

## REGULAR MEETING OF JULY 20, 2004

Mayor Ganz called the meeting to order at 7:40 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 Etlar and Weinstein and Councilmembers Caan and McCarthy.

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

### COUNCIL COMMENTS:

Deputy Mayor Etlar stated he had attended the C.E.R.T. meeting, attended the ribbon cutting ceremony at Community Bank on Maple Avenue, helped the Rotary with Pedals for Progress, accompanied Heavy Rescue to review their new truck, attended the re-opening of the Columbia Bank in the Plaza Building, attended Quiznos opening in the Plaza Building, attended the History Committee meeting, attended the Lyncrest School for dedication of their civility and respect activities and attended meeting with Triangles which is a non profit organization.

Deputy Mayor Weinstein stated he attended the July 4th celebration at the All Sports Baseball Camp and also the smart growth meeting with the County.

Councilmember Caan stated he had no report to make at this time.

Councilmember McCarthy thanked the volunteers that were present that night.

Mayor Ganz stated that the fireworks display were great and everyone had a spectacular time. He has had a busy month performing wedding ceremonies. He also attended the re-opening of Columbia Bank in the Plaza Building. They anticipate to move back to their original location in October. He joined Deputy Mayor Weinstein at the opening of All Sports. He said he threw the first ball at an international baseball game. He reported that the Borough will receive a \$140,000 Homeland Security grant and \$350,000 in Extraordinary Aid which will go towards reducing the tax bill.

### MANAGER'S REPORT:

Manager/Municipal Clerk Kwasniewski reported that the fireworks were wonderful. She thanked the Recreation Department, Parks Department, the DPW and the Police Department for all of their help. Everyone worked together. She reminded everyone that National Night Out will occur on Tuesday, August 3, 2004 beginning at 7:00 p.m.

### PROCLAMATIONS: FIREWORKS SPONSORS

Assistant Municipal Clerk Bojanowski read the proclamation. Manager/Municipal Clerk Kwasniewski stated the Mayor and Council are eternally grateful to the sponsors of the fireworks. The fireworks cost thousands

of dollars to put on such a display with all of the different techniques. She was delighted to give recognition to the sponsors for their support. Mayor Ganz stated that Columbia Bank has always been there for the Borough. They have proved themselves in many ways.

## MAYOR TEDESCO

Assistant Municipal Clerk Bojanowski read the Certificate of Appreciation in recognition of Mayor James Tedesco of Paramus. Mayor Ganz stated that all of the elected officials have real lives and do other things. Mayor Tedesco who works for PSE&G, helped the Borough of Fair Lawn in getting the field lighting installed in an expedited way which shaved many months off of the installation time. Mayor Ganz stated Mayor Tedesco was not available tonight but he will personally present it to him at a later time.

## PARKS AND RECREATION MONTH

Assistant Municipal Clerk Bojanowski read the proclamation proclaiming July as ARecreation and Parks Month@. Mayor Ganz thanked George Frey for coordinating the great fireworks display and for the goose management program.

George Frey, Superintendent of Parks and Recreation, thanked the Mayor and Council on behalf of the Recreation Association. He commented that recreational sports play a major role in everyone=s lives. He said it could not be done without the businesses, schools or the staff=s support. The Fair Lawn Recreation Department makes everyday recreation day!

## FAIR LAWN RESCUE SQUAD

Assistant Municipal Clerk Bojanowski read the proclamation recognizing the Fair Lawn Rescue Squad=s achievement in receiving the Dana Hannon Strongest Overall Award at the Northwest Bergen Field Day Competition. Mayor Ganz stated they appreciate what these volunteers do for the town and he was proud to see them get recognition from their peers. He presented proclamations to Lieutenant Chris Hoitsma, Adam Fingeroth, Michael Van Ness, Manan Naik, Dave Kuperberg, Joel Hernandex and Mike Sopac.

## ORDINANCES: FIRST READING

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. 1983-2004

#### AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40A:4-53 FOR PREPARATION OF AN APPROVED TAX MAP

Attorney Lustgarten explained that this ordinance will allow the Borough to upgrade the tax maps as they are required to do and to spread the payments out over five years.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 221-2004 introducing Ordinance No. 1983-2004 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. 1984-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED ALAND DEVELOPMENT@, MORE SPECIFICALLY ARTICLE V.A, ENTITLED ACOOPERATIVE PARKING PLAN@, SECTION 125-25, SECTION 125-56.3.A., SECTION 125-56.6.B.(1), SECTION 125-56.8.A, AND SECTION 125-56.12.

Mayor Ganz stated this ordinance amends the cooperative parking chapter which will make other parts of Fair Lawn more user friendly which will help with business development in other parts of towns. Attorney Lustgarten explained this will amend the ordinance that cooperative parking will be allowed in other zones in town. Deputy Mayor Weinstein stated this concept will help attract people to other business areas.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 222-2004 introducing Ordinance No. 1984-2004 was unanimously passed.

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

## ORDINANCE NO. 1985-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 TO REVISE FEES

Attorney Lustgarten stated this ordinance will do two things. It will amend the fee for marriage, death and domestic partnership certificates and also amends the section for Police reports.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 223-2004 introducing Ordinance No. 1985-2004 was unanimously passed.

## RESOLUTIONS BY CONSENT #17-2004

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Consent Agenda 17-2004 containing the following items was unanimously adopted.

### a. Resol. #224-2004 - Approval of Minutes

Work Session 12/17/03

Reorganization Meeting 1/6/04

Work Session 1/6/04

Special Meeting 1/6/04

Closed Session 1/6/04

Reorganization Meeting 1/6/04

Work Session 1/13/04

Regular Meeting 1/13/04

Work Session 1/20/04

Closed Session 1/20/04

Special Meeting 1/20/04

Regular Meeting 1/27/04

Work Session 1/27/04

Budget Meeting 2/3/04

Closed Session 2/3/04

Work Session 2/3/04

Closed Session 2/3/04

Budget Meeting 2/7/04

Closed Session 2/7/04

Closed Session 2/7/04

b. Resol. #225-2004 - Approval of Raffles & Bingos:

Fair Lawn Friends of Music Assoc., Off-premise 50/50

Fair Lawn Touchdown Club, Off-premise 50/50

c. Resol. #226-2004 - Refund of Overpayment of Taxes

d. Resol. #227-2004 - Renewal of Liquor License 2004-2005

e. Resol. #228-2004 - Authorization to sell Borough Owned Property

(Well Drive)

f. Resol. #229-2004 - Approval of Knights of Pythias Circus

## MISCELLANEOUS PUBLIC COMMENTS

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

Leon Wender, 7-22 Manor Avenue, stated that on July 4th at the pool he saw food and drinks on the beach and there was no security people around. He commented that the fireworks should not have been held on July 1st since it was not July 4th. The Borough should celebrate our country=s birthday on July 4th. Mr. Wender commented that the sidewalk on River Road and Harrison Avenue has not been repaired. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski for a report. She stated she had written to the property owner but will follow up on it again. Attorney Lustgarten advised him to communicate with the Manager about this.

Mr. Wender spoke about the Plaza Building and how he sees no work being done on it. Mayor Ganz stated the Council have no control over the construction. He has been told that the contractor has given an October completion date.

Mr. Wender wondered when the Council will meet with the Seniors. Councilmember Caan informed him that he was the liaison and will meet with them in the fall.

Mr. Wender stated his dismay at the way the Recycling people leave debris in the cans. He felt they should hire more robust people. Mayor Ganz stated the comment will be passed to the DPW.

Arlene Rubinstein, 28 Rutgers Terrace, stated she was wondering about the plans for Topps Cleaners and if plans were submitted. Mayor Ganz stated there was nothing before the Planning or Zoning Boards. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to check with both boards to see if they have submitted a plan. Deputy Mayor Etler stated he is on the Planning Board and no plan has been submitted.

Michael Roney, 14 Burnham Place, asked if there would be eminent domain to take the Topps building over. Mayor Ganz stated the property is privately owned. Deputy Mayor Etler stated it is in the B1 zone and if they want to knock it down they can. Mr. Roney stated he has not heard of any plans and he is a member of the Radburn Association. He also said that so far he has collected over 1,000 names on a petition to save Daly Field. He asked that they think of the people of Fair Lawn when they vote on it. Mayor Ganz invited him to attend the Work Session following this meeting so that he can see the proposal from Mayor Ganz to put an Open Space initiative on the November ballot.

Suzanne Fishbein, 12 Bancroft Place, said she heard that the Ambulance Building will be sold. Mayor Ganz informed her that they were not aware of any such plan.

Harvey Rubinstein, 28 Rutgers Terrace complimented the pool. As a regular swimmer he has noticed that the pool water and grass areas have been very clean. Mayor Ganz stated he would tell Superintendent Frey. He felt the investment the Council made to rid the geese was a wise one.

Maureen Moriarty, 14 Burnham Place, said she was happy to hear about the Open Space question on the Work Session Agenda. She urged them to vote in favor of it.

Phyliss Boris, 0-86 Morlot Avenue, stated she had received her estimated tax bill and she was shocked. She was hoping that something could be done to lower the taxes. Mayor Ganz informed her that the Borough will be receiving state aid. The municipal component is less than \$1 a day. He explained how the rest of the taxes are divided among the school and County.

Eileen Danzinger, 5-28 Essex Place, wondered why the taxes were going up. She agreed that Fair Lawn was a nice place to live but only is you can afford to. She wondered what extraordinary aid is. Mayor Ganz explained how it will be applied to the taxes. Ms. Danziner felt that instead of getting a tax break they should hire additional police officers.

There being no additional comments from the public, upon motion by Deputy Mayor Etler and second by Deputy Mayor Weinstein, the time for public comments was unanimously closed.

#### ADJOURNMENT:

Upon motion by Councilmember McCarthy and second by Councilmember Caan, the meeting was recessed to the Work Session at 8:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

#### WORK SESSION JULY 20, 2004

Mayor Ganz reconvened the meeting at 8:36 p.m.

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.

#### Cell Tower:

Ambulance Corps - Contract Status and Addition of 4th Carrier - Mayor Ganz explained the concept of allowing the cell tower on the Ambulance Property for Councilmember McCarthy's benefit. The Council in the past had an agreement with the Ambulance Corp to have a cell tower on their site and to collect \$2,500 in rent. The Ambulance Corp would then turn it over to the Borough for payment of their ambulance. The issue now is for an additional cell tower on the site. Deputy Mayor Etler explained that this had come before the Planning Board last night. The company has made it clear that they will maintain the area and that it will be safe. Mayor Ganz asked that they find out who owns the property, the Borough or the Ambulance Corps.

since knowing that would bring this matter to a conclusion of who has the liability.

There was a unanimous consensus to authorize Attorney Lustgarten to proceed with the negotiations.

Attorney Lustgarten advised that if the current contract, which has been bounced around, has not been signed, the Council would not want a 4th carrier on that site.

AT&T Request for Tower on Water Tank - Mayor Ganz stated that AT& T has asked to put a repeater on the water tank. It would be placed around the tank like a garter. He felt the coverage is sketchy. He advised Manager/Municipal Clerk Kwasniewski to proceed further with AT&T to see what they want. They would need to go before the Zoning Board. Attorney Lustgarten advised that this matter goes back to 1996 when the water tower was one of the sights to install a tower. This was met with tremendous opposition from the residents in the area. He explained what the Mayor was talking about would not raise the height of the tower. In 1996, 1997 and 1998 they set the market price for sub co-locators. He thought this may be the new market place for revenue. He suggested Manager/Municipal Clerk Kwasniewski find out the following: 1) what kind of equipment they want to install, 2) will it safely fit around the tower and 3) that it would have to be bid out. They can have a primary bidder with sub locators. He advised that previously they had limited the number of co-locators. They may want to revisit that issue. Mayor Ganz felt that one of the considerations should be they paint the tank which could save the Borough \$300,000. Deputy Mayor Weinstein felt they should continue to maintain it also. Mayor Ganz stated the law has changed. If there is a gap in service they have a right to put towers up. Attorney Lustgarten advised that they cannot ban cell towers but they can reasonably regulate them. They also cannot deny them from applying for a permit. The Federal Courts affirm this policy since there are more cell phones than land lines.

There was a unanimous consensus to have Manager/Municipal Clerk Kwasniewski contact AT&T to get a proposal.

Manager/Municipal Clerk Kwasniewski stated that AT&T wants a temporary structure at the DPW site. Attorney Lustgarten advised that once it is a temporary site it is difficult to get out of it.

There was a unanimous consensus to allow AT&T to install a temporary structure at the DPW site.

Open Space Ballot Initiative:

Mayor Ganz stated that open space is at a premium in Fair Lawn and in Bergen County. The funds are limited. The State allows the governing body to see the guidance of the people. Some communities have put different amounts before the voters. This would allow a trust fund for future acquisitions. This would be a self collecting tax. The Council would have to vote on putting this Initiative on the November ballot. Deputy Mayor Etlar inquired about the cost. Mayor Ganz advised it would only cost the taxpayer approximately \$20 per year. The money would only be used for open space. It would also allow us to be in partnership with the State and Federal governments.

Councilmember Caan felt it was a good idea and that it will help in the long term. This should be something that the citizens of Fair Lawn should want.

Deputy Mayor Weinstein stated more importantly it opened the Borough up to more grant money.

Attorney Lustgarten advised it is a non-binding referendum. Mayor Ganz stated it is a Presidential election this year so many voters will be coming out to vote. Manager/Municipal Clerk Kwasniewski stated they would have to determine how long they would collect these taxes.

Councilmember McCarthy felt open space is at a premium and this would be a benefit that the people will have to decide.

There was a unanimous consensus to put the Open Space question on the ballot in November.

Attorney Lustgarten recommended that it be put on the Borough website and channel 77.

Mayor Ganz felt the amount should be \$0.01 in perpetuity.

There was a unanimous consensus agreeing to tax \$0.01 in perpetuity.

Chandler Drive:

Deputy Mayor Weinstein reported that there is some disagreement from the tenants of the strip mall regarding closing the middle exit of their parking lot. He suggested the County Engineer meet with the tenants. He explained that the tenants have concerns that should be addressed and he felt they should be able to vent their frustrations. Deputy Mayor Etler felt it was a good idea to get the information out to the people. He has met with the County and felt he could explain it to the tenants. Councilmember Caan stated the sub-committee was created awhile ago to go between the County and the tenants. Mayor Ganz asked Councilmember Caan to contact County Engineer Gary Ascolese to set up a meeting with the tenants. Manager/Municipal Clerk Kwasniewski stated that Gene Murphy called and informed her the project was moving ahead. He sent it to the State for their approval. Attorney Lustgarten recommended sending a letter to the property owners.

Transco Pipeline:

Mayor Ganz stated he had received a letter from Transco which he felt should go to the Office of Emergency Management since he thought it was their issue.

Construction Department:

Manager/Municipal Clerk Kwasniewski reported that residents are continuing to experience delays in getting permits issued in a timely way. She explained that they have kicked around many ideas on how to solve this problem. Manager/Municipal Clerk Kwasniewski said she had spoken to the Glen Rock Manager asking to get an interlocal agreement with them. Glen Rock only has two part time inspectors but he did speak to them to see if they would be interested. Mayor Ganz suggested authorizing Manager/Municipal Clerk Kwasniewski to reach out to other towns to see if we can enter into an interlocal agreement with them or for her to hire two additional code inspectors. Deputy Mayor Weinstein stated if the other towns need help they could help out.

Mayor Ganz stated the problem is that inspections take time to do. Attorney Lustgarten read the following from the June Manager's Report, Building Permits issued - 265 new permits, 31 updates; 80 Zoning Permits issued; 408 Property Maintenance Inspections, 173 re-inspections; 14 No. Permit Inspections, 6 summonses issued; 7 Zoning Inspections and 2 multi-dwelling inspections; 60 C.O./Reseal Applications issued, 23 certificates issued and 73 conditional certificates were issued consisting of 32 re-inspections, 41 C.O. Inspections); 8 Residential Zong Board Permits, 1 Held Over and 1 denied, and 1 Commercial. Attorney Lustgarten advised them to add the numbers. This department is doing a tremendous amount of work. Manager/Municipal Clerk Kwasniewski stated she will explore all of the options to make the two positions part-time even though finding part-time people are difficult. She stated the DCA has recommended that the Borough hire additional help for the department. Mayor Ganz stated he realized they have recommended this. He wondered if the Council hired one of the part time personnel how long would it before they would be full time. Manager/Municipal Clerk Kwasniewski stated they could be full time in two weeks costing the

Borough approximately \$40,000.

Councilmember Caan suggested she come up with a plan. Mayor Ganz stated he knows each permit requires several inspections. They cannot tolerate the delay in issuing the permits to the residents. He wanted to take an initiative to fix the problem. Councilmember McCarthy stated it even though this is a busy season the Council should not bury their head to the problem. It has to be dealt with. He felt if the Manager said it would cost \$40,000 which is money well spent. Attorney Lustgarten advised they should follow the Manager=s suggestion to solve the problem now. He suggested she offer to pay part time people premium wages. Mayor Ganz suggested hiring seasonal workers and attract them with higher pay. Manager/Municipal Clerk Kwasniewski stated this may cause a morale problem. Attorney Lustgarten advised her to emphasize that it is for a short period of time. Mayor Ganz suggested they do inspections on the weekends.

There was a unanimous consensus to pay premium pay to additional part time personnel and for them to work one day on the weekend.

#### Miscellaneous Public Comments:

Eileen Bostley, 3-40 28th Street expressed her dismay that while riding on Broadway she saw racks of clothes on the sidewalk that were for sale. Mayor Ganz stated that street sales were not permitted and asked Manager/Municipal Clerk Kwasniewski to refer this to the Property Maintenance inspector. Ms. Bostley stated she had received a notice about her grass not being mowed. Mayor Ganz advised her to talk to the Manager about this. Ms. Bostley then asked when the reevaluation was scheduled for. Mayor Ganz informed her it would be in 2005.

Jim Frangione, 8-07 Mayfair Terrace questioned how quickly they could see a part time person come on board. Manager/Municipal Clerk Kwasniewski stated she has been looking for four months already.

Maureen Roney, 14 Burnham Place thought that if you collect an open space tax in your town that the town would be able to get a 50% grant from the County. Mayor Ganz stated they cannot just get the money from the County, it had to be approved by the Freeholders. It is not a quick process. Ms. Roney stated that Ridgewood has done this already and it does not look as difficult as it seems. She requested that the Council get an expert to talk on Channel 77 about open space issues.

#### Adjournment:

Upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, the meeting was adjourned at 9:44 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk