

## WORK SESSION OF JULY 11, 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 and Etlar.

ABSENT: Councilmember Dobrow.

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

Review of Tentative Agenda - Deputy Mayor Adler advised that Dr. Parker was present to discuss the parking issue on Mandon Terrace and Lucena Drive. However due the length of the agenda, Mayor Ganz requested that the Council schedule a work session following the July 18 regular meeting. The Council concurred.

Mayor Ganz advised that he might not be present next week. The bond ordinance requires four affirmative votes to be adopted. If four members of the Council are not present, the adoption of the ordinance will be tabled.

The ordinance regarding changes to the B4/B5 zone is not ready. Attorney Lustgarten pointed out that two issues need to be resolved. One is whether the agreement to participate in the cooperative parking plan can run with the land and the other is what happens if a property is sublet. This item will be on the work session of August 15 for discussion. They agreed that after being reviewed by the Council, the ordinance would be sent to RRIC.

Jewish Community Relations Committee - Ralph Cheifetz, Chair of the Jewish Community Relations Committee of Jewish Federation of North Jersey, Miriam Mayer, Director of the Jewish Community Relations Committee and Annette Krantzen, President of the Fair Lawn Jewish Community Counsel were present. Police Chief Marshall was also present. Mr. Cheifetz explained that the Jewish Federation of New Jersey provides education, welfare and social services. The purpose of the Jewish Community Relations Committee is to interface with the non-Jewish community locally and nationally. One of their primary goals is to receive the cooperation of local officials and to provide a means of communicating with the Jewish community. He presented several handouts. Ms. Mayer concluded that they were available to provide assistance anytime. Ms. Krantzen serves as the president of the Fair Lawn Jewish Community Counsel, which is the umbrella organization for all the Jewish organizations in Fair Lawn.

Ellington Road Traffic Consultant Report - Manager Sacks presented three proposals for a traffic study. She was not ready to make a recommendation. She wanted to make sure the proposals intend to include the larger study of the area. Councilmember Etlar wondered if they would learn anything from the study. Manager Sacks pointed out that the Council asked her to get the proposals for the study. They will discuss this item again at the work session following the regular meeting of July 18.

Cooperative Parking Agreement/George Street Parking Lot - This item was deferred since the Council did not receive the material from RRIC or Mr. Bier.

Salary Survey Analysis - Mayor Ganz suggested that each Councilmember send Councilmember Amato a list of five municipalities they believe should be compared. Councilmember Amato felt the Council needs to narrow down the scope of the analysis. Deputy Mayor Adler thought the Council needed to decide what information they want. Since this is public information, they should be able to obtain the information. Municipal Clerk Kwasniewski reminded the Council that she had gotten several budget documents at the beginning of this year which she gave to CFO Eccelston. She will send them Councilmember Amato.

This item will be on the July 18 work session agenda.

Schedule Discussion re Broadway Advisory Committee Final Report - The consensus was to invite the Committee to the August 15 work session. Municipal Clerk Kwasniewski was asked to send letters to Mr. Tregidgo and the members of the Committee.

Councilmember Etlar advised that he had reviewed the report and identified several items that could be done. Mayor Ganz asked him to give his notes to Manager Sacks.

School Bus Parking Lot Ordinance - Attorney Lustgarten advised that he had forwarded a second draft on June 23 asking the Council to review the recommendations of the Borough Engineer. The two major issues are fuel storage and the bulk regulations. The bulk regulations have not gone to the Planning Board for their comments. He suggested a preliminary review by the Planning Board. Municipal Clerk Kwasniewski was asked to send Attorney Lustgarten's June 23 memo and attachments to the Planning Board and ask them to review it at their next meeting. Attorney Lustgarten asked that the Chair deliver the comments directly to him. Mayor Ganz asked for a transcript of the discussion so that the Council can understand the Board's rationale.

Resolution Requesting Mid-Block and Designated Parking - Deputy Mayor Adler expressed concern about safety issues on River Road. Two of the most difficult areas are near the Post Office and between the Bagel Shop and Jewelry Store. She requested a resolution asking the County to look at River Road and tell the Council where the crossings should be. She also thought they should install pedestrian crossing signs. She wanted them to consider striping parking spaces similar to those on Fair Lawn Avenue. Mayor Ganz asked for Traffic Safety Officer Franco's opinion. Manager Sacks noted that TSO Franco and Borough Engineer Garrison do not like mid-block crosswalks and neither does the County Engineer. They do not think it enhances safety.

The consensus was that there should be mid-block crossings and striping of parking spaces on River Road.

Mayor Ganz asked Manager Sacks to find out from the Traffic Safety Officer and Engineer how this can be done safely and efficiently. They should be professional enough to give this information to the Council despite their objections. Manager Sacks recommended leaving it to the County to decide where the cross walks should be. Deputy Mayor Adler disagreed given the prejudices of the County Engineer and the Engineer, the County should be given specific locations. Mayor Ganz felt the Traffic Safety Officer and the Engineer should give the location. If they do not provide the information, Deputy Mayor Adler and Councilmember Etlar will decide.

Elmary Place - Councilmember Etlar asked for striping on Elmary Place. This item will be on the August 15 agenda.

Reduction of Age for Senior Pass at Pool - Mayor Ganz advised that a senior citizen asked about reducing the age for a senior citizen pass at the pool to sixty-two. Manager Sacks noted that there are different definitions of a senior citizen. The budgetary impact would depend on the age to which it was lowered. Manager Sacks will ask CFO Eccelston if lowering the age would have a substantial budgetary impact.

Spousal Surrender of Health Benefits - This item was deferred to August 15.

Schutz Retaining Wall - Attorney Lustgarten advised that he prepared a rough draft of the license agreement. A discussion ensued about the height and length of the wall. Attorney Lustgarten advised that Mr. Schutz would have to apply to the Zoning Board for a variance if the wall exceeds the height permitted by ordinance. Mayor Ganz thought that the Council should not allow something that the Zoning Board would not allow.

The consensus was to allow the encroachment subject to the execution of the license agreement. The resolution authorizing the license agreement will be on the August 22 agenda.

Permits for Sheds and Fences - Manager Sacks advised that the Division of Community Affairs has ruled that fences and sheds of a certain size are now exempt from permits. She is concerned that the Borough will lose about \$6,000 in revenue. The Borough can continue to issue a permit if it entails a zoning check to be sure that it meets all the zoning requirements. Attorney Lustgarten pointed out that the State changed the requirement because of complaints about the exorbitant and different fees throughout the State. He thought it was a subterfuge to require a zoning permit. The Council was concerned that the only way the Borough knows whether a shed or a fence is properly placed is through the inspection process. Mayor Ganz suggested requiring a permit at no cost. Attorney Lustgarten noted that the Borough has a right to charge for a zoning compliance certificate but he thought it was circumventing the State's decision. He stressed that DCA's ruling does not change the bulk requirements.

The consensus was that a zoning inspection is appropriate at whatever fee is sufficient to cover the cost of the inspector.

Construction Official VanHook will advise Attorney Lustgarten concerning what he needs in the ordinance.

Request to Purchase Block 1405, Lot 71 (Davidi) - Manager Sacks advised that this is a strip of land that the Borough does not need. The Borough offered it to a prior owner who declined to purchase it. The present owner would now like to buy it. She recommended that they sell it.

Attorney Lustgarten noted that consistent with Council policy they should notify surrounding property owners to see if anyone else is interested in the property. He needs a certification that the property is not needed, that it is not a buildable lot and the appraisal value.

The consensus was to sell this lot.

Health Educator Services Contract - Manager Sacks recommended that the contract be renewed.

The consensus was to renew the contract. A professional services resolution will be adopted at the next Council meeting.

Recognition of Concertmaster Isadore Freeman - Isadore Freeman has been the concertmaster for the past forty years. Manager Sacks and Superintendent Frey thought that recognizing his services with a resolution and a proclamation to be presented at a concert would be appropriate.

The consensus was to present Isadore Freeman with a resolution to be adopted July 18 and a proclamation at the concert Sunday, August 13.

Schedule Date re Change in Property Maintenance Ordinance Request by River Road Improvement Corporation - Municipal Clerk Kwasniewski was asked to check with Don Smartt to see if RRIC would prefer this matter be scheduled in August or September.

Request by Shotmeyer to Purchase Block 3517, Lot 21 - Attorney Lustgarten advised that he has not heard from Mr. Shotmeyer's attorney. Attorney Lustgarten will call the attorney and ask him if his client is still interested. This matter will be on the August 15 agenda.

Municipal Parking Lot Ordinance - This item was deferred until September.

Maple Avenue Deed Restrictions (Turano and Johnny & Hanges) - Attorney Lustgarten advised that he sent letters to seven owners. He has not had any response. Mayor Ganz suggested notifying them that if they do not respond in fourteen days the Council will take this matter off its agenda. Councilmember Etlar pointed out that they are encroaching on the Borough property already. He thought they should just concentrate on the two owners that have sent in the request. Attorney Lustgarten noted that is not what the Council consensus was at the last meeting.

The consensus was to send the letter as suggested by the Mayor.

Memorial Day - Councilmember Amato brought several problems with the Fire Department's memorial service on Memorial Day to the Council's attention. There was no sound system. The shrubs were not trimmed. There was no traffic control. The turn out was poor. He felt it was a sad connotation on the volunteers. He asked that in the future something be done to prevent this type of thing. Neither the Manager nor the Council were aware of the service. Municipal Clerk Kwasniewski was asked to calendar this event for next year.

Centralized Calendar - Mayor Ganz felt a centralized calendar would be very helpful for all the Councilmembers. The Municipal Clerk could maintain it.

The consensus was that they would send all dates to Municipal Clerk Kwasniewski who would create a calendar. Anyone can add any dates to the calendar. Municipal Clerk Kwasniewski will investigate computer programs. Municipal Clerk Kwasniewski will send a letter to the religious and civic organizations asking them to send a calendar of events they would like to have representatives of the Council attend although a representative cannot be guaranteed for each event.

Age for Active Firefighters - Councilmember Amato wanted to know if there was a mandatory retirement age for volunteer firefighters. Attorney Lustgarten will research this matter and send him a memo.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 9:20 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 desire to discuss personnel and attorney/client privilege; and

WHEREAS, these matters permit 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 by formal appointment of the Council within sixty days and on attorney/client privilege possibly never on this particular subject matter or within 150 days;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matters set forth are ones which permit the exclusion of the public.

Mayor Ganz reconvened the meeting at 9:35 p.m.

Debt Service Projection - Councilmember Amato asked for the outside auditor to provide a detailed debt service projection for the next year and beyond. He wanted it for each bond ordinance by year for the next five years.

The consensus was to request such a projection from the auditor.

Pool Trailers - Manager Sacks reported that the contractor has started delivery of the material, but she has not actually been down to the pool to see them.

Board of Ethics - Deputy Mayor Adler expressed concern that people who are not registered cannot serve on the Board. Mayor Ganz explained that the problem is that the complaints that would be lodged with this Board are political. A balance is needed to ensure fair treatment.

Estimates of Pool Attendance - Councilmember Amato wanted to know if they were tracking attendance at Memorial Pool. Mayor Ganz noted that the number of people going to the pool has increased by a factor of thirty to forty. Councilmember Amato wanted to know the actual number attending Memorial Pool and Walsh Pool. Manager Sacks pointed out that people come and go so that some people might get counted twice. Councilmember Amato suggested taking a count at a set time each day. He thought the attendance at Walsh was disappointing. Mayor Ganz suggested sending a letter to the Columbia Heights Neighborhood Network showing them the attendance on a daily basis and advising them that the Council is closely monitoring the statistics. One of the reasons that the Council decided to keep that pool open for 2000 was their representation that attendance would increase. That has not happened. Attorney Lustgarten expressed concern that such a letter might generate false numbers. Deputy Mayor Adler thought it was too early for such a letter. Mayor Ganz then suggested giving them the month of July but then in first week of August mail them the statistics. Manager Sacks will ask the lifeguards to make a note on the daily chart of the approximate temperature and weather. Manager Sacks wondered if the pool is not being used by Fair Lawn residents if the Council would consider opening it up to other communities to bring in revenue.

Cabling the Council Chambers - Municipal Clerk Kwasniewski reported that the cabling has been completed. The electrician who installed the system tested the video by meter that is supposed to be the same thing as a live test. It came out fine. Creative Cable expects to be ready to broadcast in about two weeks.

Mayor Ganz suggested giving Creative Cable a copy of the audio tape from the meeting and running it behind a fixed picture. They could run the program Wednesday, Thursday and Friday evenings. Municipal Clerk Kwasniewski could edit the tape if necessary. Mayor Ganz thought it would be very expensive to have Creative Cable taping every meeting live. People would concentrate on what is being said instead of who is saying it.

The consensus was to authorize Municipal Clerk Kwasniewski to investigate a suitable taping system to provide an audio tape to Creative Cable. Municipal Clerk Kwasniewski will speak to Creative Cable to see how this can be done.

Civil War Reenactment - Manager Sacks reported that a committee has been formed. They are trying to make it Saturday and Sunday. They will camp out in the park with very authentic items. Mayor Ganz asked if they would be interested in having a Borough sutler's token for the event.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE  
Municipal

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