances. CFO Eccleston said that the screen would tell him who came on and it will only allow one Councilmember at a time. Councilmember Amato stated he would be voting against it because the benefits they will get as a Council, such as one Councilmember looking at it at a time, one screen at a time, does not compare with the newer systems such as the Edmunds system. He felt the Council would not use it. Deputy Mayor Etlar stated he did not need it. CFO Eccleston stated he had contacted several towns and none of them have Councilmember's accessing the system.

There was a consensus to implement the system that would allow remote access, with Councilmember Amato dissenting.

RRIC Presentation Plans for Development:

Robert Gordon was present and stated that he and Don Smartt were there to give a status report on business development and on how they were trying to make River Road more attractive. Eleven years ago when RRIC was developed the incentive was to improve the appearance of the businesses on River Road. He felt they had made significant cosmetic improvements. The Council has played a key role in putting plans into place. Mr. Gordon said that they were now focusing on marketing the district. The district has improved over the last five years with a 33% increase in values and a vacancy rate of 7%. Mr. Gordon stated they were developing a marketing brochure. They have retained a consultant to work with the businesses to help develop the brochure. He passed out their report.

Don Smartt was present and thanked the Council for their help. He felt the issues of parking and zoning have turned around and Mayor Ganz has helped close off the parking problem. Currently there are 20 - 25 vacant units. The board and business community have taken ads out to promote private investments. He suggested the Mayor and Council look at what they have done. He would like to put a positive message on Fair Lawn News. Mr. Smartt stated American Nursery has maintained the street scape. Mr. Smartt stated they have accomplished many things but would like to do more. Attorney Lustgarten thought it would be a good time to invite the business owners to a meeting with RRIC and the Council. Mr. Smartt suggested the property owners would be the ones to meet with. There was a lengthy discussion on where to hold the meeting and whom they should invite. Mayor Ganz suggested RRIC hold the meeting at Rivera's on November 23 or 24 and to invite the Council.

There was a unanimous consensus to attend the meeting to be held by RRIC with the property owners on November 23 or 24, 2002.

Recess:

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, the meeting was recessed at 9:24 p.m.

Mayor Ganz reconvened the meeting at 9:29 p.m.

Orchard Street:

Acting Manager / Municipal Clerk Kwasniewski stated the Orchard Street ordinance is due to sunset in December and felt the Council should act on it. She stated the parking situation there is not bad now because a lot of the kids are not driving yet. She felt the parking problems will increase in the spring when more kids are able to drive. Mayor Ganz suggested they discuss this at the next work session.

Ratify Tourism Grant:

Mayor Ganz stated this grant had come to his attention last Friday afternoon with a deadline of September 15. He put together the grant in two hours and would now like the Council to ratify the Tourism Grant that was submitted.

There was a unanimous consensus to ratify the grant as submitted by Mayor Ganz.

Traffic Study Proposals:

Mayor Ganz stated the Borough had received a proposal from Birdsall Engineering to study the issues of dead ending Arcadia, Berkshire, Cambridge, Dorchester and Ellington Roads and the left hand turn from Broadway onto Midland Avenue at a cost of \$42,000. He felt they should go ahead with this proposal and to apply for a grant. Deputy Mayor Etlar stated he felt this was an important issue. Councilmember Caan stated in his opinion it was doable for a left-hand turn. He wondered about the A-E streets being done at the same time. He suggested they wait to see if the left-hand turn gets constructed and how it impacts those streets. Attorney Lustgarten stated if the Council takes a consensus the Manager should tell them their report should cover what the Department of Transportation requires. He advised the final report should include everything the DOT and State wants.

There was a unanimous consensus to go forward with the Birdsall Engineering proposal. Acting Manager / Municipal Clerk Kwasniewski wondered about funding of this study. Mayor Ganz advised her to fund it in a bond ordinance at the same time the grant is sought. Attorney Lustgarten advised that he would prepare a professional services resolution subject to funding. Acting Manager / Municipal Clerk Kwasniewski stated they could not prepare the professional services resolution without the correct price. Attorney Lustgarten suggested giving the Manager time to contact Birdsall Engineering to see if the price will change, shoot for the first meeting in October and if they have the information they could still do a professional services resolution.

Grant Applications:

Community Development Block Grants 2003 - Acting Manager / Municipal Clerk stated it was time for them to do the Community Development applications for 2003. Traditionally they have been doing barrier free ramps around town and usually ask for \$20,000 to \$25,000. She stated that Assistant Engineer Brouca would like to continue that as some areas can benefit from it. She said he also came up with projects at the Senior Center. The center needs to be renovated with new room dividers, a fire suppression system over the cook-top, the pantry shelves need to be replaced, a heater for the conference room, carpeting in the lobby, replace an air conditioner and they would like to extend the rooftop over the entrance so that it provides shelter from the rain. Acting Manager / Municipal Clerk Kwasniewski said the estimate was \$45,000. Mayor Ganz said it sounded like very good use of Community Development Block Grants. Acting Manager / Municipal Clerk Kwasniewski stated generally they favor barrier free projects or the Senior Centers. She felt they should submit the application. Mayor Ganz wondered if a shuffleboard court was installed at the Senior Center. Acting Manager / Municipal Clerk Kwasniewski stated there is one there but it is not used.

There was a unanimous consensus to submit the applications as suggested.

DEP Liveable Communities (Parks and Playgrounds)- Acting Manager / Municipal Clerk Kwasniewski stated they would like to put in for two grants \$75,000 for Brookdale Playground , the field lights in case we do not get the other grant. She said Deputy Mayor Weinstein asked her to check on Berdan Grove, but the problem with Berdan Grove is a drainage problem. They have a deadline of September 30 and it would not be possible to get the study done by then. She felt it would be a lot of money. Deputy Mayor Weinstein stated it is something that had been discussed at a Recreational Facilities meeting. They realize it is a long term project. Mayor Ganz stated they should apply for it. Acting Manager / Municipal Clerk Kwasniewski stated she had Engineer Garrison working on the Livable Communities grant and he would not be able to prepare anything for it. Mayor Ganz felt this would be a great grant to apply for with no down side. The possibility is that it would be granted subject to a whole series of conditions or the worst would happen is they say no. Acting Manager / Municipal Clerk Kwasniewski stated they need plans and estimates and they do not have anything. Attorney Lustgarten advised her to submit estimates.

DOT Liveable Communities (Transportation) - Acting Manager / Municipal Clerk Kwasniewski stated what they were doing what Deputy Mayor Etler suggested which was installing a walkover to the parking lot at the Broadway train station that is actually in Elmwood Park. She had spoken to Elmwood Park and they are willing to do a joint project which would make it even more attractive. The cutoff date is October 18, 2002. Engineer Garrison is meeting with New Jersey Transit because they have to agree since it is their property. The Borough would have to come up with a Shared Services Maintenance Agreement with Elmwood Park for maintenance because New Jersey Transit is not going to buy into maintaining it. Attorney Lustgarten advised that the Borough should send a letter to Elmwood Park confirming their interest is there and then have a joint statement from the two Councils. Acting Manager / Municipal Clerk Kwasniewski stated with this grant there is a series of back up documents and there would have to be letters from Elmwood Park and New Jersey Transit. Mayor Ganz stated he would like the Borough to take charge of that application. Attorney Lustgarten recommended that a letter be drafted to be endorsed by Fair Lawn then send it to Elmwood Park to sign off on it. Mayor Ganz stated the lot off of Plaza Road with respect to fences, guardrails and gravel that should be added to the grant. Acting Manager / Municipal Clerk Kwasniewski stated the traffic study will also be included.

Cultural Enrichment Grant Program 2003 - Acting Manager / Municipal Clerk Kwasniewski stated the Recreation Department was putting together a program that would be a beach type of theme at the pool for the younger audience. The concerts during the summer seem to be attended by Senior Citizens so this would be a good opportunity to do something for the younger people. These would be done during the week as a family night. She said they would also be submitting a grant for the regular concert series and if they get the grant they can expand the program. Mayor Ganz suggested adding the Fourth of July celebration. Attorney Lustgarten stated they should also include trying to get the New Jersey Symphony here. He knew that the Community School was getting them. Mayor Ganz suggested calling Joe Tedeschi to inquire as to whether or not there would be an interest if we receive the grant money to host them for an extended period of time.

Local Domestic Preparedness: Acting Manager / Municipal Clerk Kwasniewski stated she had Tom Metzler working on that grant. Mayor Ganz suggested that they should include in this grant the capital proposals that have been made by all of the Emergency Services units that have not been accepted by the Council for reasons of funding but are in our five year plan that include the new fire engines, the ambulances and a series of other things.

There was a unanimous consensus to move ahead with each of these grants as described.

Public Comments:

Mayor Ganz stated that the State has finally caught up with the practices that they had adopted three years ago in the Borough of Fair Lawn at his urging and now it is a State law that allows public comments at any time. It has been the practice of this Council

to set aside thirty minutes for public comments at any meeting and until now they have limited it to items that are on the agenda. He announced a change as of this evening that those comments can be on any subject of State, Federal, County or Municipal concern in order to comply with State law. He and the Borough Attorney have discussed this and the impact this law may have on all of the organizations that operate under the Open Public Meetings Act. He asked the Borough Attorney to research the issue and opine about whether or not these various boards must also comply and set aside a time for public comment on items of national concern, state concern, county concern and municipal concern or whether they are exempt and if they are required to do that he notify them of their obligation with recommendation that they set aside not less than fifteen minutes to allow this commentary. Deputy Mayor Etler stated he had read in the paper there would be modifications to this law.

There was a unanimous consensus to have the Borough Attorney research it and send letters to them advising them of their obligation.

Howard Lowenstein, 0-93 Plaza Road stated the left-hand turn off of Broadway sounds good but the closing of the streets does not sound good. He felt if you live near a highway you have to expect to get more traffic. Closing five streets in Fair Lawn is not good. Saddle Brook is concerned about this and how it will affect their residents. Mr. Lowenstein felt the left turn off of Broadway would help. This was brought up several years ago to just close off Ellington Road but the residents on the other streets did not want it that way. He wondered what would happen to property values. The next street which is 30th Street would become a thoroughfare. Mr. Lowenstein stated the problems would just get thrown onto other streets. There are too many trucks. He stated people have to realize when you live near a highway that is the kind of traffic you will get. He felt it would diminish property values to dead end the five streets.

Don Oliver, 8-32 Mitchell Place, spoke about the cost of \$42,000 for the traffic studies and wondered if there was a cap for professional services.

Jim Meyers, 23-13 Ellington Road, wondered about the cost of the study and whether it could be incorporated into a grant. Mayor Ganz stated they would be going along parallel course but the Council is prepared to commit the funds for the project.

JoMarie Sacchinelli, 23-17 Ellington Road, thanked the Council for getting Assemblyman Ahearn and Senator Coniglio involved. She addressed the reason they could not install the left-hand turn as it was in Elmwood Park is because enhancements would have to be done to comply. Ms. Sacchinelli stated dead ending the streets was said in anger. She did not go to Plaza Road because they were not involved. The residents are frustrated. They felt a left-hand turn from Broadway would help. She wondered if they would still copy her on all of the correspondence regarding this issue.

Ms. Sacchinelli stated the drain that belonged to the Farmer's Market behind her home was issued a violation. They say it was the landlord's problem not theirs. The violation was from the Department of Environmental Protection. She wondered if Fair Lawn approved the way the drain was hooked up. Mayor Ganz stated it did not matter if Fair Lawn approved it or not. It is now between the DEP and the owner of the building and it is up to them to respond. Attorney Lustgarten stated the DEP will subject them to a fine and there will be serious implications. Ms. Sacchinelli wondered if the town could pull the approval. Attorney Lustgarten stated there was nothing for them to pull at the Municipal level. Mayor Ganz stated their hands are tied.

Jim Meyers, 23-13 Ellington Road, thought it would be prudent for the Council to notify the tenant that the Council is aware that they have served them a violation. Attorney Lustgarten stated this is now in the hands of the State. The Borough should not get involved because there is a process to follow. Mr. Meyers wondered if they would just have to wait and see. Mayor Ganz stated that legally the Borough cannot intervene without doing damage to the administrative process.

Howard Lowenstein, 0-93 Plaza Road, wondered once the study has been done will there be a public meeting. Mayor Ganz stated it depended on the study.

ADJOURNMENT TO CLOSED SESSION:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 10:35 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 contract negotiations, personnel, pending litigation; 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 contract negotiations upon execution of a labor contract except for labor negotiation strategy, personnel except for any item that is privileged or protected under right of privacy and pending litigation at the outcome of the litigation except litigation strategy; 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 11:35 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk