

WORK SESSION OF MARCH 21, 2000

Mayor Ganz called the meeting to order at 7:35 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.

Councilmember Etlar asked to add St. Anne's 50th Anniversary and Miller 22-44 Maple Avenue to this agenda:

Review of Tentative Agenda - There were no changes to the tentative agenda.

Fair Lawn High School Marathon - The High School has requested the use of Schmitt field on May 19-21 for their annual marathon. The consensus was to approve the request. A resolution will be adopted at the next Council meeting.

Pet License Renewal Ordinance - Manager Sacks advised that the Health Officer has recommended that pet licenses be changed to three years with the fee to be \$18 for a spade animal and \$27 for a non-neutered animal. The late charge would remain at \$5. The three-year license would be a service to the residents. The Council wanted a provision included in the ordinance so no refunds would be allowed. Attorney Lustgarten suggested that language be included that they do not prorate the fee.

The consensus was to make the change. The Health Officer will draft the ordinance.

Recodification of Borough Ordinances - Municipal Clerk Kwasniewski advised that when they did the review the Council did not have an opportunity to look at several items. The Code Company wants to know how the Borough wants to handle the traffic ordinances. She spoke to Assistant Engineer Brouca to make sure that documentation that the DOT has approved the Borough's ordinance exists. All the traffic ordinances have been sent to the DOT for their approval. It would take some time to gather the data but it does exist. Since the documentation exists, she recommended that the traffic section be included in the Code and after the Council adopts the Code send it to the DOT. The changes made have been language changes. The nomenclature has been changed to be more understandable. The metes and bounds or distances have not been changed. Engineer Garrison did not anticipate any problem with the DOT. Attorney Lustgarten concurred indicating that the substance has not changed and it is the substance the DOT approved not necessarily the language.

Municipal Clerk Kwasniewski advised that the Code Company will provide the adoption ordinance and the entire Code will be adopted at that time. Attorney Lustgarten recommended that this procedure be followed.

Municipal Clerk Kwasniewski recommended that since the Council is changing the termination date of the Flood Assistance Coordinator the section should be deleted. The new ordinance will be sent to them. Attorney Lustgarten concurred.

Mayor Ganz commended Municipal Clerk Kwasniewski and Attorney Lustgarten for their efforts in this project. Attorney Lustgarten expressed their appreciation to Departments Heads for their cooperation and input.

Pool of Experts Public Advocate - Deferred for two weeks.

Garbage Collection at Apartment Complexes - Manager Sacks advised that the bill to phase in the collection is moving. CFO Eccelston has recommended that it not be included in this year's budget. Councilmember Etlar felt that the apartments should be assessed at a different rate once the Borough picks up garbage. Mayor Ganz asked Attorney Lustgarten for his legal opinion on whether that option is available to the Borough. Attorney Lustgarten advised that

everyone is assessed at the same rate. The Borough cannot take any action independent of legislature to that effect. The legislature is moving for relief that would include the five-year phase in. The issue decided in the Morristown case was decided on constitutional grounds. Whatever the legislature does may not survive challenge.

Mayor Ganz wondered if the Council could decree that so much trash would be hauled per person annually throughout the Borough. Deputy Mayor Adler wondered if the Council could structure a user's fee. Attorney Lustgarten felt that if there is a rationale basis for the formula and it is done equally it would be possible. He explained that apartments are assessed based on capitalization.

This item will be on the agenda again in a month.

St. Anne's 50th Anniversary - Councilmember Etlar advised that the Council received a request from St. Anne's School concerning their 50th Anniversary. They have asked the Council to send a letter to be included in their program book.

Mayor Ganz had asked the Municipal Clerk to prepare a proclamation.

The consensus was that Municipal Clerk Kwasniewski should prepare a letter of congratulations from the Council.

22-44 Maple Avenue Request - Councilmember Etlar asked what happened concerning the letter from Leonard S. Miller, Esq. regarding property on Maple Avenue that his clients wants to develop. A 90-foot deed

restriction exists on the property. Councilmember Etlar thought there was enough room to do what he has asked. The matter will not be referred to the Planning Board until the Council decides. Attorney Lustgarten advised that he is working on it. He thought that years ago when the restriction was put on it was placed on three or four adjacent properties. This was Borough owned property that the Borough divested. This property backs up to the ball fields and acts as a buffer. Attorney Lustgarten asked Municipal Clerk Kwasniewski to get the minutes from when the restriction was placed on the property. If the Council lifts the restriction on this property, it may have to lift it on all the properties. He recommended that before the Council makes a decision they review the documents so they can understand the prior Council's rationale.

Mayor Ganz asked Municipal Clerk Kwasniewski to send a letter to Mr. Miller advising that this matter was immediately referred to the Borough Attorney who is working on it as part of a larger issue.

Budget Dates - A budget meeting was scheduled for March 25, 2000 at 9:00 a.m.

Bike Path at Dobrow Complex (All Sports) - Chris Bonafede, Philip Mandelbaum, President of All Sports, Tony Hodum and Borough Engineer Garrison were present. Mr. Mandelbaum thanked the Council for giving them an opportunity to express their concerns that included programs, parking and safety. The bike path circles and ends at both ends of the snack bar. He thought it was too much traffic.

Mayor Ganz wondered if the bike path would be preferable if it went around the snack bar. Engineer Garrison advised that doing that is physically impossible. Mayor Ganz advised that bikes can ride across the paved area of the snack bar when it is not in use, but it should be blocked when there are games. Engineer Garrison advised that there is a gate that should be closed on one side. Mayor Ganz advised that the Council has not decided whether Walsh Pool will be opened or closed. If the pool is closed, it becomes possible to have the path looped behind the snack bar.

Engineer Garrison advised that the bid was awarded two weeks ago. Construction should start within the next three weeks. There is a definite time frame because the path is being built with a grant.

Mr. Mandelbaum expressed concern that parking spaces would be lost. Engineer Garrison explained that he thought Garger Field would lose ten to fifteen spaces. The entrance to the west will be eliminated to try to curtail its use by tractor trailers for rest stops. Mr. Mandelbaum stated that all ages use the fields. He felt there was a risk of foul balls landing on the bike path. Mr. Hodum noted that their biggest concern is the lack of awareness by those using the path

of foul balls hitting them. They thought netting should be added at several spots.

Mr. Bonafede raised the issue of warming up. The path intersects most of the warm up areas. Mayor Ganz wondered if having a permanent space designated for warming up were possible. Mr. Bonafede replied that would work for the pitchers, but the whole team is spread out loosening up and warming before the next game. Engineer Garrison indicated the areas on the map. He noted that there is no other room for any of the events to coexist. There is no other place to put the bike path. He suggested using the existing gate at the corner of VanderPlaat while there are games. Mayor Ganz suggested that they should be able to shut it off where it is needed. They will give All Sports the authority to close down portions of the path, but they have to recognize that other people participate in other sports, i.e., biking, walking, etc. He asked All Sports to suggest to the Borough Engineer where it could be netted.

The consensus was that the Council will take all reasonable and necessary steps in coordination and conjunction with All Sports to implement reasonable safety devices within the resources at the Borough's disposal.

The consensus was that if the grant does not cover the netting, the Council will include funds for it in the capital budget but they wanted to know the costs.

Engineer Garrison thought that closing the bike path at certain areas at times was important. His expressed concern that the children playing in the games may be hit by bikes. Attorney Lustgarten felt that All Sports will have to train the players to stay off the bike path.

Mr. Mandelbaum asked the Council to consider a high fence in the outfield at the Garger Field. Mayor Ganz conceded that it is a problem. Mr. Hodum noted that the fence currently goes out 35 feet. It is 12 feet high. For the season they have temporary fences that follow the line. He thought it would be a problem to put the netting on top of it. Mayor Ganz suggested that the Engineer will have to look at the situation and report to the Council.

Mayor Ganz thanked All Sports for coming.

Upon a motion of Councilmember Etlar and second by Councilmember Amato the work session was adjourned to a special meeting at 8:50 p.m.

Mayor Ganz reconvened the meeting at 9:10 p.m.

Parking Issues in Municipal Lots - Councilmember Dobrow reported that she attended a senior citizens meeting at which the presidents of the Clubs and representatives of the clubs were present. Parking is a problem at the Senior Citizens Center. They do not have enough parking daily. The Council needs to think about what can be done. The Council has not yet received the municipal parking lot plan. Manager Sacks advised that the complaints she received are that there is no parking

at the Center. Councilmember Etlar noted that they could use the lot across the Street from the Municipal Building, but they do not want to walk. They have been parking on 11th Street which he did not think was very good. Mayor Ganz pointed out that there is no other lot that is closer. Councilmember Dobrow thought the Borough employees should use the George Street parking lot.

Manager Sacks advised that the seniors asked her to find more parking on the street and at the Complex. She has been getting calls from the residents who do not like them parking on the street. She is working on the municipal parking lot to increase the number of spots for visitors.

The municipal parking lot plan will be on the agenda in one month.

Parking Fines - Attorney Lustgarten advised that he received a call from the Judge about the municipal court fines. He told her they were working on it. He also told her that until the new parking arrangement is adopted by ordinance tickets were not enforceable. Manager Sacks advised that the Police are not giving tickets.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar the following closed session resolution was unanimously adopted at 9:25 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, pending litigation and anticipated litigation; 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, on the outcome of the litigation and if litigation is actually commenced, upon termination of the same except litigation strategy;

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.

ADJOURNMENT Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF MARCH 21, 2000

Mayor Ganz reconvened the meeting at 8:50 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 Amato, it was unanimously agreed to read the following ordinance by title.

Ordinance No.1795-2000
(Resolution No. 99-2000)

AN ORDINANCE TO AMEND ORDINANCE NO. 1772-99 ENTITLED "AN ORDINANCE TO AMEND CHAPTER II ENTITLED "ADMINISTRATION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, MORE SPECIFICALLY SECTION 2-8.6 OFFICE OF EMERGENCY MANAGEMENT TO CREATE THE TEMPORARY POSITION OF FLOOD ASSISTANCE COORDINATOR" TO EXTEND POSITION AND ADD ADDITIONAL DUTIES

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

Attorney Lustgarten indicated that he had problems with the wording of the title of the ordinance. He also thought the Council had not discussed the duties being assigned under this ordinance. Manager Sacks advised that she had taken the original ordinance drafted by the Municipal Clerk and changed the dates as indicated by the Council. She thought the Borough Attorney could improve on the language. Attorney Lustgarten replied that he did not know what the Council wanted because they did not discuss it.

Councilmember Etler disagreed. The Council discussed what they wanted Mr. Metzler to do and had made provisions to proceed with the enabling legislation. Councilmember Dobrow thought the only thing they discussion was continuing the position. They did not go into the details of the position. Attorney Lustgarten thought the ordinance's title was misleading since effectively the Council is setting up the position of assistant to the Manager. Manager Sacks advised that the description added was circulated to the Council sometime ago. She has not heard any objection from the Council. It does not set up a deputy or an assistant. It has the person continuing to do the phase out of the flood assistance and picking up a good deal of work that had been done by the former Superintendent of Public Works and doing projects that would be assigned by her.

Attorney Lustgarten felt that the public will think that this is just an extension of the flood assistance coordinator when they read the title. The ordinance adds an administrative support specialist to the Manager. He thought it was a subterfuge to say it is related to the flood assistance program when the duties have nothing to do with that program.

Deputy Mayor Adler wanted to be sure there is a sunset provision so the Council can evaluate the need for this position. She agreed with Attorney Lustgarten but since it will end it does not mean the position will continue after December 31.

Attorney Lustgarten recommended that the title be amended so that the public can understand what the Council is doing.

The consensus was to amend the title by deleting "to extend position and add additional duties" and adding the language "and to create the temporary position of Administrative Support Specialist".

Hearing no further discussion, Resolution No. 99-2000 introducing Ordinance No. 1795-2000 was unanimously passed.

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.1796-2000
(Resolution No. 100-2000)

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Etler, Resolution No. 100-2000 introducing Ordinance No. 1796-2000 was discussed.

Manager Sacks explained that this ordinance sets the salary for the cashier typist. It is the same salary range for cashier. The Department of Personnel recommended that typing be added after cashier so the person filling that position would also be a typist. There is a Civil Service title but the Borough does not have a salary range. CFO Eccelston recommended this ordinance. Attorney Lustgarten thought another ordinance was needed to create this position.

Hearing no further comment, upon motion by Deputy Mayor Adler and a second by Councilmember Etler, Resolution No. 100-2000 adopting Ordinance No. 1796-2000 was unanimously adopted.

ADJOURNMENT TO WORK SESSION

Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

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