

WORK SESSION OF DECEMBER 5, 2000

Mayor Ganz called the meeting to order at 7:30 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 Etlar.

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

Review of Tentative Agenda - There were no changes.

AT&T Local Presentation - Mr. Lasky and Mr. Cumberland appeared to ask the Council to allow them to place fiber optic cable on poles in the right-of-way. They represent the local services division of AT&T. One fiber optic cable would connect to the central office. Another wire is added to the existing poles. It is actually broad band service. They would pay all the costs and an annual fee of \$500. They provide insurance and a bond. If the technology is discontinued or the company goes out of business, the cost to remove the wire is covered by a bond. They have a long range plan for New Jersey. They have engineering in progress in 22 Bergen County towns including Fair Lawn. This is an auxiliary build. Within one year after the approvals, work would begin. They proposed a 10-year agreement. The usual proposal is for an automatic renewal of five years.

Mayor Ganz thanked them for their presentation.

Crossing Guard at Memorial Middle School - Mr. Hoffman, principal of the Memorial Middle School, Chief Marshall and Traffic Safety Officer Franco were present.

Manager Sacks advised that she received many petitions about the need for a crossing guard. She was not sure that a crossing guard would solve the problem. It would cost \$8,000 a year. Chief Marshall felt that there is no traffic around the school in the morning except the parents who drive their children to school. He proposed a combination of education and training for parents and a bit of redirection of traffic. If people would just get in line instead of dropping children off anywhere there would be no problem. Mr. Hoffman had devised the plan that he has used for several years using the turnaround. He thought they could resolve the problem through cooperation.

Officer Franco thought the biggest problem was the parents approaching the school who do not want to wait in traffic. They drop them off on Lambert Road so the children have to cross First Street. He thought it would be a good idea to educate the parents not to drop off the children anywhere but on the Board of Education property. If that did not work, he suggested prohibiting left turns at Lyons and Lambert from 7:30 a.m. to 8:30 a.m.

Councilmember Etlar wondered how a crossing guard would solve the problem. Mayor Ganz thought it would be a visual deterrent.

Officer Franco pointed out that no stopping or standing on Lyons, Lambert and 1st Street become an enforcement issue. He thought it would be better for parents to wait instead of prohibiting the residents from parking in front of their own homes. He would like to see a right turn only when exiting from the circle. He thought education would work.

Mr. Hoffman advised that they had the custodian directing traffic but their attorney and the police advised that they could not do it. He has been trying to educate parents for seven years. A crossing guard would work because it would help control traffic. Officer Franco pointed out that the crossing guard is allowed to stop traffic to cross children only. The crossing guard is going to stop traffic that will create a problem with the impatient parents trying to get ahead. They will drop their children off right there.

Mayor Ganz suggested that the Council prohibit discharging of passengers any place but in the cul-de-sac. The problem with education is that it would have to be ongoing because the student population changes.

Without objection the public was allowed to speak on this issue.

Adrien Peloso, 4-08 Alyson Street, PTO president appeared for the parents. She urged that the problem be corrected. She thought they should post signs and hire a crossing guard.

William G. Wilson, 7-18 Berdan Avenue felt a crossing guard was the answer.

Elizabeth M. Davidson, 4-50 Summit Avenue, felt children cross wherever they want to no matter where they are dropped off. They run out into the street. It is a multi prong problem. Children are not aware of what they are doing, parents are going too fast and the lack of an authority figure that help deter both adults and children.

Maura Berruti, 9-01 1st Street, indicated her children walk. She has told them to walk, but she is concerned for their safety. She favored education and a crossing guard.

Robert Menist, 13-40 George Street noted that parents are letting the children out everywhere. In inclement weather it is even worse.

Mayor Ganz wondered if they could prohibit any exit from Lyons and Lambert in the morning. Neither Officer Franco nor Chief Marshall felt that was a good idea because all the traffic would be on Berdan.

Mr. Hoffman indicated that he is frustrated because he cannot do anything. He cannot direct traffic.

Kathleen Dalcanton, 10-05 4th Street drives in inclement weather. She thought the crossing guard was essential for the safety of the children.

Councilmember Etlar suggested recommending to the Manager that the crossing guard be put in place and then trying to improve the flow of traffic. Mayor Ganz also wanted the Council to explore what they can do by ordinance including prohibiting discharging passengers anywhere but the designated area.

The consensus was to recommend to the Manager that crossing guard be placed there immediately and to come back in two weeks with what ordinance changes might be required to make it a safe place including prohibiting discharging passengers and rerouting traffic. Mayor Ganz suggested a sunset provision to try the changes.

This item will be on the December 19 agenda.

Public Comments on Items on the Agenda - Robin Baer, 25-32 Urban Place expressed concern that they will allow other Fair Lawn residents to park until 7:00 a.m. in the commuter lot. Many residents who commute enter those lots before 7:00 a.m. The lot by Pollitt Drive is full for the 7:16 a.m. train. The lot by Route 208 is full by 7:20 p.m. She was concerned that no spaces would be left for the commuters. She thought they should have to leave by 6:00 a.m. Last year the Council took away some spots from the nonresidents and gave them back to the residents which she appreciated.

Councilmember Amato explained the reason for the ordinance being considered. He wondered why she thought many people would be using the lot.

Ms. Baer conceded that she did not know how many will use the lot. Nevertheless, it is important for her to be able to get in the lot, park and get to work.

Manager Sacks explained that when people get their permit they will get instructions so they will know that it will be an expensive ticket and tow if they are not out of the lot on time. Officer Franco stated that the Borough is bound by ordinance for towing and storage. The fee for the towing is between \$40 and \$60. The fine is also set by ordinance. Manager Sacks added that no one can get a commuter parking sticker and an overnight sticker. The commuters will have the lot all day and the residents will have it for overnight.

Ruth Brooks, 3-25 Cyril Avenue takes the 5:30 a.m. train and suggested finding out how many people would be interested in taking advantage of these parking permits. She suggested allocating part of the lot for this purpose.

Rosemarie Strand, 0-14 Overlook Place also takes the 5:30 a.m. train and asked if they were going to allow the whole lot to be used. She pays \$50 to park in the lot and she objected to the fact that the overnight permits have no fee. She wanted to know how the snow will be cleared if the cars are parked in the lot.

Mayor Ganz asked how difficult doing a survey to find out how many people would be interested in using the lot would be. Manager Sacks suggested limiting the area to the back because those spaces are taken last. She could do a survey but that might not get the exact numbers. Attorney Lustgarten noted that for safety reasons he would not recommend setting aside the back of the lot. He stressed that the Council is trying to balance the needs of everyone.

Councilmember Amato pointed out that the Council discussed this problem for many hours to come up with this solution. He did not see how helping ten to twenty people is going to cause such a problem. It sounded like the perfect solution.

Judy Wolf, 14-17 28th Street thought the numbers would only grow. If you are not in the lot by 7:05 a.m., you cannot find a space. While she empathized with those who do not have parking, she has to get to work.

Julie Healy, 12-53 2nd Street takes the 7:16 a.m. train and cannot get a parking space if she does not get there that early. She expressed concern that if they do not enforce it, she will not be able to get to work. She has a permit and she should be able to park.

Arlene Glassman, 14-15 Chandler Drive stated that there is a tremendous problem with all the apartment complexes regarding parking. Some complexes are so old that they were designed with one parking space. That has changed. She did not think many tenants would be parking overnight. It would just be the overflow since there are enough parking spaces for most of the tenants. She hoped that they could work something out because the tenants need the additional parking spaces.

Councilmember Amato had not envisioned a problem. He goes to the lot between 6:30 a.m. and 7:00 a.m. and has not seen too many cars. The problem will be if the people do not move their cars. The Council intends to have the ordinance enforced.

Sol Musicant, 3-02 High Street stated that his car was one of many towed out of CVS. Often there is no place to park.

Sol Schwartz, 4-04 Plaza Road North takes the train between 5:30 a.m. and 7:16 a.m. depending on the day and the parking lot closest to the station is full by 7:00 a.m. He felt many permits would be issued. He thought either 6:00 a.m. or 6:30 a.m. would be the appropriate time for them to be out of the lot.

Ann Schwartz, 4-04 Plaza Road North was concerned that the people would not move out of the spots which would affect everyone taking the train regardless of the time they take it.

Lorraine McDonald, 15-19 Mandon Terrace felt 7:00 a.m. was too late. She takes the early train and if she is not there by 7:05 a.m. there are no spaces. People moving their cars out of the lot at 7:00 a.m. will cause a major traffic problem with those trying to get in the lot to take the train. She thought it was unfair for the overnight people to have all the lots. She thought they should only be allowed to use one of the lots.

Mayor Ganz felt the survey needs to be done so the Council will have a sense of the demand. Councilmember Amato repeated that this came about because of the crisis situation with fifteen cars. He was concerned that there would be a barrage of permits. Attorney Lustgarten reminded him that the discussion expanded from the Plaza Road North area to the whole area. He suggested phasing it in based on the survey. If it is done incrementally, the Council can judge whether it will work. He suggested 6:30 a.m. as a reasonable time to be out of the lot.

A. Kramer, 41-14 Geiger Place takes the 5:33 a.m. train. He suggested a compromise of restricting parking spaces based on the survey. If 100 spaces are involved, it will be a problem. If it is ten, it is not going to be a problem.

Gene Maimin, 15-01 Raymond Street felt that thinking that this is about ten to twenty spaces was naive. Some people own only one car because they have no place for a second car. He did not think the Council can control it. He thought allowing the parking to start will only be the beginning. He asked them to consider the consequences.

Mayor Ganz stated that they know a number of people do not have a place to park their cars in the apartment complexes. The Council must balance both sides.

Rosemarie Strand, 1 Overlook Place asked if anyone in town could get a permit. Mayor Ganz replied that this ordinance would offer some relief to those who have college students home for the summer or a break. Ms. Strand thought once people hear about it, many people will apply for a permit. There is never enough room to park.

Deputy Mayor Adler noted that a parking problem exists. The Council does not want cars parking on the street overnight. They have to find a solution. She welcomed their participation but the Council has to come up with a solution that balances the needs of both the tenants and the commuters.

Ms. Baer stated they attended the meeting so that an ordinance is not past that will create another problem. She liked the idea of a survey before the ordinance goes into effect.

Ms. Wolf expressed concern that if they allocate the spaces for overnight parking, she will not have any place to park. She expressed scepticism that they will enforce the ordinance. Manager Sacks assured them that she will have the cars ticketed and towed if they are not out of the lot.

Ms. Glassman asked if allowing overnight parking on the street at one or two of the apartment complexes were possible. Mayor Ganz advised that the Council considered that and rejected it.

Mr. Schwartz asked if the Council were going to set a time frame for the survey. Mayor Ganz replied that they will ask the Manager to do it immediately.

Ms. McDonald thought 6:00 a.m. is better because there are places for people to park in the commuter lot and it would eliminate the back of people leaving the lot.

Attorney Lustgarten suggested that since the Borough cannot tow 100 cars at once, if it becomes a problem the Council can limit the over night parking to certain spaces. If too many people are parking, they can be ticketed any time during the night.

Mr. Maimin sympathized with the apartment dwellers and wondered if other lots could be used for overnight parking. Mayor Ganz asked Manager Sacks to report to the Council on any other municipal lots that could be considered for overnight parking. Manager Sacks thought the ordinance was going to include all of them.

Ms. Strand expressed concern about enforcement. Deputy Mayor Adler thought that one or two cars being towed will be a deterrent. If on any day 100 people are violating this ordinance, the Council will reconsider it.

Ms. Baer asked when this item will be before the Council again. Mayor Ganz advised her that the agendas are on the web site. Manager Sacks noted that since the names and addresses are part of the record, they could let them know when it is on the agenda.

Ms. McDonald thought the bulk of the commuters come into the lot between 6:30 a.m. and 7:15 a.m. If the overnighters are out of the lot by 6:00 a.m., they will not cause any problems for the commuters.

Debt Service - CFO Eccelston reported that he held the note sale this morning. He was able to obtain a 4.29 percent interest rate that is lower than the long term rate. He was able to save \$200,000 in interest. He has not issued any notes for the year 2000. He expects to have a bond sale next year.

Grosso (Johnny & Hanges) Property - Phil Grosso was present. Johnny & Hanges would like to expand their parking lot. Shotco has a deed restriction on their property. They have asked the Council to lift the restriction. Attorney Lustgarten advised that he did not think the Council had the authority to lift the restriction. He felt they had to go to court. This situation is similar to the Nardella situation. In that case Mr. Nardella went to court and the Council signed a consent order.

Councilmember Etlar indicated he has visited the site and thought the Council should lift the restriction to allow a parking lot only. Attorney Lustgarten thought the Council should know what the Planning Board will do before they act on the restriction. Manager Sacks recommended that the Council give an indication that they are willing to lift the restriction under certain conditions. This would allow them to go to the Planning Board. If the Council is not going to support lifting the restriction, the applicant should not have to go to the Planning Board. Attorney Lustgarten suggested that the applicant go the Planning Board for a conceptual review.

The consensus was that if the Borough Attorney advised the Council that they can vacate the restriction subject to Planning Board approval, the Council would do so. If he advises that they cannot, they agree to stand aside in a law suit brought to set it aside and enter a consent judgment to allow that to take place. Any action is subject to the Planning Board's reasonable approval with screening and other conditions and site approval that the Planning Board normally imposes on any site, that no building appears now or anytime in the future and the impervious coverage be accommodated and dealt with by the Planning Board either by a seepage pit or another means so that proper drainage is ensured.

Municipal Clerk Kwasniewski will send Mr. Grosso the conditions for the consensus.

Special Meeting - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned to a special meeting at 10:30 p.m.

Mayor Ganz reconvened the meeting at 10:40 p.m.

Fair Lawn Creative Cable Contract - Attorney Lustgarten advised that he received correspondence on the technical changes in the agreement. He still has some questions. He did not know if Fair Lawn Creative Cable is covered under the Joint Insurance Fund. Manager Sacks advised that Fair Lawn Creative Cable is covered under the JIF. Attorney Lustgarten continued that a major issue is the non-renewal clause. He wanted to terminate the contract for no reason. Fair Lawn Creative Cable wants a for cause clause. The primary issue is the funding. They want a percentage of the franchise fees transferred to them. The fee is approximately \$73,000.

Councilmember Etler stated he could not agree to giving them 75% initially and then 80 percent as they have asked. He wanted the Borough to retain control. Deputy Mayor Adler wondered how the monies would be spent.

Candace Vivino explained that they would pay salaries and purchase equipment and donate it to the Borough. They would do the maintenance, training and keep the center open. They are a 501C3 corporation. They have tried to get funding in the past without any success. Corporations will match funding. They are looking for credibility. They want to see that Creative Cable has assets that at this point they do not. They have been told that they are not legitimate enough on paper. Attorney Lustgarten wondered why the budget was not a sufficient indication of assets. Ms. Vivino noted that they do not always get the entire amount of the allocation. They are volunteers so they do not always get to spend the funds in a timely matter. She believes that if they have the money in one lump sum they could get donations.

Councilmember Etler did not see why they even needed outside funding. Councilmember Amato did not see what difference the method of funding would make when looking for grants. He asked for the names of the organizations that had turned them down. Ms. Vivino stated that she has been given a list of qualifications that they do not meet so they cannot apply. Deputy Mayor Adler did not think it relates to whether they get the money in a lump sum or under a budget. Perhaps they need an inventory list. If they need that specific expertise, they have to come to the Council to see if that expertise is available. There may be people on the Borough staff that can help. Attorney Lustgarten thought an organization that has tight fiscal controls is more attractive than one that does not. The Borough voucher system provides those controls. Mayor Ganz added that it may be that the Council will have to consider a special services contract to get a balance sheet and the appropriate tax forms filed.

Ms. Vivino stated that the Alliance for Community Media suggested that this is the way they should be set up. The proposed contract comes from that Alliance. They are there to help non-profits who run public access stations.

Stewart Pace, 3-48 Plaza Road, asked if Creative Cable were a Borough Department. Manager Sacks explained that it is an office under Administrative and Executive. Attorney Lustgarten added that they are a corporation under the aegis of the Borough.

Mayor Ganz concluded that this matter needs to be discussed further. They will probably resolve it during the budget process. Councilmember Amato wanted to see the list of those organizations that turned them down.

Renewal of Capital Alternatives Contract - Manager Sacks recommended renewing their contract. The consensus was to accept the Manager's recommendation.

Verizon Easements for Telephone Boxes - Manager Sacks advised that Verizon is willing to pay the Borough \$15,000 to put two boxes on Borough property. One would be in Berdan Grove and the other one is on 11th Street. Mayor Ganz had no objection but asked the Manager Sacks to see if any screening were required. Councilmember Etler volunteered to look at the sites.

The consensus was to grant the easements.

Hirschhorn Inquiry to Purchase Borough Property (Blk 5412, Lot 26) - Mr. Hirschhorn wanted to purchase a piece of property that has \$8,000 in outstanding taxes due the Borough. The assessment is about \$1200. The Borough never foreclosed on it so it does not belong to the municipality. Mayor Ganz wondered if offering a quit claim deed is possible. Attorney Lustgarten pointed out that this property was never in the Borough's name. They would have to foreclose on it and then sell. He estimated it would cost about \$2000. He did not think the Borough should do anything. Manager Sacks noted that they should not foreclose on the property unless they know he is willing to buy it.

The consensus was to ask if he were willing to bear the cost of foreclosure and the transfer of title.

Collection of Municipal Court Fines - This item was deferred until February.

LOSAP - Manager Sacks sent them a memo explaining how the process will work.

Items Remaining on the Agenda - The remaining items were deferred to December 12 following the regular meeting.

Special Meeting - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned to a special meeting at 11:30 p.m.

Mayor Ganz reconvened the meeting at 11:35 p.m.

Date for Reorganization Meeting - The reorganization meeting will be held Tuesday, January 2, 2001 at 7:30 p.m. with the work session immediately following.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Dobrow the meeting was adjourned at 11:40 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF DECEMBER 5, 2000

Mayor Ganz called the meeting to order at 10:30 p.m.

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

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

RESOLUTION NO. 358-2000 Honoring Councilmember Dobrow

Upon motion by Councilmember Etler and a second by Deputy Mayor Adler Resolution No. 343-2000 was unanimously passed.

Manager Sacks presented Councilmember Dobrow with a corsage from the Borough employees. She stated that Councilmember Dobrow is the flower of the Borough's heart. Councilmember Dobrow thanked all of them.

Mayor Ganz added that Councilmember Dobrow is truly the flower of Fair Lawn. He congratulated her on her service to the community and the Council. Attorney Lustgarten added that they have been together for a long time. She has always looked out for the "little guy" and the residents. He thanked her for allowing him to share that with her.

Councilmember Etler stated that Councilmember Dobrow has been a blessing to the Borough and he wished her all the best.

Councilmember Dobrow stated that it was wonderful and she remembered all the wonderful times.

ADJOURNMENT - Upon motion by Deputy Mayor Adler and a second by Councilmember Etler it was unanimously agreed to adjourn the meeting to work session at 10:40 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF DECEMBER 5, 2000

Mayor Ganz called the meeting to order at 11:30 p.m.

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

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

ORDINANCES FIRST READING:

Upon motion by Deputy Mayor Adler and seconded by Councilmember Etler, it was agreed to read the following ordinance by title.

Ordinance No. 1832-2000

AN ORDINANCE CREATING CHAPTER 53 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED "ALARMS"

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 354-2000 introducing Ordinance No. 1832-2000 was unanimously passed.

Upon motion by Deputy Mayor Adler and seconded by Councilmember Etlar, it was agreed to read the following ordinance by title.

Ordinance No. 1833-2000

AN ORDINANCE CREATING CHAPTER 152 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED "PEACE AND GOOD ORDER"

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 355-2000 introducing Ordinance No. 1833-2000 was unanimously passed.

Upon motion by Deputy Mayor Adler and seconded by Councilmember Etlar, it was agreed to read the following ordinance by title.

Ordinance No. 1834-2000

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 356-2000 introducing Ordinance No. 1834-2000 was unanimously passed.

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar Ordinance No. 1831-2000 which would permit overnight parking on specified municipal parking areas was tabled based on the comments heard this evening.

ADJOURNMENT - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato it was unanimously agreed to adjourn the meeting to work session at 11:35 p.m.

Respectfully submitted,

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