

REGULAR MEETING OF FEBRUARY 8, 2005

Mayor Ganz called the meeting to order at 8:06 p.m. Assistant to the Municipal Clerk Van Kruiningen 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 to the Municipal Clerk Van Kruiningen.

ABSENT: Assistant Municipal Clerk Bojanowski

COUNCIL COMMENTS

Councilmember Caan stated there is a new program in New Jersey called RX for New Jersey which offers a single point of access to more than 300 public and private patient assistance programs for low income residents. He explained it has 150 programs offered by pharmaceutical companies in New Jersey. He gave the number they could call (1-888-793-6765) and give some information including age, zip code, estimated gross income, number of people who reside in the household, prescription medication they are currently taking and current health insurance. They would then tell them whether or not they would qualify for any of these 300 programs. They may be able get their drugs at no cost if they qualify. They have a website address at www.rx4nj.org.

Mayor Ganz stated he spoke with the property owner of the last property who has not signed on yet regarding the traffic light at Chandler Drive. He stated Fair Fox Realty has agreed to sell to the Borough for a \$1.00 the rights that are necessary to complete the construction.

ORDINANCE: FIRST READING

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

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 ordinance is setting up a Fleet Maintenance that will be responsible for maintenance and repairs to Borough equipment, excluding specialized vehicles such as fire, ambulance and mini buses. Borough Attorney Lustgarten added this is a specific division of the Department of Special Works.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 63-2005 introducing Ordinance No. 2002-2005 was unanimously passed.

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. 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"

Borough Attorney Lustgarten explained the ordinance.

There being no further discussion, upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 64-2005 introducing Ordinance No. 2003-2005 was unanimously passed.

RESOLUTIONS BY CONSENT #6-2005

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Consent Agenda 6-2005 containing the following items was unanimously adopted.

- a. Resol. #65-2005 - Settlement Agreement with Officer Kristensen
- b. Resol. #66-2005 - Award of Bid: Borough Vehicles
- c. Resol. #67-2005 - Award of Bid: Emergency Water Main and/or Storm and Sanitary Sewer Repairs
- d. Resol. #68-2005 - Refund of Overpayment of Taxes
- e. Resol. #69-2005 - Professional Services Land Surveyor: Azzolina, Feury and Raimondi Engineering Group
- f. Resol. #70-2005 - Appointment to the Planning Board
- g. Resol. #71-2005 - Use of Walsh Pool by Midland Park Camp
- h. Resol. #72-2005 - Use of Walsh Pool by Midland Park Residents
- i. Resol. #73-2005 - Use of Walsh Pool by Prospect Park
- j. Resol. #74-2005 - Use of Walsh Pool by Oakland Summer Recreation
- k. Resol. #75-2005 - Opposing Assembly Bill A3529
- l. Resol. #76-2005 - Rejection of Bid: Sprinkler Repair and Modification, Time and Material

Mayor Ganz explained they had their second budget meeting this evening. The Mayor and Council will be working very hard over the next couple of months to develop a budget at the lowest possible amount.

MISCELLANEOUS PUBLIC COMMENTS

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

Harvey Rubinstein, 28 Rutgers Terrace asked about Ordinance No. 2003-2005 and stated on Fair Lawn Avenue Kramer Construction has been on the street for a number of weeks now and wondered what they were doing. Manager/Municipal Clerk Kwasniewski explained they are replacing the box that was replaced by Verizon and the new box leaked and shorted out some their fiber optics. They were required to redo what they had previously done and anticipate it being done by the end of February. Mr. Rubinstein asked if the police coverage was covered by this Ordinance. Manager/Municipal Clerk Kwasniewski stated that was correct. They are required by law to hire an off duty police officer to provide safety. She added it is called the Work Safety Zone Act.

Mr. Rubinstein stated the snow in front of Eckerd and Topps was not removed. He went to Library and found information, Section 208 Removal of Snow and read what he had found including that the owner should be cleaning the snow. He stated the owners were not doing anything and wanted to know what could be done. Borough Attorney Lustgarten explained they are supposed to clean up snow within 12 hours and they could get a notice posted there.

Mr. Rubinstein stated at the Zoning Board meeting and Dunkerhook Associates stated the Naugle House would be repaired, but the land the house is on will be the responsibility of the Borough. Mayor Ganz the house would be deeded over to the Borough.

Mr. Rubinstein asked if he was to get up in front of the Planning Board just to ask a question would he have to be sworn in. Mayor Ganz stated the legal answer is no but it is up to the discretion of the chair. Deputy Mayor Etler stated they would have to be sworn in to maintain it on the record. Borough Attorney Lustgarten stated if someone declines to be sworn in it is their right to do so, but agreed with Deputy Mayor Etler to maintain on record they would need to.

Stuart Golden, 14 Rutgers Terrace asked about Ordinance No. 2002-2005. He understood they are now making a department out something that was not there. Borough Attorney Lustgarten stated this ordinance is actually codifying the one that already exists. This was recommended by the Superintendent of Public works and it is just documenting the way it is operated.

Howard Hyde, 13-07 Ellis Avenue stated the real estate taxes keep going up and most of the people affected by it is senior and young couples. He felt the young couple part of it seems to get lost. He stated it was important to look beyond current years to the future and stability. He stated with an election year coming everyone will try to keep the taxes

down this year but hoped as they go through the budget they look to future year and the stability of tax rates. When people look to buy a home they know it they can afford it this year but will not know about the following year.

Jean Berada, 12-02 Fair Lawn Avenue wished to introduce herself and announce she would be running for one of the two council seats. She stated she was a life long resident of Fair Lawn, Fair Lawn graduate, she was raised here and chose to raise her family here. She stated she has heard to many stories of those who have had to move out this town. The very people that make Fair Lawn what it is today cannot afford to stay. She echoed Mr. Hyde comments and stated she is not a politician, she is a mom, a teacher and a concern resident of town. She is beholden to no one but herself and her husband and kids. She has no powerful ties or influential donors, she was here to represent the people of Fair Lawn. She will use her common sense and life experiences and her passion for the well being of this town and to prove to people she should be elected to the Council.

There being no further comments from the public, upon motion by Deputy Mayor Etler and second by Councilmember McCarthy, the time for public comments was unanimously closed.

Adjournment:

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor David L. Ganz

Councilmember Allan Caan

Deputy Mayor Martin Etler

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein

