

WORK SESSION OF DECEMBER 19, 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.

Splitting Counsel for Zoning Board - Mayor Ganz advised that this was a dead issue.

Telecommunications Consultant for Zoning and Planning Boards - Mayor Ganz had distributed a resume of RCC Consultants, Inc. They represent many municipalities. They are not experts in recommending how to set up telecommunications. Nevertheless, they can look at a set up and tell if it will work. Attorney Lustgarten thought there should be a resume from the principals of the firm. They should also submit their academic credentials.

The consensus was that if the Borough Attorney was satisfied with their credentials, RCC Consultants, Inc. would be added the panel of experts for the public advocate's use on both the Zoning and Planning Board. Their rate is between \$125-165 per hour.

Crossing Guard at Memorial Middle School - Manager Sacks had submitted a proposal from the Police Chief and Traffic Safety Office that included rerouting traffic, posting advisory signs prohibiting discharging passengers, hiring a crossing guard and conducting parent education. Manager Sacks does not think the crossing guard is going to help but she suggested that they try it. Other schools have been waiting longer for a crossing guard. Every time a crossing guard is out a police officer must fill in so there is an economic consequence. The Police Department feels that they should try rerouting the traffic and parent education first. She does not have the funds nor the personnel to implement a crossing guard.

Mayor Ganz was adamant about prohibiting discharging of passengers but he is willing to try this proposal. Meanwhile he suggested that some signs be posted prohibiting discharging passengers.

Manager Sacks pointed out that if they reroute the traffic, they could use janitorial staff because the bulk of the traffic will be on school ground. Deputy Mayor Adler felt the Council should try a crossing guard through June to see if it works. She also suggested that the school take disciplinary action against students who do not cross by the guard. Besides prohibiting left turns at Lyons and Lambert from 7:30 a.m. to 8:30 a.m., Mayor Ganz proposed prohibiting right turns onto Lambert Road and Lyons Avenue from 7:30 a.m. to 8:30 a.m. Manager Sacks advised that she, the Chief and the Traffic Safety Officer have worked out a public information campaign.

Councilmember Etlar pointed out that at the last meeting twenty to thirty people left with the impression that the Council was going to add a crossing guard. Mayor Ganz wondered if the traffic flow is changed, could the Manager persuade Mr. Hoffman to use one of his janitors to help. Manager Sacks advised that she could try. Councilmember Amato agreed with Councilmember Etlar that the people thought they were going to get a crossing guard. Mayor Ganz pointed out that it will take time to get a guard in place. It will take less time to do the signage and ordinance.

The consensus was to sign for no discharging or picking up of passengers on the lower sections of Lyons Avenue and Lambert Road and then continue on First Street from 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:30 p.m. The signs should go up immediately.

It was also the consensus to introduce an ordinance to prohibit left-hand turns from Lambert Road and Lyons Avenue and right turns from First Street onto Lyons and Lambert Road. The ordinance will be introduced at the January 2 meeting.

Mayor Ganz suggested that they implement these items on January 2. If Mr. Hoffman and the PTO feel that they do not need a crossing guard after the first month that will be good. If they still think they need a guard, the Council will look at this again.

Public Comments on Items on the Agenda - Jane Spindel, 395 Plaza Road North noted that the same problems exist at Thomas Jefferson Middle School and Milnes. Educating the parents does not work. Every year they put an article in the newsletter advising the parents of the dangerous situation. It does not help. Parents still park illegally. The students walk out between the cars.

Attorney Lustgarten suggested simulating an accident. Mayor Ganz requested that the Municipal Clerk send a letter to the Emergency Services asking if they can simulate an accident.

Sheldon Reisman, 6-01 John Street, questioned the effectiveness of the signs when an ordinance does not back them. Mayor Ganz advised that they installed similar signs on Midland Avenue and it slowed the traffic. If they do not attain the desired result, the Council will look at it again.

Telephone Audit - Manager Sacks advised that at the Mayor's suggestion, she looked at proposals for a telephone audit. They look at the rates and the tariffs to determine if the Borough is being charged correctly. ADC's proposal is for 55 percent of the savings to go to the Borough and 45 percent to them. The savings would be paid to them for twelve months. It actually costs the Borough nothing because they only bill on the savings and the Borough is only obligated for one year.

The consensus was to proceed with ADC.

Sidewalk Sales/Alfresco Dining/Store Locator Guide - Manager Sacks noted that when the Council discussed the Spring Fair in the Radburn area, they also talked about a Borough-wide sidewalk sale. She wondered if they would like to have alfresco dining so the restaurants could participate. In addition, she would like to do a locator guide that would show where the stores are. She passed around the one used in Paramus.

Deputy Mayor Adler asked if there would be an application and fee for the alfresco dining. Manager Sacks advised that the Health Officer would have to give them a permit. Mayor Ganz felt this issue was different from the outdoor cafes. He thought the Council could permit it just for the day of the Fair. Manager Sacks thought a \$5 fee would cover the administrative costs of issuing the permit.

The sidewalk sale was discussed. Some sidewalks are too narrow to allow tables safely.

Manager Sacks advised that the store locator guide would cost about \$10,000. The research has not been done yet so having an exact cost is difficult. Mayor Ganz wondered if a private entity would do it for the advertising revenue. Manager Sacks did not think they could make enough revenue to pay for them. Several options exist so doing it for less may be possible. She has enough left in her budget this year to do the research and design phase but they would have to budget additional monies under the economic development committee. Manager Sacks advised that the Chamber had looked at it but it was not worthwhile for them because they only include their members. RRIC discussed it but no one had the time to do it so nothing happened. The Council could ask for contributions to help defray the costs. The Borough could also allow logos that would help pay for it.

Deputy Mayor Adler felt that since neither the Chamber nor RRIC did the research the Borough should do the research and then present a proposal to both of them. They could share the cost with the Borough. She would not dismiss this idea so quickly. She suggested putting some money in next year's budget. It would show that the Council is willing to do something to promote the Borough. Mayor Ganz agreed that the research should be done. If neither RRIC nor Chamber is willing to commit to it, it would be a significant drain on the Borough's resources. Councilmember Amato favored spending money to promote businesses in the Borough in a general way. This proposal is advertising for specific businesses. Deputy Mayor Adler thought that through the Economic Development Committee they could approach the real estate offices and the merchants. The business community promotes the entire municipality. RRIC has promotional money in its budgets and the merchants also spend money on advertising. Mayor Ganz thought it was a good idea and was willing to commit some resources but he was not willing to commit the Borough Manager to handle it all. Councilmember Etlar could not support committing funds since neither the Chamber nor RRIC has shown any initiative. Deputy Mayor Adler strongly disagreed.

The Council must promote the businesses. The Borough is the only entity that can promote the businesses equally. Manager Sacks thought that the printing and distribution should be partly supported by RRIC, the Chamber and individual businesses. The research and design phase is only \$1,000 and will give an inventory of businesses that no one else is going to do. The Economic Development Committee is the only entity that is looking at economic development on a Borough-wide basis. If the Borough makes the investment, it will at least give an inventory of the businesses. If there is no support or it is not cost effective, then the Council does not have to go forward. Manager Sacks explained that the listing of businesses and where they are would cost \$1,000. It would be a valuable resource tool since the Borough does not have a listing of the businesses. Included in that first phase would be a few sample designs. Deputy Mayor Adler believed that the business community can contribute to the cost. She also believed that the governing body should give private industry the tools they need and the list is an inexpensive tool.

There was no consensus to begin the research with an expenditure of \$1,000 and no further expenditure without Council approval with only Mayor Ganz and Deputy Mayor Adler in favor.

Senate Bill S-1903 (Scavenger Pick-up at Apartment Complexes) - Manager Sacks wanted to know if the Council wanted to pass a resolution of support of this bill. Attorney Lustgarten advised that the bill passed the Senate. This bill would add one year to the moratorium and provide an elongated phase-in.

The consensus was that the Mayor and Council support this bill. The Municipal Clerk will communicate that support tomorrow morning.

Task Performance List - It was agreed to substitute the list prepared by Mayor Ganz.

Special Meeting - Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar the meeting was adjourned to a special meeting at 9:00 p.m.

Mayor Ganz reconvened the meeting at 9:25 p.m.

Position of Deputy Mayor - Mayor Ganz advised that the State statute allows the Deputy Mayor to solemnize marriages if the local ordinance permits it. He proposed amending the ordinance to permit the Deputy Mayor to solemnize marriages. Attorney Lustgarten advised that he will draft the ordinance to permit the Deputy Mayor to perform marriages when authorized by the Mayor.

The consensus was to amend the ordinance to allow the Deputy Mayor to solemnize marriages. The ordinance will be introduced January 2, 2001.

Mayor Ganz proposed creating a second deputy mayor position for community affairs. It would afford unique responsibilities but it would include some hard work. It could be a broadly based item that they would work out as the Council went along. Attorney Lustgarten added that the Deputy Mayor of Community Affairs would not be authorized to perform marriages.

The consensus was to amend the ordinance to provide for a Deputy Mayor of Community Affairs. The ordinance will be introduced January 2, 2001.

Special Meeting Scheduled for December 29 - Councilmember Amato advised that he cannot attend that meeting.

Dates for Capital Budget Meetings - Manager Sacks asked for dates for meetings to discuss the capital budget. Attorney Lustgarten thought the Council had decided to wait until January 2 to schedule any dates. Manager Sacks suggested selecting dates on the 29th instead. They agreed that Municipal Clerk would include selecting dates for budget meetings and a closed session for personnel and anticipated litigation in the sunshine notice for the December 29 meeting.

Councilmember Amato had problems with the process used last year. He wanted to get more details on the line items. Manager Sacks advised that getting the information spent last year on the operating budget is possible. Mayor Ganz asked the Manager to give them a printout of any line item that changes from the prior year more than 3.25 percent.

After a short discussion it was agreed to sunshine meetings on December 30 and 31 in anticipation of unforeseen emergencies with the meetings to be automatically canceled if there are no emergencies.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 9:45 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 anticipated 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 relating to personnel by appointment on January 2, 2001 or formal action by the Mayor and Council and relating to anticipated litigation other than legal strategy upon conclusion of the litigation;

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 Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF DECEMBER 19, 2000

Mayor Ganz called the meeting to order at 9:00 p.m.

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

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

ORDINANCES: SECOND READING

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

Ordinance No. 1832-2000

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

Attorney Lustgarten explained that the section concerning alarms had been inadvertently omitted from the Code. This ordinance simply puts it back into the Code.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 375-2000 adopting 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 and open the time for public hearing.

Ordinance No. 1833-2000

AN ORDINANCE CREATING CHAPTER 162 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED "PEACE AND GOOD ORDER"

Attorney Lustgarten explained that this ordinance will allow police officers to charge certain offenses as municipal ordinance violations instead of State statute violations.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 375-2000 adopting Ordinance No. 1833-2000 was unanimously passed.

Upon motion by Deputy Mayor Adler and seconded by Councilmember Amato, it was agreed to read the following ordinance by title and open the time for public hearing.

Ordinance No. 1834-2000

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

Attorney Lustgarten that this ordinance deletes references to compelling the Police Chief to wear a uniform and the grievance procedure since it is contained in the contract with the unions.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 377-2000 adopting Ordinance No. 1834-2000 was unanimously passed.

RESOLUTIONS BY CONSENT #22-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolutions by Consent #22-2000 which contained the following items was unanimously passed.

a. Resol. #378-2000 Approval of Minutes:

Special Meeting 11/8/00

Closed Session 11/8/00

Work Session 11/8/00

Special Meeting 11/8/00

Closed Session 11/8/00

b. Resol. #379-2000 Award of Bid: Sanitary Sewer Improvements Westmoreland Area

c. Resol. #380-2000 Award of Bid: DPW Garage Complex

d. Resol. #381-2000 Authorizing Execution of Consent of Assignment of Bus Shelter Agreement

e. Resol. #382-2000 Refund of Overpayment of Taxes

f. Resol. #383-2000 Professional Services Risk Management Consultant

g. Resol. #384-2000 Urging Action to Solve Drainage Problem

Berkshire/Arcadia Roads

h. Resol. #385-2000 Transfer of Funds

RESOLUTION NO. 386-2000 Community Shuttle Program Application

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 386-2000 was discussed.

Councilmember Etlar thought the Council should apply for the grant whether or not they agree with the program. Mayor Ganz stressed that though they are applying for the grant the Borough can decide whether to commit the funds later.

Hearing no further discussion, Resolution No. 386-2000 was unanimously passed.

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 9:25 p.m.

Respectfully submitted,

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