

REGULAR MEETING OF FEBRUARY 22, 2005

Mayor Ganz called the meeting to order at 8:00 p.m. Assistant Municipal Clerk Bojanowski 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 Record issues of December 18, 2004. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to the North Jersey Herald and News and the Shopper. The annual notice identified the times and locations of the Council meetings and work sessions.

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

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

COUNCIL COMMENTS

Deputy Mayor Weinstein thanked the DPW and Parks for the great job they did with snow removal. He stated on the Consent Agenda there is a resolution requesting that the Senate save the Community Block Grant Program. Deputy Mayor Etler and he have gone to battle to get money for Fair Lawn. He added if President Bush does away with this program Fair Lawn will lose money.

Councilmember Caan stated anything that could be done would be good. He also stated Fair Lawn lost Rule Danknar a WWII Veteran. He was there at D-Day, Normandy and the Battle of the Bulge and received a Purple Heart from General Patton. He was involved in the community and Knight of Pythias and Jewish War Vets. Councilmember Caan stated that he will be missed.

Councilmember McCarthy congratulated the Boy Scout Troop from Warren Point School on their 50th anniversary celebration.

Deputy Mayor Etler stated tomorrow is the 60th anniversary of logema. He thanked the servicemen that are serving our country.

Mayor Ganz stated they all appreciate what the servicemen and women have done for our Country. The veteran's who served during WWII are now coming to the end of their years.

He added they went through the budget tonight line by line as well as the Capital Budget line by line. The process will continue and they will be introducing the budget next month. The Council hopes to get extraordinary aid. He added if President Bush eliminates block grants it will have a devastating affect on the Borough's budget. It will impact not only Fair Lawn but all of the 70 other towns as well. He also added how much he enjoyed the Blue and Gold Dinners. They reminded him of when he used to go to his.

MANAGER'S REPORT

Manager/Municipal Clerk Kwasniewski stated because Monday's storm and the long weekend employees went away. Fourteen employees were away and 8 vehicles were not on the road because the snow was very heavy. They did a good job and she appreciated their efforts. Mayor Ganz stated the roads were great in Fair Lawn compared to other towns. He once took a ride in a snow storm with the swirling flakes and stated how they do it safety is amazing.

PROCLAMATION: READ ACROSS AMERICA

Assistant Municipal Clerk Bojanowski read the proclamation.

Mayor Ganz stated reading is very important and remembered his mother reading to him.

ORDINANCE: FIRST READING

Upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 2004-2005

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II "PARKING", ARTICLE III, "PERMIT PARKING ON STREETS", ARTICLE V "PERMIT PARKING IN RESIDENTIAL AREAS" AND ARTICLE VIII "TRAFFIC"

Mayor Ganz stated this Ordinance changes parking restrictions on a number of streets. Mayor Ganz read the streets and the hours.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, Resolution No. 79-2005 introducing Ordinance No. 2004-2005 was unanimously passed.

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Weinstein a second by Councilmember McCarthy, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2001-2005

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT", MORE SPECIFICALLY SECTION 125-59.A(9)

Mayor Ganz explained this ordinance takes the online version of the Planning and Zoning Board minutes off after six months. Several people felt their privacy was compromised leaving the minutes posted on the Borough's website. All minutes will continue to be available at Borough Hall.

Donal Meyers, 8-22 Mayfair Terrace felt this is a step backwards. They should make government more open and not less accessible. There is a simple way to stop the search engine and keep things private. The Planning Board minutes are only posted since last September.

Councilmember McCarthy stated this issue was discussed at the Work Session. It is not a comfortable feeling dealing with identify theft. He added the Mayor and Council minutes they will remain on indefinitely and will be available at Borough Hall. Most municipalities do not post minutes online. The minutes of the Mayor and Council will remain forever, the Planning and Zoning Boards will remain for 6 months.

Deputy Mayor Weinstein stated they had a good discussion on this and felt each individual's privacy should be considered.

Deputy Mayor Etler added it is not as though these minutes are gone, the master records are still at Borough Hall.

Councilmember Caan stated they are not talking about strict six months, once the application goes through the process if anyone is interested they will have six months.

Mayor Ganz stated they will check on the Planning Board and why they are not posting the minutes. He added it comes through Mr. Winston.

Harvey Rubinstein, 28 Rutgers Terrace stated when he gets up he gives him name and address for all the boards and the Mayor and Council. Based on what he has heard should this procedure be changed.

Borough Attorney Lustgarten stated the minutes are supposed to reflect what was done. The website minutes should reflect what the real minutes are.

Mayor Ganz explained when this idea came he had reservations. He liked having government open and accessible with people still have the ability to come to Borough Hall, the interest of privacy outweighs the need.

Councilmember McCarthy added one of the individuals stated if they knew that their name was on the website they would not have spoken.

There being no further comments by the public, upon motion by Deputy Mayor Etler and a second by Councilmember Caan, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No.80-2005 adopting Ordinance No. 2001-2005 was unanimously passed.

Upon motion by Deputy Mayor Etlar a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2002-2005

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" AND MORE SPECIFICALLY ARTICLE XIV ENTITLED "DEPARTMENT OF PUBLIC WORKS" BY ADDING SECTION 2-91 ENTITLED "DIVISION OF FLEET MAINTENANCE"

Mayor Ganz explained this amends the code to create a division in DPW which has been there forever in reality.

There being no comments by the public, upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No.81-2005 adopting Ordinance No. 2002-2005 was unanimously passed.

Upon motion by Deputy Mayor Weinstein a second by Councilmember Caan, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2003-2005

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 94, ENTITLED "FEES", MORE SPECIFICALLY ARTICLE 1, ENTITLED "FEES FOR DOCUMENTS AND REPORTS, SECTION 94-1.J, "FEES - WORK ZONE SAFETY PROJECTS"

Mayor Ganz explained this changes the fees for off duty police officers from \$40.00 and hour to \$60.00.

Borough Attorney Lustgarten added that the Borough charges for Police Vehicles.

There being no further comments by the public, upon motion by Councilmember Caan and a second by Councilmember McCarthy, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No.82-2005 adopting Ordinance No. 2003-2005 was unanimously passed.

RESOLUTIONS BY CONSENT #8-2005

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, Consent Agenda 8-2005 containing the following items was unanimously adopted.

- a. Resol. #83-2005 - Usage of Senior Citizen Center
- b. Resol. #84-2005 - Refund of Overpayment of Taxes
- c. Resol. #85-2005 - Authorizing Execution of Agreement with Supervisor's Assoc.
- d. Resol. #86-2005 - Approvals of Bingos and Raffles:
 - Knights of Pythias - Off premise merchandise
 - Amending St. Nicholas Greek Orthodox Raffle License
 - HSA Alexander Hamilton School, On-premise 50/50
 - HSA Alexander Hamilton School, On-premise merchandise
- e. Resol. #87-2005 - Interlocal Services Agreement with Ridgewood - Health Officer
- f. Resol. #88-2005 - Award of Bid: Municipal Building Renovation
- g. Resol. #89-2005 - Approving Fire Board Actions
- h. Resol. #90-2005 - Approving Knights of Pythias' Hand of Friendship Outdoor Fair
- i. Resol. #91-2005 - Authorizing Submission of Tonnage Grant
- j. Resol. #92-2005 - Approval of Minutes:
 - Work Session 12/13/04
 - Closed Session 12/13/04
 - Regular Meeting 12/14/04
 - Work Session 12/21/04
 - Special Meeting 12/21/04
 - Closed Session 12/21/04
 - Regular Meeting 12/27/04
- k. Resol. #93-2005 - Approval of Grant - Division of Highway Safety: Aggressive Driver Enforcement
- l. Resol. #94-2005 - Save the Community Development Block Program

MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, it was unanimously agreed to open the time for public comments.

Harvey Rubinstein, 28 Rutgers Terrace stated Donald Fusco passed away. He was a first class citizen and a former Assistant Superintendent of Schools. This was a real loss.

Mr. Rubinstein asked Manager/Municipal Clerk Kwasniewski if the Planning Board advised her if they have hired a planner and if it was presented to her yet. Manager/Municipal Clerk Kwasniewski stated not yet. Mr. Rubinstein asked if there was a time frame. Mayor Ganz explained in order to spend money they would have to follow the rules.

Mr. Rubinstein asked in regards to New Jersey Transit and the Borough were they content with the mission statement. Deputy Mayor Weinstein stated Don Smartt was putting something together for that. Mr. Rubinstein asked about Broadway. Deputy Mayor Weinstein stated they would be discussing both Radburn and Broadway. Mayor Ganz explained the mission statement will define what they intend to do.

Mr. Rubinstein asked about a fee for use of the Senior Center. Mayor Ganz stated they post \$100 fee refundable in a year or a one time shot would be refundable. Manager/Municipal Clerk Kwasniewski stated they would put up \$100 in advance if all is well they would get it back. She added there would be no charge for a one time use for non profit organizations.

Mr. Rubinstein asked about the \$490,000 check from Homeland Security. He stated the Naugle House was in front of the Zoning Board for the Site Plan, only 20 feet off the road. Mayor Ganz explained they would not comment on any application before any Board.

Mr. Rubinstein stated at the Planning Board meeting, St. Anne's application was not done the same way they did it 20 years ago.

Deputy Mayor Etler stated they came in with a conceptual plan. Nothing will transpire since this is just a concept right now. Mr. Rubinstein stated the application came in to a full blown hearing. The Borough Engineer claimed he contacted their Engineer with no response. A letter was prepared that the applicant knew nothing about this. If they can get members to give more time than one night a month he suggested they should set up a technical review committee. Mayor Ganz stated they are required to meet once a month and felt the technical review was a good idea.

Deputy Mayor Etler stated the Borough Engineer and every member reviews applications and this may be a misunderstanding with the applicant. Mr. Rubinstein asked if that holds true in the Zoning Board meetings scheduled for months away. Mayor Ganz stated they can schedule special meetings. Borough Attorney Lustgarten explained a formal application has to have lengthy documents when submitted. Mr Rubinstein stated when he was on the Planning Board they sat at a work session and went over it and then they came back for the hearing. Borough Attorney Lustgarten stated technical review makes sense. They could do it either way but the applicant would have to know. Mr. Rubinstein questioned a conceptual plan. Borough Attorney Lustgarten explained conceptual is before the Planning Board. St. Anne's came before the Council to see if they would vacate the street.

Jack O'Neill, 11-06 3rd Street thanked Councilmember Caan for mentioning the death of Mr. Rule. He added after he came home he came up with amended heart chapter group. Many hundreds have benefitted from this. It has brought comfort to many and he should be recognized, he was a true member of this community. He read that the Senate has introduce legislation for a community coin. Mayor Ganz added that they require 2/3 members of the Congress. He advised him to write to Congress.

Donald Meyers, 18-22 Mayfair Terrace stated he and his wife were walking past the Naugle House and the doors were left wide open. Deputy Mayor Etler stated the owner has been notified to close it up since it had been vandalized. He added he was there when the owner came and boarded it up. He explained the house is falling apart and they are trying to prevent further deterioration.

ADJOURNMENT

Upon motion by Councilmember McCarthy and a second by Councilmember Caan, the meeting was adjourned at 8:52 p.m.

Respectfully 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