

WORK SESSION OF NOVEMBER 8, 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 (late).

Fair Lawn Chamber of Commerce Spring Fair - Suzy Novielli advised that the Chamber of Commerce will have the Spring Fair Sunday, May 20. They are asking for the Borough to provide the police and the clean-up the same as last year. Manager Sacks advised that the police costs were fairly nominal since she only had to add a few hours of overtime. The clean up and setting up was also minimal because the promoter did a great deal of the clean up.

The Chamber of Commerce would like to move the fair to River Road from Berdan Avenue to Fair Lawn Avenue with George Street the detour street. The promoter would like to see both Fair Lawn Avenue and River Road. The only complaints they received from the merchants were that they did not include them.

Councilmember Etler did not like that suggestion because they would block two main roads. They would divert all the traffic down the side street. He thought the plan was too big. Councilmember Amato noted that they close Fair Lawn Avenue for the parades and it is not a problem. Manager Sacks stated she would ask the Traffic Officer to work with the Chamber to see if there was a good way to reroute traffic. Mayor Ganz noted that they only complaint he heard was that there were not enough vendors. It was a very successful day. He thought it was good for the merchants in Fair Lawn.

Manager Sacks will have the costs and the report from the Traffic Officer for the work session on November 21.

Decorations in the Radburn Area - The Chamber has handled all the banners that go up. This year the Chamber would like to purchase fresh greenery for the poles in the Radburn area. There would be red and gold and blue and silver bows. It is festive. The cost is \$30 a piece and they need thirty. They would install them the second week in December and remain through New Years. Manager Sacks advised that there is money in the Holiday Celebration budget to pay for the greenery. She recommended purchasing the greenery.

The consensus was to purchase the greenery with Councilmembers Dobrow and Etler dissenting.

Amend Bylaws of Planning Board/Board of Adjustment - Mayor Ganz proposed changing the bylaws to give the Boards the option of requiring expert testimony to be presented in written form two weeks before the meeting. The testimony would be given to the members and posted on the website for the public. The expert would be present so they would still allow cross-examination at the meeting. He can supplement the testimony. The Planning Board attorney did not think it was a good idea and doubted that the Board would implement it. He had concerns that the evidence would be different in written form than the oral form. Mayor Ganz noted that the Board would decide if it is warranted. The Council was not directing it. If the Board has a heavy commercial calendar, it may allow the Board to get caught up with the applications. While he appreciated the Planning Board attorney's opinion, he disagrees.

Municipal Clerk Kwasniewski advised that Lisa Swill, Chair of the Zoning Board had called and said that she thought it was a good idea.

Councilmember Etler wondered how the public would know about the written testimony. Mayor Ganz replied that it has to be made available from the Municipal Clerk, the library, the construction department and the night of the hearing. Councilmember Etler was willing to try it provided that the expert testimony is available to anyone who wants it.

The consensus was to try the process for three years. If the ordinance sunsets the Boards would no longer have the

ability to have bylaws that permit it. The ordinance will be introduced on November 21.

Add-a-Levels on Substandard Building Lots - Councilmember Etlar advised that recently a house on Burbank Street was allowed to add a level that took away the air and light from the adjacent lot. If the lot is substandard, adding a level should not be permitted. They should have to go to either the Planning Board or the Zoning Board for approval. Mayor Ganz suggested getting the opinion of the Construction Office and the Planning and Zoning Boards.

Manager Sacks advised that she has already asked the Construction Official to make some recommendations. She will contact the Boards. She thought the setback was the problem not just the substandard lots.

Campbell Road Property - Manager Sacks advised that the Assistant Engineer has put in stakes. She would like the Council to look at the area. She would like to sell the part left over beyond the footprint of the addition to the parking lot. The Council can either allow the encroachments to remain or make the property owners remove them. Councilmember Etlar was not in favor of selling the lots. He thought they should keep them. Unless he sees a picture of the layout of the fifty-two spaces and the buffer strip, he would not be prepared to allow any encroachments. Councilmember Amato noted that the Council will be faced with the problem of expanding this building that may eliminate parking in this lot. The land should not be sold. He thought they should have to remove the encroachments. Manager Sacks pointed out that the sale of the lots would pay for the parking lot. They do not need the land. They could put in fifty-two spaces and still sell the back part. She thought they would lose ten to twelve spaces if they expanded this building or put in portable trailers. Deputy Mayor Adler was reluctant to sell the property.

Manager Sacks stated that a possible use for that land is to build a small building for the Borough that would house certain functions that do not need to be in the Municipal Building. They would meet with a great deal of opposition to that plan. Councilmember Amato felt they would meet opposition no matter what happens to that land. People want to keep it the way it is. The Council has spent a great deal of time talking about the need for parking. He wondered why they cannot use it for parking.

Manager Sacks offered to take the Council in a group to walk the lot. It was agreed that Mayor Ganz and Deputy Mayor Adler would meet Manager Sacks November 21.

Public Comments on Items on Agenda - Lisa Yourman, 66 Nottingham Road expressed outrage that she was not able to get flu shots for her children who are high-risk individuals. Manager Sacks advised that the Borough does not inoculate children less than eighteen years of age. Ms. Yourman indicated that she had asked for an accommodation under the Americans with Disabilities Act. A disagreement over the events that took place ensued between Ms. Yourman and Manager Sacks.

Ms. Yourman then discussed the lack of handicap parking regulations for the schools and the parks. She advised that her claim for damage done to her property due to the poor drainage. She complained that the Borough Engineer has not responded.

Ms. Yourman felt abolishing the Welfare Director's position was a disservice to the community. Deputy Mayor Adler advised that only public assistance is going to the County. The other programs will still remain.

Ms. Yourman asked that the tape of this meeting not be destroyed. Attorney Lustgarten recommended that the Council follow its policy of destroying the tapes. Ms. Yourman then asked to purchase a copy of the tape.

Status Report on ATM Machine - Attorney Lustgarten advised that since the Council had probably not had an opportunity to review his memo he suggested deferring this item to the next work session. The legal problems have been taken care of, but other items have to be resolved.

Mayor Ganz wanted this matter finished and implemented by the end of the year. This is the first thing that they announced at the beginning of this year. It is outrageous that it will be December before it is finished. Councilmember Amato and Councilmember Etlar concurred. Deputy Mayor Adler asked that they receive everything from the Manager before the next meeting.

This item will be on the agenda for November 21.

Cooperative Parking/George Street Lot - Don Smartt, Bob Landzettel, Len Beir and Ed Murphy were present with several representatives of RRIC. Mr. Murphy helped put together the original parking elements four years ago. While he was in Cranford he oversaw the development of a very comprehensive cooperative parking plan.

Mr. Landzettel advised that they have been working on a cooperative parking plan for the district for sometime. In February Len Beir submitted a proposal. RRIC was charged with devising a plan to manage the cooperative parking plan. They submitted a proposal entitled "Fair Lawn Shared Parking System Management Proposal" dated October and revised November 7. They submitted an operational plan that would have an entity to operate the budget, to take care of the maintenance of the lots, to enforce the parking plan, to control the litter, to oversee property maintenance, snow removal and lighting. The cooperation of the property owners is needed. The ordinance requires that a plan be in effect. The plan can guide the development of the district. The master plan presented some conceptual ideas on parking.

Deputy Mayor Adler felt the issue was how much is this going to cost and who is going to pay for it. Bob Gordon indicated that they have tried to respond to that question. The document they submitted presents this information. RRIC has spent \$22,000 to obtain the information. Mr. Smartt indicated that the principle is splitting the costs for both operations and capital improvements 50/50 between RRIC and the Borough.

Manager Sacks advised that when a municipality that has adopted civil service creates a municipal utility, the municipal utility must follow civil service guidelines. A municipal utility must be self-liquidating and cannot be subsidized by property taxes. She did not know how the Borough would pay for half this plan. Attorney thought perhaps by the Borough initially doing it as a capital improvement and then transferring those items it has improved to the utility before it exists.

Len Bier advised that East Brunswick operates as a self-liquidating entity. It presents a problem in terms of the funding mechanism being considered. It means that more significant user fees will be necessary.

Mr. Smartt advised that they suggested the utility because they did not want to suggest an authority. In Trenton, the municipality contracts with the SID to operate its parking system. The principle for the 50/50 split is just a principle. The first principle that was established was with the George Street lot which was a 75%/25% split where the Borough paid 75% of the cost and SID paid 25%. RRIC is suggesting that the District with the Borough bear the cost 50/50 in whatever form the staff finds appropriate.

Mr. Bier suggested that the SID become a parking management entity. Using municipal funds through that entity may be possible.

Councilmember Etlar wanted to know where the money is going to come from to pay to operate it. Mr. Bier advised that it will cost \$90,000 to operate and \$460,000 for capital improvements and equipment to maintain and operate the entity. RRIC is suggesting \$45,000 from the municipality and \$45,000 from the SID taxes, user fees, license fees for overnight parking and the people who are deficient in parking under the ordinance. Mr. Smartt thought there were grants that may be available to help fund them. They have laid out the principles, the cost and how to generate money. With the endorsement of the plan and finalizing the cooperative parking agreement, the staff can compute the money that will be generated. Mr. Gordon advised that RRIC is still working on the mix of the split but they are prepared to commit to 50%. He believed that there are opportunities to rent out parking spaces under controlled circumstances.

Mr. Smartt noted that they have suggested a phased incremental approach to implementing this plan. The first three items would not incur much capital cost. They do not think that the Borough has to invest anything into turning those seven blocks into parking. They estimated between \$3-10,000 for each parking space. Mr. Bier added that there are two fees. One is the initial fee in lieu of sufficient parking fee. Just because the property owner pays for the space, he does not own it. He must make an annual payment to rent that space. In Fort Lee it was based on the real estate value so if the value increase, the fee increases. In Florida it starts at \$6,000. It was adjusted until it reached \$8,000. Every five

years they revisit it and then establish a new rate. They pay \$600 a month a space for the deficiency. They also pay a \$105 a month for the garage fee.

Mayor Ganz wondered if the deficiency fee and the garage fee could cover all the costs and the capitalization fee could cover the annual cost of the bond. Mr. Bier indicated that he would have to work backwards to get that figure. Mr. Smartt thought it was not likely that this could be self-sustaining from the beginning.

Bob Beshlian thought that thinking that the program can be self-sustaining from the beginning was optimistic. The worst properties need it the most and have the most marginal tenants. User fees have to be reasonable. It has to be phased in.

After further discussion, Mr. Smartt stated that although RRIC's contract with Mr. Bier is finished, RRIC will take on the responsibility and obligation of coming back with the numbers. Business development is slowing. RRIC is anxious to see this matter resolved. Increased business means more tax ratables.

Mayor Ganz stated that many people appearing before the Planning Board have agreed to sign an agreement even though they have no idea what it will cost because they have faith in the Borough and RRIC. He assured them that that faith is not misplaced.

River Road Shared Parking Recordable Document - Attorney Lustgarten prepared a covenant of compliance. It will be recorded and run with the land. The owner of the property is the one who is going to enter the parking agreement. The Borough will sign the document also. If the cooperative parking never occurs, the document is not binding. If the Council approves it, he will draft an ordinance to incorporate the document into Chapter 125.

The consensus was to approve the covenant of compliance. A resolution to retroactively approve all of those documents that have been signed between now and when the ordinance is adopted will have to be adopted at some point.

Zoning Board Appeals Heard by Council/Rezone Omar's - This item was rendered moot by the action of the Zoning Board.

Overnight Parking Ordinance - Attorney Lustgarten drafted an ordinance to allow overnight parking in municipal lots on Fair Lawn Avenue, Politt Drive and Saddle River Road.

The consensus was to introduce the ordinance. Municipal Clerk Kwasniewski was asked to notify the management of the apartments that the ordinance will be adopted on December 5.

ATT&T Local Services to Install Fiber Optic Cable - Municipal Clerk Kwasniewski will invite them to a Council meeting to make a presentation.

VoiceStream - Municipal Clerk Kwasniewski advised that VoiceStream applied to the Zoning Board for another site and the Board asked them to consider one of the sites permitted under the Borough's ordinances. They did some preliminary tests at Fire Department #2 and the Park and they now want the Borough to release bids for cellular towers at Fire Department #2 and Memorial Park. They are willing to work with the Borough. Attorney Lustgarten felt that drafting the specifications was not appropriate for them. Municipal Clerk Kwasniewski said they were willing to send specifications used by other municipalities. Municipal Clerk Kwasniewski will advise them to send site design plans, photographs and the proposed location.

Results of LOSAP Public Question - Municipal Clerk Kwasniewski reported that LOSAP was passed by the voters with 7,674 in favor and 2,490 not.

Mayor Ganz asked the Manager to have the emergency services provide the implementation plan for what was approved by the voters by December 5.

Special Meeting - Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow the meeting was adjourned to a special meeting at 10:40 p.m.

Mayor Ganz reconvened the meeting at 10:45 p.m.

Portable Storage Units - Manager Sacks reported that the trailers can be painted with a primer coat and then with whatever color the Council chooses. She suggested that they wait until they are in place. The demolition is starting Monday. In December they will be in place.

The consensus was to have a dedication plaque with the names of the Council on each of the buildings.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 11:00 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 anticipated litigation and attorney/client privilege; and

WHEREAS, these matters are ones which permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of these discussions shall be made relating to anticipated litigation within 30 to 60 days except for litigation strategy and relating to attorney/client privilege within 30 days;

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

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 11:25 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF NOVEMBER 8, 2000

Mayor Ganz called the meeting to order at 6:05 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

ABSENT: Councilmember Amato.

ALSO PRESENT: Manager Sacks and Municipal Clerk Kwasniewski.

A Moment of Silence - Manager Sacks asked for a moment of silence in memory of Al Placa who came to the Council meetings all the time shared his opinions.

A moment of silence was observed.

Upon motion by Councilmember Etler and seconded by Deputy Mayor Adler, it was unanimously agreed to send Mr. Placa's family a resolution of condolence.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Etler the following closed session resolution was unanimously adopted at 6:15 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

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 within 90 days;

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 reconvened the meeting at 7:15 p.m.

ADJOURNMENT - Upon motion by Deputy Mayor Adler and a second by Councilmember Etler it was unanimously agreed to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF NOVEMBER 8, 2000

Mayor Ganz called the meeting to order at 11:00 p.m.

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

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

PROCLAMATION: JEWISH WAR VETERANS WAY

Municipal Clerk Kwasniewski read the proclamation.

The consensus was to change Parmelee Avenue to Jewish War Veterans Way for the week beginning November 21.

ORDINANCES FIRST READING:

Upon motion by Deputy Mayor Adler and seconded by Councilmember Etler, it was agreed to read the following ordinance by title with Councilmember Amato dissenting.

Ordinance No. 1828-2000

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar, Resolution No. 334-2000 introducing Ordinance No. 1828-2000 was discussed.

Councilmember Amato thought the Council was supposed to get the longevity percentages for each of the titles so they would have a better understanding of the four percent per year for years. He did not get that information. Manager Sacks replied that CFO Eccelston had sent that information.

Hearing no further comments, Resolution No. 334-2000 introducing Ordinance No. 1828-2000 was passed.

RESOLUTION NO. 335-2000 Approval of Raffles

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar Resolution No. 335-2000 was unanimously passed.

RESOLUTION NO. 336-2000 Award of Bid: 2082 Storm Drain Improvement 2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow Resolution No. 336-2000 was unanimously passed.

RESOLUTION NO. 337-2000 Refund of Overpayment of Taxes

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato Resolution No. 337-2000 was unanimously passed.

RESOLUTION NO. 338-2000 Transfer of Funds

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato Resolution No. 338-2000 was unanimously passed.

RESOLUTION NO. 339-2000 Authorizing the Execution of the Department Head's Contract

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar Resolution No. 339-2000 was unanimously passed.

BROADWAY REVITALIZATION COMMITTEE - Deputy Mayor Adler indicated that the Broadway Revitalization Committee had request that its final report be sent to the Planning and Zoning Boards. Manager Sacks advised that she has already sent the report to them. She has not received any comments from them on it.

The consensus was to ask the Planning Board and the Zoning Board for their comments.

ADJOURNMENT - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato it was unanimously agreed to adjourn the meeting to work session at 10:55 p.m.

Respectfully submitted,

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

