

WORK SESSION OF NOVEMBER 21, 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 Etlar.

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

Review of Tentative Agenda - Attorney Lustgarten advised that he had not received a call from Mr. Welsh, the attorney for Millbrook. He suggested they proceed on the 28th anyway.

Book Drop for Library Patrons - Funds for this item have been included in the capital budget and will be discussed then.

Fair Lawn Chamber of Commerce Spring Fair - Manager Sacks advised that the Chamber of Commerce has asked for permission to have the fair on River Road. It cost \$4,000 in overtime for the October fair. It would be close to that amount for the spring fair. George Street is the only parallel street so it would be putting a great deal of traffic on that street. One possibility is to shorten the length to Fair Lawn Avenue to Hopper so it would be less burdensome to the surrounding residential community. Officer Franco has said it is feasible.

Mayor Ganz asked Manager Sacks to check with the Fire Department. Councilmember Etlar noted that he would not agree to reroute the traffic onto George Street. Deputy Mayor Adler thought if they wanted to proceed they should go ahead with Radburn. Mayor Ganz asked the Manager to ask RRIC to give them comments and a recommendation.

The consensus was to have a street fair this spring.

Councilmember Etlar expressed concern about the cost to the Borough. He was not in favor of the street fair unless the Chamber pays for part of the cost. Mayor Ganz wondered if using less expensive officers at the street fair was possible. Manager Sacks advised that some officers were already working that shift so it was less expensive. Those on overtime were more expensive. Reducing the cost to the Borough any further was not possible.

This item will be on the agenda again on December 5.

Fair Lawn Municipal Vehicle Use by Employees - Councilmember Amato received the information he requested. He thought he would have some comments when the Council goes through the budget.

Request for Information re E-mail Internet Access and Use - Councilmember Amato indicated that between now and the time the budget discussions occur, he will have some information to circulate. Deputy Mayor Adler asked if there was a list of people who have e-mail addresses. Manager Sacks advised that it is a limited number and she had circulated that information previously to the Council.

Status Report on ATM Machine - Manager Sacks reported that the vendor has made three changes. They will not charge the Borough interest, Bergen County will be added and they will change the term of the contract to one year. The rest is being done by CFO Eccelston who has figured out how to keep the machine supplied. He has filled out the required forms. When she receives the corrected pages, she will give them to Attorney Lustgarten. The vendor is ready to ship the machine when they receive the contract. Attorney Lustgarten added that if he receives the changes by Monday, he can have a resolution authorizing execution for the next meeting.

Establishment of Borough Owned 501C - Attorney Lustgarten received a response from the auditor that states that the municipality can neither establish a 501C corporation nor control a separate 501C. Manager Sacks explained that in another community the governing body initially appointed a committee. The committee then formed a corporation and then applied for the 501C status. The governing body was then out of it completely. Attorney Lustgarten the ultimate aim, however, is to have the corporation eligible for grant funds to be used for municipal purposes. He was not sure why the Council wanted a parallel corporation that the Borough does not have any control over nor would they have any control over how the money will be used. Deputy Mayor Adler thought they should be looking at something similar to the Newark Performing Arts Center that is a separate entity but certainly has improved Newark. Mayor Ganz reminded the Council that it was Capital Alternatives lists of grants for the non-profits for cultural activities that resulted in this discussion. He will contact Marlene Casey for her thoughts. He will also talk to the Dodge Foundation to see if they are amenable to funding municipalities.

The consensus was for the Mayor to pursue this matter further.

Attorney Lustgarten wondered if it were possible to regionalize this idea with other municipalities; ie. Ridgewood Players or the Oradell Play House.

This matter will be on the agenda for December 5.

Campbell Road Property - The whole Council still has not walked the property. Manager Sacks wanted them to see where the parking lot will be, where the property ends, where the neighbors have encroached on the property and what the Campbell Road side looks like. It was agreed that the Mayor and Deputy Mayor would meet Manager Sacks at 9:00 a.m. Saturday, November 25 to walk the property.

Borough Hall Parking Lot - Manager Sacks asked the Council to consider having the visitor spaces used by Borough employees after 2:30 p.m. The Police Department needs the spaces in the late afternoon. Mayor Ganz did not object to Borough employees using the visitor spaces after 4:30 p.m. but during business hours he wanted them available for visitors. Councilmember Etler pointed out that the whole purpose was to have spaces for visitors to use when the building was open. He thought it was essentially working. The building is still open at 2:30 p.m. The police officers can move their cars after 4:30 p.m.

Mayor Ganz asked the Council to think about it and decide at the December 5 meeting.

Corrections to the New Codification of Borough Code - Manager Sacks advised that the section regarding disorderly persons may have been deleted because state law covers it. However, if the police cannot issue tickets under the local ordinance the process changes dramatically. It becomes more cumbersome, time consuming and expensive. They also take people into custody that they would not normally take into custody. She asked that the sections be restored to the Code.

Municipal Clerk Kwasniewski advised that General Code inadvertently deleted the section on burglar alarms. It should be in the Code.

The consensus was to put the sections relating to disorderly persons and alarms back into the Code.

Manager Sacks recommended that the grievance procedure not be recited in the Code. It is part of the bargaining agreement. They should also delete the section concerning the Chief's uniform. She thought the language for the Human Services need to be changed.

The consensus was to delete section 3.3-35 and 3.3-10 and Manager Sacks will draft language regarding Human Services.

Mayor Ganz pointed out that this project was mammoth with many pages and changes and the mistakes the Council has been talking about are really minor. Municipal Clerk Kwasniewski and Attorney Lustgarten really did a great job on it. He expressed his appreciation. Manager Sacks added that the recodification is an evolving process. Getting it all right the first time is not possible. Additional changes will be needed.

The consensus was to introduce the changes to the sections concerning the police at the next meeting.

Garbage Collection at Apartments - Mayor Ganz advised that part of this discussion will be in Closed Session under anticipated litigation. Manager Sacks discussed the data previously given to the Council. The Borough picks up garbage at Knollcroft and Eldorado Village although no one knows why. This matter has to be resolved by December 31. Attorney Lustgarten asked if the Council were going to respond to the letter received in September. Mayor Ganz advised that the Council will decide after the discussion in Closed Session.

Telecommunications Expert - Mayor Ganz advised that the telecommunications expert the Council appointed has declined. He will try to have other names shortly.

Participation in REDI Grant - Manager Sacks advised that the State has a grant for \$89,250 available. The Borough's match is \$618.75. She explained that the Borough will receive technical assistance regarding technology. If the municipalities in the consortium have issues and each has to hire a consultant on its own, it could be very expensive. The grant will pay for a best practice's feasibility study. The second phase is the implementation. She felt it was extremely prestigious to be selected to participate.

Mayor Ganz thought the Borough was easily in the top ten in the State of services offered electronically. On November 29 the Borough Code will be on the internet. Following that event he believes the Borough will have the best website in the Borough.

The consensus was to participate in the REDI grant.

Paint Chips - Manager Sacks distributed several samples. Mayor Ganz also submitted several samples. He thought they should pick pastel colors. Manager Sacks pointed out that the colors will fade due to the proximity of the water and sand. They might want to pick something brighter. The Council picked several samples which they gave to the Manager.

Task Performance List - Councilmember Etlar thought they should eliminate the list. Mayor Ganz disagreed. He thought the list was useful tool. He suggested putting this item back on the December 5 agenda. He will look at the list over the weekend. Councilmember Amato indicated he was fine with the list the way it was. Deputy Mayor Adler thought it was a good idea.

Salary Information Request - Councilmember Amato stated that he had requested salary information from the Chief Financial Officer. He was looking for the longevity and the 4 percent increase. He thought that the Chief Financial Officer misunderstood what he wanted. Mayor Ganz thought the second sheet had the information he requested. Councilmember Amato will review the figures.

Special Meeting - Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow the meeting was adjourned to a special meeting at 8:30 p.m.

Mayor Ganz reconvened the meeting at 8:50 p.m.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar the following closed session resolution was unanimously adopted at 8:50 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 attorney/client privilege and personnel; 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 Millbrook Landscaping upon execution of the contract within two weeks, Shotmeyer within 30 days, Edelman within seven days, apartments and garbage by January 31, 2001 except legal strategy and personnel within 14 days by resolution.

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 10:15 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF NOVEMBER 21, 2000

Mayor Ganz called the meeting to order at 8:30 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 seconded by Councilmember Amato, it was agreed to read the following ordinance by title.

Ordinance No. 1829-2000

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, MORE SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT, SECTION 59, PROVISIONS APPLICATION TO BOTH PLANNING BOARD AND BOARD OF ADJUSTMENT", SUB-SECTION B, PUBLIC HEARING

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 340-2000 introducing Ordinance No. 1829-2000 was discussed.

Mayor Ganz thought this ordinance was the most important thing that any Council has done relating to land use in the past fifteen years. It breaks new ground in New Jersey and allows the Zoning and Planning Boards to have expert testimony if requested by the Boards two weeks before the hearing. It would be in written form and posted on the internet site, in the library and the Construction Official's office. It will save a substantial amount of time because the person who is the expert does not have to give the presentation orally. The expert must be present so the Board can cross-examine the expert.

Hearing no further comments, Resolution No. 340-2000 introducing Ordinance No. 1829-2000 was unanimously passed.

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

Ordinance No. 1830-2000

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, MORE SPECIFICALLY SECTION 125-25.C ENTITLED "CONDITIONAL USES" TO PROVIDE A COVENANT OF COMPLIANCE RELATING TO THE COOPERATIVE PARKING PLAN REQUIREMENT OF THE B-4 RIVER ROAD BUSINESS ZONE

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 341-2000 introducing Ordinance No. 1830-2000 was discussed.

Mayor Ganz explained that this ordinance will permit individuals who opt in advance to sign the cooperative parking agreement to do so before the agreement is in place. It allows them to bypass certain requirements and to take advantage of the reduction in required parking. Some people have been critical because no agreement is in place. Others have said that no one will sign this document. He was pleased to report that one such document has already been signed. Attorney Lustgarten added that after the ordinance has been adopted the Council will pass a ratifying resolution. This is an interim procedure until the cooperative parking plan is in place.

Hearing no further comments, Resolution No. 341-2000 introducing Ordinance No. 1830-2000 was unanimously passed.

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

Ordinance No. 1831-2000

AN ORDINANCE TO PERMIT OVERNIGHT PARKING ON SPECIFIED MUNICIPAL PARKING AREAS

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 342-2000 introducing Ordinance No. 1830-2000 was discussed.

Mayor Ganz explained that this ordinance allows overnight parking between 6:00 p.m. and 7:00 a.m. the following morning on a variety of Borough owned lots which will help people who live near the railroad station, on Saddle River Road and the Erie Station lot. Attorney Lustgarten added that a sticker is required but no fee will be charged and it is only for Fair Lawn residents.

It was agreed that a copy of the ordinance will be sent to the managing agents for the apartments indicating that the ordinance will be adopted on December 5 and will be effective December 15. A copy will also be sent to Arlene Glassman.

The sticker will be good as long as a person lives in Fair Lawn so there will be no administrative costs for renewals. Councilmember Etlar stressed that they have to be off the lot by 7:00 a.m. Deputy Mayor Adler wondered if people have overnight guests can get this permit. Mayor Ganz replied that they could not. They should get permission to park overnight on the street for that period.

Hearing no further comments, Resolution No. 342-2000 introducing Ordinance No. 1831-2000 was unanimously passed.

RESOLUTION NO. 343-2000 Manager's Evaluation

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar Resolution No. 343-2000 was unanimously passed.

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

Respectfully submitted,

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