

REGULAR MEETING OF FEBRUARY 8, 2000

Mayor Ganz opened the meeting at 7:31 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 17, 1999. 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 Record, The North Jersey Herald and News, and The Shopper. The Annual Notices identified the meeting location and the time of the Council Meetings and Work Sessions.

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

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

Mayor Ganz announced that the Council received a request from a resident on Ellington Road, who also made a brief presentation to the Council, with a suggestion for traffic flow. The letter was forwarded to the Commissioner of Transportation in Trenton. They replied today by phone indicating that the State would be amenable to changing the flow on Ellington Road and channeling in the intersection of Plaza Road at Ellington Road, which is on the exit road to State Highway 4. He suggested, with the consent of the Council, asking the Traffic Safety Officer for an opinion with respect to that solution and to having the same done on a limited basis during rush hours only in the morning and in the afternoon. Then the Borough Manager could send out a survey to all the residents on Ellington Road and perhaps some of the surrounding streets to ascertain what their opinion is with respect to that.

Councilmember Etler suggested that nothing be done until the Council calls in the neighbors.

The consensus of the Council was to first have the Traffic Officer give them an opinion and then have the Borough Manager inquire of the Borough residents who are in that general area as to what they think.

Mayor Ganz stated the Borough Manager had been evaluated for calendar year 1999. That evaluation had been conducted and was placed in her file. She has also been evaluated for the first month and several days for the year 2000 and that evaluation is in the process of being finalized by Deputy Mayor Adler and Councilmember Etler and will be placed in her file.

ORDINANCES: FIRST READING

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

Ordinance No.1787-2000

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE

BOROUGH OF FAIR LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTER XV "MUNICIPAL PARKS, PLAYGROUNDS AND SWIMMING POOLS", SUBSECTION 15-6 "MEMBERSHIP FEES" TO ADD A FEE FOR SENIOR CITIZEN GUESTS

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 61-2000 introducing Ordinance No. 1787-2000 was unanimously passed. Mayor Ganz explained that this ordinance is creating a new classification of a lower fee for Senior Citizens who are guests at Memorial Pool.

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

Ordinance No.1788-2000

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 24-1, ET SEQ., 25-1 ET SEQ., AND 26-1 ET SEQ. OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN TO AMEND AND SUPPLEMENT THE EXTENT OF THE B-4 RIVER ROAD BUSINESS ZONE AND THE B-5 RIVER ROAD BUSINESS ZONE

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 62-2000 introducing Ordinance No. 1788-2000 was discussed. Deputy Mayor Adler recused herself. Mayor Ganz stated this relates to River Road B4 and B5 districts. It puts into the B4 and B5 zone certain properties that should have been in there previously that were not and it takes out some that should not have been included.

Hearing no further comment, Resolution No. 62-2000 introducing Ordinance No. 1788-2000 was unanimously passed with Deputy Mayor Adler recusing herself.

Mayor Ganz stated there was another matter that he understood was going to be introduced this evening and asked the Borough Attorney if the Council can go back into a Council Meeting at the conclusion of the Work Session. Attorney Lustgarten advised him it could be done.

RESOLUTIONS BY CONSENT #4-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #4-2000 containing the following items was unanimously adopted.

- a. Resol. #63-2000 Award of Bids: Alarm System Bid
- b. Resol. #64-2000 Refund of Overpayment of Taxes
- c. Resol. #65-2000 Professional Services - Riggs

RESOLUTION NO. 66-2000 APPROVAL OF MINUTES

Work Session 12/21/99

Special Meeting 12/21/99

Closed Session 12/21/99

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 66-2000 was unanimously passed with Deputy Mayor Adler, Councilmembers Amato and Etler abstaining.

MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to open the time for public comments.

Maurice Michaels, 7-16 Richard Street, stated he had just become aware of the Scholastic Bus case. He spoke about the issue of parking approximately 150 buses on River Road, he felt that this was a done deal and that no one wanted to speak to him about this at Borough Hall. Mayor Ganz explained that the Zoning Board of Adjustment heard this matter and turned down their request for a variance. They appealed to the Superior Court, subsequently they appealed to the Appellate Division, subsequently appealed to the Supreme Court of the State of New Jersey. The Supreme Court has ordered and directed that the variance be granted subject only to the Board of Adjustment holding hearings to impose reasonable conditions on placing the buses there. It had been judicially ordered and there is no court of higher

authority that can do otherwise.

Mr. Michaels stated he had several issues that may possibly reopen the case. Mayor Ganz informed him that it was not within the province of the Council to do that. The only entity that could do anything on this is the Zoning Board of Adjustment.

Mr. Michaels spoke about the number of buses intended to be on River Road and how they cannot fit that amount of buses on that lot. He spoke about Shop Rite not being open when this issue went to court. Mayor Ganz told him the Zoning Board will hear it, they are required to hear it by the State Supreme Court. The only thing they can do is impose reasonable conditions. One of the things he hoped they take into account is the significant amount of additional traffic that Shop Rite and Walgreens has generated, that 170 buses are going to generate, the drivers and automobiles that have to drive the buses coming in and out four times a day are going to generate.

Mr. Michaels said he has heard that Home Depot will be locating across the river by the Fair Lawn Avenue Bridge. He feels this will only make matters worse. Mayor Ganz stated he was not aware of that and that the testimony has been heard, by the Zoning Board, that Maple Avenue at River Road is the most congested intersection in town. They know it is going to get worse.

Councilmember Etler said that buses not only from Banta Place but also from the southern area of the County will be moved to that lot on River Road.

Mr. Michaels continued talking about the number of buses and how long it will take for the buses to get out of the lot and there also is the issue of jockeying the cars in the lot. Mayor Ganz informed him a light may be needed and would have to be installed at the applicant's expense. Mr. Michaels felt a light would only tie up traffic further.

Mr. Michaels spoke about the buses being on a schedule to pick up children and what will happen if they can't maintain the schedule. He had concerns about the Police and Fire Departments being able to get around with all that traffic.

Mayor Ganz told him the Council authorized the Zoning Board and Planning Board to engage traffic experts and he was certain they will avail themselves for this purpose. He said that no one on this Council believes that the factual findings are correct. They understand what the issues are. They don't want it there. The Zoning Board of Adjustment doesn't want it there, the neighbors don't want it there, but the Supreme Court says it is going to be there.

Attorney Lustgarten stated at the last public meeting this was discussed by the Council. If these drivers go through residential areas, if they are speeding, if they are making illegal left hand turns, if they are blocking intersections, etc. that is an enforcement issue. He believed that if these gentlemen can't get his buses out timely then he is either going to have to lose clients or reduce the number of buses. When the trains go through the Borough the Emergency Services have alternate routes to get to other parts of town. If River Road becomes a traditional parking lot they will have alternate routes and this situation is not going to be against the public health or safety of the residents of the Borough.

Mr. Michaels said he will take their advice and try to be at the Zoning Board meeting. Mayor Ganz informed him when they have their meetings. Municipal Clerk Kwasniewski informed him they meet on the first Monday which was last night. She also told the Council that Scholastic Bus has not filed a new application as of today. Attorney Lustgarten was not sure they would have to file a new application. The Zoning Board has to inform them what the traffic considerations are and Scholastic has to answer them.

Mr. Michaels had a site plan which was roughly 250 feet by 250 feet, the buses are 8 feet by 35 feet, using those numbers they can barely squeeze 170 buses into that lot.

Mayor Ganz asked the Municipal Clerk to summarize Mr. Michaels comments and send them to the Zoning Board.

Raina Valenzuela, 2 Katherine Avenue said the comments from Mr. Michaels made her hope that the Public Advocate is in place by the time this application goes before the Zoning Board again so that they can work with the new

attorney. She explained that people from Columbia Heights went to Glen Rock to oppose a Home Depot on Wagaraw Road because they knew it was going to affect their part of town. She stated that the location on Wagaraw Road would be a good place for Scholastic Bus Company to locate to and hopefully they can convince them to go somewhere else.

Ms. Valenzuela referenced the last meeting when Ms. Dabney read a letter from the Columbia Heights residents and wondered if they would be getting a response on all the points that were highlighted in the letter. Mayor Ganz stated there will probably be a response on a piecemeal basis as each item gets identified. He asked the Municipal Clerk to pull some back material.

There being no additional comments from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, the time for public comments was unanimously closed.

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 8:50 p.m. to Work Session with the understanding that they will be going back to the Regular Meeting at the conclusion of that session.

Mayor Ganz reconvened the meeting at 11:25 p.m.

ORDINANCES: FIRST READING

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

Ordinance No.1790-2000

AN ORDINANCE RELATING TO BLOCK 2705, LOT 1.01

Upon motion by Deputy Mayor Adler and a second by Councilmember Adler, Resolution No. 68-2000 introducing Ordinance No. 1790-2000 was unanimously passed.

RESOLUTION NO. 69-2000 Appointment to the Planning Board Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 69-2000 appointing Tom Metzler as the Class II member of the Planning Board was unanimously passed.

ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 11:30 p.m. to Work Session.

Respectfully submitted,

Marilyn B. Dugan, RMC
Assistant Municipal Clerk

Work Session

WORK SESSION OF FEBRUARY 8, 2000

Mayor Ganz reconvened the meeting at 8:15 p.m.

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

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

Grants - In response to a question by Councilmember Dobrow, Manager Sacks advised that she has been following up with Capital Alternatives.

Computer Recording on Council Issues - Councilmember Dobrow wanted to be able to keep track of the items that come before the Council since often they do not get resolved at one meeting.

The consensus was to have Municipal Clerk Kwasniewski keep track of the items showing the first date an item was discussed, carry over date and the action taken. She will distribute the lists Friday or Monday before each meeting.

Water Rates - CFO Eccelston was present and recommended a water rate increase to generate sufficient funds to support the 2000 budget. He suggested increasing the rate to \$2.86 from \$2.65 that would raise the average bill \$5 a quarter. Mayor Ganz suggested increasing the rate an extra \$.05 to generate surplus. Attorney Lustgarten pointed out the Council is starting to do the budget piecemeal.

The consensus was to increase the water rate of \$2.93.

Police Cars and Police Vest - Manager Sacks advised that one municipality has canceled its order for police cars. If the Borough purchased those cars now, they can be on the road in a few months. She proposed an expenditure of \$140,661 including the speciality items for six cars. The Council made a commitment last year to the police to order six cars.

Attorney Lustgarten reminded the Council that past Council's always had data on the mileage and repair costs and that discussion was part of the budget process. Manager Sacks, however, noted that last year the information was not available and it would not be any better this year. The Borough mechanic has said that the sooner they can get the vehicles of the street the better. Councilmember Dobrow asked about the statistics on service throughout the year. Manager Sacks replied that those records are available but they will not tell what will happen in the future. She is trying to avoid spending more money when the mechanic is saying that they will be experiencing serious repairs if the cars are kept on the street. Councilmember Dobrow wanted to hear from the Manager and the Police Chief that they agree with the mechanic. Manager Sacks advised that she met with them several times. Councilmember Dobrow felt the next time the Council should see the service records. Councilmember Amato indicated that he wanted to see the data.

Mayor Ganz pointed out that the only question is whether they are going to purchase six cars. There was a period when they only purchased three cars but that cost more in mechanical work. This Council is not bound by the past Council, but they need the police cars.

Manager Sacks advised that they need an amendment to the temporary budget to purchase the cars.

Manager Sacks advised that they need \$19,000 in matching funds to get \$42,000 of vests that would outfit the entire department plus the four new officers. The vests are a capital item. If the Council adopts an ordinance for the light bars for the police cars, they could include the vests.

Mayor Ganz noted that he was not ordinarily in favor of doing the budget piecemeal, but he thought that getting the police cars and vests was important. Manager Sacks advised that they can purchase the vests on the State contract at the 1998 price.

The consensus was to purchase six police cars and the police vests.

Municipal Court Credit Cards - Mayor Ganz advised that he spoke to the Clerk in Lacey Township where they accept credit cards for the court and the taxes at no cost to the Township. CFO Eccelston indicated he solicited four or five banks and none of them were willing to waive the fee for the card. Attorney Lustgarten suggested that CFO Eccelston contact Lacey Township to see which bank they are using. Mayor Ganz wondered if there were any objections to having the Councilmembers contact the various banks to see if any were interested.

The consensus was that the Councilmembers would approach various banks and that Attorney Lustgarten will contact

PNC Bank.

This item will be on the February 15 meeting.

CFO Eccelston advised that the court collects \$600,000 annually. He noted that he will not receive the money for twenty-four hours so they could lose money. He did not recommend credit cards for the taxes since he did not think it would be to the Borough's advantage. There are 10,000 line items. Half come from mortgages and the other half comes from individuals.

Garbage Collection at Apartment Complexes - Manager Sacks distributed a memo dated January 26 on this matter. The case is being appealed but meanwhile the Borough has to do the collection. She asked for guidance. Attorney Lustgarten advised that the Supreme Court has denied certification so the Appellate Court opinion is valid. The court said that municipalities cannot discriminate between single family homes, condo complexes or apartments. The Borough has to include all generators of solid waste. He thought the State would allow the Borough to amend the contract with the existing hauler. If the State does not allow the amendment, the Borough would have to go out to bid for the collection at the apartments. Mayor Ganz added that the legislature is talking about a five-year phase in. The safest way to get an idea of cost is to get a compilation of all apartments not being picked up, draw specifications and go out to bid. Mayor Ganz noted that the collection is only on public streets. One apartment complex is on private streets. Some practical issues dealing with safety and health need to be addressed. The complexes will have to conform to the pick up schedule. Although the Borough may be impeding the general health and safety if that schedule is not reasonable. Mayor Ganz noted that the apartment complexes are picked up three times a week. The Borough only picks up once a week for most of the year. He thought the only constraints were economic. He thought the alternative was for the Borough to get out of the trash collection business entirely and rebate to the residents that portion of the taxes that go toward garbage collection.

CFO Eccelston thought the cost to collect from the apartments would be about \$200,000. Councilmember Dobrow wondered what other towns do. CFO Eccelston thought that most of the towns, except Teaneck and Washington Township, provides the service. Mayor Ganz asked Municipal Clerk Kwasniewski to explain the service in Washington Township. She explained that the residents pay the hauler \$44.00 quarterly and then have to buy the bags to place the garbage in. They pick up twice a week all year around from the side yard. Mayor Ganz asked that she supply the Manager with the name and phone number of the hauler.

Deputy Mayor Adler wanted to know the cost analysis for the small businesses. Attorney Lustgarten reminded the Council that the contract is binding for the next three years. Mayor Ganz wondered if the vendor might be willing to amend the contract. He wondered what the legal basis for picking up some businesses and some complexes.

Manager Sacks noted that the contractor is interested in savings on labor costs. One thing the Borough has been looking at is going to a toter system that she explained. She also noted that some towns do the bidding and then have the hauler contract directly with the homeowner. She thought that might be an alternative for the last three years of the contract since they would guarantee the hauler 100 percent of the Borough for the end of the contract. Attorney Lustgarten thought they might be able to divide the town into quadrants and bid them. Absent legislative relief, the Council has to understand that they may have to include the cost of \$200,000 in this budget.

The consensus was to authorize the Manager to contact the hauler to see if there is any interest in going to private collection and the percentage of Fair Lawn he would need to sign up before he would consider releasing the Borough of its contractual obligation.

This item will be on the February 15 agenda.

Open Space Recreation Funds - Manager Sacks advised that Councilmember Dobrow and George Brouca attended a meeting with the County. The Borough signed up to participate by adopting the ordinance. There is \$167,000 for eligible projects in this region. She thought the Council might want to explore some projects at the Dobrow Complex. The deadline is February 29.

The consensus was to have Manager Sacks get a list of eligible projects from Recreation Department and Engineering for February 15.

Memorial Pool - A memo was received from Superintendent Frey concerning changing the fixtures and doing the upgrades the Council had discussed several weeks ago. Manager Sacks distributed several pictures. Councilmember Dobrow thought they should make every effort to try to put in a new building for this season. Mayor Ganz noted that because of its location, this is a very significant engineering project. It is not a good idea to put up a building without an overall plan. He did not think that doing it this year was possible. It will have to be built seven feet in the air and many permits have to be obtained. He continued that the Council has already decided to make changes and unless he hears something else he has not changed his mind.

Manager Sacks thought the only insurmountable problem raised by Superintendent Frey was the toilets. Mayor Ganz thought that Superintendent Frey was not qualified as a plumber to decide.

The consensus was that the Council's original decision is to stand.

Tattoo Parlor Ordinance - Councilmember Etlar advised that he looked at the Hawthorne ordinance to see if they could apply it to Fair Lawn. That ordinance has a heavy emphasis on sanitation. They have restricted the number to one per 10,000 population. Attorney Lustgarten thought the Hawthorne ordinance should be sent to the Health Officer for her comments. Mayor Ganz noted that there is a type of sterilizer that former Deputy Mayor Ahearn thought the Borough should require two. Attorney Lustgarten was not sure that limiting them by population was legal.

The consensus was to have Attorney Lustgarten draft an ordinance for first reading on February 22 and a second reading on March 7.

Deputy Mayor Adler wondered if the body piercers were regulated. Mayor Ganz asked Manager Sacks to contact the League of Municipalities to see if there are State regulations and report to the Council. Manager Sacks thought the Health Officer might have that information.

Fair Lawn Ice Hockey Team Coverage by JIF - Manager Sacks presented responses to questions raised by Attorney Lustgarten. The Borough can get them covered by the JIF as quasi municipal organizations if they meet certain criteria and if the Council passes a resolution. Attorney Lustgarten wondered if there is an additional premium for covering them.

Manager Sacks will find out and report to the Council on February 15.

Open House - Manager Sacks advised that the Open House is tentatively scheduled for April 12 from 7:00 to 9:30 p.m. with the League of Women Voters. She asked the Councilmembers to participate. The service organizations can participate to solicit members or support.

Flexible Spending Account Contract - Manager Sacks sent a memo indicating preliminary interest and cost. The Borough needs to sign a contract with someone to administer the plan. Horizon has the State contract. They have given the Borough the same contract as other entities. She asked for a resolution from the Council to enter into a contract with Horizon.

Attorney Lustgarten noted that the ordinance has the Chief Financial Officer as the administrator. He wondered why the Borough would enter into a contract until they know how many are going to sign up for the plan. If the universe is too small, it may not be cost effective. Manager Sacks pointed out that it is going to cost a certain amount to do a set up. Generally these plans start small and grow. This is not something the Chief Financial Officer can administer. He would have to have a thorough knowledge of the IRS code. She explained that she contacted several companies. Many of them would like to experiment on Fair Lawn but they are costly. Horizon is the Borough's health care carrier so it would be an easy transition. She noted that the plan would be evaluated each year.

Attorney Lustgarten noted that they need an education process. He thought the employees did not understand the plan.

He did not understand why the Council would be spending money if they do not know how many employees will participate. Councilmember Amato thought that if there is less than ten people involved, it will not be too much work. He wondered how the employees were told about the plan. Manager Sacks replied that it was discussed in union negotiations and that she has met with different employees to discuss the general idea. There is no on staff who can educate the employees. Mayor Ganz volunteered to speak to the employees or to draft a written explanation. He will circulate it to Attorney Lustgarten for his review.

The consensus was to proceed to implement the plan.

The consensus was for the Mayor to do a write-up by the next meeting.

Attorney Lustgarten reminded the Council that an appeals committee must be established. This item will be placed on the tickler list for the future.

The consensus was that until there are ten employees CFO Eccelston will administer the plan.

Ellington Road Neighbors - Councilmember Etler noted that the correspondence from Keith Brown disheartened him.

School Bus License Fee - Manager Sacks was asked to find comparable ordinances. This matter will be on the agenda in two weeks.

Draft Ordinance re Landlord Registration - After a brief discussion the consensus was to take this matter of the agenda since it appears that State statute preempts the Borough and it does not seem to be a real problem.

Auction of Borough Owned Property (Shotmeyer) - Attorney Lustgarten advised that he had received the appraisal and the statement that the property is not needed for a public purpose, but he wants to be absolutely certain that the Borough owns the property.

The consensus was to authorize Borough Attorney Lustgarten to take reasonable steps to be certain the Borough owns this property including if necessary a title search and once satisfied the Municipal Clerk is authorized to set up an auction.

Councilmember Etler advised that none of the land was necessary for the resolution of the application before the Zoning Board of Adjustment.

Municipal Court Fines - Attorney Lustgarten was confused by the rationale for this ordinance. It was his understanding that the fines had to be adopted so violators could pay without coming to court. Mayor Ganz had suggested having mandatory fines so people would not have to go to court to pay a parking ticket. The standard Bureau fines have to be approved by the Assignment Judgment. There was an issue of adding \$4.590 because Trenton is taking out for State programs. There is already a mandatory fee schedule so people can mail in their fines. The Council needs to decide if they want to change fines to cover the \$4.50. He suggested rounding it to \$5.00. Mayor Ganz thought it started because the people who received tickets at the Erie lot had to go to court to pay the fine.

Manager Sacks advised that the Prosecutor and Judge said they had to come to court because the Judge had to set the fine. The ordinance had to specify the fine for the commuter lots. Mayor Ganz had suggested a fine of \$15 a day. That was the first issue. The second issue was a memo from the Court Administrator suggesting that the Borough should increase the fixed fines so that they were not losing money.

Borough Attorney was asked to decide if the schedule covers the municipal parking lots and then the Council will take action.

This matter will be on the February 15 agenda.

Municipal Parking Lot - Attorney Lustgarten advised that this ordinance relates to Fair Lawn Avenue, Pollitt Drive, Saddle River Road and the Senior Citizens parking lots. The ordinance would establish a \$15 for each offense for all

parking lots but the one attached to the Municipal Building. Deputy Mayor Adler wanted to know if the George Street lot should be included. There does not seem to be any rules for that lot. Attorney Lustgarten advised that the Council has not made a decision on that lot. Mayor Ganz thought it would be part of the cooperative parking agreement. This lot will be discussed when they discuss the cooperative parking plan.

Manager Sacks wanted to know what the fine is now. She thought the Erie lot should be in this ordinance. Councilmember Dobrow wanted to know what the policy has been in the past. She wanted to know what the average ticket has been. Councilmember Etler thought the fine was too low. Mayor Ganz explained that there was a ticket blitz of Erie lot that resulted in 47 calls to him.

The consensus was to set the fine at \$15.

Municipal Parking Lot - Councilmember Etler is not satisfied with the configuration of the lot. He thought the employees should take the far lot and leave the front space for the visitors. He has received several calls complaining about the lack of space. Councilmember Dobrow concurred. The employees should not have the best spaces in the lot. The library patrons should be able to use the lot. Mayor Ganz agreed only if the Mayor and Councilmember space is moved to the far lot. Attorney Lustgarten raised several issues that they should discuss. It is tax time so the Legal Department has received complaints. People are annoyed at the parking situation. Mayor Ganz suggested marking several spaces for fifteen minute parking. Manager Sacks noted that the problem is with the patrons of the Athletic Club leaving their cars in the lot for extended periods. Mayor Ganz thought there should be two-hour parking except Borough employees and after 4:30 p.m. Manager Sacks read a statement from the collective bargaining agreed that set aside parking for the Borough employees. Councilmember Etler noted that there is a municipal parking lot b, parking lot b next to the Athletic Club and a huge lot across the street. No one says the municipal employees have to have the best spot. Attorney Lustgarten pointed out the agreement does not say that the employees get the spots closest to the building. Nine spots are just not enough.

Manager Sacks advised that when this was negotiated the lot was a senior citizens lot. She changed that lot. She counted how many spaces were needed for the employees and the police cars. A great deal of thought went into that plan. She really would like to see another fifteen to twenty spaces for the visitors. She suggested that if someone is going to be in the building more than thirty minutes he can get a temporary permit from the Manager's office to put in the windshield. Mayor Ganz suggested each department issue the permit. Deputy Mayor Adler suggested speaking with the Library Director for his comments. Manager Sacks advised that the employees will receive stickers. Attorney Lustgarten thought this process would greatly annoy the taxpayers if they have to go back to their car. He suggested a sign-in book on the first floor and then have the police check it. Manager Sacks did not think that would be practical. The police have enough to do.

The consensus was to direct the Manager to configure the lot so that there are fifteen to twenty visitor spaces and five fifteen-minute spaces with the Mayor and Council space moved to the other lot with Councilmembers Etler and Dobrow dissenting.

Manager Sacks is to come back with a plan for the Council to review.

Use of Borough Vehicle for Volunteers - Councilmember Amato advised that he had discussed this issue with Manager Sacks. Traditionally the Volunteer fire fighters in training would have the use of a Borough vehicle to go to Mahwah. It was stopped and they have objected. Manager Sacks offered an alternative of paying mileage which he did not think was a good idea. The vehicle was available and the volunteers are responsible and he did not see why they could not use a vehicle to go to training. It is one way the Council support the volunteers. If there is no insurance issue, he saw no reason not to do it. Manager Sacks noted that the vehicles belong to the Fire Prevention Office and they will make a vehicle available. The firefighters just have to let the office know a few days in advance so they can make a vehicle available. They can reimburse those who did not want to use it for the mileage. Councilmember Amato will bring that back to the Fire Board.

The consensus was to reimburse the fire fighters for mileage to attend training.

Councilmember Amato also advised that the fire fighters have asked what type of insurance they have. Attorney Lustgarten advised that they are covered by workers compensation and general liability. If they use a Borough vehicle, the Borough's insurance covers them.

Satellite Dish Ordinance - The Construction Official feels that the ordinance violates peoples' rights to have the dishes so they are best positioned for the best reception. He feels the ordinance is unenforceable Mayor Ganz asked Attorney Lustgarten to look at the ordinance to revise it to make it appropriate for modern technology. This item will be on the agenda in a month.

Volunteer Tuition Credit Program - Councilmember Amato advised that he spoke to John Pavlick at Community Affairs about this program. If a volunteer agrees to serve four years, hie is eligible for \$600 tuition credit per year for up to four years at a community college. There are some conditions. It does not cost the municipality anything. The municipality has to pass a resolution. Attorney Lustgarten will review the information and give the Council recommendations in one month.

Mayor Ganz announced that after the Closed Session the Council will come back to open session.

Attorney Lustgarten asked that the purchase of Borough property be deferred one week.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow the following closed session resolution was unanimously adopted at 11:10 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 personnel; and

WHEREAS, this matter permits the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn within 30 days on one item and within one week on another relating to pending litigation and when an appointment is made by formal action of the Mayor and Council on the personnel item;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth is one which permits the exclusion of the public.

Mayor Ganz recovened the meeting at 11:32 p.m.

Mayor Ganz noted that the third grade studies Fair Lawn government. He suggested that two members of the Council meet forty-five minutes before the meeting with any of the third grade students and their parents to explain the history of Fair Lawn government and to answer any questions they might have.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 11:35 p.m.

Respectfully submitted,

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

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