

REGULAR MEETING OF SEPTEMBER 14, 2004

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" 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 reported that he had attended the National Night Out, the Environmental meeting, the Beach Party at Memorial Pool, a special Planning Board meeting, block parties on Southern Drive, Edward Street and Park Avenue, the regular Planning Board meeting, the opening of Ladies= Workout Center on Maple Avenue, a meeting in the Health Department, and the wet down for the new Rescue truck. He also attended a meeting with the Bergen County Police and the County Highway Safety Committee.

Deputy Mayor Weinstein stated he had attended the Knights of Pythias Picnic and Circus, the Memorial South Blockwatch. He announced that the Business Leadership Committee will be meeting on October 6, 2004 at 7:30 p.m. at The Grange to discuss economic proposals. They will also meet at Warren Point School on October 21, 2004 to discuss the Broadway Improvement District. He congratulated Deputy Mayor Etlar and his wife, Violet, on their 50th Anniversary.

Councilmember Caan also congratulated Deputy Mayor Etlar and his wife, Violet, on their 50th Anniversary. He commented about the volunteers who have gone to Florida for FEMA. There were 14 employees who have volunteered and 9 of them were from Fair Lawn. He felt they were bringing back invaluable training. He congratulated them for participating.

Councilmember McCarthy congratulated Deputy Mayor Etlar and Violet on their 50 years together. He extended best wishes to the students starting school. He reported that a new scoreboard was installed at the Dobrow Sports Complex. He also reported that there will be a Litter Clean Up Day on October 16, 2004. Information can be obtained on the Borough website.

Mayor Ganz stated that he had attended a ground breaking ceremony for the Children=s Therapy Center. He was delighted to have participated in the event. Last Saturday the Council joined him for the Mayor=s Trophy game. He reported that Columbia Bank donated the scoreboard at the Dobrow Complex.

PROCLAMATIONS: Municipal Engineer=s Week

Assistant Municipal Clerk Bojanowski read the proclamation. Mayor Ganz thanked Borough Engineer Ken Garrison for the good work that he does and he asked that the proclamation be forwarded to him.

POW/MIA Recognition Day

Assistant Municipal Clerk Bojanowski read the proclamation. Mayor Ganz explained the requirement that the POW flag must be flown. He stated they will never forget the prisoners of war.

ORDINANCES: 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. 1989-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED, ALAND DEVELOPMENT@, MORE SPECIFICALLY SECTION 125-10 ENTITLED, AOFFICIAL ZONING MAP@

Attorney Lustgarten explained that this ordinance will change the zoning map in the area known as the Naugle House from R-1-2 to R-5-2 zone which means it will change from a residential to townhouse zone. Mayor Ganz stated there will be no impact on the Naugle House.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 256-2004 introducing Ordinance No. 1989-2004 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. 1990-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 170 ENTITLED, APROPERTY MAINTENANCE@, AND MORE SPECIFICALLY SECTION 170-7 ENTITLED ARESPONSIBILITIES OF OWNER, OPERATOR AND OCCUPANT TO BE INDEPENDENT OF EACH OTHER

Attorney Lustgarten explained that this ordinance will allow the Borough to request more information from absentee landlords. There have been times that it has been difficult to contact them so this ordinance will change that by requesting their address, phone number and e-mail address. It will be easier to contact them in an emergency situation. Mayor Ganz thanked the Property Maintenance Committee for bringing this to the Council=s attention.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 257-2004 introducing Ordinance No. 1990-2004 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. 1991-2004

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 FROM THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION THEREFORE

Attorney Lustgarten stated this ordinance will permit the Borough to accept \$50,000 from the State for traffic

calming devices. Mayor Ganz thanked Senator Coniglio, Assemblyman Gordon and Assemblywoman Voss for their efforts in obtaining these funds for the Borough.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 258-2004 introducing Ordinance No. 1991-2004 was unanimously passed.

ORDINANCES: SECOND READING

Upon motion by Councilmember Caan 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. 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 ordinance will permit the Borough to accept another \$50,000 from the Department of Transportation for 17th Street Improvements. Mayor Ganz thanked Senator Coniglio, Assemblyman Gordon and Assemblywoman Voss for their efforts in obtaining these funds for the Borough. He felt this showed other ways that the Council is obtaining sources of funds.

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 Weinstein and a second by Councilmember McCarthy, Resolution No.259-2004 adopting Ordinance No. 1986-2004 was unanimously passed.

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. 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 is another ordinance that is required so that the Borough of Fair Lawn is permitted to accept \$20,619 through the State of New Jersey, Department of Environmental Protection for Municipal Storm Water Improvements.

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 Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No.260-2004 adopting Ordinance No. 1987-2004 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. 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 explained that this was the fourth ordinance permitting the Borough to receive funds from other entities. This ordinance is for funds to be received from the Bergen County Open Space Preservation Trust Fund for Ball Field Improvements in the amount of \$50,000 and for Berdan Grove Park in the amount of \$50,000.

Deputy Mayor Weinstein stated that the Recreational Facilities Review Committee had taken a tour of all of the parks and these improvements came to their attention. He stated they will hold another tour on October 23, 2004 to review the other fields. Mayor Ganz thanked Deputy Mayor Etlar and Deputy Mayor Weinstein for fighting for these funds when they represent the Borough in Community Development.

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 Weinstein and a second by Deputy Mayor Etlar, Resolution No.261-2004 adopting Ordinance No. 1988-2004 was unanimously passed.

RESOLUTIONS BY CONSENT #22-2004

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Consent Agenda 22-2004 containing the following items was unanimously adopted.

a. Resol. #262-2004 - Approval of Minutes:

Work Session 5/4/04

Special Meeting 5/4/04

Closed Session 5/4/04

Special Meeting 5/11/04

Closed Session 5/11/04

Regular Meeting 5/11/04

Work Session 5/18/04

Special Meeting 5/18/04

Closed Session 5/18/04

Regular Meeting 5/25/04

Work Session 6/1/04

Special Meeting 6/1/04

Closed Session 6/1/04

Work Session 6/15/04

Regular Meeting 6/15/04

Closed Session 6/15/04

Special Meeting 6/22/04

Regular Meeting 6/22/04

Work Session 6/22/04

Closed Session 6/22/04

Work Session 7/13/04

Closed Session 7/13/04

Special Meeting 7/13/04

Regular Meeting 7/20/04

Work Session 7/20/04

Special Meeting 7/27/04

Special Meeting 8/3/04

Work Session 8/10/04

Closed Session 8/10/04

Regular Meeting 8/17/04

Work Session 8/17/04

- b. Resol. #263-2004 - Refund Due to Veteran Property Tax Exemption- Edward Sabo
- c. Resol. #264-2004 - Refund Due to Veteran Property Tax Exemption - Harvey Shalansky
- d. Resol. #265-2004 - Refund Due to Veteran Property Tax Exemption - Philip Whitman
- e. Resol. #266-2004 - Refund Due to Veteran Property Tax Exemption - Gregory Idone
- f. Resol. #267-2004 - Corrective Action Plan
- g. Resol. #268-2004 - Reject Bids: Municipal Building Renovations
- h. Resol. #269-2004 - Reject Bids: Arch Back Stops
- i. Resol. #270-2004 - Municipal Alliance Grant Acceptance
- j. Resol. #271-2004 - Audit Report
- k. Resol. #272-2004 - Award of Bid: Roadway Improvements 2004
- l. Resol. #273-2004 - Special Item of Revenue - Bergen County Emergency Preparation and Response Grant
- m. Resol. #274-2004 - Emergency Appropriation for Preparation of an Approved Tax Map
- n. Resol. #275-2004 - Approval of Raffles & Bingos:
St. Leon Armenian Church, Off-premise 50/50
Hawthorne Cubs Football, Armchair Races
Sisterhood Congregation Bnai Israel, Off-premise 50/50
- o. Resol. #276-2004 - Appointment to the Fair Lawn Gardens Committee
- p. Resol. #277-2004 - Appointment to the Youth Advisory Committee
- q. Resol. #278-2004 - Authorizing Execution of Leaf Disposal Contract
- r. Resol. #279-2004 - Resolution of Support for the Opportunity Center
- s. Resol. #280-2004 - Authorization to sell Borough Owned Property (Well Drive)

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.

Leon Wender, 7-32 Manor Avenue, voiced his concern about the parking along Parmelee Avenue by the Municipal Building. There is a yellow line on the curb. He felt it was very dangerous especially if a large van is parked there the people cannot see the oncoming traffic. Mayor Ganz explained that the parking was switched last year and the curb should have been painted over. Mr. Wender continued about pedestrians walking in front of the cars almost causing an accident. He also questioned the completion of the Plaza Building. He did not think it would be done by October 1. He felt that the building deserves special attention. Mr. Wender also spoke about the sidewalk by Harrison Avenue that needs to be repaired.

Manager/Municipal Clerk Kwasniewski stated she had written to the property owners several times. Mayor Ganz asked that she have Property Maintenance issue them a summons. Mayor Ganz stated the Council has nothing to do with the construction at the Plaza Building.

Mr. Wender continued that the taxes are high in Fair Lawn and the senior citizens are being forced out of their homes. He also felt that the crime rate is up. He noticed that several houses are up for sale for months and no one has bought them. Mayor Ganz informed him that the crime rate is down. Speeding tickets are up. The August home price was up 17% since Fair Lawn is a very desirable place to live. Last year 500 people sold their homes. New young families are moving in. Attorney Lustgarten advised that people were cashing in on their equity. Historically the Borough has seen a turnover of 300 homes, now it is to 500. These houses are turning over very quickly. People are taking advantage of low mortgage interest. Mayor Ganz stated that the senior population is approximately 25% of the residents. Attorney Lustgarten stated that these people are reaching their limits and cashing out. They have people who are willing to pay these prices for the homes. Mayor Ganz stated they are thankful to move into Fair Lawn with these prices.

James Frangione, 8-07 Mayfair Terrace, stated that since he and his then seven month old son were involved in a traffic incident on Mansfield Drive in June of 2002, he has been active in lobbying Mayor Ganz, Deputy Mayor Weinstein, Manager Kwasniewski, Police Chiefs Marshall and Rose and Traffic Safety Officer Franco for improvements in the traffic safety situation on Mayfair Terrace, especially the speed of automobile traffic. He thanked them for the progress on Mayfair Terrace and asked for their continued support. Mr. Frangione said that since he and his son were almost run down he has taken on this role to look out for the children=s welfare. He polled the residents in that area regarding their concerns about the speed of automobile traffic in the residential area of Mayfair Terrace. He presented the Council a petition signed by his neighbors. He asked that they continue to be diligent. Mayor Ganz stated that a lot has to do with the philosophy of Chief Rose in enforcing traffic situations. He found it significant that spot checks and radar enforcement has an effect for a long period of time. Mr. Frangione stated that of the 47 residents he spoke to they were all eager to have this situation addressed.

Suzanne DiGeronimo, 16 Beekman Place, asked if the Council saw the sporting event that was held over the weekend at Daly Field. The Planning Board will be having a meeting next week to determine if the property should be redeveloped. She felt that ultimately it will go to the Mayor and Council to decide if they want the tracts as parkland. She would like a consensus from everyone. Ms. DiGeronimo showed a large photo of what they could do to the area to make it into a park area. She felt it would be a significant addition to the recreation facilities. She asked the Council to vote to make it parkland. Mayor Ganz stated they could not say. They will have to deliberate after the Planning Board meets.

Michael Rooney, 14 Burnham Terrace, asked if they had seen the plan of what the developer wants to build on that site. He informed the Council that in talking to the residents, 90 to 95 percent would like to keep it as parkland. He urged them to do the right thing since they would not want the chance of not getting voted in again.

Peter Straub, 16-42 11th Street, voiced his concerns about the motor scooters. He said he had many near accidents. There are groups of kids racing down the street. Mayor Ganz stated he had a similar incident and as a result he introduced an ordinance prohibiting scooters on County roads. The only way for local roads to have that enforcement would be a change in the State law. He advised him that he could file a complaint with the Police Department. Deputy Mayor Etlar stated there is a bill in the Senate that will end scooters riding in the roads. If the State gives the Borough authority they can pass their own ordinance. Mr. Straub stated he had spoken to Chief Marshall about the speeding and he had signs put up that worked. Mayor Ganz stated it works for a limited time since people seem to forget. He suggested that Mr. Straub contact Chief Rose about his concerns.

There being no additional comments from the public, upon motion by Councilmember Caan and second by Deputy Mayor Weinstein, 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 8:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk