

**REGULAR MEETING OF MARCH 22, 2005  
JOHN A. FORREST SCHOOL**

Mayor Ganz called the meeting to order at 7:35 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, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

**MANAGER'S REPORT**

Manager/Municipal Clerk Kwasniewski stated there were no changes.

**COUNCIL COMMENTS**

Deputy Mayor Etler stated this past Thursday Ann Dickenson passed away. She was a member of the Women's Army Corp during World War II and was attached to the medical service. She was 84 years old and a member of the American Legion Post 171 in Fair Lawn. He added she worked tirelessly for the post and for all veterans in Bergen County. She was credit to her family, friends and the community. She will be missed.

Deputy Mayor Weinstein stated he and Deputy Mayor Etler attended the Community Development Block Grant Program meeting. They were able to bring back to Fair Lawn roughly \$165,000.00 to be used for road improvements and the Senior Citizen Center Improvements. This was a great accomplishment because there were many towns involved who asked for money.

**PROCLAMATIONS:            NATIONAL PUBLIC HEALTH WEEK  
                                     NATIONAL ASBESTOS AWARENESS WEEK  
                                     GREEK INDEPENDENCE DAY**

Mayor Ganz read the proclamations.

**Presentation by Cub Scout Troop #45**

Cub Scout Leader presented the Mayor and Council with a old lock handle that he and his son took out from behind the stores by Pathmark during the last Town clean up day.

They look at it as a usable tool that needed to be refined. They try to be resourceful and thrifty and to find a opportunity where other people may not have seen one. They made it into a walking staff and presented it to the Mayor and Council.

Mayor Ganz thanked them.

**ORDINANCE: FIRST READING**

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

**Ordinance No. 2008-2005**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 189, ENTITLED "SEWERS", MORE SPECIFICALLY SECTION 189-7, ENTITLED "PROHIBITED CONNECTIONS TO PUBLIC SEWER"**

Borough Attorney Lustgarten explained that this ordinance will prohibit illicit sewer connections to the sewer system without a permit. This directive has come from the State.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 111-2005 introducing Ordinance No. 2008-2005 was unanimously passed.

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. 2009-2005**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 204, ENTITLED "SOLID WASTE", ARTICLE II, MORE SPECIFICALLY SECTION 204-20, ENTITLED "ADDITIONAL REGULATIONS FOR LEAVES" SUB-SECTION B, ENTITLED "METHOD OF DISPOSAL"**

Borough Attorney Lustgarten explained that this ordinance will regulate disposal of leaves. The sweeping, raking, blowing or placing yard waste that is not containerized at the curb or along the street will only be allowed for seven days prior to a scheduled collection, and it should not be placed no closer than 10 feet from any storm drain.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 112-2005 introducing Ordinance No. 2009-2005 was unanimously passed.

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

**Ordinance No. 2010-2005**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN 2000, SPECIFICALLY CHAPTER 62, ENTITLED "ANIMALS"**

Borough Attorney Lustgarten explained this ordinance relates to wildlife and not feeding them. Mayor Ganz added this is a State requirement.

There being no further discussion, upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 113-2005 introducing Ordinance No. 2010-2005 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. 2011-2005**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND  
DEVELOPMENT", ARTICLE V, MORE SPECIFICALLY SUBSECTION  
125-53 "STORMWATER MANAGEMENT"**

Borough Attorney Lustgarten explained this is a major ordinance that the State requires them to adopt regarding stormwater management.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, Resolution No. 114-2005 introducing Ordinance No. 2011-2005 was unanimously passed.

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

**Ordinance No. 2012-2005**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN 2000, SPECIFICALLY CHAPTER 49, ENTITLED "AFFORDABLE  
HOUSING" BY ADDING SUBSECTION 49-12 B-4 AND B-5 BUSINESS  
OVERLAY RESIDENTIAL DISTRICTS**

Mayor Ganz explained this ordinance was designed for COAH. Borough Attorney Lustgarten explained this is readopting the ordinance that created an overlay zone in the

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 115-2005 introducing Ordinance No. 2012-2005 was unanimously passed.

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. 2013-2005**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 49, ENTITLED "AFFORDABLE HOUSING" BY ADDING SUBSECTION 49-13 I-2-OR INDUSTRIAL OVERLAY DISTRICTS**

Mayor Ganz explained this ordinance is a continuation of Affordable Housing obligations. Borough Attorney Lustgarten stated this ordinance is being adopted. The sunshine clause has been deleted.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 116-2005 introducing Ordinance No. 2013-2005 was unanimously passed.

**ORDINANCES: SECOND READING**

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

**Ordinance No. 2005-2005**

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

Borough Attorney Lustgarten stated this reflects the settlement with the Supervisors group.

Donal Meyers, 8-22 Mayfair Terrace felt this ordinance was irresponsible from a budgeting standpoint. They are increasing the salaries of the supervisors by 4%. In December they raised the salaries of the Department Heads by 4%. Under the New York/New Jersey Cap Provision budget increases are limited to 2 ½%. The salaries and health care benefits are over half the budget. He felt they are saying that all of the other programs have to be frozen so they can pay for these salary increases.

There being no further comments by the public, upon motion by Deputy Mayor Etler 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 Deputy Mayor Weinstein, Resolution No. 117-2005 adopting Ordinance No. 2005-2005 was unanimously passed.

Mayor Ganz explained the contract for the Supervisors is a part of a program that the Council started years ago with having multi-year contracts with all the Borough employees. The rate of 4% did not start one or two contracts ago, but many contracts ago and more than four years ago. Contrary to what has been said by others, there is no limit at 2 ½% or any percent that the Borough can increase a civil contract. The State has a 2 ½% cap on the over all budget.

Borough Attorney Lustgarten explained when that the cap concerns the gross value of the budget. The Council feels the four year approach is more sensible than one or two year contracts.

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. 2006-2005**

#### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Borough Attorney Lustgarten explained this puts a ceiling on Municipal spending. Every Municipality can increase their budget up to 3.5% of the total budget. Their budget is 34 million dollars, the Council is authorized to increase that by \$190,000.00.

Donal Meyers, 8-22 Mayfair Terrace stated this ordinance is the reason why they claim the 2 ½% State Budget limit was wrong. This ordinance shows them this Borough Council cannot exercise fiscal discipline. They are looking for any way that they can to spend as much money as they possibly can.

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

Mayor Ganz stated this Council has acted responsibly not only in the adoption of this ordinance but throughout the budget process. The Council has spent hundreds of collective hours going through line items in the budget to cut the budget as little as \$4.00 and as much as \$700,000.00.

Borough Attorney Lustgarten read from the ordinance the following: "Whereas, the Mayor and Council of the Borough of Fair Lawn, in the County of Bergen finds it advisable and necessary to increase its 2005 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens". He felt this was a judgement call.

Deputy Mayor Weinstein stated he know everyone takes this budget to heart. They have worked hard and even gone out to different to departments to look at equipment.

Upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, Resolution No. 118-2005 adopting Ordinance No. 2006-2005 was unanimously passed.

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

### **Ordinance No. 2007-2005**

#### **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, BY AMENDING CHAPTER XII, ENTITLED "WATER", SUB-SECTION 12-4.2, "WATER RATES"**

Mayor Ganz explained the water company in the Borough of Fair Lawn is a municipally owned self liquidating utility. They try to estimate the amount of water usage that will take place each year and try to have a budget that matches revenues with expenses.

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

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, Resolution No. 119-2005 adopting Ordinance No. 2007-2005 was unanimously passed.

### **RESOLUTIONS BY CONSENT #11-2005**

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Consent Agenda 11-2005 containing the following items was unanimously adopted.

- a. Resol. #120-2005 - Approval of Minutes:
  - Work Session 1/18/05
  - Closed Session 1/18/05
  - Regular Meeting 1/25/05
  - Work Session 2/1/05
  - Special Meeting 2/1/05
  - Closed Session 2/1/05
- b. Resol. #121-2005 - Award of Bid - Bioxide Odor & Corrosion Control Chemical
- c. Resol. #122-2005 - Award of Bid - Radio Repair and Maintenance
- d. Resol. #123-2005 - Approval of Raffles and Bingos:
  - Amending Fair Lawn Jewish Center Bingo License
  - HB Milnes School PTA Non -Draw Raffle

- e. Resol. #124-2005 - CDBG Unprogrammed Funds - Playground Improvements
- f. Resol. #125-2005 - CDBG Unprogrammed Funds - Senior Center Improvements
- g. Resol. #126-2005 - Professional Services - Special Prosecutor
- h. Resol. #127-2005 - Professional Services - Defender County Tax Board of Appeals
- l. Resol. #128-2005 - Budget Transfers
- j. Resol. #129-2005 - Endorsement of Bris Avrohom - CBDG Application
- k. Resol. #130-2005 - Approval of Grant - Division of Highway Safety: Click It or Ticket
- l. Resol. #131-2005 - Refund of Overpayment of Taxes
- m. Resol. #132-2005 - Ratifying and Confirming Prosecutor and Alternate Prosecutor Appointments
- n. Resol. #133-2005 - Appointments to Planning Board
- o. Resol. #134-2005 - Approval of Fair Lawn High School Annual Marathon
- p. Resol. #135-2005 - Rescinding Resolution No. 20-2005
- q. Resol. #136-2005 - Reject Plans to Privatize Social Security

## **MISCELLANEOUS PUBLIC COMMENTS**

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

Elaine Winshell, 7 Beekman Place of the League of Women Voters read the following prepared statement regarding the consensus the League reached on Daly Field, the Hayward Tract and Archery Plaza.

1. Hayward Tract and Daly Field should be developed for multi-unit housing at a recommended density of 10 units per acre. At least 25% of the units should be suitable for senior citizens (1<sup>st</sup> floor units). Low and moderate income units should be provided in the development in accordance with COAH regulations. Fifty percent of the affordable housing should be reserved for seniors as permitted by COAH's latest proposed regulations.

2. Archery Plaza should remain open space.

Their consensus is in accordance with League stands on senior citizen and affordable housing.

Deputy Mayor Etler asked why the Council should change their ideas on keeping Daly Field green. Ms. Winshell it is their feeling that they are in favor of development.

Maureen Moriarity, 14 Burham Place stated she has been a member of League of Women Voters for the past 2 years. She did not understand why they are coming out with this position now when the Council

has made a decision to preserve Daly Field as open space. It is their position written by Dr. Winshell in a letter that went out to the community that people who own private property should be able to sell it or do whatever they want with it.  
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She applauded the Council for taking into account everyone in Fair Lawn and giving them a democratic place to voice their concerns, which did not happen at the Radburn Association.

Donal Meyers, 8-22 Mayfair Terrace questioned the transfer resolution and in particular the \$110,000 being transferred from the insurance line item. His understanding was that item was outside of the budget cap and could not be transferred. Borough Attorney Lustgarten stated the CFO drafted the resolution and was not present tonight but they would get the answer for him.

#### **ADJOURNMENT TO WORK SESSION**

There being no additional 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 Deputy Mayor Etler and second by Councilmember Caan, the meeting was recessed to the Work Session at 8:25 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC

The undersigned have read and approve the foregoing minutes.

Mayor David L. Ganz

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Councilmember Allan Caan

Deputy Mayor Martin Etlar

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Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein