

SPECIAL COUNCIL MEETING OF DECEMBER 28, 2001

Mayor Ganz opened the meeting at 8:15 a.m. Assistant Municipal Clerk Bojanowski read the following statement of compliance:

In accordance with the Open Public Meetings Act, notice of this special meeting of the Borough of Fair Lawn was published in "The Record" issue of December 21, 2001. 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 notice identified the meeting location and the time of the Special Meeting.

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

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

ORDINANCES: 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.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

Hearing no comments by 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 Councilmember Amato and a second by Councilmember Weinstein, Resolution No. 366-2001 adopting Ordinance No. 1884-2001 was discussed.

Attorney Lustgarten stated this ordinance is an amendment to a previously adopted bond ordinance which adds funding for various projects.

There being no further discussion, Resolution No. 366-2001 adopting Ordinance No. 1884-2001 was unanimously passed.

Councilmember Dobrow left at 8:20 a.m.

Upon motion by Councilmember Amato 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.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

Attorney Lustgarten stated this ordinance establishes the prohibition of overnight parking at the Fair Lawn Arts Center lot and the George Street parking lot unless individuals have taken out a permit. It also establishes the hours for the overnight parking, the time the overnight parkers have to vacate the lot and sets up the process for obtaining the stickers. Mayor Ganz stated it will allow for stickers to be made available to local residents who wish to apply for it as well as others. Attorney Lustgarten stated there are a number of spaces for non residents. Deputy Mayor Etlar stated sticker or no sticker they have to be out of those lots between 8:00 a.m. and 10:30 a.m. Attorney Lustgarten informed him it would apply only to those who have a sticker because then the lot opens up to regular people.

Hearing no comments by 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 Councilmember Amato and a second by Deputy Mayor Etlar, Resolution No.367-2001 adopting Ordinance No.

1885-2001 was unanimously adopted with Councilmember Dobrow excused.

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.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"

Attorney Lustgarten explained that this ordinance deleted the reference to a particular parking plan in the River Road Improvement District and deleted an inconsistency with respect to having to go before the Planning Board as other sections of the code streamline that process.

Charles Tregidgo, 139 Harristown Road, Glen Rock, New Jersey questioned the number of parking spaces on the conceptual parking plan. Mayor Ganz stated it was more than 1,500 spaces referring to a larger plan. Mr. Tregidgo stated he had a copy of the Maser Sosinski report and there is no individual parking plan regarding Bergen Avenue and River Road dealing with 1,500 spaces. The plan shows a total of 56 spaces. Mr. Tregidgo wondered if anyone had signed up for the cooperative parking plan at that location. Mayor Ganz informed him he did not believe anyone had.

Mr. Tregidgo stated he believed this ordinance was introduced a few weeks ago at the request of the River Road Improvement Corporation. He reviewed the history of this ordinance and the Maser Sosinski report. The study reports that the Borough has studied the corridor for the past few years with the intent of zoning changes that would help in the development. The Borough recognizes that adequate off street parking for each development or application for use is essential to redevelopment of the River Road corridor. Mr. Tregidgo stated the history of this took years to develop. This ordinance was introduced at the request of the River Road Improvement Corporation sometime in the last several months. He attended the Planning Board meeting when this was discussed earlier this month and the discussion was cursory at best. He felt the Borough was embarking on this rather quickly especially for a problem that continues to exist.

Attorney Lustgarten stated there are two charts in the master plan of River Road. Both charts state the existing parking by particular area and if you add up the existing parking that is how you get the figure of 1,500 as said before. He stated this was discussed two years ago and that they threw a number out based on the Maser Sosinski report. The only deletion this ordinance is doing is talking about encroaching on parking spaces that are delineated in the report. When River Road Improvement Corporation came in their argument was that they did not want the basis of the ordinance to be designated to be a particular plan. River Road Improvement Corporation said that since the Borough had this ordinance it should just relate to one proposal. Attorney Lustgarten stated this deletion was just referencing a plan not doing anything more than that.

Mr. Tregidgo stated the reason for his comments is that the ordinance does not refer to 1,500 parking space's it only refers to a specific area. He felt adopting this ordinance was ill advised and hastily undertaken. Attorney Lustgarten questioned if he were representing Columbia Bank and why did he think it was ill advised. Mr. Tregidgo felt that deleting areas were inappropriate because anyone coming in will need parking. Attorney Lustgarten stated the Planning Board and Zoning Board have certain restrictions and safeguards. Mr. Tregidgo wondered why the Borough saw fit to adopt this ordinance. Attorney Lustgarten stated River Road Improvement Corporation was the driving force behind this ordinance. Mr. Tregidgo stated having listened to Attorney Lustgarten it seems the Mayor and Council is being hasty and it deserves more consideration.

Hearing no further comments by 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.365-2001 adopting Ordinance No. 1883-2001 was unanimously adopted with Councilmember Dobrow excused.

RESOLUTION NO. 368-2001 Award of Bid: Trailer Mounted Standby Generator

Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etlar, Resolution No. 368-2001 was unanimously passed with Councilmember Dobrow excused.

RESOLUTION NO. 369-2001 Approval of Raffle License Amendment: Temple Beth Sholom

Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etlar, Resolution No. 369-2001 was unanimously

passed with Councilmember Dobrow excused.

RESOLUTION NO. 370-2001 Budget Transfers

Upon motion by Councilmember Amato and a second by Councilmember Weinstein, Resolution No. 370-2001 was unanimously passed with Councilmember Dobrow excused.

REPLACEMENT FOR SEDGEWICK (CLAIMS MANAGEMENT)

Manager Sacks stated she had received two proposals, one from Inservco and one from Quality Care Administrators, Inc. She stated they need to address what they are going to do with Sedgewick because they only have until the end of April. They could go month to month with them. The sooner they phase the new company in the better. She said she could recommend either one because both have experience handling joint insurance-funded towns. Quality Care Administrators, Inc.'s proposal was a little lower.

A unanimous consensus to hire Quality Care Administrators, Inc.

Attorney Lustgarten stated he had done a draft resolution to put Sedgewick on a month to month basis not to exceed the four-month period. Mayor Ganz stated there will be a transition time. Attorney Lustgarten recommended adopting the Sedgewick resolution on January 2, 2002, to put them on month to month, let Manager Sacks find out how much time Quality Care Administrators needs to coordinate with Sedgewick and then in the resolution terminating Sedgewick they can award it to Quality Care Administrators.

Councilmember Amato left at 8:50 a.m.

Attorney Lustgarten stated a reasonable transition period will be two months. Sedgewick needs to transition into Quality Care Administrators all of the existing files and all potential claims where the statute of limitations has not run out.

Deputy Mayor Etler stated he understood that Sedgewick wanted money up front to pay claims and our CFO said no. Attorney Lustgarten explained that several years ago Sedgewick wanted a certain amount of money to go into a trust fund to pay claims but the CFO felt the Borough should not relinquish its money.

STATUS REPORT REGARDING MR. LEPORE

Manager Sacks explained she had gone on an inspection with Construction Official Van Hook. Mr. Lepore has property on the corner of Fair Lawn Avenue and 2nd Street. He has put up a modular home and has had some difficulty with the Borough inspectors. Many things have been taken care of but several things still need to be done. She explained to Mr. Lepore in great detail why things need to be changed and how to take care of what needed to be done. He is going to do it and they will arrange for subsequent inspections within the next week. She felt they had a satisfied customer.

CLOSED SESSION RESOLUTION - Personnel

Mayor Ganz asked to defer this discussion on Personnel. Attorney Lustgarten suggested at the meeting on January 2 they go into Closed Session first.

ADJOURNMENT

Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etler, it was unanimously agreed to adjourn the meeting at 8:55 a.m. with Councilmembers Amato and Dobrow excused.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk