

WORK SESSION OF FEBRUARY 15, 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 Etler.

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

Mayor Ganz welcomed the boys and girls present and said that: When I first took the oath of office as Mayor in January 1999, I noted that we were just 364 days away from the start of a new millennium, and when I was inaugurated for the second time just forty-five days ago, I suggested that we would have a high level of activity, and activism, that would show what the collective will of the Council was capable of when the voices of divisiveness departed. I am pleased to report that we have had an active forty-five days; that we have successfully initiated my "Take Your Government to the People" program into Columbia Heights and the Westmoreland School neighborhood, and that we have already enacted several ordinances that, I believe, will change the lives of our borough residents, and borough employees as well. Let me briefly list some Council's accomplishments in the first six weeks of the new year:

1. We have created the position of Public Advocate to the Zoning Board of Adjustment and Public Advocate to the Planning Board, thus assuring that the public will be well-represented in significant matters and proceedings before those two important boards that help regulate the Borough's growth and development.
2. We have created a "flexible spending" plan (also known as a Section 125 Cafeteria Plan) for Borough employees that will permit Borough employees to use pretax dollars to pay for otherwise unreimbursed medical services, child care, day care, unreimbursed dental expenses (such as orthodontists).
3. We authorized a cold-weather skating rink behind Memorial Pool (by flooding part of the parking lot) to take advantage of the winter weather in Fair Lawn in January and February. Skating has taken place weekdays and weekends as weather and ice formation has permitted.
4. We approved permit fees for use of Memorial pool at the same level as last year; I suggested and Council agreed to the offering of a reduced senior visitor's pass for weekends from \$10 to \$6 (for example, so that visiting grandparents can take grandchildren at a lower cost).
5. We approved construction of a basketball court at Walsh complex for immediate construction once the weather is warm enough.
6. We approved the construction of a bike path at Walsh pool and put safety first, authorizing a path that will keep children from riding bikes through the parking lot on Harristown Road. The Borough Engineer will let the contract on this by March 23rd.
7. We set July 3rd (Monday) as the day for the Borough's fire work's display, and set fees for this the same as last year (\$6 adults, \$3 children, when prepaid). I suggested we have a family rate that is substantially lower, and the Council agreed to two adults and three children (or any combination) for \$12 - a real savings to many Borough families.
8. To spruce up the Memorial Pool area, the Council has authorized the Borough Manager & Recreation Director to buy new plumbing fixtures and commodes for the bath house, to replace sinks, shower heads, and to paint the floors (grey non skid), add new mirrors, paint the lavatory stalls, install air freshener sprayers and spruce the place up, so that the summer of 2000 is the nicest one in recent memory.
9. Directed the Recreation Director to supply the Council with samples of sand that will be utilized to replace the sand taken away by Hurricane Floyd. The Council has given its commitment to upgrade from previously used construction grade sand to a finer grain.
10. Requested the Board of Education to open up parking spots right in front of schools used for polling on the several election days held each year, so that seniors and other voters will not have to walk as far. The Board has already approved, and this will be implemented starting this spring in the school budget voting.

Tonight, we add to that list by solving a problem that is becoming increasingly common: how a Borough resident can dispose of an outdated computer. This evening, we have a resolution that would authorize the Borough to enter an agreement for a year with Summit Recovery. This would dispose of, free of charge residents and to the Borough, older computers. The benefit is obvious: no cartage fees from our trash hauler, no recycling problems... another can-do effort by the Council!

I also want to announce that last year's initiative of opening Borough Hall at night for the residents will take place again, this year on April 12 from 7 to 9 p.m. This takes place with the assistance of the League of Women Voters, and this year, we are also inviting service organizations to set up tables for information. We hope you will come see your government in action!

It is been a busy year, so far, and there are 320 more days to come! I am proud to be working with such an active Council.

Chamber of Commerce Fair Lawn Day - Joyce Caratozzolo, owner of Bernrap Jewelers and Suzy Novielli, Executive Director of the Chamber of Commerce were present. Deputy Mayor Adler explained that for many years Ms. Caratozzolo has spearheaded an effort to hold street fairs in Radburn. After the success of last year's 75th Anniversary they had an idea to have a Fair Lawn Day annually. Ms. Novielli proposed September 9 and 10 with a rain date the next weekend with the event held at Memorial Park. Ms. Caratozzolo commented that there would be rides, games, an area for children's activities, crafters, perhaps a taste of Fair Lawn, an antique car show and there would be no charge. There would be at least 100-150 vendors. Store owners would be asked first and be charged less for their spots. Vendors would be charged \$150 and Chamber members would be charge \$100. They did not charge the service organizations any fee. The idea is to bring the community together.

Ms. Novielli added that the Chamber would donate the proceeds to a charity. The Chamber thought it was a good idea to continue the celebration because it was so well received last year. The Chamber does not have the budget or the manpower to do it alone. They are willing to help in the organization and manpower and to help publicize the event. Ms. Caratozzolo wanted the Borough to provide security and the clean up. She explained how big a job putting the Radburn Street Fair has been for the past three years.

Mayor Ganz advised that the Council plans to have the pool remain open for the entire month of September. Councilmember Etlar noted that he was not against it but wanted to know the cost to the Borough. Attorney Lustgarten pointed out that if the Borough co-sponsors the event, the Borough's insurance will take over which could be a large liability. He wondered if the vendors would indemnify the Borough. If the Borough is going to co-sponsor the event, he did not think they could charge different fees for vendors. Councilmember Amato thought it was a great idea, but wanted to analyze what it is going to cost. He thought there might be some objections raised because the idea is supposed to be a Fun Day but the vendors will be making money.

After further discussion, the consensus was that the Chamber would provide with specificity exactly what they propose and that Attorney Lustgarten was authorized to respond so that the Council can make the policy calls.

Ms. Caratozzolo wondered if they could lease the property and then get their own insurance. Attorney Lustgarten noted that from a liability standpoint that would be better for the Borough. Attorney Lustgarten advised that the Borough cannot donate its municipal services. If the Borough decides that having an extra police officer in the area because of the increased number of people makes sense, the Borough can do that. Mayor Ganz noted that the Council needs to recognize its costs and risks. Ms. Caratozzolo asked if they keep the fair in Radburn could they go farther down Plaza Road North two blocks or so.

Financial Reports - Financial reports were distributed.

Pool of Experts for Public Advocate - This item was deferred for one week.

Traffic Study Harristown Road & Elm Street - Mayor Ganz asked Manager Sacks to ask the traffic officer for an analysis of a typical day on Harristown Road. Manager Sacks advised that the Engineer has said that neither the State

nor the County has any plans for that intersection. Municipal Clerk Kwasniewski will send a letter to Mrs. Dabney indicating that the Manager investigated and that there are no current plans for the intersection. Engineer Garrison advised her that there are no complaints, there has never been a signal at the intersection and it is completely under the State jurisdiction. This item will be on the agenda in thirty days with a traffic report.

Repairs by Contractor to Library Sidewalk - Manager Sacks advised that the crack on the eastern end is not the contractor's responsibility. The Borough will repair that through the curb and sidewalk program. The crack on the corner ramp may be the result of a problem with the material and workmanship. She has asked the contractor to make the repair. This item will be on an agenda in April for an update.

Enforcement Effort on Sidewalks Fair Lawn Avenue Side of Exxon Station - Manager Sacks advised that the people at the Exxon Station have said that they will repair the sidewalk when the weather permits. This item will be on an agenda in April for an update.

DOT Contract for use of Fair Lawn Police Department during Route 4/Route 208 Project - Manager Sacks advised that the State DOT uses the same contract for all the towns. Chief Marshall prefers to have the officers hired through the municipality. The Borough will have to provide policing because it is within its jurisdiction. The State pays whatever the cost to the Borough. Attorney Lustgarten questioned who indemnifies whom and expressed concern that they would deplete the Borough's manpower.

The consensus was to let Manager Sacks negotiate and get it done before they start construction.

Municipal Court Credit Cards - Councilmember Etlar reported that Hudson City Bank is not in the credit card business. Deputy Mayor Adler spoke to Columbia Savings Bank who is supposed to get back to her. Attorney Lustgarten reported that he called PNC Bank who advised that the Borough would put a deposit in the bank and when someone uses the credit card they deduct the fee from that investment account. It is going to be impossible to cost it out in the first year because the Borough will not know how much money they are losing on the investment account and how long it will take to get the money from the credit card. PNC is supposed to send him some literature and would be willing to make a presentation. Mayor Ganz asked Attorney Lustgarten to call Commerce Bank. Manager Sacks suggested that since the Council does not know what it will cost, the Bank should include a flat fixed return on the funds on deposit so that the Bank takes the risks for the cost of the program.

This item will be on the work session of March 14.

Garbage Collection at Apartment Complexes - The League of Municipalities advised that the Assembly Local Government Committee released a bill that would give municipalities a one-year moratorium to provide the apartment complex owners and the municipalities time to negotiate an agreement to comply with the decision. If the bill is signed, the Borough has a year to work it out with the apartment complexes. He thought the Council should consider establishing a committee to start gathering information and to begin a dialogue with the apartment complexes.

Manager Sacks advised that she is researching whether the borough could do the bidding and have the successful carter contract with the individual homeowners. Mayor Ganz noted that the Manager was supposed to be calculating the costs if this were done privately. He asked that she have that information for March 14 when this item will be back on the agenda. Municipal Clerk Kwasniewski will check on the status of this bill.

Tattoo Parlor Ordinance/Body Piercing - Attorney Lustgarten recommended that the Council use the ordinance prepared by Health Officer Depalma-Farr, change the penalty section and add the definition of an autoclave with a specific capacity of the autoclave. Mayor Ganz would like to introduce the ordinance so it can be adopted March 7. They agreed to change Section 7 from immediately to "immediately but in any event not more than four hours after the deficiency."

Deputy Mayor Adler wondered if any type of establishment could add an element of tattooing. Attorney Lustgarten assured her that they would have to comply with the health regulations of this ordinance. Manager Sacks raised the

question of jewelry stores. Attorney Lustgarten pointed out that the ordinance exempts ear lobes but if they do any other piercing they must comply with this ordinance.

It was the consensus to introduce the ordinance with the change in autoclave, penalty and the license expiration.

Fair Lawn Ice Hockey Team Coverage by JIF - Manager Sacks advised that the premium will be \$500 a year for the first 250 participants and \$2 for each one above that number. The consensus was to adopt a resolution including them in the JIF.

Proposed Ordinance 1778-2000 Municipal Court Fines - Attorney Lustgarten advised that the current ordinance for some parking fines requires a court appearance. There was an informal consensus to have a flat fine of \$15. He checked the schedule submitted by the Court Administrator and discovered that some prohibited parking sections have a fine of \$34. He suggested that the Manager go through the list with the Court Administrator and make a recommendation on whether the fine should be \$15 or \$34. He did not think they could introduce the ordinance now.

The consensus was that the fines should be raised to cover the \$4.50 taken out by the State.

Mayor Ganz advised the impetus for this ordinance was the number of complaints about not being able to get a space at the Erie lot and then having to come to court to pay the fine. He thought they should structure the fine so that if someone wants to park there every day and pay the fine by mail, he could do so. The lack of commuter parking is the major parking problem in the Borough. There is insufficient space for the current use at the station and on the streets. He thought they had gone past the point of deterrence. Attorney Lustgarten pointed out that all the parking lots do not have to be treated the same. Councilmember Etlar thought the purpose of the fine should be deterrence. The consensus was that the fine should be fixed so that someone could plead guilty and pay the fine by mail.

Manager Sacks noted that the window of opportunity for the Police Department to issue tickets is just when their heaviest demand is so the Department has asked that the time when they lift the restriction be changed from 9:00 a.m. to 10:00 a.m.

The consensus was that the fine be \$25 with Mayor Ganz and Councilmember Dobrow dissenting. This item will be on the March 14 agenda.

Establishment of Economic Development Committee - Deputy Mayor Adler presented a draft resolution to create the Fair Lawn Economic Development Committee. The Committee would represent the diversity of the community. If too few people are on the committee and people do not come to the meetings, it will be a small number who will decide. Along as there is a balance of people in the community who are involved, the number could be less than twenty-one. She did not want to sunset the committee since she did not want the committee to be seen as a limited project. It could be evaluated at a certain time. She explained that the purpose of the committee is to treat the different business districts in some kind of totality. They want the business districts to succeed but on Fair Lawn's terms. This committee could help people obtain the permits, answer questions and make businesses feel at home. They want all businesses to feel like they belong to the community.

Mayor Ganz wondered why the Chamber of Commerce cannot do these things. Deputy Mayor Adler noted that the Chamber is a separate entity that represents its members. The committee would have more power to suggest since the Council forms it. Attorney Lustgarten has written the ordinance so that the public would be invited so it is subject to the Sunshine Law.

Deputy Mayor Adler added that the economic strength of a community should not rely on a single organization. She thought they needed a standing committee that looks at the economical development of the community that does not belong to a specific organization.

The consensus was that the Council wanted to move ahead on this proposal.

A further consensus was that Deputy Mayor Adler would have a dialogue with the Chamber, RRIC or other groups that might have a similar interest to see if they have any comments or concerns.

A resolution will be adopted on March 7.

Tabasco's Liquor License Violations - Attorney Lustgarten advised that there was a violation in June 1998. Charges were rendered by the Council but the hearing was postponed because criminal charges were pending in Municipal Court. Prosecutor Karas indicates that the defendants in the Municipal Court matter are willing to plead guilty but they want to know the status of the charges before the Council. The Council can go forward or determine that Tabascos has improved its security, their image and the way they run the establishment so it does not seem that this would happen again. The Council can dismiss this matter. Attorney Lustgarten recommended dismissing the charges because the intent of the Council in bringing the charges in the first place was to let this establishment and others know that their license was in jeopardy.

The consensus was to dismiss the charges and let Prosecutor Karas take care of the criminal matter. Attorney Lustgarten will relay the Council's decision to the prosecutor.

CDBG Approvals - Councilmember Dobrow advised that the Borough will be receiving grants for \$10,000 for the translator, \$25,000 for curbs and \$96,000 for the Board of Education for the deaf program.

Volunteer Tuition Credit Program - Councilmember Amato raised this issue at the last work session. He thought the Council should implement it. Manager Sacks noted that there is no cost to the Borough although Mayor Ganz noted that there is a cost because the Borough would have to pay the uniform allowance for the new volunteers. Councilmember Amato pointed out that the whole point is to encourage more people to join. The municipality has to do the paperwork not supply any funds. Mayor Ganz thanked Councilmember Amato for bringing this program to the Council's attention.

A resolution will be on the March 7 agenda.

Tax Appeals - Who's Liable - Councilmember Etlar expressed concern because recent legislation makes the municipality responsible for tax payer's Counsel fees under certain circumstances. Attorney Lustgarten advised that if the Tax Assessor fails to reflect a change on the assessment roles because of a judgment then the municipality may have a liability. He was not worried because they have good procedures to follow.

Meeting Dates and Times - Since Tuesday, February 29, 2000 is a fifth Tuesday at 6:30 p.m. a Special Meeting will be held to work on the recodification of the Borough's ordinances. A budget meeting will be held on Saturday, February 26, 2000 at 9:00 a.m.

ATM Machine - Manager Sacks advised that some funds have to be placed in the ATM initially that can be done by a budget appropriation. The personnel in the Finance Department will replenish the machine. The bank charge the fee, but the Borough will get 1 percent of every transaction. CFO Eccelston will have to set up an appropriation and an expense line.

Resolution and Ordinance - Attorney Lustgarten explained the difference between a resolution and an ordinance.

Borough's Bank Deposits - Mayor Ganz noted that the Borough has multi million dollars in two different banks. He wondered what would happen if any bank fails. He wondered if they have insurance for the excess above the FDIC amount. Manager Sacks will check with CFO Eccelston.

Special Meeting - Upon a motion of Deputy Mayor Adler and a second by Councilmember Dobrow the meeting was unanimously adjourned to a Special Meeting at 10:25 p.m.

Mayor Ganz reconvened the meeting at 10:35 p.m.

Chester Street Property - Attorney Lustgarten recommended that based on the letter received from the residents in the area this matter be removed from the Closed Session. The residents want to come to the next meeting to discuss their concerns with the Council. It might have an impact on the Council's decision on whether or not they should sell the property. The Council decided to invite the property owners within 200 feet of the property to the March 14 Work Session. Municipal Clerk Kwasniewski will send a letter inviting them to the meeting.

Municipal Clerk Kwasniewski has found a deed for this property from 1935 into the Borough. Attorney Lustgarten noted that there were issues raised about whether this property was park land. Manager Sacks will ask the Engineer to check the maps on Block 5818, Lot 34/45 forward from June 29, 1935 to see if there are any restrictions. Municipal Clerk Kwasniewski will check the minutes around that time. Attorney Lustgarten noted that there are no restrictions in the deed.

Mayor Ganz announced that the Council will return to the Special Meeting following the Closed Session.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow the following closed session resolution was unanimously adopted at 10:50 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
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 upon formal appointment by the Mayor and Council this date or if not appointment to be made there will be no disclosure.

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.

Respectfully submitted,

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

SPECIAL MEETING OF FEBRUARY 15, 2000

Mayor Ganz reconvened the meeting at 10:25 p.m.

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

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

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.1791-2000
(Resolution No. 70-2000)

**AN ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS IN THE BOROUGH OF FAIR LAWN,
COUNTY OF BERGEN, NEW JERSEY AND APPROPRIATING \$26,500 FROM CAPITAL SURPLUS FOR THE
FINANCING OF SAME**

Upon motion by Councilmember Dobrow and a second by Councilmember Etlar, Resolution No. 70-2000 introducing Ordinance No. 1791-2000 was discussed.

Manager Sacks advised that \$19,000 is for the Borough's match for the bullet proof vest and \$7,5000 is for the light bars for the police cars. This project is fully funded from capital surplus.

Hearing no further discussion, Resolution No. 70-2000 introducing Ordinance No. 1791-2000 was unanimously passed.

ORDINANCES: SECOND READING

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

Ordinance No.1785-2000
(Resolution No. 71-2000)

AN ORDINANCE ESTABLISHING A TORT CLAIM FORM PURSUANT TO N.J.S.A. 59:8-6

Mayor Ganz explained that this ordinance formalizes the tort claim form that the Borough has used for many years and that the Borough Attorney has recommended be adopted by ordinance.

There being no comments by the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, 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. 71-2000 adopting Ordinance No. 1785-2000 was unanimously adopted.

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

Ordinance No.1786-2000
(Resolution No. 72-2000)

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN BOROUGH EMPLOYEES OF THE BOROUGH OF
FAIR LAWN, BERGEN COUNTY, NEW JERSEY**

Mayor Ganz explained that this ordinance changes the range for the Construction Official and establishes the range for the Public Advocate and the Assistant Public Defender.

There being no comments by the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, 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. 72-2000 adopting Ordinance No. 1786-2000 was unanimously adopted.

RESOLUTION NO. 73-2000 ESTABLISHING TEMPORARY CAPITAL BUDGET

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 73-2000 was unanimously passed.

RESOLUTION NO. 74-2000 AUTHORIZING EXECUTION OF AGREEMENT WITH SUMMIT METALS RECOVERY CORP.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 74-2000 was unanimously passed.

RESOLUTION NO. 75-2000 FOR APPLICATION TO BERGEN COUNTY MUNICIPAL JOINT INSURANCE FUND

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 75-2000 was unanimously passed.

ADJOURNMENT TO WORK SESSION

Upon motion of Councilmember Etlar and a second by Councilmember Dobrow the meeting was adjourned at 10:35 p.m.

Mayor Ganz reconvened the meeting at 10:45.

RESOLUTION NO. 76-2000 APPOINTMENT TO THE BROADWAY ADVISORY COMMITTEE AND TO THE SENIOR CITIZEN ADVISORY BOARD

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow Resolution No. 76-2000 appointing Brian Keen to the Broadway Advisory Committee and Irving Bienstock to the Senior Citizen Advisory Board was unanimously passed.

Mayor Ganz announced that Brian Keene is also appointed to the Mayor's Broadway Committee.

ADJOURNMENT

Upon motion of Councilmember Etlar and a second by Councilmember Dobrow the meeting was adjourned at 10:55 p.m.

Respectfully submitted,

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

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