

REGULAR MEETING OF NOVEMBER 9, 1999

Mayor Ganz opened the meeting at 7:35 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in the "News Beacon" issue of December 17, 1998. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to the Record, the North Jersey Herald and News, and the Shopper. The Annual Notices identified the meeting location and the time of the Council Meetings and Work Sessions.

PRESENT: Mayor Ganz, Deputy Mayor Ahearn, Councilmembers Dobrow and Tedeschi. Councilmember Trawinski arrived at 7:40 p.m.

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

Mayor Ganz read the following statement, Good evening. In the heat of a political campaign, two hand-outs received by some Borough residents in the early morning of October 29th should be very disturbing to all of the good citizens of our Borough. My message this evening is not about politics. Indeed, my comments, and preliminary response have nothing to do with the politics of the situation. Rather, I am compelled as an elected official to denounce the two pieces of literature because both of these pieces have strongly anti-Semitic overtones.

These flyers were evidently hand-delivered in sections of our Borough in Lyncrest, Radburn and Saddle River Road near the DPW complex, and perhaps in other areas. They depict a person wearing a "Hitler Brown Shirt" with an erect arm reminiscent of the Nazi salute. A number of Fair Lawn residents brought the issuance of these flyers to my attention as Mayor on October 29th, and I am advised that candidates from both sides have filed formal complaints with the Fair Lawn Police Department.

As campaign literature, they technically violate the law because they do not state who printed and paid for their issuance, which endorses a particular political party. But, speaking only for myself, I am appalled at the tone, and the message, contained in the flyers, and strongly condemn its contents and its claims. They may technically violate the law, but they clearly violate the sensibilities and the sentiment of our community.

I am certain that all of the candidates, from each of the political parties, will agree with me that Anti-Semitism has no place in politics, and no place in Fair Lawn. This is not a political issue, it is an issue that goes to the core values of our community. I took it upon myself to write to each of the Rabbis at the various Congregations in our Borough to deplore the injection of Anti-Semitism into the political process. It has no place in Fair Lawn. I also asked that each Rabbi share with their Congregation, " at an appropriate time, the outrage that all of us feel."

I suggest to you that Fair Lawn, as a community, does reject Anti-Semitic actions and the hateful and vicious words as we all must individually. Although we may never know who injected this venom into the process of political debate, I am certain that the neer-do-well's views will be rejected by men and women of reason, and that even those whose eyes are blinded by bigotry will recognize that there is no place in our community for those who hate.

Councilmember Tedeschi said that he absolutely agreed with the Mayor's comments and they were appropriate. He thought what occurred was unconscionable. He stated he has personally put up a one thousand dollar reward for the arrest and conviction of the people who did this. He hoped that someone will come forward.

Councilmember Trawinski arrived at 7:40 p.m.

ADJOURNMENT TO WORK SESSION TO DISCUSS WALGREENS

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow it was unanimously agreed to adjourn to Work Session at 7:40 p.m.

MAYOR RECONVENES REGULAR MEETING

Mayor Ganz reconvened the Regular Meeting at 8:10 p.m.

PROCLAMATION: NATIONAL COUNCIL OF JEWISH WOMEN

Municipal Clerk Kwasniewski read the proclamation. Mayor Ganz will be presenting it to them on Sunday, November 14, 1999.

PRESENTATION BY SUSAN GRUEL - BROADWAY CORRIDOR STUDY

Manager Sacks distributed the Broadway Corridor reports. Mayor Ganz informed them that the reports were available in the Municipal Clerk's office and also at the Library.

Susan Gruel of Heyer, Gruel & Associates, P.A., 63 Church Street, New Brunswick, New Jersey summarized her report of August, 1999. She stated she was retained by the Borough to analyze the Broadway corridor to look at the obstacles and restraints and to come up with a vision of what the public perceived about the project.

Ms. Gruel went over the existing land use and said there were mixed usage and the mix is good. The entrance ways can be strengthened and enhanced by signage. Landscaping can reenforce the different districts. She addressed the various districts such as Financial Corporate, Institutional area including the school, church and fire house, Service Professional and Retail.

Ms. Gruel stated that in regard to the school they should look at how the children are being dropped off. In regard to the Service Professional district the parking is not well defined and that an organized parking area should be designated.

Ms. Gruel talked about the Retail area which is also a very well defined area consisting of a number of car dealerships. There is an opportunity to make it more appealing in terms of parking and visually ascetic. She stated the right-of-way does not allow for street trees but there are other ways it can be done such as easements.

Ms. Gruel reviewed function and said that vehicular traffic and circulation was a major consideration. The hi-way corridor should be a local retail and office area. It should not have the hi-way feel. She knows that recently there have been discussion between the Borough and the Department of Transportation about regaining the corridor from the State. As of late the Department of Transportation has been willing to work with the municipalities. She felt this was a great opportunity to move forward.

Ms. Gruel spoke about the issues of left hand turns and accidents. She felt there were four intersections that are accident prone. She has suggested that it may be appropriate for a traffic engineer to take a look at these intersections.

Ms. Gruel talked about the bus stops not being well defined. Her suggestion was to have better signage and to screen the bus stops. She indicated that two hundred and fifty people use the train station every day. She felt that it is very confusing where the train is located and the Borough should talk with New Jersey Transit about moving it.

Ms. Gruel stated that Pedestrian concerns were a key consideration of what the residents want. One of her suggestions was to put a safe haven in the middle of the road so there is someplace for the pedestrians to stop at while crossing the four lanes of traffic. She also talked about parking being a major issue. There are greater opportunities for parking on the north side than the south side. Both sides of Broadway have parking issues and those areas should be reconfigured. The Borough should also look into a municipal parking lot.

Ms. Gruel went over the ascetic look. She said the landscaping and the lighting define the look between a hi-way and a local feel. Signage is also a big problem and she felt that the businesses have recognized this. Building facades should be updated.

Ms. Gruel also said there were environment issues that needed to be addressed.

Ms. Gruel listed her recommended plan of action which was the preparation of a plan that becomes part of the Master Plan and establish a SID and coordinate with the Department of Transportation and the State of New Jersey. Ordinances regarding landscaping, signage, parking and related subjects have to be adopted. The completion of the detailed analysis of the parking study is vital.

Deputy Mayor Ahearn questioned the change on Route 4 and the new policy change at the State. He stated the Borough cannot turn the clock back and redirect traffic. Ms. Gruel said that a number of towns have a hi-way running through them and they have managed to project a different feel to the area for example by lighting, landscaping and signage. The Borough can obtain that type of atmosphere depending on the combination of what is wanted in the area. Ms. Gruel concluded by saying the Borough should continue to work with the Department of Transportation now that they are willing to cooperate with communities.

Frank Brennisen, 23-34 Ellington Road, said he was a little confused with the basis of this study and wondered what were the changes they were going to make. He said that none of her report is new because they can refer to Mr. Moskowitz report from 1994 and another report that was done in 1998. It seemed to him that nothing was getting done.

Jane Diepeveen, 14 Ryder Road, stated she had been on the Planning Board. The recommendation from the Moskowitz report

were converted into Zoning Ordinances. She thought there were additional recommendations in Ms. Gruel's report that were worthwhile such as slowing down the traffic. She was sure the other reports had trees in them and certainly hoped they can get some trees on the corridor. She spoke about signage and the sign ordinance which she feels is a good one.

Reina Valenzuela, 2 Katherine Avenue, said she always looked at the Broadway corridor as a hi-way. She asked about coordinating with Elmwood Park as they have islands without trees. She felt planting trees to make it visual that it is not a hi-way. Ms. Gruel stated the Borough should coordinate efforts between the two municipalities. Mayor Ganz stated the Broadway Advisory Committee will make the recommendation to the Mayor and Council. Ms. Valenzuela asked about how many steps it will take once it has been received from the Committee. Ms. Gruel informed her there were five steps to be taken.

Bob Beshlian, 10-05 Ellis Avenue, stated it seemed that the general consensus was to have more of a main street feel for Route 4. He questioned the fact that the State owns Route 4 and that the Borough does not have control. He wondered where would the control be placed. Ms. Gruel stated she knows there has been discussion between the State and the Borough. She does not know what is the best scenario.

Mayor Ganz stated this was why they requested the State to remove the hi-way status. There are serious consequences attached to it. He felt they were better off now being Broadway and not the Hi-way. Ms. Gruel stated there were many issues. There is an issue of control and there probable will be a greater opportunity to do improvements and not have to deal with the State control.

Harvey Rubinstein, 28 Rutgers Terrace, stated he previously was on the Planning Board and questioned different paragraphs in her report. He told Ms. Gruel that he went to the municipality of Madison to see how they developed the main street look. Ms. Gruel said Madison has a functioning state hi-way and is the main street corridor.

Irving Pollard, 0-50 34th Street, stated that Elmwood Park would be interested in regaining the hi-way back and felt the Borough should ask Elmwood Park to join them.

Francis Davis, 14-01 Morlot Avenue, asked what the deadline was for the Broadway Advisory Committee. Manager Sacks stated it was by June or earlier. Mayor Ganz stated they were to receive an interim report but the Committee sunsets in June. Ms. Davis asked what the next step would be. Mayor Ganz informed her it would be to read the report and then the Council would consider it. Ms. Davis stated she was upset that there were other reports. Mayor Ganz said that no one was the prior Council except Councilmember Dobrow. They have all agreed on one thing so far and that was to change the status of the hi-way.

Steve Kwait, 0-101 Whitehall Street, stated he is a member of the Broadway Advisory Committee. He asked who's responsibility it was to work with the State, the phone and cable companies and Elmwood Park. Mayor Ganz stated the Council has made available to the Committee Borough staff to assist them through the Borough Manager's office. Mr. Kwait stated that at the last meeting it was brought up that it was easier if they didn't have to deal with the State. He did not think that the Advisory Committee should deal with the State. Mayor Ganz stated the Borough Manager was coordinating it. Manager Sacks explained that they have opened doors. The Committee is to make a report to the Council and then the Council will make the policy. They cannot go too far without Council directive.

Mr. Kwait stated he was confused about who goes first. Manager Sacks stated at a certain point it has to come from the Council. Mr. Kwait told Mayor Ganz that they have not heard from him. Mayor Ganz stated he has not been invited. Mr. Kwait said they were all in agreement with Susan Gruel's report and it just came down to who is responsible.

Councilmember Trawinski stated it was important to remember the historical process. Back in 1996 the Borough was told the State would consider giving back the hi-way once the Routes 4 and 208 interchange was completed. He said there were new players at the Department of Transportation that do not speak at their level. It did not start with the recent resolution. There has been a major policy change to change the status of hi-ways back to the town. They have nine such requests. Do not let the committees work get stalled; develop the vision and let the Council implement the vision.

Councilmember Trawinski said that in reference to the Moskowitz report changes were made. There was a consensus that Broadway needs to be revitalized and that burden is on the citizens group to get the job done.

Charles Dieckhoff, 1-21 29th Street, said he moved into Fair Lawn in 1954 and cannot believe what was going on. He described Route 4 without the divider. Traffic lights have been set with a speed controlled timer. He asked what the cost of maintaining the lights, paving and snow removal. He said it was up to the Council to come to the people to tell them what is going on.

Mary Cantasano, 23-33 Ellington Road, said she has been a resident for forty six years and feels that Broadway has not

deteriorated as much as everyone has been saying. She said the traffic was dense everywhere because there are too many cars on the road. She said people are concerned how this will affect their homes.

Jane Diepeveen, 14 Ryder Road, asked about a table regarding non contaminated sites on Page 28 of Susan Gruel's report that listed the Plaza Road Exxon which does not come near Broadway.

ORDINANCES: FIRST READING

Upon motion by Councilmember Tedeschi and a second by Councilmember Dobrow, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 1776-99

BOND ORDINANCE AMENDING BOND ORDINANCE No. 1770-99 FINALLY ADOPTED BY THE BOROUGH COUNCIL ON OCTOBER 12, 1999, ENTITLED "BOND ORDINANCE PROVIDING FOR ADDITIONAL VARIOUS 1999 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH"): APPROPRIATING \$481,800 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$468,380 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF," TO INCREASE THE APPROPRIATION THEREIN BY \$33,600 TO \$525,400, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$32,000 TO \$192,000 AND TO AMEND THE DESCRIPTION THEREOF

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 314-99 introducing Ordinance No. 1776-99 was unanimously passed.

Upon motion by Councilmember Tedeschi and a second by Councilmember Dobrow, it was unanimously agreed to read the following ordinance by title.

Ordinance No.1777-99

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

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 315-99 introducing Ordinance No. 1777-99 was unanimously passed.

RESOLUTIONS BY CONSENT #20-99

Councilmember Trawinski asked to have Item E removed from the consent agenda. Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Consent Agenda #20-99 containing the following items, with the exception of Item E, were unanimously adopted.

a. Resol. #316-99 Approval of Minutes:

Work Session 9/21/99

Closed Session 9/21/99

Regular Meeting 9/28/99

Work Session 9/28/99

Special Meeting 10/1/99

b. Resol. #317-99 Refund of Overpayment of Taxes

3. Resol. #318-99 Auction of Surplus Equipment

4. Resol. #319-99 Chapter 159 - Priority Health Funding

5. Removed

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Resol. #321-99 Change Order Fair Lawn Avenue Parking Lot

7. Resol. #322-99 Award of Bid: Hockey Concession Trailer

8. Resol. #323-99 Appointment to Broadway Advisory Committee

9. Resol. #324-99 Appointment to Property Maintenance Committee

RESOLUTION No. 320-99 Transfer of Funds

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 320-99 was considered.

Councilmember Trawinski cautioned other Councilmembers to bear in mind not to lose the ability to build surplus.

Hearing no further comments, Resolution No. 320-99 was unanimously adopted.

RESOLUTION No. 325-99 Award of Bid: Leaf Removal

Upon motion by Councilmember Dobrow and a second by Deputy Mayor Ahearn, Resolution No. 325-99 was considered.

Councilmember Trawinski stated he would not support the award of this bid for three years. He is not convinced that they need to spend money over there. The bottom line was that Mr. Bleeker told them once the Ordinance was in place, strictly regulating the type of material that goes into the compost facility that they would not be over the permitted capacity allowed. He thought they should go with one year at a minimum award. Secondly he thought they should not award the bid but they should take a look at what the history becomes after the one year of tighter regulations at the compost facility. For those reasons he is not going to support this resolution.

Councilmember Tedeschi stated he was a little befuddled as to why they would do three years at \$3.63 while one year is \$3.43 and five years is \$3.58 and if they are locking in a good price and there is no minimum they should lock in the five years at \$3.58. Manager Sacks stated the three years would coincide with the end of the Millbrook contract, but it went out to bid all five ways so the Council could have the option to do what they want. At the end of the three years the Borough would be able to negotiate something with Millbrook or someone else and still have all the options open to them.

Councilmember Tedeschi said if there is no floor on the amount of leaves that they are required to take, the relevance of having a three year contract drips away because they are not locked into anything. Manager Sacks said the only reason a three year contract would be advantageous as opposed to a one year is that they would be locking in a price whereas if they had to go out to bid next year the bids could come in at somewhere around \$5.00.

Councilmember Tedeschi felt it would make sense to lock in the five years because they are not obligated to take a set amount at \$3.58. Manager Sacks wondered why would the Borough want to lock in five years if they wanted the option to renegotiate with Millbrook. Councilmember Tedeschi said this contract does not preclude their options with any other provider this is not an exclusive contract. Manager Sacks said she understood that he was saying that the Borough could award it for five years and then not use it in years four and five. Attorney Lustgarten stated it was not an illusory contract as the Councilmember stated but it is as the way the Borough Manager recited it. If the Borough is going to make an award for five years it is the present Council's intention to use it for five years.

Mayor Ganz asked if it was Attorney Lustgarten's opinion that if the Council were to approve this and decide in years four and five to make no reference to this contract, that this is valid and within the Council's prerogative to do this. Attorney Lustgarten informed him that as long as the Council's present intent to have this contractor remove leaves at that price per cubic yard for the next five years, if circumstances change in the next four or five years which this Council cannot predict, they can make a determination at that point because there is no guaranteed minimum cubic yard removal. He said he would not have the record reflect that this Council is awarding a five year contract with the intent of it collected for three years and disregarding years four and five because that would not be appropriate.

Mayor Ganz asked if it is the pleasure of the Council to change this from a three year to a five year recommendation can this be accomplished this evening. Attorney Lustgarten said it could be accomplished tonight by amending the resolution to award the contract to the same bidder who is still low at the five years at a per cubic yard price of \$3.58 so if someone wanted to move that and second it and amend it that way it can be done.

Councilmember Tedeschi said he agreed with Attorney Lustgarten that this contract does not compete with Millbrook because they do not charge the Borough. The Borough pays Millbrook \$5, 250 a year. Mayor Ganz stated that Millbrook can only take up to a certain legal limit. Manager Sacks stated this would be supplementary to the Millbrook contract.

Upon motion by Councilmember Tedeschi and seconded by Deputy Mayor Ahearn to amend Resolution 325-99 to award the contract for five years at \$3.58 per cubic yard was adopted with Councilmember Trawinski dissenting.

Hearing no further discussion, Resolution No. 325-99 was adopted as amended with Councilmember Trawinski dissenting.

Upon motion by Councilmember Trawinski and seconded by Councilmember Tedeschi the meeting was recessed at 9:50 p.m.

Mayor Ganz reconvened the meeting at 10:00 p.m.

MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Tedeschi, it was unanimously agreed to open the time for public comments.

Leon Wender, 7-22 Manor Avenue, spoke about the American flag that was stolen from Milnes School and that it should not have been hung at night. He mentioned that antisemitism is a crime against humanity and that everyone should be treated with respect. He told the Council about his experience at the Recycling Center when he was refused permission to dump his fence because he was using a commercial vehicle. Because of this he would like to see that all licenses and registrations are checked to make sure the person is a resident of Fair Lawn. He would also like to have someone define what a commercial vehicle is.

Mr. Wender continued with the Manager's Report and the expenses on it. He spoke about the donations he has made the past year. He told about a tree that was taken down on private property which took four men forty minutes to do. He asked why this can't be done with Borough trees. Mr. Wender asked if the Early Warning System was sick on the night of November 2 when a storm came through. He also spoke about the leaves on the street blocking up the drains and he hoped that this situation will not cause another flood.

Mayor Ganz stated there may or may not be an issue with respect to what is required and what is not required at the DPW complex when someone comes in. He suggested that either Manager Sacks or Attorney Lustgarten circulate a memo to the Council explaining what the policy is and if there is any need for change to please come back to the Council with the correct recommendation.

Councilmember Trawinski stated the policy of the Borough for thirty years when requested by residents to not plant the trees in the strip between the curb and sidewalk but to actually plant them back on private property and when there is difficulty with those trees the Borough in fact removes those trees. Mayor Ganz said the other issue could be that the street was legally wider than it appears to be. Councilmember Trawinski stated the other issue was that the Shade Tree Division is extremely picky about removing good trees.

Harvey Rubinstein, 28 Rutgers Terrace, said he received a letter addressed to Nancy Rubinstein. Mayor Ganz said his secretary, Marilyn Silverman, could not read his writing and will bring this to her attention.

Bernard Weinstein, 40-12 Ackerman Drive, suggested there be a sign in sheet for people who wish to speak to the Council. Mayor Ganz said that was a good idea. Mr. Weinstein stated he was there representing a group of thirty people who have played tennis for the past twenty five years. The Courts are not in good condition. He had submitted a petition that had one hundred and thirty signatures on it and now have an additional petition with sixty two signatures. The petition was submitted to the Municipal Clerk. The letter that was submitted to the Mayor and Council asked for full repair of the two tennis court surfaces and nets at the Memorial Pool area, for resurfacing and net repair at the Maple Avenue courts and at the Warren Point Courts and for a request to be submitted by the Mayor and Council to the Board of Education to resurface and repair nets at the High School courts. He stated that Mayor Ganz was good enough to send them a letter and respond to all four items. He said they have received a letter from the Board of Education saying that they will place in their budget the repair of the High School courts and thanked him for that.

Mayor Ganz asked Manager Sacks to update Mr. Weinstein on the status of their request and what the Recreation Department recommendations are going to be to the Council for next years capital budget.

Manager Sacks stated that as of today they have looked at two types of resurfacing, the stone dust and the premier and they are going to request that the premier be done. In their 2000 fiscal year budget the Recreation Department will be asking for two surfaces to be done at Memorial Pool with an estimated cost of twenty thousand dollars a piece. They will try to have it done by May. The problem will be that the premier has to be put down in 70 degree or warmer weather. They also have a multi year plan where they rip out the court and put in a new one.

Mr. Weinstein expressed their appreciation for the Borough's answers to their concerns. For whatever reason the steps that were taken previously did not hold up. They do know that there are other activities taking place on the courts such as the Recreation Department has sponsored dances and that is not very good for the surfaces. Manager Sacks stated the only thing that should be done on the Courts is tennis since that is what they are designed for.

Kenneth Marks, 7 Ryson Road, thanked the Council for putting up with them. The tennis courts are terrible. The courts at Memorial

Pool have access to hockey playing. The nets are mutilated, there is duck feces, sticks and bottles in the courts. He suggested that a system be installed that will allow only the tennis players into the court area so that only tennis will be played there.

Councilmember Trawinski said he thought they should give it some time to see if the new roller hockey courts gets the kids off the tennis courts. The new Council can then decide. He felt the Council's response was disingenuous as it was in the budget. The Recreation Director did his job by saying the Courts had to be done and ranked it number one on his requests.

Bernard Weinstein, 40-12 Ackerman Drive said that last summer's tennis season the courts were unuseable and should have been repaired earlier.

Elizabeth and Tom Spears, 1-30 Lambert Road, said they had a problem with the Building Department and Zoning Department regarding to the work they were having done at their house. There was a difference on their permit and paperwork about the footage. Attorney Lustgarten recommended Manager Sacks inform the Building Official to accept the plans.

There being no additional comments from the public, upon motion by Councilmember Tedeschi and a second by Councilmember Trawinski, the time for public comments was unanimously closed.

Mayor Ganz asked if it is the pleasure of the Council to consider at the 8 a.m. Monday meeting the hepatitis b vaccination issue. Councilmember Trawinski thought this was already resolved in the Work Session. He thought Attorney Lustgarten proposed a compromise. Mayor Ganz stated the compromise was rejected by Dr. Byrne. He wants the Borough to administer it and to be reimbursed for the cost that it outlays. Attorney Lustgarten stated the meeting on Monday is for the adoption of the Health fees ordinance. The Council has not reached a consensus now that the Board of Education has rejected the last proposal. Councilmember Trawinski said he was not prepared to discuss this on Monday morning.

Mayor Ganz asked for a consensus to put this on the Work Session for Monday, November 15th, it was agreed with Councilmembers Trawinski and Tedeschi dissenting.

Councilmember Trawinski asked what was on Closed Session. Municipal Clerk Kwasniewski explained that at the last meeting the Council asked to go in to Closed Session. She thought they were going to discuss those items on Councilmember Tedeschi's memo. Councilmember Tedeschi thought they would do a piece of it in Closed Session and the rest in the Work Session.

Mayor Ganz stated that Deputy Mayor Ahearn asked since they were going to be here for a ceremony on Veteran's Day they should do a meeting then. Attorney Lustgarten stated the building was scheduled to be closed.

Councilmember Trawinski proposed the Council invite Ms. Adler and Mr. Etlar into Closed Session because they may have to deal with these issues. Mayor Ganz thought they would as a matter of policy invite the elected officials to all open and closed sessions.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi it was unanimously agreed to invite the elected officials to all Open and Closed Sessions.

Closed Session Resolution

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, 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 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 after resolution of the matter.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters set forth above is one which permits the exclusion of the public.

Respectfully submitted,

Marilyn B. Dugan, RMC
Assistant Municipal Clerk

WORK SESSION OF NOVEMBER 9, 1999

Mayor Ganz reconvened the meeting at 7:45 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

Walgreen's Sidewalk - Engineer Garrison and Construction Official VanHook were present. Engineer Garrison explained that Walgreen's submitted a revised plan several weeks ago. The Planning Board felt the change was de minimus. Work should be completed by next Tuesday. The two original plans had structures in the right-of-way so the Borough and the County rejected them. This is a single site plan with two buildings on it. The Planning Board is aware of the misplacement of the building. It has not affected traffic or safety on the site. Being off a little is not uncommon for a building. He felt the TCO should be extended for two weeks. The sidewalk will resolve the issue of safety.

Construction Official VanHook advised that the TCO will continue until he can issue a permanent CO. Even if all the site work was completed, it could not be issued until the Construction Board of Appeals is satisfied with the people mover. He did not think that would take place before April. A traffic study has to be done in six months. There will be no permanent CO for either building until the entire site is accepted. He recommended that the TCO for Walgreens be extended until the end of the month. The construction requirements will take them another ten to fourteen days. He suggested to the contractor that if he needs until the end of the month, he will accept that but that will be the last extension. He believes the contractor will meet his obligations.

Councilmember Trawinski wondered how Planning Board came to the conclusion that this change did not require notice to the public. Engineer Garrison replied that the plan was submitted showing the modifications that were de minimus to the project. Due to the way they constructed the building the curb was pushed out into the right-of-way. The curb has been brought back to the County right-of-way line. No parking has been lost. The amenity strip still has the plantings. They are putting in benches and receptacles.

Sy Karas expressed concern that this has come to the Planning Board without any notification to RRIC. He thought he was supposed to be part of a working group to have input into modifications that were needed. The amenity strip was supposed to be five feet wide. It is only three and one half feet along the stretch in front of the strip stores. It is not in accordance with the plans that RRIC negotiated with Shop Rite. He disagreed that this a de minimus modification. He wondered how the Planning Board proceeded without notifying those owners within 200 feet. He was pleased that some work was finally proceeding. Manager Sacks indicated that she also was a little surprised that the Planning Board did not need a hearing but apparently it is such a small change that they decided they did not have to hold one.

Reina Valenzuela, 2 Katherine Avenue, expressed concern that things go wrong and it is just accepted. She wanted to make sure that residents' concerns are heard and followed through. Attorney Lustgarten stressed that the staff recognized the mistake that the building is several feet off from the plans. That triggered a tremendous amount of work by the Council, staff members and the Planning Board. When all the items are completed including the sidewalk, the issue of the building being a few feet off has to be reviewed in the context of the entire site. There are sixteen items on the punchlist.

Construction Official VanHook explained that the length of time a TCO is issued for depending on the conditions. Some could be issued for one month, others for six months or as long as a year.

Ms. Valenzuela suggested that additional staff be added so that they properly supervise all the details. Mayor Ganz indicated that the Borough has a consulting engineer that the Borough Engineer can call upon if the need arises.

Arlen Rubinstein, 28 Rutgers Terrace, wondered why there was no oversight so that a building is placed in the right spot. Engineer Garrison replied that the Borough does not have the staff nor is the Borough's responsibility until the final site plan is submitted. Ms. Rubinstein felt that if the Borough makes them take the building down, no one else would make the same mistake.

ADJOURNMENT - Upon motion of Deputy Mayor Ahearn and a second by Councilmember Dobrow the meeting was adjourned to the Regular meeting at 8:20 p.m.

Respectfully submitted,

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