

WORK SESSION OF DECEMBER 4, 2001

Mayor Ganz called the meeting to order at 6:00 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

ABSENT: Councilmember Dobrow.

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

Mayor Ganz announced that the Moodys has increased the Borough's bond rating from A-1 to Aa-3. Bonds in the amount of \$15.8 million were sold today at a rate of 4.3 percent. The change in the rating will have the practical effect of saving \$600,000 over the 15-year life of the bonds. It was a tremendous achievement on the part of the Council, the Manager and the CFO.

Review of Tentative Agenda - Municipal Clerk Kwasniewski requested that a resolution to refund an overpayment of taxes and three resolutions approving change orders be added to the next meeting agenda. The Council concurred.

RRIC Issues - Scott Levy was present at the request of the Council for his thoughts on residences on the second and third floors of buildings on River Road and underground parking. Several members of the RRIC were also present. Mr. Levy indicated that when the development of River Road began it was thought that the incorporation of residential apartments over the commercial building would bring development to the area. Apartment dwellings would cause a strain on the infrastructure but a mix of residential and commercial would be viable. Mayor Ganz indicated that RRIC's position is that it is not economically feasible to building three stories in Fair Lawn. Mr. Levy would not give up option because it gives developers flexibility.

Bob Landzettel pointed out that B4 permits three stories with residences only on the third floor. B5 permits two stories with no residences on the second floor. The economics and the requirements of the ordinance make it a scheme that is not possible because of the parking requirements. RRIC is proposing that residences be permitted on the second and third floors at the option of the applicant. Each plan would be considered on its own merits. Mr. Levy did not see anything wrong with that proposal but there must be a certain amount of proportion of that type of development so it does not become only one type of development. Keeping a mixture is important. Economics change and what is not viable now may become viable later.

Councilmember Weinstein felt it was important to create an area that will bring people to River Road. Natural restrictions exist in parking and the setbacks. Manager Sacks noted that most redevelopments include a mix of uses. People living above stores are desirable. It provides a ready market for those stores and brings people into the area at night.

Deputy Mayor Etler thought market forces should drive it. Councilmember-elect Caan asked Mr. Levy if three stories were feasible. Mr. Levy thought that it was feasible in some areas of River Road but not all of it. Once the parking problem is solved, the Council seemed to have no problem with residences on the second floor. Attorney Lustgarten wondered if it would be such a terrible thing if the market forces dictate that developments were a greater percent of residences instead of businesses. Even though they would be moving away from a business area River Road would still be being developed.

Brick Pavers on River Road - Manager Sacks reported that 96 percent of the sinking pavers are at the County intersections but the County will not come back and repair them. Engineering has estimated that it will cost between \$10,000 and \$13,000 to make the repairs which should last 15 years. Deputy Mayor Etler suggested that the Borough and RRIC share the cost. Mayor Ganz indicated that he while he is happy to discuss this matter with the County Executive and the Freeholders, he thought it was a good idea to split the cost.

The consensus was for Manager Sacks to send a letter over Mayor Ganz's signature outlining the problem and asking for a response within a week or the Borough will proceed. Manager Sacks will give RRIC a copy of the Engineering report.

Ordinance to Make it Clear Littering Includes Dropping Cigarette Butts on Private or Borough Property - An ordinance already exists.

Motion to Recess - Upon a motion by Deputy Mayor Etler and a second by Councilmember Weinstein the meeting was recessed at 7:00 p.m.

Upon a motion by Councilmember Weinstein and a second by Deputy Mayor Etler the meeting was reconvened at 7:15 p.m.

Cell Tower at Fire House - Manager Sacks advised that Attorney Lustgarten requested some changes in the lease which she has sent to VoiceStream. They looked at it and sent it back. She gave the lease to Attorney Lustgarten. Attorney Lustgarten advised that he had received the lease this evening. He will review it as soon as possible.

Creation of a Joint Committee to Review Athletic Facilities and Parks in Fair Lawn - Councilmember Weinstein advised that he would like to create a committee consisting of representatives of All Sports, the Board of Education, the Parks Department and some constituents to survey the fields, basketball courts and other facilities. Mayor Ganz thought it was a good idea. He asked Manager Sacks to assist in recommending who should be on the committee and arranging the logistics.

The consensus was to create a committee with Councilmembers Weinstein and Caan co-liaisons.

Fence Easement -12-24 Saddle River Road - Deputy Mayor Etler noted that the applicant has put the fence in the right-of-way at the edge of the grass. He thought it was detrimental. He might grant relief on the Taylor Road side but not on the Saddle River Road side.

The consensus was to allow the fence on Taylor Road as long as he signs the license agreement and removes the fence on Saddle River Road. Manager Sacks will send a letter advising that the Council will consider the Taylor Road side fence once the Saddle River Road side is taken down. She will advise Attorney Lustgarten once the fence has been removed so he can prepare the license agreement for the remaining side.

Waiver Request for On-street Parking at 319 Plaza Road N. - Attorney Lustgarten asked if the Council was interested in revisiting the issue or keeping the policy of no waivers. Deputy Mayor Etler pointed out that this is the only house that does not have any parking. Manager Sacks added that the others have found something even if it is in their side yards. If NJ Transit agrees to lease some property to the Borough the situation will be alleviated to some degree. Deputy Mayor Etler did not think that will help unless the gate is opened. He felt in the interim they could grant two spaces to this house. Mayor Ganz thought the Zoning Board should deal with this issue. They are not the only ones in the Borough with parking problems.

Attorney Lustgarten advised that the resident has applied to the Zoning Board for a variance to install a driveway. Mayor Ganz asked Manager Sacks to find out the status of the case and when the Board will hear the case and then advise the Council.

Amending Ordinance No. 1862-2001 Municipal Building Addition - Manager Sacks advised that the lowest bid was \$100,000 more than the available funds. The project has evolved into something more significant than when it started. The project would add 1400 square feet on each of three floors. The basement would be a fire resistant structure capable of storing archival records with a halo suppression system. She would like to award the bid but in order to do that additional funds would have to be expended.

Councilmember Amato arrived at 7:35 p.m.

Councilmember Etler was surprised that the people who offered modular construction were the highest bidders. The conventional building is the lowest bid. Mayor Ganz proposed moving ahead with the construction and amending the ordinance to increase the amount.

The consensus was to proceed with the building and to introduce an ordinance to amend the existing bond ordinance.

Broadway Rezoning - Manager Sacks thought it would be a good idea to make an official announcement on this issue. Many of those present at the Broadway meeting have asked when they will hear the Council's intentions. She suggested that a meeting with the community be scheduled in January or February to pull together a plan or a list of priorities. Those present at the Broadway meeting were strongly against rezoning except for the Broadway Committee members.

Public Comments on Items on the Agenda - Keith Brown, 23-05 Ellington Road, was pleased with the turnout. He did not think that people who were at that meeting understood what was being proposed. Mr. Tregidgo tried to explain the Committee's suggestion but he was shouted down. He thought the letter sent by Manager Sacks put the fear of losing homes into the minds of those living along the Broadway corridor. He thought the letter was misleading. He claimed that during the meeting Manager Sacks asked who was in favor of losing their homes. Manager Sacks insisted that she did not say that. Mr. Brown insisted her letter was misleading. He was also disappointed in Ms. Gruel who did not explain the reason for the meeting and who was not able to control the meeting. He pointed out that rezoning was only one of the Committee's suggestions. He thought the Council should have been at that meeting which he classified as a sham. The community is angry because of the lack of action on the various reports. He felt a meeting was needed with the Mayor and Council and the community.

Deputy Mayor Etler thought the letter was correct. Mayor Ganz directed that a copy of the letter be included in the minutes. Deputy Mayor Etler disagreed that the people did not understand. They understand very well.

Councilmember Weinstein stated that based on his experience on the Teaneck Economic Development Committee, the Council has no place in this issue. The people should have the first voice in it. They are the ones that live or work in the area. A consensus must be reached by them before it is brought to the Council.

Manager Sacks thought the letter was very objective. The vote was called for by several people in the audience. The question was do you want the rezoning. She thought the people understood the proposal. They just did not like it. People came to that meeting to express their feelings which were overwhelmingly against rezoning. They felt that the proposal was being given to the Council by a committee that did not represent them.

A heated exchange took place between Deputy Mayor Etlar and Mr. Brown with Mr. Brown demanding an apology from Deputy Mayor Etlar.

Mr. Brown asked that the Council have another meeting so they can address the needs of the community and the members of the Committee can see some action. Mayor Ganz stated that the Broadway Advisory Committee served a valid and important function. They made about 28 recommendations and about half of them are useful. He has sent a memo to the Council detailing each point. They will have to decide whether to initiate another report or take another approach.

Manager Sacks stated that Charles Tredigdo and Jack Daniels did a good job explaining the proposal. The people fully understood it. There are other ways to achieve the goal of more parking. The people had very good questions and they understood the ramifications very well. Actually two votes were taken. Councilmember-Caan stated that at the first vote no mention was made of losing homes. The same recommendation was discussed by the Planning Board where the majority of those members had the same opinion as the people at the Warren Point school.

Petrovend Electronic Files - Superintendent Maslo was present. Councilmember Amato stated that the report generated shows that there is no accountability for the usage of gasoline by Borough vehicles. Superintendent Maslo disagreed. He distributed a report from January to November 29. He explained that many of the vehicles do not have odometers or they idle so the miles per vehicle are not significant, but there are other ways they keep track of usage. Councilmember Amato thought the system should be used the way it is designed and the way fleet operators use it.

Superintendent Maslo explained that he can produce the amount of fuel that any given vehicle uses. He explained the process he uses if he sees something that looks odd. He gets a daily report that he reviews. Councilmember Amato insisted that the only way to have accountability is to have some way of comparing one vehicle to another vehicle. He is not saying that anything is wrong. He just wants accountability.

Superintendent Maslo explained that vehicles are different from year to year. It is a conglomerate not a fleet of the same vehicles. He explained that the key is issued to the vehicle not the driver. The system is set up so that if the wrong numbers go in three times, the key will not work. The key then has to be revalidated. At budget time he has to give the CFO the total gas used by each department. Attorney Lustgarten noted that although the system may not give the accountability that Councilmember Amato is seeking there are other measures in place that achieve that objective. Councilmember-elect Caan would like to see if it were possible to get the number of gallons used by Department each month. Long term he would like to see the number of gallons by Department by month so that a record can be built to compare usage throughout the year. Then if there is an anomaly, it will jump out. Superintendent Maslo stated that he can do that for the monthly report. Manager Sacks will add it to the Manager's report quarterly.

Telephone Expenses - Councilmember Amato asked for an explanation of the article in The Shopper regarding telephone expenses. He asked Manager Sacks to give him a list of everything she has given him since she has not given him anything. Manager Sacks stated that she sent a response that she would compile the list but she would not be able to do that for tonight. Mayor Ganz recalled that she had offered to give him all the records except for the Police Department, but he was not aware that she had done so. Manager Sacks stated that Councilmember Amato had said that was not acceptable. She then went to Verizon but they cannot delete any information. The power bill comes as it is and that is it. She will be sending a response to Councilmember Amato.

Government on the Road - Mayor Ganz thought it was a successful program that they should continue. He felt that someone from DPW should be assigned to take the things to the schools and bring them back. Municipal Clerk Kwasniewski however, said that would incur overtime and they would continue to manage with the assistance of Attorney Lustgarten.

The consensus was to hold at least eight meetings at the schools.

Ordinance 1883-2001 Revisions to Chapter 125 - Attorney Lustgarten stated that the ordinance is not ready for introduction this

evening but it will be ready for December 11. A special meeting is required for its adoption. It was agreed that a special meeting would be held on December 28, 2001 at 8:00 a.m.

Special Meeting - Upon motion by Councilmember Amato and a second by Councilmember Weinstein the meeting was recessed to go into a Special Meeting at 9:25 p.m.

Mayor Ganz reconvened the meeting at 9:30 p.m.

Closed Session Resolution - Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etlar the following closed session resolution was unanimously adopted at 9:30 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 discussion; and

WHEREAS, public disclosure of the results of these discussions shall be made relating to appointments at the reorganization meeting or as soon as the Council decides not later than 90 days and relating to labor negotiations upon the Borough finalizing the contract with Borough employees, specific dates unknown but expected within 60 to 90 days 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 Deputy Mayor Etlar the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF DECEMBER 4, 2001

Mayor Ganz called the meeting to order at 9:25 p.m.

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

ABSENT: Councilmember Dobrow.

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

AMENDING ORDINANCE NO. 1881-2001

Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etlar it was unanimously agreed to amend Ordinance No. 1881-2001 entitled

ORDINANCE NO. 1881-2001

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED "POLICE DEPARTMENT" MORE SPECIFICALLY SECTION 33-2

by changing the number of Sergeants and Police Officers

RESOLUTION NO. 339-2001 Professional Services - Special Counsel

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein, Resolution No. 339-2001 was discussed.

Municipal Clerk Kwasniewski noted that the resolution was supposed to have allowed Mr. LaHiff to appear before the Borough's Planning Board for the subdivision on the 11th Street Easement.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein Resolution No. 339-2001 was amended to allow Mr. LaHiff's appearance before the Planning Board.

Hearing no further discussion, Resolution No. 339-2001 was unanimously passed.

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein, the meeting was adjourned to the Work Session at 9:30 p.m.

Respectfully submitted,

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