

**REGULAR MEETING OF SEPTEMBER 27, 2005
RADBURN SCHOOL**

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 Etlar and Weinstein and Councilmembers Caan and McCarthy.

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

MANAGER'S REPORT

No changes

COUNCIL COMMENTS

Deputy Mayor Weinstein expressed his condolences to the Alaimo Family. He stated John Alamo was a major factor in Fair Lawn history contributing in many groups including All Sports.

Deputy Mayor Weinstein stated on Sunday he attended the Knight of Pythias Bike-a-thon. He also attended the Dinner for Diamond Club and High School sporting events. He stated it was nice to see and hear about some history from the coaches. He added Councilmember McCarthy has been such an impact in the football team and football history.

Councilmember Caan stated he enjoyed the Diamond Club dinner and it was great to see the coaches. They make Fair Lawn proud.

He also expressed his condolences for John Alaimo who was a great member of this community. He was the president of the Rotary Club and was responsible for countless fund raisers for the Rotary. He was a member of the Chamber of Commerce and always took part in everything including helping the kids of the town. He was a great guy and will be truly missed.

Councilmember McCarthy stated next Friday is the golf outing for Fire Company #3. The information is posted on their website.

Councilmember McCarthy stated they have received emails about the cones and the traffic safety throughout the Borough. He stated they will be discussing this at the October work session and if anyone has questions they should contact him or any member of the Council or the Borough Manager.

Mayor Ganz expressed his condolences the family of John Alaimo. He added John was a vital part of this community and he will be missed.

Mayor Ganz stated the traffic cones will be removed on November 1st, they have seen some of the flaws and faults in them.

Mayor Ganz updated the residents on the Hayward Tract, Daly Field and Archery plaza on the complaint filed by Landmark in which the Mayor and Council have been sued over Open Space. The Mayor and Council have stated they are in favor of preservation of Open Space. Landmark has made a number of statements that they will leave to the lawyers to respond to. They have asked Borough Attorney Lustgarten and the Planning Board to maintain Daly Field as green.

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. 2028-2005

AN ORDINANCE FOR THE BOROUGH OF FAIR LAWN TO OBTAIN A LICENSE AGREEMENT FROM THE FAIR LAWN BOARD OF EDUCATION FOR LANDS KNOWN AS PART OF LOTS 16 THROUGH 21 IN BLOCK 4503, CONSISTING OF APPROXIMATELY 5,290 SQUARE FEET

Mayor Ganz stated this ordinance allows the Borough to lease land from the Board of Education adjacent to the Community Center for \$5,000 for parking. The discus will be relocated.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 263-2005 introducing Ordinance No. 2028-2005 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. 2029-2005

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED, "ADMINISTRATIVE CODE", MORE SPECIFICALLY ARTICLE XIII A, DEPARTMENT OF EMERGENCY SERVICES, MORE SPECIFICALLY SECTION 2-81.3C, ENTITLED "DIVISION OF AUXILIARY POLICE"

Mayor Ganz explained this ordinance will provide Auxiliary Police Officers with their annual clothing allowance after serving for years.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, Resolution No. 264-2005 introducing Ordinance No. 2029-2005 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. 2030-2005

BOND ORDINANCE AUTHORIZING THE CONSTRUCTION AND COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT IN AND FOR THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY; APPROPRIATING THE SUM OF \$804,300 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$766,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Borough Attorney Lustgarten explained the bond ordinance and the various items that were included.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 265-2005 introducing Ordinance No. 2030-2005 was unanimously passed.

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. 2031-2005

BOND ORDINANCE AUTHORIZING THE CONSTRUCTION AND COMPLETION OF VARIOUS WATER UTILITY CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF WATER UTILITY CAPITAL EQUIPMENT IN AND FOR THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY; APPROPRIATING THE SUM OF \$814,800 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$776,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Borough Attorney Lustgarten explained the items that were included in this bond ordinance.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 266-2005 introducing Ordinance No. 2031-2005 was unanimously passed.

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

Ordinance No. 2032-2005

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 XI, "PEDESTRIAN CROSSING RIGHT-OF-WAY SIGNS", SUBSECTION 232-68

Mayor Ganz explained this ordinance allows for the placement of a pedestrian crossing sign on Berdan Avenue and Burbank Street. Borough Attorney Lustgarten explained this is a safety issue.

There being no further discussion, upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 267-2005 introducing Ordinance No. 2032-2005 was unanimously passed.

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

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)

Mayor Ganz explained this ordinance will treat the Broadway Improvement District in a similar manner as the River Road Improvement District. Signs and banners will be utilized on Broadway the same as they are on River Road.

Deputy Mayor Weinstein stated the Broadway SID brought this to the Mayor and Council and Manager/Municipal Clerk Kwasniewski and it shows a theme for Broadway.

There being no further discussion, upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 268-2005 introducing Ordinance No. 2033-2005 was unanimously passed.

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

Ordinance No. 2034-2005

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

Borough Attorney Lustgarten explained this ordinance changes the fees for the work zone safety projects.

There being no further discussion, upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 269-2005 introducing Ordinance No. 2034-2005 was unanimously passed.

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

Ordinance No. 2035-2005

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC", MORE SPECIFICALLY ARTICLE X, ENTITLED "MUNICIPAL PARKING AREAS", SECTION 232-66, MUNICIPAL PARKING AREAS FOR OVERNIGHT PARKING."

Mayor Ganz explained this ordinance will remove any reference to the Fair Lawn Arts Center building since the Borough no longer owns it.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 270-2005 introducing Ordinance No. 2035-2005 was unanimously passed.

RESOLUTIONS BY CONSENT # 28-2005

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Consent Agenda 28-2005 containing the following items was unanimously adopted.

- a. Resol. #271-2005 - Approval of Minutes:
 - Closed Session 7/19/05
 - Special Meeting 7/19/05
 - Regular Meeting 7/19/05
 - Special Meeting 7/26/05
- b. Resol. #272-2005 - Approval of Raffles & Bingos:
 - Fair Lawn Lions Club, Off-premise 50/50
 - St. Leon's Armenian Church, Casino Night
 - Temple Beth Sholom, Off-premise merchandise
- c. Resol. #273-2005 - Refund of Tax Overpayments
- d. Resol. #274-2005 - Authorizing Veteran Property Tax Exemption
- e. Resol. #275-2005 - Open Space Grant Application - Pavilion
- f. Resol. #276-2005 - Community Development Block Grant Application -
 - Berdan Grove Park Basketball Lighting
- g. Resol. #277-2005 - Community Development Block Grant Application -
 - Barrier Free Improvements
- h. Resol. #278-2005 - Community Development Block Grant Application -
 - Mini Bus Drivers Salaries
- i. Resol. #279-2005 - Endorsement of CDBG Grant Application:
 - River Road SID / EDC / Broadway SID
- j. Resol. #280-2005 - Endorsement of CDBG Grant Application:
 - Care Plus N.J., Inc.
- k. Resol. #281-2005 - Award of Bid: Recreation Lighting - T.J. Field
- l. Resol. #282-2005 - Award of Bid: Water and Sewer Pump Station
 - Maintenance - Secondary Vendor
- m. Resol. #283-2005 - Professional Service - COAH Attorney

Resolution No. 284-2005 - Endorsement of CDBG Application: Bridge Haven Housing

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 200-2005 was discussed.

Deputy Mayor Etler stated he would be voting against this resolution because he is against this type of housing. He did not believe it did anything positive for this town.

There being no further discussion, Resolution No. 284-2005 was unanimously passed with Deputy Mayor Etlar dissenting.

Resolution No. 285-2005 - Endorsement of CDBG Application: Sidewalks, Driveway, Parking Lot Improvements for Fire Co. No. 3

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 285-2005 was unanimously passed.

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.

Leon Wender, 7-22 Manor Avenue believed the orange cones in the road were a hazard to traffic and asked to have an ordinance against jay walking.

He added Election Day is November 8th and is coming fast and the kitchen in the Senior Center is still not done. He believed they need a more mature and flexible person in charge at the Senior Center.

Manager/Municipal Clerk Kwasniewski explained they had to go out to bid for that project. They were supposed to have it done by the end of May. They have been sent a letter and will be receiving another one stating they will start liquidating damages which is about \$5,000 a day and hopefully they will finish the project quickly. She added they are almost done. They have about one days worth of work left. They have sent them a letter putting them on notice. Mr. Wender stated they are on the right tract and they should hit those people in the pocketbook. He still did not understand why they could not have coffee made when the outlet is working. Manager/Municipal Clerk Kwasniewski stated she would look into it.

Rita Golding, 14 Rutgers Terrace believed at this meeting the second reading of the ordinance that would bring Daly Field and Hayward Property into compliance was to be adopted. Borough Attorney Lustgarten explained this has to go to the Planning Board. Ms. Golding asked when the next Planning Board meeting would be. Manager/Municipal Clerk Kwasniewski stated it would be held October 17th. Borough Attorney Lustgarten stated they will inform the Council after the meeting.

Donal Meyers, 8-22 Mayfair Terrace stated in 2003 Steve Schecter was the prosecutor for Fair Lawn. In December of 2003 he was up for reappointment for 2004. Mr. Schecter sent a \$1,000 donation to the Fair Lawn Independent Democrats. He was never appointed the Borough prosecutor for 2004 and his donation check was returned to him uncashed with a letter. He read a letter from Barry Winston to Mr. Schecter regarding the reason why the check was not cashed. He added when Bob Torricelli had problems with accepting gifts he stepped aside, Jim McGreevy stepped aside when he needed to. They both did the right

thing by stepping
aside for the good of
the Democratic
party. He asked
Mayor Ganz to do
the same thing and
resign from this
Council and step
aside as a candidate
for this Borough
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Regular
Meeting
September
27, 2005

Council. The Democrats of this town deserve an opportunity to vote for a democrat without having to vote for a symbol of corruption and pay for play. The people of this town deserve to not have their public officials led down the steps of Borough Hall in handcuffs. They need to take the For Sale off Borough Hall.

Louise Orlando, 12 Arlington Place wondered if there was any way for the Council to limit the public portion at this meeting to things that are relevant to Fair Lawn so she would not have to spend anymore hours listening to silly comments. She did not believe it was fair for people to come and berate the Council and to pick and choose who they think is doing what and so forth. She was offended that she has to have her time wasted in this way. She asked if they could limit the comments to two minutes and to topics that are on the agenda.

Borough Attorney Lustgarten explained there are towns that limit the total amount of time the public has to speak and there are some that limit each person. The right of the public speaking supercedes the right of the listener be offended about what is being said. Sometimes it is difficult to hear the accusations but the public has the right to speak and they have to sit and take it. He knows that Mayor Ganz has let people speak more than once but it is freedom of speech. He added that they would love to pass something to limit it but in his legal opinion it was not a good idea. Ms. Orlando was content to stay neutral. Borough Attorney Lustgarten stated the government cannot decide what they want to hear. They have to take the good with the bad.

Ms. Orlando asked if they could at least limit it to one subject. Borough Attorney Lustgarten explained in government it is hard to rationalize that and would not recommend it to the Council. He stated anyone can speak and believed the Mayor does try to control it the best he can but the Council is hear to listen.

Ms. Orlando wished the Council well and hoped the people in the meeting could keep their cool. She apologized for the nonsense that goes on in these meeting.

Barbara Gremillo, 1 Bristol Place believed this Council uphold democracy and congratulated and thanked them.

There being no additional comments from the public, upon motion by Councilmember Caan and second by Councilmember McCarthy, the time for public comments was unanimously closed.

ADJOURNMENT:

Upon motion by Deputy Mayor Weinstein and second by Councilmember Caan, the meeting was recessed to the Work Session at 8:21 p.m.

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Regular Meeting

September 27, 2005

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