

REGULAR MEETING OF AUGUST 17, 2004

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" 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:

Mayor Ganz welcomed everyone to the August meeting. He announced that he had met with the Bergen County Prosecutor who informed him that his office will make available to Fair Lawn the forfeited funds so that two additional police vehicles can be purchased. He stated the Council will honor the Prosecutor at a later date.

Mayor Ganz reported that the traffic light at Fair Lawn Avenue and Chandler Drive is proceeding. He had met with the County Engineer and the tenants on both sides of the street. They are all in agreement with the plan.

Mayor Ganz stated that Kodak is winding down their operations in Fair Lawn after 50 years. He had met with a real estate broker who intends to market it. Mayor Ganz stated he had supplied information to the workers on unemployment and the prescription drug plan to help them during this transition period. He was sorry to see Kodak leave the Borough.

Deputy Mayor Etlar stated he attended the fireworks, the Environmental meeting, the Cross Acceptance meeting, the Fire Board Meeting, he performed a wedding, parts of it in the Filipino dialect - Tegal, he attended a block party on Albert Avenue, the Planning Board meeting, a luncheon for June Schwartz who retired as the Director of the Senior Center, he hand delivered to the County Executive Jim Croucher=s credentials for County Volunteer of the Year, he attended the Historic Committee Meeting, the Jr. Police Academy graduation at Westmoreland School, the swearing in of three new Police Officers in Borough Hall and attended the christening of the new Rescue truck.

Deputy Mayor Weinstein stated that he also attended the christening of the new Rescue truck, the grand opening of the Radburn Deli which he was glad to see business return to that area, National Night Out finding it was good to be out and meeting the residents.

Councilmember Caan stated that he also attended National Night Out explaining that the Borough of Fair Lawn does things differently. Here they go to seventeen different locations and there was even one new block watch at Memorial Pool. He commented about Rotary=s Gift of Life program and how it was amazing to see a child weak and in need of medical assistance get off the plane and then they return to the country healthier and stronger. He felt it was a great program.

Councilmember McCarthy stated that he too had attended National Night Out. He suggested that if anyone was interested in forming a block watch they should contact Officer Glen Callons or the Mayor and Council.

MANAGER=S REPORT:

Manager/Municipal Clerk Kwasniewski stated there were no changes but did want to inform the residents that there will be a student performing sixty hours of community service by doing the dog and cat census.

PROCLAMATIONS: Gift of Life Day

Assistant Municipal Clerk Bojanowski read the proclamation extending their best wishes to Melissa Hernandez and her mother Alba, who were here from the City of San Pedro Sula in Honduras so that Melissa could receive open heart surgery. The proclamation also commended the Sunrise Rotary of Fair Lawn for its contributions to this worthy cause and to Nat and Honey Morgenstern and Kevin and Kathy Coffey for all of their good works and deeds. Mayor Ganz and the entire Council presented the proclamation to Melissa and the Sunrise Rotary Club.

Mayor Ganz announced that the other proclamations while just as worthy will be read at the end of the meeting.

ORDINANCES: 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. 1986-2004

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE

Attorney Lustgarten explained that this ordinance will allow the Borough to make the 17th Street improvements in the amount of \$50,000 through funds received from the Department of Transportation.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, Resolution No. 235-2004 introducing Ordinance No. 1986-2004 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. 1987-2004

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE

Attorney Lustgarten explained that this ordinance will allow the Borough to make the Municipal Storm Water Improvements in the amount of \$20,619.00 from funds received through the Department of Environmental Protection.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 236-2004 introducing Ordinance No. 1987-2004 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. 1988-2004

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE

Attorney Lustgarten stated this ordinance will allow the Borough to make Ball Field Improvements in the amount of \$50,000 and improvements to Berdan Grove Park in the amount of \$50,000 with funds received from the Bergen County Open Space Preservation Trust Fund. Mayor Ganz thanked both Deputy Mayor Etler and Deputy Mayor Weinstein for the work they did in obtaining these funds.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 237004 introducing Ordinance No. 1988-004 was unanimously passed.

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Etler 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. 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 ordinance provides for the updating of the Borough=s tax map. The cost of updating the map will be spread out over a five-year period.

There being no 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 Etler and a second by Deputy Mayor Weinstein, Resolution No.238-2004 adopting Ordinance No. 1983-2004 was unanimously passed.

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

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.

Attorney Lustgarten stated they had received a memo from the Planning Board regarding this Ordinance. The Planning Board had expressed concern regarding the amendments made to the cooperative parking plans in the B-1, B-2, and B-3 districts inasmuch as they do not appear to be limited to a certain geographic location. The Planning Board did not believe it made planning sense to allow a property on Broadway to obtain spaces from a property on Maple Avenue to fulfill its parking requirements. The Planning Board believed there should be some geographic nexus between the development site and the cooperative parking

area. Attorney Lustgarten stated that the Planning Board referenced that when cooperative parking was limited to 750 feet, it was clear where parking needs in both districts could be met. The Planning Board has asked for clarification whether the B-5 zone must only obtain parking within the B-5 zone or might it obtain parking in the B-4 zone as well. Attorney Lustgarten felt the language needed to be clarified. He suggested tabling this ordinance so that he could rewrite it so that it was clearer.

Deputy Mayor Etlar stated that in the Planning Board meeting they questioned whether the need for parking was in the Special Improvement District would the business owner have to go to other areas for parking.

Mayor Ganz stated he was inclined to think they should adopt this ordinance tonight to give relief to the businesses. Attorney Lustgarten advised that if they adopted this ordinance tonight they need to address the issues that the Planning Board has brought up. Mayor Ganz felt they could review it at a Work Session in September. He asked that a copy of this ordinance be forwarded to RRIC and the Planning Board. Manager/Municipal Clerk Kwasniewski stated she will bring it to the RRIC meeting on Thursday.

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 Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No.239-2004 adopting Ordinance No. 1984-2004 was unanimously passed.

Upon motion by Deputy Mayor Etlar 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. 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 explained that this ordinance changes the fees that are charged by the Health Department for death certificates, marriage certificates, birth certificates and domestic partnership certificates. This ordinance also amends the cost per page for Police reports.

There being no 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.

Upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, Resolution No.240-2004 adopting Ordinance No. 1985-2004 was unanimously passed.

RESOLUTIONS BY CONSENT #20-2004

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Consent Agenda 20-2004 containing the following items was unanimously adopted.

a. Resol. #241-2004 - Approval of Minutes

Budget Meeting 2/10/04

Regular Meeting 2/10/04

Work Session 2/10/04

Budget Meeting 2/17/04

Closed Session 2/17/04

Work Session 2/17/04
Special Meeting 2/17/04
Closed Session 2/17/04
Budget Meeting 2/21/04
Closed Session 2/21/04
Special Work Session 2/24/04
Closed Session 2/24/04
Work Session 2/24/04
Regular Meeting 2/24/04
Work Session 3/2/04
Closed Session 3/2/04
Budget Meeting 3/6/04
Regular Meeting 3/9/04
Work Session 3/16/04
Regular Meeting 3/23/04
Work Session 3/23/04
Closed Session 3/23/04
Closed Session 4/13/04
Work Session 4/13/04
Regular Meeting 4/13/04
Closed Session 4/13/04
Work Session 4/15/04
Closed Session 4/15/04
Work Session 4/20/04
Closed Session 4/20/04
Regular Meeting 4/27/04

b. Resol. #242-2004 - Approval of Raffles & Bingos:

Fair Lawn High School PTA, On-premise 50/50

Temple Beth Sholom Men=s Club - Bingo

Fair Lawn Lions Club, Off-premise 50/50

Fair Lawn Jewish Center, Casino night

c. Resol. #243-2004 - Appointment of a Public Agency Compliance Officer

d. Resol. #244-2004 - CDBG Agreement Barrier Free Improvements to Firehouse Co. #2

e. Resol. #245-2004 - Open Space Trust Municipal Program Berdan Park

f. Resol. #246-2004 - Open Space Trust Municipal Program Ballfield Improvements

g. Resol. #247-2004 - CDBG Agreement Purchase of Senior Bus

h. Resol. #248-2004 - Amending Resol. #217-2004 - Disposal of Yard Waste

i. Resol. #249-2004 - Amending Resol. #73-2004 - Professional Services Consulting and Support Services

j. Resol. #250-2004 - Change Order Recreation Lighting

k. Resol. #251-2004 - Refund of Tax Overpayments

l. Resol. #252-2004 - Authorizing the Execution of the Memo of Understanding with Bergen County Department of Health and Local Hazardous Response Team

m. Resol. #253-2004 - Supporting the designation of Radburn as a National Historical Landmark

n. Resol. #254-2004 - License Agreement 13-69 Finn Terrace

Mayor Ganz asked that Resolution No. 253-2004 be forwarded to the Department of Interior.

MISCELLANEOUS PUBLIC COMMENTS

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

Max Krown, 17-25 Elliott Terrace stated that he had been Chairman of the Planning Board and also a member of the parking study committee. He wondered why the Council has decided to levy additional tax on the homeowners to acquire open space. Mayor Ganz explained that it is a vote that will be put on the ballot so that the voters can decide for themselves. If it passes, the Council can vote for or against it. This is not something the Council is imposing. Mr. Krown felt there was no undeveloped land in Fair Lawn. He felt if this question goes through the Borough would lose ratables. There is no other land available in the Borough.

Michael Roney, 14 Burnham Place, wondered when there is a plan who would it be submitted to. Mayor Ganz informed him it would be either the Planning Board or Zoning Board depending on what they had in mind. Mr. Roney stated that when one of the boards receives it he hopes that they will do the right thing. He asked that the Council do what is necessary to preserve this property. He would like to see the balance be kept between greenery and development. He felt it should be clear to the Council that the majority of Fair Lawn residents want the area to be open space.

Maureen Moriarty, 14 Burnham Place, stated it was their hope that Daly Field would be preserved for parkland to be used by all of the Fair Lawn residents. She felt it was important to preserve the open space for the children of Fair Lawn. Park land does more for the property value.

Phyllis Weglein, 18 Ramsey Terrace, expressed concern about the amount of traffic in Fair Lawn. She felt adding more housing on Plaza Road would not help the situation. She wanted to keep it as a comfortable suburban life style.

Walter Weglein, 18 Ramsey Terrace, stated he had stood in front of Borough Hall and collected three thousand signatures to keep Daly Field as open space. He said he will continue to gather signatures.

Rita Golding, 14 Rutgers Terrace, stated she did not want more fumes from the car traffic. She felt they should keep Daly Field green.

Michael Roney, 14 Burnham Place, felt that the Open Space tax could help pay for the new Recreation Center. That is connected to a quality of life here. He felt they were elected officials to serve the people and he hoped they would do the right thing.

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.

PROCLAMATIONS:

Assistant Municipal Clerk Bojanowski read the following proclamations.

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH
PROSTATE CANCER AWARENESS MONTH
ATTENTION DEFICIT DISORDER AWARENESS DAY

ADJOURNMENT:

Upon motion by Deputy Mayor Etler and second by Councilmember Caan, the meeting was recessed to the Work Session at 8:26 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION AUGUST 17, 2004

Mayor Ganz reconvened the meeting at 8:30 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.

League of Municipalities Conference:

Manager/Municipal Clerk Kwasniewski reported that at last week=s meeting she was requested to check with the Planning Board Chairman about the Planning Board Secretary being allowed to attend the conference. He felt she should be able to attend.

There was a unanimous consensus to allow the Planning Board Secretary to attend the League of Municipalities Conference.

Tenant Registration:

Attorney Lustgarten advised that since there is already a state statute requiring landlords to register they should amend that to mandate that the landlord list his current phone number and address. Doing that would give the Borough the ability to contact them. Deputy Mayor Weinstein wondered if there would be a penalty if they did not update the records. Attorney Lustgarten advised it would be the general penalty. Councilmember McCarthy felt they should include a reasonable time period to have it updated. Attorney Lustgarten felt that 14 days was reasonable.

There was a unanimous consensus to amend the landlord registration to include current phone number and address.

Junior Firefighter Program:

Manager/Municipal Clerk Kwasniewski stated at the last meeting the Council expressed concern about the cost of the benefits for this program. The Council discussed the pool tags and LOSAP. Attorney Lustgarten advised that whatever the Council decides it should be done by ordinance. The Council determined that Manager/Municipal Clerk Kwasniewski should contact Rescue to see what they do.

There was a unanimous consensus to authorize Manager/Municipal Clerk Kwasniewski to contact Rescue Squad about the Youth program.

There was a unanimous consensus to authorize Manager/Municipal Clerk Kwasniewski to contact both the Rescue Squad and Fire Department to see how they want to handle the LOSAP issues.

Labor Day at Memorial Pool:

Manager/Municipal Clerk Kwasniewski stated she was trying to get the DJ to donate his services for that weekend. The last time she checked with him he wanted to charge \$500.00.

There was a consensus to authorize Manager/Municipal Clerk Kwasniewski to hire a DJ for \$500 to play at Memorial Pool on Labor Day weekend, with Deputy Mayor Etler dissenting.

Floor Standing Microphone:

Deputy Mayor Etler felt there was bad communications in the Council Chambers sound system. He asked that floor mike be installed. Mayor Ganz stated he would prefer to have people standing in one place. He asked Manager/Municipal Clerk Kwasniewski to investigate. He suggested changing the goose mike to make it easier for people to talk into it.

There was a consensus to get a standing adjustable microphone.

Miscellaneous Public Comments:

No one wished to be heard.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk