

WORK SESSION AGENDA OF SEPTEMBER 20, 2005

Mayor Ganz called the meeting to order at 7:38 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etler and Weinstein (late), Councilmembers Caan and McCarthy.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

REVIEW OF TENTATIVE AGENDA 9/27/05:

Manager/Municipal Clerk Kwasniewski stated she would like to add a raffle, a change order and an award of bid. Mayor Ganz advised to add it to the Consent Agenda as long as no other Councilmember objected.

MAPLE AVENUE DEED RESTRICTION:

Linda Herlihy from Wells, Jaworski, Liebman and Paton was present asking for a deed restriction to be vacated on the rear of 22-44 and 22-50 Maple Avenue. She explained that their firm represents the contract purchaser for the aforementioned property. There was a lengthy discussion between the Mayor and Council and Ms. Herlihy regarding issues such as the amount of improvements on the lots, if they were going before the Planning Board, what the previous Councils had determined when the deed restrictions were put in place and about the wetlands that are in the back of those lots.

Deputy Mayor Weinstein arrived at 7:45 p.m.

Mayor Ganz asked if it was the same concept as the other deed restrictions that were done at the Car Wash, Johnny and Hanges and Commerce Bank. Ms. Herlihy said that her firm was involved with the development of the Commerce Bank property and the vacation of the deed restriction so she will supply the Council with copies of that. She will also look into locating the recorded Consent Judgment or other documentation which indicates to what extent the Restriction was vacated. Mayor Ganz asked her to come to the next Work Session which will be on September 27, 2005 at Radburn School. Ms. Herlihy said she would also have a concept plan with her.

TRAFFIC CALMING DEVICES:

Deputy Mayor Etler stated he had received calls and letters about the devices on Fair Lawn Avenue and Abbott Road. He does not understand why they were put there since it has become a choke point. He asked that they be removed. Mayor Ganz stated the Council's idea was for them to stay there until the snow season when they would be removed. He suggested they revisit this after a few months. Deputy Mayor Etler felt if that was the case, he wanted them down on October 15. Deputy Mayor Weinstein felt they should decide in the middle of November. Manager/Municipal Clerk Kwasniewski said she did not have

a problem with that since it will give her an opportunity to have them evaluated. Mayor Ganz felt the pedestrians will give good feed back but the driver will not. He suggested they try a traffic count to get a sense of what is happening. Manager/Municipal Clerk Kwasniewski stated the biggest problem is in the morning. Deputy Mayor Etler felt that there was also a problem when the train comes, it backs the traffic up. Mayor Ganz suggested that they discuss this further at the Work Session on November 22. He asked that Traffic Safety Officer Franco be there along with the Engineer Garrison. Manager/Municipal Clerk Kwasniewski stated that she would get input from River Road and the EDC.

FAIR LAWN ROTARY CLUB CLOCK:

Manager/Municipal Clerk Kwasniewski stated that Rotary has deferred this item for one year since they are concentrating their efforts on helping the people affected by Hurricane Katrina.

REZONING 177 LINCOLN AVENUE:

Manager/Municipal Clerk Kwasniewski stated she had received a report from the Planning Board recommending rezoning the lots to R-3-1 as long as the Council has no objection to rezoning it. Mayor Ganz asked if the Council had any interest in rezoning the lots. Attorney Lustgarten questioned the COAH obligation and whether it was included. Manager/Municipal Clerk Kwasniewski said it does not apply to this project.

There was a unanimous consensus to re-zone the lots and if COAH is applicable they are to abide with the COAH laws.

CDBG APPLICATIONS:

Manager/Municipal Clerk Kwasniewski stated it was that time to submit CDBG applications. This year they are applying for barrier free curbs and ramps in the amount of \$25,000 and mini-bus driver salary in the amount of \$81,738. Resolutions are required to be passed by the Council. Mayor Ganz asked what the gross salaries were for the mini bus driver. Manager/Municipal Clerk Kwasniewski stated this amount is for two full-time and one part-time.

There was a unanimous consensus to submit both applications.

Deputy Mayor Weinstein asked if there were any other items eligible projects. Mayor Ganz advised that they would have to be in by October 7, 2005. Manager/Municipal Clerk Kwasniewski stated they are not ready to do anything else since they do not have a plan. Deputy Mayor Weinstein questioned why the Fire Department's parking lot was not included at this time. Manager/Municipal Clerk Kwasniewski stated that the Fire Department decided not to do it at this time. Mayor Ganz asked about the Rescue parking lot. Manager/Municipal Clerk Kwasniewski stated only if it was for the handicapped.

ENDORISING RESOLUTIONS FOR CDBG:

Manager/Municipal Clerk Kwasniewski stated that she had received two applications that need to be endorsed by the Mayor and Council. She reminded them that there is no commitment of Borough funds.

Bridge Haven Housing - They are asking for a grant in the amount of \$17,500 to cover the operating costs for their house in Fair Lawn.

Care Plus New Jersey - Last year they spent \$91,000 so this year they are asking for \$100,000 for Children's Services.

Manager/Municipal Clerk Kwasniewski recommended that the Council endorse both of these applications. Mayor Ganz felt they were both good projects. Deputy Mayor Etlar stated he was going to vote against Bridge Haven Housing because he is against that type of housing. He felt it brings more trouble into town.

There was a consensus to endorse Bridge Haven Housing grant application with Deputy Mayor Etlar dissenting.

There was a unanimous consensus to endorse Care Plus New Jersey's grant application.

SCHEDULE DATE FOR TOUR OF FAIR LAWN COMMUNITY/RECREATION CENTER:

Manager/Municipal Clerk Kwasniewski stated she had heard from John Cosgrove regarding the date for the tour of the Fair Lawn Community/Recreation Center. She needed to know what would be a good date with the Mayor and Council. Mayor Ganz suggested October 8 or 9. Councilmember Caan reminded him that the street fair was going to be held on October 9. Attorney Lustgarten asked if someone would be able to video tape it so that it could be shown on FLTV. Councilmember Caan stated he could do it. Deputy Mayor Weinstein suggested Wayne Robbins tape it. Attorney Lustgarten felt if Councilmember Caan can tape it, it would make sense to do it that way.

ORDINANCE REVISIONS:

Banners on Broadway - Manager/Municipal Clerk Kwasniewski stated that as they discussed earlier, their present ordinance does not permit banners on Broadway. At that time they agreed to wait until the Broadway Improvement Corporation and the Special Improvement District were created before amending the ordinance. At the same time she approached the New Jersey DOT for permission to install banners on Broadway. Now that the Corporation and SID are in place, and she has received the required forms from New Jersey DOT, she believed they should amend the Borough's ordinance. She suggested amending the sign ordinance to add language to Section 125-41(G)(5) to include the Broadway Improvement Corporation in the Fair Lawn Special improvement District relating to Broadway for signs authorized or approved by the Broadway Improvement Corporation.

There was a unanimous consensus to amend the ordinance as suggested by the Borough Manager.

Pedestrian Crossing Right-of-Way Signs - Manager/Municipal Clerk Kwasniewski stated that Traffic Safety Officer Franco has received a number of calls from parents of Freshman at the High School about the difficulty of crossing Berdan Avenue. They asked for a pedestrian crossing sign. Traffic Safety Officer Franco recommended installing the sign. The Borough ordinance would have to be amended to add Berdan Avenue and Burbank Street.

There was a unanimous consensus to amend the ordinance to add Berdan Avenue and Burbank Street.

George Street Parking Lot - Manager/Municipal Clerk Kwasniewski stated the ordinance includes Fair Lawn Arts Center. Since the Borough no longer owns the property, it should be deleted.

There was a unanimous consensus to delete the George Street Parking Lot from the Borough's ordinance.

Work Zone Safety Projects - Manager/Municipal Clerk Kwasniewski stated that the Borough currently charges \$57 an hour which is broken down into \$50 an hour for each officer, \$5 an hour for each vehicle and \$2 an hour administrative charge. Due to rising gas prices, she recommended that they increase the \$5 an hour charge for vehicles to \$8 an hour. This would increase the charge to \$60 an hour which is still reasonable. She had asked the PBA if they wished to increase the cost for the officer, but Chief Rose advised her that they are satisfied with the current \$50 an hour.

There was a unanimous consensus to increase the charge for Work Zone Safety Projects.

Mayor Ganz suggested that Manager/Municipal Clerk Kwasniewski monitor the price of gas and come back to the Council to raise the price if necessary.

HURRICANE KATRINA MUNICIPAL RESPONSE:

Manager/Municipal Clerk Kwasniewski stated that she had sent the Council a package regarding FEMA's request. She said there had been some changes. EMS is on hold and the Fire Department has been cancelled. FEMA may still request the Borough to send people. Manager/Municipal Clerk Kwasniewski said that JIF sent a bulletin stating that if an employee goes without approval from the Borough they will not be covered. They suggested that the people only go for 10 to 30 days. Mayor Ganz felt they should sign up for a limited duration. Deputy Mayor Etlar felt they should take vacation time. Mayor Ganz said that a bill from Congress would allow FEMA to hire interim people.

Manager/Municipal Clerk Kwasniewski stated that OEM Director Metzler suggested allowing up to ten municipal employees

to go for up to 30
days; paying these
employees for 10
work days,
employees must use
10 vacation days;
and allowing
emergency service
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motorized equipment to go which will be operated by Rescue Squad personnel. She said that any request for personnel and equipment must be requested and authorized by FEMA through the State and County emergency management agencies. Mayor Ganz asked if they would act as volunteers. Deputy Mayor Etler wondered what the Borough would do for mutual aid. Manager/Municipal Clerk Kwasniewski stated they would not allow them to take the whole fleet. Attorney Lustgarten questioned the liability the Borough would have if for example, they get sick, who would be responsible for workers compensation. Manager/Municipal Clerk Kwasniewski stated that JIF will provide coverage only if they are acting in the duties as directed by FEMA. Attorney Lustgarten reminded the Council that the Borough would get charged for the lost compensation. Mayor Ganz stated they should exercise discretion. He would hope that if it happened here, people would come here to help. He felt this would be the right thing to do. Deputy Mayor Etler felt it was a good idea as long as there was adequate coverage.

There was a unanimous consensus to adopt OEM Director Metzler's plan as recommended by Manager/Municipal Clerk Kwasniewski.

COAH PROFESSIONALS:

Manager/Municipal Clerk Kwasniewski stated they had professional services contract for the COAH obligation and now it has expired. She stated that the attorney is asking for an increase and to extend the contract. Mayor Ganz felt this matter should be deferred to the Closed Session.

SPECIAL MEETING:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan the Special Meeting was called to order at 8:44 p.m.

Mayor Ganz reconvened the Work Session at 8:45 p.m.

NAMING SOMETHING FOR JOHN Alaimo:

Deputy Mayor Etler stated that John Alaimo passed away last week and felt that they should memorialize him in some way because he was involved with so many groups in Fair Lawn. Mayor Ganz stated there was an outpouring of people at his wake. He suggested a committee of Deputy Mayor Etler and Councilmember McCarthy to consult with two

organizations to find a way to pay homage to him. They are to report back to the Council in one month.

OPEN SPACE GRANT PROJECT:

Manager/Municipal Clerk Kwasniewski stated that Superintendent of Recreation and Parks Frey looked at the Borough's needs and suggested applying for a pavillion. They would install it at Memorial Pool. It would be a good rainy day shelter for the campers. It would be put to good use. The cost would be \$40,000 to buy and install it. Also, it would be good for the senior citizens to use to get out of the sun. Mayor Ganz suggested she circulate the information to the Council and have a resolution for the September 27 meeting. Mayor Ganz said to make sure the amount included electricity and water being run to it.

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There was a unanimous consensus to apply for the grant as recommended by Manager/Municipal Clerk Kwasniewski.

FAIR LAWN AVENUE AND CHANDLER DRIVE TRAFFIC LIGHT:

Mayor Ganz stated that the County has started staking the property and the work will proceed. On Monday, PSE&G will be moving the telephone poles.

ALCOTEST:

Mayor Ganz asked if the Borough has that equipment. Manager/Municipal Clerk Kwasniewski stated that the Police Department had asked for it in their Capital Budget. Councilmember McCarthy asked if anyone was trained on it. Manager/Municipal Clerk Kwasniewski stated that the State Police will be doing the training.

MISCELLANEOUS PUBLIC COMMENTS:

Jerry Markowitz, 12-11 Western Drive, spoke about the traffic conditions in Fair Lawn. He has heard about many accidents. He is a survivor of the holocaust but trying to cross Fair Lawn Avenue he could get killed. Mayor Ganz stated that the Council has been discussing the issue.

CLOSED SESSION:

Upon motion by Councilmember Caan and seconded by Councilmember McCarthy, the following closed session resolution was unanimously adopted at 8:52 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 Pending Litigation and Personnel, and

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

WHEREAS, public disclosure of the results of these discussions shall be made

relating to Pending Litigation upon the conclusion of these matters by the Mayor and Council of the Borough of Fair Lawn and in regard to Personnel upon formal appointment by the Borough Manager within 120 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 by Councilmember McCarthy and a second by Councilmember Caan, the meeting was adjourned at 9:20 p.m.

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ectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor David L. Ganz

Councilmember Allan Caan

Deputy Mayor Martin Etlar

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein