

REGULAR MEETING OF JULY 19, 2005

Mayor Ganz called the meeting to order at 7:31 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, Councilmembers Caan and McCarthy.

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

MANAGER'S REPORT

Manager/Municipal Clerk Kwasniewski invited everyone to join them at Beach Night at Memorial Pool on Wednesday, July 20, 2005 from 7:00 to 10:00 p.m. They should have good weather. They will have a hula dancer, a D.J., watermelon, soda, and giveaways. It should be a good time.

Mayor Ganz explained as everyone knows, Fair Lawn applied for but did not receive extraordinary aide. He asked Assemblyman Gordon to come up and explain to everyone what the Borough did receive in respect to a "Gordon Grant".

Assembly Robert Gordon, 354 Plaza Road North stated it was his honor to represent Fair Lawn and twelve other communities in the 38th District. He explained there was some intense negotiations over the budget in New Jersey. He stated it was pretty tough at times and referred to it as the dance of legislation. During the course of all of this he and Assemblywoman Voss were engaged in some vigorous horse trading with the Speaker and the Major Leader of the General Assembly to try to get as much property tax relief for their district as they could. He was pleased to announce that today he received formal notification from the State that Fair Lawn will be awarded a grant of \$350,000.00 for property tax relief. That amount can be deducted from the sums they need to raise from the taxpayers of Fair Lawn. He believed that translated into approximately \$25 for the average household. They will continue to try to get as much State aide as they can.

Mayor Ganz thanked both Assemblyman Gordon and Assemblywoman Voss for all their hard work . They also appreciated all the work Senator Coniglio's office has done. He explained that Manager/Municipal Clerk Kwasniewski would instruct the Financial Officer to take this into account and have the final budget prepared. Manager/Municipal Clerk Kwasniewski suggested since they have a special meeting on

Tuesday for the SID Budget, they could also introduce the budget amendment which would then it be published. They could have the public hearing only on the amendment and then adopt the budget in August.

Presentations to "Project Ask Softball Team" for Participating in the Special Olympics:

Councilmember McCarthy explained the team from Bergen County includes many Fair Lawn residents who support all the sports. Today is a nice opportunity to thank them for their participation and success in the Special Olympics tournament. He added that out of 2,000 teams they came in second place and have qualified to move on to international play next year in Canada. He wished them all continued success in this program.

Assistant Municipal Clerk read the Proclamation.

PRESENTATION TO FIREWORKS SPONSORS

Assistant Municipal Clerk Bojanowski read the proclamation.

**PROCLAMATIONS: RECREATION AND PARKS MONTH
PARENTS DAY**

Assistant Municipal Clerk Bojanowski read the proclamation.

George Frey stated he was not surprised by this proclamation because the Borough of Fair Lawn takes Recreation very seriously and knows it is a great service to this community. They service all residents of all ages which enhances their lives through programming leisure, physical and social events along with the parks facilities. He felt lucky as both the Superintendent of Parks and Recreation as well as a resident of this town and thanked the Mayor and Council, Manager/Municipal Clerk Kwasniewski, his staff, borough workers and volunteers. They have all worked together as a team to enhance the quality of life for the fine residents of Fair Lawn through Recreation and Parks and this will continue. He added from the National, State and his district association and his staff he thanked everyone.

COUNCIL COMMENTS:

Deputy Mayor Etlar thanked Assemblyman Gordon and Assemblywoman Voss for their efforts in getting \$350,000 which will be allocated to the Borough and will go directly for tax relief. He stated it was a tremendous effort on both of their parts and as a Councilman he was very appreciative.

Deputy Mayor Etlar read his monthly report for the month of June. He attended the granting of the \$500 scholarships for the Filipino Society of Fair Lawn and was one of the judges. He attended the Litter Clean Up Program, the Eagle Scout designation of Sean

Brownlee, the Planning Board meeting, the EPA meeting. He helped Fair Lawn Rotary in the Pedals for Progress, where they prepared bikes for shipment for the needy in South America and Africa. He attended a great performance by the Diamond Jubilee Band at Thomas Jefferson Middle School. He attended the Fireworks which was a wonderful show.

Deputy Mayor Weinstein thanked Assemblyman Gordon and Assemblywomen Voss for continuing to work so hard for Fair Lawn and bringing home \$350,000. He also thanked George Frey and his whole staff from the Parks and Recreation Department. He added working with Mr. Frey over the last number of years he knows how hard he and his staff work and how they cherish the fields of Fair Lawn. They take great care of the fields where everyone plays and it is very much appreciated.

Councilmember Caan thanked Assemblyman Gordon and Assemblywomen Voss for the great job they did with not just this grant but for job they do for the entire district. He added the new year for the Volunteer and Veteran Program is beginning. They have begun soliciting businesses who wish to participate. He explained the program and discounts it provides. He stated any business who may not have received information on this and wishes to participate can call the Clerk's office and he will get back to them.

Councilmember McCarthy thanked Assemblyman Gordon, Assemblywoman Voss and Senator Coniglio for their assistance in providing taxpayer relief to the citizens of Fair Lawn. He also thanked George Frey, his staff and all the volunteers who were collecting money at the gates the night of the Fireworks. He believed the fireworks were a success this year. He added as someone who worked for Mr. Frey for many years when he was younger, he knows he runs a tight ship but it really is to the benefit of all the citizens of Fair Lawn. He congratulated all the sponsors and stated they are here for Fair Lawn all year not just for the Fireworks. He also congratulated the Fire Department, he and Deputy Mayor Etlar attended the Fire Board meeting last week. The Fire Department received many rewards from the Ridgewood July 4th parade.

Mayor Ganz stated Fair Lawn had a good week. They received the \$350,000 that Assemblyman Gordon was able to get as a special Gordon grant to offset taxes. They also received \$751,000 from the Board of Chosen Freeholders for the creation of a traffic light at the corner of Fair Lawn Avenue and Chandler Drive, a second light at Morlot Avenue and 17th Street and for signalization of all the lights at Fair Lawn Avenue between Plaza Road and Route 208. This is something they have looked at and many Mayors and Councils prior to them had tried to affect without result. He was pleased to have been able to affect this and to announce that a pre-construction meeting will be taking place in Hackensack on July 26th so this will be beginning shortly. They have also received \$17,000 from the Livable Communities Grant for a new water slide at Memorial Pool.

Mayor Ganz stated open space is very important to the Mayor and Council and all the residents of Fair Lawn.

Manager/Municipal Clerk Kwasniewski advised him they have received a petition calling for an open space tax resolution to appear as a non binding Page Four

Regular Meeting

July
19, 2005

resolution on the November ballot. He had been advised by both Manager/Municipal Clerk Kwasniewski and Borough Attorney Lustgarten that the petition is defective in that the number of names on it do not correspond to the number of signature that is required. He spoke with the Council and was pleased to announce that he would recommend and believed the Council would adopt as a Council initiative to put it on the ballot in November. He briefly explained it calls for a ½ cent tax for each \$100 of assessed valuation. It will be up to those who are the proponents of it to sell it to the entire community. They will not have to turn in additional signatures and that will be confirmed by the Council by a consensus in the work session following this meeting and bring it back to their meeting in August.

ORDINANCE: SECOND READING

Upon motion by Councilmember Caan 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. 2020-2005

“AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE”

Mayor Ganz explained this ordinance is to accept a grant for the acquisition of a mini bus coming from the Board of Chosen Freeholders of Bergen County at no cost to the Borough.

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

Mayor Ganz thanked Manager/Municipal Clerk Kwasniewski for making the application and Deputy Mayor Weinstein and Deputy Mayor Etlar for sheparding this through the CDBG process. He added this will be a great benefit for the people in Fair Lawn.

Manager/Municipal Clerk Kwasniewski stated the bus has been ordered and they expect that it will arrive sometime in September.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, Resolution No. 210-2005 adopting Ordinance No. 2020-2005 was unanimously adopted.

Page Five

Regular Meeting

July 19, 2005

RESOLUTIONS BY CONSENT #21-2005

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Consent Agenda 21-2005 containing the following items was unanimously adopted.

- a. Resol. #211-2005 - Approval of Minutes:
 - Regular Meeting - 4/12/05
 - Closed Session - 4/12/05
 - Work Session - 4/18/05
 - Special Meeting - 4/18/05
 - Closed Session - 4/18/05
- b. Resol. #212-2005 - Authorizing Acceptance of Statewide Livable Communities Grant - Local Library Aid
- c. Resol. #213-2005 - Authorizing Acceptance of Statewide Livable Communities Grant - Capital Improvements
- d. Resol. #214-2005 - Authorizing Acceptance of Statewide Livable Communities Grant - Water Slide for Memorial Pool
- e. Resol. #215-2005 - Award of Bid: Ambulance Corps Supplies
- f. Resol. #216-2005 - Approval of Raffles & Bingos:
 - Fair Lawn Touchdown Club/ Off-premise 50/50
 - St. Leon Armenian Church / Off-premise 50/50
 - St. Anne's Church / Off-premise 50/50
- g. Resol. #217-2005 - Refund of Overpayment of Taxes
- h. Resol. #218-2005 - Authorizing Use of Walsh Pool - The Allbright Academy
- i. Resol. #219-2005 - Authorizing Agreement with Bergen County for Signalization of Fair Lawn Avenue and Chandler Drive

Open Space Petition:

Councilmember Caan agreed with Mayor Ganz's proposal and felt the referendum was a good idea. Open space is always a valuable asset for the Borough and this would provide some funds to preserve those assets. The people of Fair Lawn have a right to decide this issue and felt that this would give them a fair opportunity to do that in November.

Deputy Mayor Etlar agreed in principal but felt more discussion should be had on this and thought that should be reserved for the work session. He was not prepared to vote on it right now.

Councilmember McCarthy stated he agreed with the comments made by both Mayor Ganz and Councilmember Caan on this.

Deputy Mayor Weinstein gave credit to the people who brought the petition to the Mayor and Council for persevering and trying again. He was in favor of putting this on the ballot
Page Six

Regular Meeting

July 19, 2005

and felt it was important to preserve open space wherever they can and take any action they can.

Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to put this on the work session agenda following this meeting and they will move from there.

MISCELLANEOUS PUBLIC COMMENTS

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

Harvey Rubinstein, 28 Rutgers Terrace wanted to know what the deficiencies were in the open space petition. Borough Attorney Lustgarten explained it was being circulated as a binding referendum and under the State Statue this would be a non binding referendum.

Borough Attorney Lustgarten stated the next issue was which statute applied. The petition went under Title 19 referendum statute which requires 10% of the registered voters in the community as opposed to Title 40 which relates to open space trust fund which requires 15% of the total amount of people who voted in the last election. He stated alternatively in the statutes the Council has an independent right to put the question on the ballot regardless of the amount of signatures. The good work of the petitioners has not gone to waste, although the petition is defective to some degree the Council is going to resolve that issue for them. He stated for future knowledge it depends on what kind referendum is being asked for because there are different sections for different types of referendums. He felt in this case it would get done and be on the ballot in November.

Mr. Rubinstein stated it had more to do with the wording as opposed to the number of people who actually signed it. Mayor Ganz stated the petition is about 1,000 names short of the 15% that is actually required.

Mr. Rubinstein asked in reference to the signals and \$751,000 they had mentioned there would be a modest cost of \$25,000 to the Borough and wanted to know if that was still the amount for installing. Mayor Ganz stated that figure was not quoted and explained there would be a modest cost to the Borough. The Borough is required to have police officers present in the intersection if the Traffic Safety Officer and Police Chief feel it is necessary to do so during the time of construction. There will be electrical costs and they will find out what those are as they evolve.

Mr. Rubinstein was very pleased with the \$350,000 but did not want to lose sight of the \$70,000 that the Governor issued \$22 million in taxpayer relief. He asked if the \$350,000 was in addition to the \$70,000 or is it above and beyond. Mayor Ganz stated this was above all other funds that were received.

Mr. Rubinstein asked what the cost of the lawn mowers were because he was unable to locate it on the Manager's Report. Mayor Ganz suggested giving Manager/Municipal Clerk Page Seven

Regular Meeting

July 19, 2005

Kwasniewski or himself a call and they would give him that information. Mr. Rubinstein asked about the payment to Carl Mecky Architect. Manager/Municipal Clerk Kwasniewski stated Mr. Mecky did the design work for the Fire Department addition.

Mr. Rubinstein asked if the conveyance of the High School property for the new Recreation

Center been settled yet regarding the \$5,000 for the piece of property. Mayor Ganz stated it was not resolved yet.

Donal Meyers, 8-22 Mayfair Terrace thanked them for moving the Master Plan revision that will preserve Daly Field and Archery Plaza. He also thanked them for open space referendum.

Ed Trawinski, 3-33 Lyncrest Avenue, stated he was there to echo a piece of Mr. Meyers' comments on the Open Space referendum, although he noted last year there was an Open Space referendum on the ballot none of the Councilmembers worked to make sure it got adopted. He asked them to provide the leadership needed to making this Open Space referendum a reality. This referendum is different from last year's question. This one makes the Open Space referendum dedication crystal clear, that it can only be used for recreational facilities or open space facilities and it is a dedicated trust fund. It asks the people of Fair Lawn to consider whether or not what precious open space is left is worth preserving and if it is, then vote for the open space fund.

Craig Miller, 5 Ramapo Terrace, thanked the Council for taking the initiative and putting the Open Space referendum on the ballot in November. He personally felt that it should have been done a long time ago by this Council to preserve open space.

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

Mayor Ganz presented donuts for everyone.

ADJOURNMENT

Upon motion by Councilmember McCarthy and a second by Councilmember Caan, the meeting was adjourned at 8:29 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