

SPECIAL MEETING AGENDA OF MAY 11, 2004

Mayor Ganz called the meeting to order at 6:00 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Etler and Deputy Mayor Weinstein, Councilmembers Caan and McCarthy.

Also present: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

Solid Waste Issues

Manager/Municipal Clerk Kwasniewski stated that Joseph Frish, Allen Glaser, Esq and Anthony Cudetti of Fair Lawn Commons were present because they are concerned about their lack of garbage pick up. Mr. Frish thanked everyone for inviting them to the meeting. He stated in past history concerning the pick up of trash at Fair Lawn Commons has seems to have dropped as far as correspondence goes. He has been trying to pick up the pieces, getting in contact with different towns to see where things stand. Currently they are paying for the cost of trash pick up at Fair Lawn Commons and wanted to meet to find out what type of arrangement they could work out as far as the law that was passed concerning compensation for trash cost. He stated they got a copy of the lowest bids and they were included in the various options. He also understood there has been talk within the Council about offering Fair Lawn Commons only curbside pick up. That is impractical from a logistical and sanitary standpoint. They want to work something out whether it be dumpster pick up or through compensation.

Mayor Ganz asked what are their cost for private collection right now. Mr. Frish replied they are currently paying \$2,720.00 per month. Borough Attorney Lustgarten asked how may dumpsters they have. Mr. Frish replied there are two in each location so they have about twenty four dumpsters that get picked up three times a week. Attorney Lustgarten asked if that changed seasonally. Mr. Frish replied no, the way the complex is set up and the location of the dumpster pads are so close to the building it has to be picked up three times a week in order to keep up with health issues and odor. It is not changed even in the winter. Attorney Lustgarten asked if he knew what the cost would be for once a week collection. Mr. Frish stated the reality is it would probably not differ because it is based on tonnage. He stated if there is a dollar amount difference because of manpower he did not have with him at that time.

Borough Attorney Lustgarten asked what the name of the carter was. Mr. Cudetti replied it was Pinto Services of Lodi. Borough Attorney Lustgarten stated the Borough except for the summer months picks up once a week. He asked them if they were charged a separate fee for dumping or is it all included. Mr. Frish stated it is all included, everything involved in the garbage including bulk items. Mr. Cudetti stated he has other complexes that he manages in other towns so they were able to get a better rate. Borough Attorney Lustgarten asked what the total population was. Mr. Cudetti replied they have three hundred and forty units but the population varies because some are one bedroom units and some are three bedroom units with children. He did not know what the average tonnage was. Mayor Ganz asked if they could get that information from their carter and send it to the Manager to be distribute. Mr. Cudetti stated the price was better because the refuse was light because it is household garbage.

Deputy Mayor Etler asked what is it they want from the Council. Mr. Cudetti replied it is a matter of relief to offset the cost of their garbage. They are aware of the legislations and litigations that have gone on, their not interested in that. They love this town and try to keep a nice place. He stated he does not believe the town wants to go on the property nor does he want the town on the property to do the garbage pick up. He stated curbside is not going to work. Three hundred forty tenants worth of garbage is not going to look good along

Route 208. Mr. Glasser stated going forward they are looking for sixty to eighty percent of the lowest bidders numbers. Borough Attorney Lustgarten stated they really need to extrapolate the number from what would satisfy them as opposed to bidding because their entitled to equivalent service which is curbside pick up. He stated they would be going down from three pick ups a week to one or nine months out of twelve. Mr. Glasser stated the number would be \$7.50 x 340 units x 12, which would be \$30,600.00.

Mr. Frish stated is a statue that is a phased in reimbursement. The town is only obligated to pay the 60%. Mr. Frish stated the best number he could get is probably better than the number the town is getting. Mr. Frish stated if they came back with a lower number they would be willing to work with that. Mr. Glasser added they are willing to waive the first two years because they want to come to an agreement. Mr. Cedutti stated that curbside is not feasible. Borough Attorney Lustgarten asked them to try to come up with a number that would settle things for them. Mr. Frish stated he would get the information by Friday. Manager/Municipal Clerk stated if they could get it to her by Friday she could get it to the Council and they could look at it at the next meeting. Borough Attorney Lustgarten stated they should schedule them for the next work session. Mayor Ganz replied if the information was not there by 2:00 p.m. Friday it would be pushed back two weeks from Tuesday. Mr. Frish thanked them for their time and advised he would do his best to get the information to them by Friday afternoon.

Closed Session:

Upon motion by Deputy Mayor Weinstein and seconded by Deputy Mayor Etlar the following closed session resolution was unanimously adopted at 6:25 p.m.

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss prospective litigation; and

WHEREAS, these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS, public disclosure of the results of these discussions shall be made relating to prospective litigation within 180 days except for legal strategy or upon resolution if the matter is resolved; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Governing Body of the Borough of Fair Lawn.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

Mayor Ganz reconvened the Special Meeting to the Regular Meeting at 7:20 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

REGULAR MEETING OF MAY 11, 2004

WESTMORELAND SCHOOL

Mayor Ganz opened the meeting 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" issue of December 19, 2003. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The Annual Notice identified the meeting location and the time 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.

COUNCIL COMMENTS:

Deputy Mayor Etler gave his activity report for April 2004:

Lyncrest School where a gift of \$450.00 was given to save the Naugle House

EPA Meeting

CERT Radio Class at Mahwah

BCIA Meeting in Hackensack

Old Times Winner at St. Leons

Water Summit Meeting at Ramapo College

Candlelight Vigil for Mary Ann Collura

Motorcycle Ride for the Mary Ann Collura Scholarship

Planning Board Meeting

Senior Center Volunteer Dinner

Two Day Mayors Conference in Atlantic City

Passaic Valley Water Commission, Passaic River Cleanup - took a boat ride from Elmwood Park launch to Morlot Ave Bridge

Flag Burning Ceremony sponsored by the Fair Lawn Veterans Council at Parks Building at Memorial Park
Helped plant a tree at Westmoreland School and Memorial Park

Councilmember Caan stated he attended the funeral of a Dan Fagan a member of the Knights of Pythias and long time community service person. He stated many people may not have known him. He was very quiet but accomplished a great deal. He worked to help find a cure for Cystic Fibrosis, worked with the members of the war hospital trying improve the facilities for the children and was involved with the Hand of Friendship Circus. He will be missed.

Councilmember McCarthy offered his thanks to two members of the Police Department that are on the bicycle ride to Washington DC this Saturday. He stated this Saturday is Litter Clean up Day at the Recycling Center. If anyone had questions they could see Ron Lotterman or check the Fair Lawn website. He stated this Sunday is the Veterans Memorial Dedication at 2:00 p.m.

Mayor Ganz stated the Manager had advised there are three new Police Officers in the July Academy Class. He also invited all to come out to honor and celebrate to the Dedication for the Veterans Memorial on Sunday as well as Veterans Circle at the Memorial Day Parade. He stated there are two grants of

\$50,000.00 each which will be used for open space and other funding.

ORDINANCES FIRST READING:

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

ORDINANCE NO. 1977-2004

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

Mayor Ganz stated this puts Fair Lawn squarely in the forefront of not only Fair Lawn but Bergen County perhaps the whole nation. It establishes Municipal Emergency Management Coordinator as a full time paid position with a salary range between \$68,600.00 and \$81,500. This post is occupied by Tom Metzler who has been doing this on a part time basis. He stated after the events of September 11, 2004 Fair Lawn needs a full time Emergency Management Coordinator.

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 169-2004 introducing Ordinance No. 1977-2004 was unanimously passed.

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

ORDINANCE NO. 1978-2004

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, MORE SPECIFICALLY ARTICLE XIII, ENTITLED, ADEPARTMENT OF PUBLIC SAFETY@, AND CREATING ARTICLE XIII.A, ENTITLED, ADEPARTMENT OF EMERGENCY SERVICES@

Mayor Ganz stated this Ordinance defines what the Emergency Management Coordinator will be doing.

Deputy Mayor Weinstein thanked Councilmember Caan and Deputy Mayor Etler for bringing this proposal the them

Mayor Ganz added he would like to echo what Deputy Mayor Weinstein said. Both Councilmember Caan and Deputy Mayor Etler did outstanding work.

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 170-2004 introducing Ordinance No. 1978-2004 was unanimously passed.

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

ORDINANCE NO. 1979-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, MORE SPECIFICALLY CHAPTER 94 ENTITLED AFEES@ AND CHAPTER 111 ENTITLED AFOOD HANDLING@

Mayor Ganz stated this is a multifaceted Ordinance that includes a number of small fees. Previously there was nothing in the Ordinance that dealt with removing small animals from the premises.

There are some other items relating to food vendors as well. Borough Attorney Lustgarten added if the food is prepared outside of Fair Lawn the vendor has to provide certification that it was inspected.

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 171-2004 introducing Ordinance No. 1979-2004 was unanimously passed.

ORDINANCES SECOND READING:

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

ORDINANCE NO. 1975-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED AVEHICLES AND ATRAFFIC@, ARTICLE XII APERMIT PARKING IN MEMORIAL POOL PARKING LOT@

Mayor Ganz stated the Ordinance was drafted at the request of some local residents that live near Memorial Pool who do not have sufficient space for their vehicles on their property. A suggestion was made to the Borough Council by the Manager designate ten spaces to accommodate them. This has been done in other locations. Acting Chief Rose has assured them that the additional police inspection will make sure that it will not become a junkyard or a congregating point. He stated there will be no type of commuter type parking and opened it up to public comments.

Todd Newman 10-07 Essex Place stated he was opposed to any ordinance to allow overnight parking of vehicles in the parking lot areas of Memorial Park. It is his feeling that such action would be an attraction for mischief and criminal activity in the neighborhood. It is a well known fact that parking lots are among the most targeted areas for vehicle vandalism, theft and even car jacking. It is a well known fact that parking facilities without lighting or security personnel, such as the lot in question, are inherently dangerous after dark. It is a well known fact that the Borough of Fair Lawn, and many other municipalities that have overnight parking restrictions, have these restrictions in part, to reduce overnight crime.

On March 6th of this year, concerned and motivated citizens from the area on the north side of Memorial Park formed the Memorial North Neighborhood Watch. Tomorrow evening, concerned citizens from the 500 homes area on the south side of Memorial Park will have the first meeting of the Memorial South Neighborhood Watch. All of these citizens are dedicated to reducing crime in their neighborhood.

In closing, he felt overnight parking in Memorial Park will increase the overall crime rate in the neighborhood, making the area less safe and may even decrease the property values.

Mr. Newman also stated that he had 23 signatures of people opposing this ordinance and if they were more aggressive with it many more would be against it. Mayor Ganz asked Mr. Newman if he would feel different if he knew the Police Chief felt different. Mr. Newman replied he knows who belongs there and this will put unnecessary strain on the Police. Mayor Ganz stated Chief Rose feels different. The Police will be checking the cars and will be ticketing any cars that are not out by 8:00 a.m. There will only be ten spots. Mr. Newman stated there is already a problem with kids hanging out in the park and it will increase the possibility of break ins.

Pattie Williams 10-06 Essex Place stated the ten spots are right by her property line and she wondered what had made them decide on those ten spots. Manager/Municipal Clerk Kwasniewski stated they looked at the area and decided this would be an area of relief for the people who live in the area as well as an easy area

for the police to check. Ms Williams wondered how she supposed to know at 12:00 a.m. or 1:00 a.m. that those are the designated people parking there without checking or call the police. Mayor Ganz asked what if the spots were moved to the bath area would she have any objection then. Ms. Williams replied it would depend on the Police and when the area was patrolled.

Bob Williams 10-06 Essex Place stated he understands people may need a place to park but did it have to be the darkest part of the park. He wondered why can't they put them by the DPW area where there is some light. Borough Attorney Lustgarten suggested it be tabled until the Manager, Chief and Engineer could see if they could make amendments.

Todd Newman asked what guarantee is there that this will not go more than ten spots. Mayor Ganz stated there is no guarantee but it would have to go through the ordinance process. He stated it was unlikely that a large number of people would use it except for the people who do not have enough space to park all their cars.

Dan Whalen 7-17 Manor Ave asked where else in town this is being done. Mayor Ganz stated behind the Municipal building and the lot across the street from the Bank of New York. The Chief of Police would make this part of the routine patrol. Mr. Whalen stated that would take patrol away from other areas in town. Mayor Ganz stated Chief Rose said that would not be the case.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, it was unanimously decided to table Ordinance No. 1975-2004.

PUBLIC HEARING ON BUDGET/SID BUDGET

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, it was unanimously decided to postpone the hearing on the budgets.

RESOLUTIONS BY CONSENT #11-2004

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Consent Agenda 11-2004 containing the following items was unanimously adopted.

- a. Resol. #173-2004 - Authorizing Execution of Grant Agreement Municipal Stormwater Regulation Program
- b. Resol. #174-2004 - Award of Bid: Cleaning & Painting Cadmus Water Storage Tank #1
- c. Resol. #175-2004 - Authorizing Tax Appeal Settlement - S.K. Energy
- d. Resol. #176-2004 - Refund of Maintenance Guarantee - Fair Lawn Commons
- e. Resol. #177-2004 - Use of Walsh Pool by Rising Stars Dance Academy

MISCELLANEOUS PUBLIC COMMENTS

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

Dan Whalen, 7-17 Manor Avenue stated he was here to discuss the Daily Field situation. He was not permitted to attend the Radburn meeting which is open to Radburn residents only. He was told the Radburn Community is divided on the loss of Daily Field to housing units. This could effect all of Fair Lawn. This Council rezoned this parcel at the request of the Radburn Association in February 2003.

Preservation was never explored as an option by this Council and he does not understand why not. The situation at present is the sale of Daily Field will produce 160 units built on this property. He stated he believes this will be good for the developer but bad for Fair Lawn. Time still exists for the Council to explore options to keep Daily Field and not sell it to developers at the expense of quality of life for all of Fair Lawn.

He stated this will only added to traffic, congestion, more burdens to the school systems and there is nothing positive he see coming from this. He urges this town to look to their neighbor Ridgewood and their recent success in preserving open space in their town.

Mayor Ganz stated he read the same press reports, assuming it went through exactly as they intend it to, 160 units cannot be put on the sight without variances. He stated at the present time that area is zoned residential R-1-1. He believes the number is ten for every 2.2 acres. He is confident the Planning Board, Zoning Board and the Council will do the right thing. He stated also the open space exercise will be costly and well beyond what the town is budgeted for, unless funds were made available from the State or the County.

Deputy Mayor Etler stated Landmark Corporation came before the Council and only gave a concept view. He stated nothing is on the table or approved. It is only a concept and has to go before the Planning Board and Zoning Board.

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 McCarthy, the meeting was unanimously adjourned at 8:15 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk