

REGULAR MEETING OF DECEMBER 11, 2001

Mayor Ganz opened the meeting at 7:38 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 27, 2000. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

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

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

ABSENT: Councilmember Dobrow

Mayor Ganz stated they will move the presentation by the Board of Education to across the hall after 8:00 p.m.

PROCLAMATIONS: ABRAHAM FLAMENBAUM

Municipal Clerk Kwasniewski read the proclamation. Mayor Ganz presented the Proclamation to Mr. Flamenbaum thanking him for all the work he has done for the Fair Lawn Senior Citizens.

ORDINANCES: FIRST READING

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 1883-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED, "LAND DEVELOPMENT", MORE SPECIFICALLY, SECTION 125-25, ENTITLED, "B-4 - RIVER ROAD BUSINESS ZONE AND SECTION 125-65, ENTITLED, "GENERAL PROVISIONS"

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein, Resolution No. 340-2001 introducing Ordinance No. 1883-2001 was discussed.

Mayor Ganz stated this ordinance was done at the urging of the River Road Improvement Corporation that will complete their agenda.

There being no further comments, Resolution No. 340-2001 introducing Ordinance No. 1883-2001 was unanimously passed.

Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etlar, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 1884-2001

AN ORDINANCE AMENDING BOND ORDINANCE NO. 1862-2001, ENTITLED "BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (THE "BOROUGH") APPROPRIATING \$1,470,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,400,000 OF BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Resolution No. 341-2001 introducing Ordinance No. 1884-2001 was unanimously passed

ORDINANCE: SECOND READING

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

ORDINANCE NO. 1877-2001

AN ORDINANCE TO TRANSFER TITLE TO A 1986 GMC ELECTRIC LIFT TRUCK BY THE BOROUGH OF FAIR LAWN TO THE FAIR LAWN BOARD OF EDUCATION

Bruce Watson, Superintendent of the Board of Education, stated he was honored to be present. There has been a long relationship of taking the old vehicles out of the Borough's hands to the Board of Education's possession where they refurbish the vehicles. He stated he would like to continue this system.

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

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Resolution No. 342-2001 adopting Ordinance No. 1877-2001 was unanimously passed.

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

ORDINANCE NO. 1878-2001

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

Manager Sacks stated these two positions were for the Judge. The current ordinance expires this year and this ordinance renews it for another two years.

Keith Brown, 23-05 Ellington Road, asked if the recent legal matter created the two positions. Manager Sacks informed him it did not.

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

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein, Resolution No. 343-2001 adopting Ordinance No. 1878-2001 was unanimously passed.

Upon motion by Councilmember Weinstein 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. 1880-2001

AN ORDINANCE TO AMEND CHAPTER 30 OF THE CODE OF THE BOROUGH OF FAIR LAWN ENTITLED "PERSONNEL", ARTICLE 1, ENTITLED "TERMINAL LEAVE COMPENSATION" AND SPECIFICALLY SECTION 30-5 ENTITLED "LUMP SUM OR PARTIAL PAYMENT"

Attorney Lustgarten summarized the ordinance stating it will allow the employees to convert their terminal leave to their deferred compensation account. It will also allow the Borough to budget payouts in a shorter time frame.

Charles Tregidgo, 12-68 4th Street, asked if the ordinance meant there was a change in the pension benefits. Manager Sacks informed him there was no change.

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

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Resolution No. 344-2001 adopting Ordinance No. 1880-2001 was unanimously passed.

RESOLUTIONS BY CONSENT 21-2001

Upon motion by Deputy Mayor Etlar and a second by, Councilmember Amato Consent Agenda #21-2001 containing the following items was unanimously adopted.

a. Resol. #345-2001 Approval of Minutes

Work Session 10/16/01

Closed Session 10/16/01

Regular Meeting 10/23/01

2. Resol. #346-2001 Approval of Raffles & Bingo:

Knights of Pythias on-premise 50/50

Temple Avoda off-premise 50/50

c. Resol. #347-2001 Confirmation of Fire Board Actions

d. Resol. #348-2001 Participating in the Bergen County Cooperative Pricing System

e. Resol. #349-2001 Participating in the State of New Jersey Cooperative Purchasing Program

6. Resol. #350-2001 Extension of Police, Auxiliary and School Guard Uniforms Contract

7. Resol. #351-2001 Refund of overpayment of taxes

8. Resol. #352-2001 Change Order - Project #2089 Memorial Park Parking Lot Improvement

9. Resol. #353-2001 Change Order - Project #2072 DPW Garage

RESOLUTION NO. 354-2001 HONORING COUNCILMEMBER DOBROW

Upon motion by the whole Council and a second by the whole Council, Resolution No. 354-2001 was unanimously passed.

Mayor Ganz stated that earlier this year he was pleased to present to Councilmember Dobrow on behalf of the Governor of Kentucky an appointment as a Kentucky Colonel and from the Governor of Nebraska an appointment as a Grand Admiral in the Navy in the State of Nebraska. The Council itself will honor Councilmember Dobrow on December 18, 2001. He encouraged everyone to attend the meeting which will close a remarkable chapter in the history of the Borough and in the history of the Council.

MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Councilmember Weinstein and a second by Councilmember Amato, it was unanimously agreed to open the time for public comments for fifteen minutes.

Councilmember Amato expressed his dismay at the article that appeared in The Shopper in which Manager Sacks stated she had given him everything he had requested regarding the Verizon Power Bill Electronic Data. He emphatically stated that he has received nothing from her. He requested that Manager Sacks forward to him the information she said she had given him, the dates it was done and to have it authenticated by the Borough Clerk. Councilmember Amato stated this was particularly disturbing to him because he has heard comments made that he had something against the Police Department. He has nothing against the Police Department, he just wanted to review the telephone records because it is his job. That statement has turned the discussion of his reviewing telephone expenses into Councilmember Amato is after something in the Police Department. Manager Sacks insisted the reporter paraphrased her reference to other documents that were requested and provided - there was no quote there. She told the reporter that Councilmember Amato requested numerous documents on various other items and she had provided all of them and the only thing she did not provide was the phone bill and that was pursuant to her discussion with the County Prosecutor. Councilmember Amato quoted from the newspaper. He asked for documentation to show that he has received what she says she has forwarded to him. He had requested that information back in March. This year he believes he will still not receive this information and will vote no on the budget. Manager Sacks asked the Council if they had received copies of the many documents supplied by the various departments to Councilmember Amato over the last two years. Deputy Mayor Etlar stated he had received a disposition on how they were paying the bills and how the various departments work.

Councilmember Amato asked Mayor Ganz to read an e-mail request which read from Councilmember Amato to Manager Sacks. I would like to review all of the Verizon Power Bills Electronic Data sent to the Borough on CD Rom. media. I would also like all written communications from Verizon associated with this system including user guidelines and manuals. Signed by Councilmember Amato. Manager Sacks stated that is what she showed the County Prosecutor and the Police Chief and their response to her was that these were not to be released. She stated he had requested a copy of the power bill that shows all of the telephone calls made by anyone in the Borough including the Police Department which included their confidential calls. When she offered to show him everything else except the Police Department portion he rejected it. Manager Sacks asked Mayor Ganz to confirm that. Mayor Ganz stated he could confirm that she offered the bill to him redacting anything relating to the Police Department and Councilmember Amato, at that time, was not willing to accept that. He wanted to see the whole bill. Councilmember Amato stated it was true that she wanted to give him part of it but it was impossible because the vendor could not separate that part of the information from the electronic media. He said it did not matter because he wanted the entire bill. Manager Sacks stated she would give him the entire bill printed out except the Police Department calls. Mayor Ganz suggested they continue this at a Work Session or afterwards.

Max Krown, 17-25 Elliott Terrace, was concerned that landscapers are blowing leaves into the street. He tries to keep his property neat and does not want the leaves blowing back onto his property. The Department of Public told him to call the Police. He felt it was not his job to monitor the area and believed that something should be done to resolve the situation. He stated he had a few ideas but this was not the time. Mayor Ganz stated he would be happy to chat with him about this because the Council would welcome such ideas.

Max Israel, 40-12 Dobrin Court, stated he has lived on the ground floor apartment for many years. He and his wife leave the apartment very early every morning and the parking lot is very dark and difficult for them to get to their car. There are lamps there but they are not lit. His wife is on dialysis three days a week, and there are no signs for disabled persons parking. Mr. Israel was wondering if the Council could do something. Manager Sacks stated they could take a look and asked if he were asking for a disabled parking space. Mr. Israel said he would like the disabled parking space and more lighting. Manager Sacks stated she would contact the owner of the apartment complex.

Leon Wender, 7-22 Manor Avenue, thanked the Mayor and Council for appointing him to the Holiday Celebrations Committee. He felt that recognition should be granted to all citizens. He would like to see representation for all faiths on the front lawn of the Municipal Building.

Felice Koplick, 6 Reading Terrace, wondered if the Shade Tree Department was going to replace the trees taken down by CVS. Manager Sacks stated that Downes Tree Service checked the trees and found they were infected. The Shade Tree Department will be replacing the trees in the spring.

Keith Brown, 23-05 Ellington Road, stated he had a comment from the Warren Point Block Watch that there is a lack of lighting on Midland Avenue from Broadway toward Ellington Road. Mayor Ganz stated he would take it upon himself, through the Municipal Clerk, to write to County Executive Schuber to see if something can be done. Mr. Brown stated he would like to request greater Police presence on Ellington Road. The new garbage contractor and his trucks go down his street even when it is not their pick up day. He said that large trucks are back on his street. He sees a Police Officer occasionally. Mayor Ganz stated he would pass that on to Manager Sacks.

Mr. Brown stated he was concerned that Councilmember Amato had unsuccessfully requested information from Manager Sacks. He commended him for what he was doing and stated he too would like to see the records as a taxpayer and a resident. Mayor Ganz stated he would let Attorney Lustgarten respond because as a taxpayer you clearly cannot have that information you want. Mr. Brown stated he would take it without the Police information. Attorney Lustgarten stated the tension between the two positions is that on one side there is the Public Right to Know and in New Jersey it is fairly strong. There is a concurrent responsibility by every Councilmember for oversight with respect to the fiscal responsibilities of elected officials. The problem is there is certain information that is sensitive. The Supreme Court has taken a position that there is not carte blanche for every record generated or received by a municipality. Unless there is a reason to preclude the public because of the sensitivity of the issue in very specific categories, he has advised every Borough Council that they should disclose all the records.

He said he would fall on the side of not releasing phone bills where the sensitivity of the need to keep it confidential outweighs the disclosure.

Mr. Brown stated he wanted it to go on record that he did request it and if the Council so deems that it is public record he would like the information at an appropriate time. He also stated he was happy that the Council decided to air the Council meetings live. He received an e-mail from Mr. Pace, President of Fair Lawn TV Productions, which he forwarded to the Mayor. He was surprised at Mr. Pace's comments that he had literally no interest in airing Council meetings. Mr. Brown went to an open house held by Fair Lawn Creative Cable at the River Road studio and spoke to Ms. Vivino who stated her group was willing and able to come and record and air Council meetings. Ms. Vivino told him she would use two or three cameras so the residents can see their faces. Mr. Brown said the new group has no interest in recording Council meetings but an old group who is fully trained and is willing to do so. He wondered why don't they use them. Mayor Ganz stated it was a valid point. He did not have an opinion on this and has not discussed it with Mr. Pace.

Charles Tregidgo, 12-68 4th Street, spoke about Ordinance No. 1883-2001 which was introduced tonight. Section 1b referred to the deletion of part of the current zoning ordinance - a conceptual parking plan at the corner of Bergen Avenue and River Road. He wanted to know the genesis of this paragraph. Mayor Ganz stated they had spent about three and a half hours working on this at the last work session. Attorney Lustgarten stated this was a requested by RRIC. He stated he had put this into the cooperative parking ordinance as a reference point to one of the studies done for parking spaces in the River Road - Bergen Avenue area. When RRIC representatives came to the work session they indicated that was a reference but they did not want the conceptual parking plan of prior studies to be the foundation for cooperative parking on River Road. The ordinance was much broader than any study. RRIC asked for it to be deleted and he recommended it to the Council. Mr. Tregidgo asked when they discussed it and Municipal Clerk Kwasniewski informed him it was at the meeting on November 29, 2001 with River Road. Mr. Tregidgo stated they

previously told him that he would be advised if they discussed the request by Commerce Bank to change the zoning of the property that is immediately to the rear of this lot. Attorney Lustgarten stated it had nothing to do with Commerce Bank. Mr. Tregidgo stated Commerce Bank's application includes the parcel that this particular conceptual plan is part of. Attorney Lustgarten stated RRIC came in with a wish list of what they would like and Commerce Bank was never part of it. Mayor Ganz stated this has nothing to do with the Planning Board, it did not come from the Planning Board but they did sign off on it as they are required to do on all land use items.

Mr. Tregidgo asked if it were the position of the Mayor and Council that they have resolved the parking problems on River Road. Attorney Lustgarten responded that RRIC wanted parking done on a site by site basis. The cooperative parking plan agreement has been made part of the ordinance. It had nothing to do with Commerce Bank. Mr. Tregidgo had a question about the ordinance creating two position in the Municipal Court and wondered what was the reference Manager Sacks suggested. Manager Sacks stated she did not have the site for it but she will get it for him.

#### RECESS TO WORK SESSION

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein the meeting was recessed to the Work Session at 8:35 p.m.

#### RECONVENE REGULAR MEETING

Upon motion of Deputy Mayor Etlar and a second by Councilmember Amato the meeting was reconvened at 9:50 p.m.

#### MISCELLANEOUS PUBLIC COMMENTS CONTINUED

Charles Tregidgo, 12-68 wondered since the meeting of November 29 apparently resulted in the neighbors saying no to rezoning to increase the parking if they had made a determination on the future of the reports. Mayor Ganz advised that they have not made any recommendations. He has circulated a memo privately to the Council identifying those items that are doable, long term doable and those on which a community consensus must be developed before the Council does anything. The Council has not responded to that yet. He thought it would be on the agenda early next year. He thought they needed to identify each parking space available and who owns them. He will be recommending that the Council undertake that task as part of next year's capital budget.

Don Oliver, 8-32 Mitchell Place and a member of the Fair Lawn Home's Association was sorry that Councilmember Dobrow was not present so they could tell her that they wished her well on her retirement.

Mr. Oliver asked if the positions of secretary and clerk to the Judge were filled and if not, did they intend to fill at least one of those positions. Manager Sacks replied that the positions were not filled and she will only fill them when the Judge asks her to do so. The positions were created before but the salary will expire at the end of the year. Mr. Oliver then wondered why a part time Judge would require two positions that could cost up to \$100,000. He did not think there was any justification for these positions. Manager Sacks pointed out that it is one or the other. They do not need both positions. She added that just because the Judge is part time does not mean that the work is only part time.

Margot Brandes, 16-36 Raymond Street, stated that when Fair Lawn Commons was being developed they had been told that it would add 27 students. Last year it was 75. That development has also had a detrimental impact on traffic. She then went on to criticize the small sizes of the classes particularly of those classes mandated by the State. She also questioned the need for expansion of the schools and suggested that they should investigate to make sure that all the students are legal. Mayor Ganz reminded her that none of her comments were within the jurisdiction of the Council.

Charles Tregidgo, 12-68 voiced his objections to the cameras no longer running. He asked if the Council had considered televising the work sessions. Mayor Ganz advised that they had not but they could put it on the agenda. Mr. Tregidgo would be notified when this item would be discussed.

Hearing further comments upon motion by Councilmember Amato and a second by Deputy Mayor Etlar, the time for public comments was unanimously closed.

#### RECESS TO WORK SESSION

Upon motion of Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, the meeting was recessed at 10:05 p.m.

#### RECONVENE REGULAR MEETING

Upon motion of Deputy Mayor Etlar and a second by Councilmember Amato the meeting was reconvened at 10:40 p.m. in Room 201

#### ORDINANCE: FIRST READING

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, it was unanimously agreed to read the following ordinance by title.

#### ORDINANCE NO. 1885-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC", MORE SPECIFICALLY, ARTICLE IX, ENTITLED "MUNICIPAL PARKING AREAS", AND ESTABLISHING OVERNIGHT PARKING AT MUNICIPAL PARKING AREAS KNOWN AS GEORGE STREET LOT, AT BLOCK 5610, LOT 1.01 AND FAIR LAWN ARTS CENTER LOT AT BLOCK 5613, LOTS 10, 11, 24 AND 25

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Resolution No. 355-2001 introducing Ordinance No. 1885-2001 was unanimously passed.

#### ADJOURNMENT

Upon motion by Councilmember Amato and a second by Deputy Mayor Etlar, the meeting was adjourned at 10:50 p.m. Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

#### WORK SESSION OF DECEMBER 11, 2001

Mayor Ganz reconvened the meeting at 8:45 p.m..

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

ABSENT: Councilmember Dobrow.

Also present: Manager Sacks, Municipal Clerk Kwasniewski, Attorney Lustgarten and Councilmember-elect Caan.

Board of Education Capital Plans and Joint Projects - Dr. Bruce Watson, Superintendent; Ed Carter, President; John Mancinelli, Committee Chair of the Board/Borough Liaison Committee; Dan Zino Vice-President; Bob Csigi, Director of Buildings and Grounds for the Board of Education; Lan Associates; Liz Pannella, Principal of the High School; Chuck Corria and Ray Jacobus Business Administrator and Board Secretary were present. Mr. Mancinelli stated that at the November 28 Board /Council liaison meeting they discussed some of the issues that led them to put together a building program. There may be some mutual needs that can be addressed by a joint building program. The district has been experiencing increased enrollment for the last ten years. They are now experiencing overcrowding and space is now very scarce. The growth has been uneven because it is being driven by immigration. The high school has been hit the hardest. Every classroom is being used all day. They cannot add classes because there is no room. The State has mandated additional credits required for graduation so the curriculum must be restructured. He thought the Borough has arts and recreational needs that perhaps could be addressed jointly with the building program. They want to go to a referendum in September 2002. They estimate between \$20 and \$30 million will be needed although plans are not finalized. They will try to maximize renovation and minimize new building to help bring down the cost.

Mayor Ganz thought that possibly a state of the art Arts Center could be explored. Mr. Mancinelli pointed out that the needs of the students and the drama club sometimes clash but possible a gym with stage facilities could be explored.

Mr. Mancinelli asked the Council to define their needs. Mayor Ganz stated that the Council will be discussing those needs at their work session. He offered the services of the Borough in particular the Engineering staff. Dr. Watson complimented the engineering staff which he has worked with over the past few years. Mayor Ganz thanked them for attending the meeting.

Closed Session Resolution - Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 9:25 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

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 in the next 14 to 21 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.

Mayor Ganz reconvened the meeting at 9:40 p.m.

Capital Alternatives Contract Renewal - Manager Sacks advised that they only receive a percentage if they get a grant for the Borough. Deputy Mayor Etlar did not think they were doing anything for the Borough. Mayor Ganz thought there was no downside to renewing their contract since if they do not get any grants, the Borough does not pay them anything. He then explained what Capital Alternatives does for the borough.

Councilmember Weinstein advised that there is a grant for facade improvements which is based on income. He thought portions of Broadway may qualify. The application comes in June and must be filed by October. He felt it was a good idea to apply. This item will be on the agenda for the December 18 work session.

The consensus was to renew the contract with Capital Alternatives. A professional services resolution is required.

Well Drive Properties - Manager Sacks asked if the Council wants to spend approximately \$12,000 to do the required surveying to sell the properties. Mayor Ganz suggested that they retain Azzolina, Feury & Raimondi Engineering Group.

The consensus was to retain Azzolina, Feury & Raimondi Engineering Group at a cost not to exceed \$12,000. A professional services resolution will be adopted on December 18.

Return to Regular Meeting - Upon motion of Councilmember Weinstein and a second by Deputy Mayor Etlar the meeting was adjourned to the Regular Council meeting at 9:50 p.m.

Mayor Ganz reconvened the meeting at 10:05 p.m.

Discussion of Ordinance re George Street and Arts Center Parking Lots - Attorney Lustgarten noted that at the meeting with RRIC on November 29 RRIC requested that overnight parking be considered for the George Street and Arts Center parking lots. At the time he thought the ordinance for overnight parking was in place, but Municipal Clerk Kwasniewski advised him that the ordinance had been tabled. The Council had asked the Manager to get a survey on overnight parking at the train stations, but he did not know if that survey had been done. He explained how he prepared the ordinance. The open issues are the fees and the allocation of spaces for nonresidents. The Council needs to decide if they want an annual fee and how much. He raised the issue of the casual friend who might stay over but does not have a sticker. That person would not be able to park in that lot.

Manager Sacks stated that the other ordinance did not come off the table because there was not enough interest in parking overnight. It appeared that no one was going to use it.

Mayor Ganz did not see the need to charge a fee since the ordinance will be giving relief to the apartment residents. Manager Sacks suggested a \$10 fee to cover the administrative costs. She pointed out that overnight guests can call the police to get permission to park on the street.

Mayor Ganz suggested that parking be prohibited from 2:00 a.m. to 5:00 a.m. without a permit. RRIC had suggested banning parking from 6:00 p.m. to 8:00 a.m. The lot is being used regularly and realistically patrons use the stores after 6:00 p.m. The real purpose is to ban parking overnight which prohibiting parking from 2:00 a.m. to 5:00 a.m.. would accomplish. A proviso that anyone parking overnight must be out of the lot by 8:00 a.m. can be added. They also should not be allowed to park in the lot during the day.

The consensus was that the fee for a resident is \$10 and \$50 for a nonresident, parking would be prohibited from 2:00 a.m. and

5:00 a.m., anyone with a sticker may not park between 8:00 a.m. and 10:30 a.m. on the same day and three spaces would be allocated for nonresidents in the George Street lot and two spaces in the Fair Lawn Arts Center lot.

Closed Session Resolution - Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 10:30 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

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

WHEREAS, public disclosure of the fact that the Manager's evaluation was conducted will be made;

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 10:40 p.m.

Respectfully submitted,

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