

WORK SESSION OF JULY 17, 2001

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

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

Also present: Manager Sacks and Municipal Clerk Kwasniewski.

Review of Tentative Agenda - Municipal Clerk Kwasniewski advised that they will be taking bids for the hearing center conversion July 24. Engineer Garrison would like to be able to award the contract that night provided everything checks out. She would like to put it on the agenda as a non-consent item. Manager Sacks added that they will be taking bids for the cell tower July 19. She would like to award them Tuesday if they are acceptable.

Sunrise Rotary Road Race - Bob Vander Weide, Jack Rosen, Debbie Wallach, Honey Morgenstein and Mary Burdick were present. Deputy Mayor Adler stated that they would like to hold a 5K race on New Year's Day morning. The Council had some questions when she raised this proposal at the last meeting.

Bob Vander Weide, 12-47 3rd Street explained that this could be an opportunity to bring the community together and raise money for charity. People would register at 8:30 a.m. to run 3.1 miles on a preset route. They hoped to have 300 to 500 participants who would pay a \$15 registration fee. Families could register for \$20. They would get a T-shirt. They would seek sponsors for the event. The event would probably be done by 10:15 a.m. They could start at Memorial and run to the High School. He concluded that it was a popular community event in the community in Connecticut where he previously lived.

Honey Morgenstern, 8-05 Berdan Avenue advised that Rotary International has an insurance policy with an umbrella. They would provide a policy with the Borough named as an additional insured. The only New Years Day race is in New York City. It would be a novelty. She did not think the turn out would be as high as Mr. Vander Weide suggested.

Mayor Ganz raised the issue of inclement weather. Mr. Vander Weide indicated that the event would be canceled. It was agreed that the police should make the decision on canceling the event. Councilmember Amato asked what they needed from the Borough. Mr. Vander Weide advised that they need the police to block traffic as they cross the road. Manager Sacks suggested that the route be worked out with the Police Department.

The consensus was to allow the race subject to the Police Department working out an appropriate route and Rotary meeting the legal requirements concerning insurance.

Municipal Clerk Kwasniewski was asked to send a memo to Attorney Lustgarten requesting that he advise Bob Vander Wiede what Rotatry needs.

Discussion on Recommendations by RRIC re Cooperative Parking Plan & Site Plan Ordinance - Don Smartt, Art Levine and Sy Karas were present. Deputy Mayor Etlar asked that Scott Levy be permitted to join them at the table since he has been on the Planning Board from the inception of this project. The Council had no objections.

Mr. Smartt advised that they received a copy of the Planning Board's comments. RRIC had not been able to meet with the Planning Board, but they thought the feedback from the Board was generally positive.

The recommendations by RRIC and the corresponding comments from the Planning Board were reviewed. RRIC requested that some monies from the parking improvements be designated for the SID. Under the ordinance they are allocated to the Borough's general fund. Mayor Ganz did not think he could commit those funds to the SID although he is committed to River Road. Deputy Mayor Etlar could not support dedicating the funds to River Road. Mr. Karas thought perhaps the request was premature. They are not asking that funds generated on Saddle River Road be used on River Road. They are asking that funds generated in the SID be reinvested in the SID. RRIC contributed to the purchase of the George Street lot. If they generate funds from the sale of parking spaces in that lot, they asked that they have the opportunity to appear before the Council to make their case for reinvesting the funds into the SID.

Section VIII Acquisition of Parking Spaces by Owner/Lessee from Owner/Lessee other than the Borough, 1.d and Schedule "A" Cooperative Parking Agreement, 4.1 are inconsistent. After a discussion it was agreed that the intent was that if someone buys spaces from the Borough they are not to be labeled, but if the spaces are bought from another landowner they could be

designated.

Mayor Ganz requested that Municipal Clerk Kwasniewski send a memo to Attorney Lustgarten asking him to decide whether the schedule or the ordinance needs to be changed so they agree and achieve the Council's intent.

RRIC requested that some spaces at the George Street and Arts Center lots be designated for overnight parking. The Council should determine the amount to be charged. The Planning Board recommended that the number of permits be limited to the number of spaces available. Mr. Smartt noted that managing the overnight parking that presently exists is in the best interest of everyone. The apartments above the stores do not have parking. Mr. Karas pointed out that people are using the George Street, the Bank of New York and the Arts Center parking lots overnight at no cost. No controls over those spaces exist and no revenue is being generated for the use of those spaces. The ordinance the Council enacted pertains solely to daytime parking. RRIC envisions it totally to the benefit of the Borough to be able to control those spaces and obtain revenue for them at no cost to anyone else.

Deputy Mayor Adler felt it was absolutely necessary that they regulate that parking. She would like to know who parks there and whether they are residents of those apartments. Manager Sacks added that the Borough has foregone revenue by not implementing the overnight parking.

They should not wait any longer. It is something that could be implemented easily. Mr. Smartt felt that while revenue was important, managing those parking spaces was more important.

Councilmember Amato wondered if the Council wanted anyone to park in the lots. Deputy Mayor Adler noted that unless there is a way to block the lots, they are available and people will park in them. Mayor Ganz felt the real issue was whether the Council wants to make it illegal to park there or do they want to control it. Councilmember Amato thought that just because a parking lot exists, does not mean that the Council has to permit overnight parking in it. He did not think revenue should be the deciding factor. Mayor Ganz thought good planning and good traffic management should drive the decision. Deputy Mayor Etlar noted that if the Council does not want parking in the lots, they can adopt an ordinance to stop it.

Manager Sacks thought it was the plan from the beginning to permit overnight parking in the George Street lot. Mr. Karas stated that the Borough purchased the George Street lot to ease the parking shortage for the businesses on Fair Lawn Avenue and the apartments. It was always the intention of RRIC and the Council to have overnight parking in that lot. The present ordinance permits residences on the third floor in the B4 zone. RRIC believes that because of the depth of the lots and the rear yard and bulk requirements, there is little chance of a third story on River Road. Not many builders will add a third story because it would be a third floor walk up. In Ridgewood there are isolated second floor residences. It brings people into the area in the evening. By permitting it, a developer or builder has the opportunity to make the property most useable in a significant way. They feel it would be in the best interest of everyone to permit it. The Planning Board is opposed because they believe it will cause a strain on the infrastructure and the school system. Mr. Karas did not believe that very many would be built. He thought the impact would be minimal. Mayor Ganz thought that realistically putting up three stories is not economical for a builder. Manager Sacks noted that residences in the commercial area prevent it from being desolate at night. Advantages exist in having people living in down town areas.

Mr. Levy noted that originally it was a compromise. They have not had any applications for three stories on River Road. Mr. Smartt added they would like to see an increase in people and tax ratables. The marketplace has determined that the third story will not be built. They would like to have denser development. They are asking for the opportunity of residences on the second floor. They may get a few, but there are not that many properties involved so it will not be a big impact.

Mayor Ganz wondered about the sense of the Planning Board. Deputy Mayor Adler advised that the Board was afraid of adding more children to the schools. Mr. Levy thought it was good planning to have that option available.

Deputy Mayor Etlar felt that the 25% reduction in the parking requirement should be removed from the ordinance. Mr. Smartt replied that RRIC never discussed that at anytime.

Mayor Ganz noted that the Planning Board is opposed to grade level parking below an elevated building, but agree with subterranean parking similar to Shop Rite. Mr. Levine advised that they are trying to broaden the options. Any parking would have to be screened. Deputy Mayor Adler did not want to see too many buildings on stilts with parking underneath. Mr. Levine pointed out that not every building will take advantage of every aspect of the ordinance. Mr. Levine advised that the Planning Board had an intense discussion on the aesthetics. Toward the fringe of River Road can probably support it but the center did not support having parking underneath the buildings. A cantilevered building may be acceptable. Deputy Mayor Etlar did not see the need for that type of parking. Mr. Karas mentioned a building on Broadway where the parking underneath the building is not visible. If it is permitted,

a facade should block the view of the cars from the front roadway. Mayor Ganz wondered if allowing it on a certain size lot would be acceptable.

Mr. Smartt suggested that they look at the areas where RRIC and the Planning Board agree. Mayor Ganz suggested that they appear before the Planning Board. He would participate in that meeting.

The consensus was to arrange a joint meeting with the Planning Board. Municipal Clerk Kwasniewski will contact the chair of the Planning Board.

Public Comments on Items on the Agenda - Keith Brown, 23-05 Ellington Road, advised that the residents on Ellington Road have formed a neighborhood watch. They have held their first meeting. He was impressed with the professional manner in which the Police handled an incident Saturday.

The residents would like to have the two-hour parking limit from 8:00 a.m. to 6:00 p.m. Monday through Saturday on Ellington Road removed. Mayor Ganz advised that the restriction exists to eliminate commuter parking and to act as a traffic calming device. Mr. Brown then asked if it could be removed on Saturdays. Mayor Ganz asked Manager Sacks to obtain a recommendation from the Traffic Safety Officer. Manager Sacks asked Mr. Brown to get a petition to show that the residents favor eliminating the restriction.

Mr. Brown continued that the ABC streets have no parking when the road is snow covered. They would like the same sign on Ellington. Mayor Ganz asked Manager Sacks to see if that is allowed.

Mr. Brown complained that they are being inundated with trucks. The sign prohibiting trucks is too small and placed improperly. By the time the truckers see the sign it is too late. Mayor Ganz suggested that the Council send a letter to the County asking for larger signs and that the location be changed.

The consensus was for Manager Sacks to send the letter.

Mr. Brown stated that he received a copy of the letter from the Manager to the Department of Transportation regarding the Broadway station. If the Council moves ahead to build a parking lot, he wanted them to remember the traffic that would bring to Ellington Road. Mayor Ganz assured him that the Council is not proceeding without studies and input from the residents. Mr. Brown noted that the letter also mentioned reinstating left-hand turns onto Midland Avenue. He felt that would alleviate the trucking problem. Mayor Ganz wanted a traffic assessment to decide if a safety issue exists. Manager Sacks advised that the Traffic Safety Officer, the Assistant Engineer and she looked at the suggestion. TSO Franco felt they could widen the road to have a turning lane. Councilmember Amato wondered if having vehicles stacking up on Broadway was safe. Mayor Ganz noted that it is a State highway so the Council can only ask.

The consensus was to adopt a resolution asking the State to allow left hand turns onto Midland Avenue.

Update on Chief's Recommendation re Ellington Road - Manager Sacks advised that they have received the new speed monitor. Its first assignment will be Ellington Road.

Gating of Property End of Parking Lot B and Campbell Road - Manager Sacks asked if the Council were ready to decide if they were willing to sell the lots.

The consensus was not to sell the property.

Review of Exemptions in Chapter 232-17 (Permit Parking) - This item was deferred until November. Municipal Clerk Kwasniewski was asked to send a memo to Attorney Lustgarten asking him to advise the Council if there is a reason to add these exemptions. If Attorney Lustgarten wants it on the agenda sooner, she will schedule it accordingly.

Destruction of Flags - Deputy Mayor Etlar advised that the Fire Marshal will issue a permit to burn the flags they have. They can burn them at the DPW with the Fire Department standing by or they can take them to the Newark incinerator.

Prototype for Handi-Guide - Deputy Mayor Adler reported that they met with the Chamber of Commerce, RRIC and representatives of Broadway. She passed around a prototype so the Council could see what it will look like. It has a map of the entire Borough. They have not begun to approach the businesses yet. The Council thought it was an excellent job.

LOSAP Changes - Manager Sacks had submitted the requested changes to the ordinance, most of which concerned the Ambulance Corps. She thought the changes made sense.

The consensus was to amend the ordinance to make the changes. It will be introduced Tuesday provided Attorney Lustgarten approves.

Health Educator's Contract - The contract expires at the end of this month. Manager Sacks recommended that it be renewed with \$1 an hour increase. The Borough hires the person but the State gives them the money to pay for it. It is a very valuable service and qualifies the Borough for priority health funding.

The consensus was to renew the contract with the increase.

Farmer's Market - Manager Sacks reported that the Chamber of Commerce did not do the Farmer's Market this year due to personnel changes. The Council authorized it but it did not happen. She has asked the Chamber to let her know if they are going to do it next year and if they need assistance. Mayor Ganz added that the Chamber has assured him that it will be their priority next year.

Cadmus House Grant - The trustees for the Cadmus House were supposed to have prepared an application for a Community Development Block Grant but she did not receive it.

Date for Playground Ribbon Cutting - Warren Point Annex - Manager Sacks thought the equipment would be in place in late August. She suggested holding the ribbon cutting either August 30 or 31.

The consensus was to hold it at 9:00 a.m. on August 31.

Residency for Police Appointments - Manager Sacks advised that if the Council wants to continue the practice of hiring residents only, they must amend the ordinance. Mayor Ganz did not read the ordinance in the same way the Manager did. He thought it simply stated that at the time of appointment the person must be a resident. Manager Sacks stated the State Attorney General's office has said that the municipality must use the specific language she read. Otherwise the ordinance is invalid and will not be honored by Civil Service. Mayor Ganz did not agree that the ordinance was invalid but he had no objection to the change. Councilmember Amato wanted a legal opinion before making any change.

The consensus was to change the ordinance as requested by the Manager with Councilmember Amato dissenting. The ordinance will be introduced Tuesday if Attorney Lustgarten approves the change.

Request for Endorsement of CDBG Grant Bris Avrom ESL Inc. - Municipal Clerk Kwasniewski advised that Bris Avrom has requested that the Council endorse their application for a Community Development Grant for their ESL program. They are applying for \$15,840.

The consensus was to endorse their application.

Glen Rock Use of Pool - Glen Rock is having a problem getting their pool open. Manager Sacks suggested that they might consider using Walsh Pool. They are currently using Ridgewood's pool. Mayor Ganz suggested that the Manager be given discretion to reduce the price for Glen Rock residents by half the usual agreement.

The consensus was to follow Mayor Ganz's suggestion.

Manager Sacks advised that they only need it for two or three weeks. She wondered if they could use it at no cost. The Council did not agree, but perhaps they should negotiate a guest fee. Municipal Clerk Kwasniewski will send a letter to the Mayor of Glen Rock that the Council would be happy to help them and suggest their Administrator contact Manager Sacks.

Cell Tower Bid Specifications - Manager Sacks advised that she has been working with representatives of the industry to make a biddable package. She reduced the amount for the lead bidder but she increased the amount for the co-locator. She hopes that they will get one or two bids. The inclusion of the construction of the addition to the fire house was a problem. One carrier said it was too costly. Another said they did not want the legal responsibility for building it on the Borough's property. She recommended that the Borough construct the addition because it is needed, but it should be taken out of the bid specification. The revenue from the cell tower can be used as an offset. She did not have a cost estimate yet.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Deputy Mayor Etlar the following closed session resolution was unanimously adopted at 9:55 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 and personnel; 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 contract negotiations tomorrow if formal action is taken by the Council, if not, within 90 days and relating to personnel not until all possible litigation is settled;

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 10:05

Special Meeting - Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, the meeting was adjourned to a special meeting at 10:05 p.m.

Mayor Ganz reconvened the meeting at 10:15 p.m.

Gasoline Usage Report - Councilmember Amato asked Manager Sacks if she had made any progress on his request. Manager Sacks advised that the web master thought some of his request could be done but not all. She has asked Superintendent Maslo to speak to the vendor.

Councilmember Amato stated that from viewing the vendor's web site, those files can clearly be exported. His goal is to get the data in an electronic format so that it can be analyzed. This year's report does not have page numbers so he cannot tell if all the information is there and it is not in the same format. The only way to analyze the data is electronically.

Clean Up of Passaic River - Deputy Mayor Etlar reported that workers from the Passaic Valley Sewer Commission will be in Fair Lawn for four days cleaning up the shore of the Passaic River under the Passaic River Restoration Program.

Vital Records Grant - Manager Sacks reported that they have received a \$3,000 grant from the State Department of Health to computerize the death records.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Deputy Mayor Etlar the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF JULY 17, 2001

Mayor Ganz called the meeting to order at 10:05 p.m.

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

ALSO PRESENT: Manager Sacks and Municipal Clerk Kwasniewski.

RESOLUTION NO. 216-2001 Extension of Due Dates for Taxes

Upon motion by Deputy Mayor Adler and a second by Deputy Mayor Etlar, Resolution No. 216-2001 extending the due date for taxes was discussed.

Manager Sacks explained that the State was late with the State aid figures. The information was not sent to the County who sets the tax rate. She thought the tax bills would go out in about two weeks. The taxes will probably be due the last week in August.

Mayor Ganz asked Manager Sacks to put the date on the web site and on Channel 66 and in the Shopper and the Record.

Manager Sacks also advised that CFO Eccelston has indicated that the Borough will not have a cash flow problem. The mortgage

companies have been disbursing what was the prior tax so the amount of taxes that will be late is minimal.

Hearing no further discussion, Resolution No. 216-2001 was unanimously passed.

RESOLUTION NO. 217-2001 Ratification of PBA Memorandum of Agreement

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 217-2001 ratifying the PBA memorandum of agreement was discussed.

Mayor Ganz congratulated Manager Sacks for achieving labor peace at a modest cost.

Hearing no further discussion, Resolution No. 217-2001 was unanimously passed.

RESOLUTION NO. 218-2001 Ratification of SOA Memorandum of Agreement

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 218-2001 ratifying the SOA memorandum of agreement was unanimously passed.

RESOLUTION NO. 219-2001 Municipal Representative for Open Space Committee

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 219-2001 appointing a municipal representative to the Open Space Committee was unanimously passed.

RESOLUTION NO. 220-2001 Professional Services Health Educator

Upon motion by Deputy Mayor Adler and a second by Deputy Mayor Etlar, Resolution No. 220-2001 renewing the Health Educator's contract was unanimously passed.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Dobrow, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

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