

REGULAR MEETING OF OCTOBER 25, 2005

Mayor Ganz called the meeting to order at 7:30 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 Etlar and Weinstein and Councilmembers Caan and McCarthy.

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

MANAGER'S REPORT

Manager/Municipal Clerk Kwasniewski announced on Friday, October 28th the Halloween Youth Dance will be held at Memorial School and on October 29th the annual Children's Halloween Parade will be held.

Mayor Ganz asked about the progress on the Senior Center. Manager/Municipal Clerk Kwasniewski explained the contractor has come back and Engineering has advised her the Building Inspector and the Fire Sub code Official are making the requested inspection. They are hoping they will receive their temporary C.O. in which case they would be able to open the kitchen again.

PROCLAMATION: National Veteran's Awareness Week

Assistant Municipal Clerk Bojanowski read the proclamation.

POLICE PROMOTIONS

Manager/Municipal Clerk Kwasniewski was pleased to announce the promotion of Brian LaRosa to Sergeant. He has been an employee of the Fair Lawn Police Department since 1994 and has had an outstanding career. He is a fine young man and a credit to the Department.

Mayor Ganz swore Brian LaRosa in as Police Sergeant.

Police Chief Rose congratulated Brian on behalf of the Fair Lawn Police Department. He added earlier today they promoted Sergeant John Anazone to Detective and congratulated him and was sorry he was not able to be present tonight.

Police Chief Rose stated tonight they were celebrating the 75th Anniversary of the Fair Lawn Police Department. He added Captain Joseph Cook has done a tremendous job setting up some displays downstairs as well as refreshments. He invited everyone to attend.

Manager/Municipal Clerk Kwasniewski stated it is always wonderful to promote officers and it is great for moral and does everyone good to see someone succeed. She knew Brian would do a good job in his new position.

Officer Boone stated it is always exciting when an officer is promoted. He is a good friend and congratulated him on behalf of himself and the Fair Lawn PBA.

POLICE DEPARTMENT'S 75TH ANNIVERSARY CELEBRATION PROCLAMATION

Assistant Municipal Clerk Bojanowski read the proclamation.

MOTION TO RECESS TO ATTEND THE POLICE ANNIVERSARY CELEBRATION

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, it was unanimously agreed to recess the meeting at 7:45 p.m.

Upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, it was unanimously agreed to reconvene the meeting at 8:45 p.m.

COUNCIL COMMENTS

Deputy Mayor Weinstein attended the Senior Olympics which was actually a party at the Senior Center. He added next year they will be able to have the party and the Olympics both at the new Recreation Center on 20th Street and Kipp Street. He also attended the Open Space Forum and felt it was a great learning experience. He hoped that it would open up awareness to the Open Space tax that would be put on the referendum which he stands behind. He added between that, the Open Space Committee and the greater awareness in the Borough he believed Fair Lawn was going in the right direction.

Councilmember Caan encouraged everyone to come out on Election Day and vote yes for the Open Space tax. Since they were celebrating the Police Department's 75th Anniversary he read a brief overview of some things he had found out about the Police Department and members over the years. He thanked Captain Cook for helping him obtain the information and advised people to go to the website for more information on the Fair Lawn Police Department.

Councilmember McCarthy congratulated Sergeant Brian LaRosa on his promotion as well as all members both past and present for the services they provide. He added many members are also active volunteers in town and they donate countless hours through various programs.

Mayor Ganz stated tonight they celebrated the 75th Anniversary of the Police Department. It has an amazing history and the exhibit that was undertaken by Captain Cook took more than three years for him to complete. This started under the watch of Chief Marshall and was completed under the watch of Chief Rose. He added they were all very proud of the work that Captain Cook did and each officer of the Police Department.

Mayor Ganz stated they have two events coming up that are of interest to all Borough residents first being the election on November 8th where they will have the opportunity to vote for the Open Space tax. He added on behalf of the Mayor and Council they wished to urge everyone to vote wisely and choose yes for Open Space.

Mayor Ganz stated November 11th marks Veteran's Day which is the time to honor the people in the service who have given their lives for their country and those who served for the cause of freedom. During the eight years he has been on the Council he has found that it is important to take time to honor American's Veterans. He hopes everyone would join him and the Council on the steps of Borough Hall as they honor those who serve.

ORDINANCE: SECOND READING

Upon motion by Deputy Mayor Etler 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. 2027-2005

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, "LAND DEVELOPMENT", AND SPECIFICALLY SECTION 125-10 ENTITLED, "OFFICIAL ZONING MAP"

Borough Attorney Lustgarten explained this is the reaffirmation ordinance relating to the Hayward Tract to change it from I-1, B-1 to a R-1-1 zone.

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.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, Resolution No. 304-2005 adopting Ordinance No. 2027-2005 was unanimously passed.

Mayor Ganz explained with this ordinance they bring to a close the Heyward Tract, Daly Field and Archery Plaza and ratify and make clear that it is the Council's view that they should never be used for townhouse development.

Upon motion by Councilmember Caan 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. 2033-2005

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 125 ENTITLED "LAND DEVELOPMENT", ARTICLE IV, "SUPPLEMENTARY ZONING REGULATIONS", SUBSECTION 125-41.G.(5)

Borough Attorney Lustgarten explained this is an amendment to the general sign ordinance which would permit signs to be attached to street light poles on Broadway subject to approval by the Broadway Improvement Corporation.

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

Upon motion by Councilmember McCarthy and a second by Deputy Mayor Etler, Resolution No. 305-2005 adopting Ordinance No. 2033-2005 was unanimously passed.

Upon motion by Deputy Mayor Weinstein 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. 2036-2005

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT", MORE SPECIFICALLY SECTION 125-10 ENTITLED "OFFICIAL ZONING MAP"

Borough Attorney Lustgarten explained this ordinance amends the Land Use Section of the Zoning Code on the small property on Harristown Road which used to be known as the Mallenchuck Auto Repair from a B-2 zone to a R-3-1 zone.

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

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etler, Resolution No. 306-2005 adopting Ordinance No. 2036-2005 was unanimously passed.

RESOLUTIONS BY CONSENT # 31-2005

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Consent Agenda 31-2005 containing the following items was unanimously adopted.

Page Five

Regular Meeting

October 25, 2005

a. Resol. #307-2005 - Approval of Minutes:

to residential that it was prior to them changing it for this developer. The chairwomen of the Zoning Board gave the developer very strict instructions on how to develop and rip down the Naugle House. In order to prevent this it is important that all the Council that are so in favor of preserving parkland and green acres to preserve this bit of Fair Lawn's history. Mayor Ganz spoke with Borough Attorney Lustgarten today and he is in the process of drafting an ordinance to rezone it R-1-1.

Mrs. Rubinstein asked if they could recreate the Historical Preservation Commission and give it non profit status which would allow them to raise the funds to purchase the property. Mayor Ganz felt that was an interesting idea. He added they would explore that in the next work session.

Suzanne DiGeranimo, 16 Beekman Place was happy they are considering rezoning that property back to single family residential. They would like to be informed if anyone files for a demolition permit for the house. She asked the Borough to take the full amount of time that is permitted by law so any group who is interested in saving it would have the time to save it. Mayor Ganz asked Borough Attorney Lustgarten for the statutory time frame for the issuance of such a permit. Borough Attorney Lustgarten was not aware of it but he did have a discussion with Manager/Municipal Clerk Kwasniewski today about demolition permits. Mayor Ganz asked Borough Attorney Lustgarten to find out the information and advise the Council.

Mrs. DiGeranimo understood there was a previous resolution that the Freeholders were asked to have the County Trust Fund to purchase this particular piece of property. She asked if that resolution could be used out into the open again and re analyzed. Mayor Ganz asked Mrs. DiGeranimo to drop him a note and he will circulate it in the County of Bergen among the appropriate Green Acres authorities.

Ed Trawinski, 3-33 Lyncrest Avenue stated he was here to lend support to the Open Space tax and encourage the people of Fair Lawn to support it as well. Both political parties are in favor of this and believed it was a very important issue. He asked the Council if this referendum passed would each of them implement it. Mayor Ganz felt he may have misunderstood what the Council said. He explained he councilmember stated if this was passed by even one vote they would implement it.

Councilmember Caan explained it was more of a legal question on the wording not whether or not they would be supporting it. They have said all along they would support the tax. Mr. Trawinski was glad they were all supporting this effort.

Mr. Trawinski congratulated Fair Lawn Police Department on their 75th Anniversary and Sergeant Brian LaRosa and Detective John Anazone on their promotions. They are to be commended. He also believe it was important that the people of Fair Lawn know that in February of this year the Police Department asked for six additional officer and received two. He believed the Council needed to focus on each and every year going forward. He felt based on the presentation made by the Chief on Police strength that they are short

staffed on the Police Department and even hiring six would leave them behind the curve.

He encourage the Council to hire in anticipation of retirements because it saves overtime and creates the additional manpower because of the shortfall from the time of hiring an officer to the time the officer completes the academy and the field training.

Mr. Trawinski believed in respect to the Naugle House the people of Fair Lawn need to understand this is the third time that under Mayor Ganz 's control the Council has proposed an over development situation for Fair Lawn. This is the third time the people have spoken and demonstrated a lesson in civics that resulted in his changing his mind. The first time was on Treeco, which started behind closed doors, and the people spoke up and said no and it went away. The second was on Daly, Archery and Plaza and the people have spoken and the Council has seen the light and put it on this ballot. The third time was the unfortunate rezoning of the Naugle House. While he applauded their efforts he believed there were far more creative thoughts particularly from a sitting Freeholder that would have been helpful. The Naugle House should be annexed to the County Parks system and he hoped Mayor Ganz would talk to the Freeholders and explore that as a possibility.

Donal Meyers, 8-22 Mayfair Terrace spoke about the cancer of corruption. He believed at the end of the last Council meeting the public was treated to unanswerable monologue from both Mayor and Council and Borough Attorney Lustgarten regarding the Recreation Center. He expressed his feelings on the things he believed were done improperly. Borough Attorney Lustgarten explained his views on the matter. Mr. Meyers stated the Attorney General's Office would decide what was done wrong.

Harvey Rubinstein, 28 Rutgers Terrace stated the people have the right to express their views. Last Thursday that right was denied when the League of Women Voters held a debate and denied people access to it. He stated they should never be allowed to close the Council Chambers to the public.

ADJOURNMENT

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

Mayor David L. Ganz

Councilmember Allan Caan

Deputy Mayor Martin Etlar

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein