

REGULAR MEETING OF OCTOBER 12, 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 Etler and Weinstein and Councilmembers Caan and McCarthy.

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

Mayor Ganz welcomed all who helped celebrate the Lights on Afterschool Day Program. He explained the three ceremonies they would be having tonight would be the presentation from the 200 Club to the Police Officers, Police Promotions and a special presentation to fifteen remarkable athletes and three outstanding coaches. He stated they recognize the difficulty of having nine-year-olds sitting quietly for a long time so they would put them at the top of the agenda.

PRESENTATION TO JOE HIBO AND HIS COACHING STAFF

Mayor Ganz stated they were very proud of the All Sports traveling baseball team and congratulated Andrew Pontone, Zachary Lipson, Ari Lopez, Sean Milnes, Corely Carlson, Dan Licamara, Kevin Carney, Alexander Tsakalos, George Kanakis, Andrew Small, Winston Ensuncho, Jeff Welsh, Kris Burger, Torey Cuocci and Luke Emerson. The coaches were Joe Hibo, Jr., Al Pontone and Dan Licamara. The Clerk read the certificates of commendation that each one received.

Joe Hibo thanked the Mayor and Council for their recognition and proclamations. He stated this was a special group of players, coaches and parents. They played in three leagues this year. He added he knew they were a good team when they were assembled but did not realize just how good they were. They played forty-five games this year and won thirty two.

Mayor Ganz stated they were very proud of these athletes. He thanked all the coaches for their hard work as well.

PRESENTATION FROM THE BERGEN COUNTY 200 CLUB:

Mayor Ganz stated he was proud to be a member of the 200 Club. He added they are selfless and take good care of the Police Department and Officers of the seventy communities of Bergen County and County Police Department are well-taken care of with a variety of different items.

Police Chief Rose acknowledged Rosemary Gillespie of the Bergen County 200 Club who was present. He stated the Fair Lawn Police Department has a simulation training program where officers can practice with their on duty weapons with force on force or officer on officer training. He stated the Mayor and Council have been able to fund the bullets and time for the officer but not for the equipment and training instructors. The Bergen County 200 Club has provided them with almost \$4,000.00 in funds so they can buy their own equipment. He thanked them on behalf of the Fair Lawn Police Department for all their time and generosity.

He added this organization does not just benefit the police departments but the fire department, EMT, Ambulance, Rescue.

Ms. Gillespie from the Bergen County 200 Club stated this is a great organization and they also need the help of everyone, the businesses of Bergen County, Police Departments and Emergency Services. If someone gets hurt in the line of duty, they come immediately with a check to help that person. She stated if their wives do not have jobs they reach out to their community of business people to help find them a job. They also give their children scholarships to go to college. They are able to do this by having fund raisers. They give back to the people that give to others. They need the support from the community also and they appreciated the support.

POLICE PROMOTIONS:

Manager/Municipal Clerk Kwasniewski welcomed everyone and stated one of the nicest parts of her job is being able to promote well deserving people and they are fortunate to have some of them here tonight.

Manager/Municipal Clerk Kwasniewski stated she was happy to promote Sergeant Richard Goetz to Lieutenant. She added he has done a good job throughout his career and has been with the department for nineteen years. She was convinced he would be a definite asset as a Lieutenant. He has been the Field Training Officer and brings a lot of expertise from that to his new position. He was sworn in by Mayor Ganz.

Manager/Municipal Clerk Kwasniewski stated now they have a position for Sergeant open and was happy to promote Derek Bastinick. She stated Derek has been their juvenile officer and is very well known in the school by both students and staff and is well respected. She added he brings a lot to this department and will do an excellent job as a Sergeant. He was sworn in by Mayor Ganz.

Manager/Municipal Clerk Kwasniewski stated they had a Sergeant retire this year and it gave her great pleasure to announce the promotion of Brian Metzler. She added Brian has been with the department for six years. He has been in the patrol division and his new assignment will include supervisory duties in the patrol division. She stated he brings quite a bit of expertise to that job. He was sworn in by Mayor Ganz.

PBA President David Boone stated that it has been said that people should lead, follow or get out of the way and all three of these officers have followed many persons, they have gotten people out of the way, but all three are well equipped to lead them and continue to lead them. The PBA made a presentation to the officers.

Upon motion by Deputy Mayor Weinstein and seconded by Councilmember Caan, the meeting was recessed at 8:01 p.m.

Upon motion by Councilmember Caan and seconded by Councilmember McCarthy, the meeting was reconvened at 8:11 p.m.

COUNCIL COMMENTS:

Deputy Mayor Weinstein stated this was a very emotional meeting and it is a wonderful to see these boys win these awards and do so well in baseball, the police promotions, and the 200 Club being here. He added this weekend was great with the River Road Festival and the Senior Olympics.

Councilmember McCarthy congratulated Joe Hibo and stated he has been actively involved in the All Sports Association coaching for more than twenty years. He wished him and the members of his team continued success. He stated that Sergeant Bastinick was one of his football coaches at school and wished him

continued success. He added Sergeant Metzler shared a locker next to him for four years at Fair Lawn High School and was sure they all would be a continued attribute to our Police Department. He congratulated the Fair Lawn High School for being ranked one of the top forty-five public high schools by New Jersey Magazine.

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. 1996-2004

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

Mayor Ganz stated this position is for a plumbing inspector on a part time basis per hour on weekends to a maximum rate of \$40.00 an hour. He stated this was done because there is a need to help end the backlog in the Building Department. More than 3,000 permits are issued in the course of a year.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, Resolution No. 300A-2004 introducing Ordinance No. 1996-2004 was unanimously passed.

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

Ordinance No. 1997-2004

AN ORDINANCE TO AMEND CHAPTER 125 OF FAIR LAWN CODE ENTITLED LAND DEVELOPMENT AND MORE SPECIFICALLY SECTION 125-35 ENTITLED: HEIGHT

Mayor Ganz stated Borough Attorney Lustgarten drafted this ordinance to make sure that the new Recreation / Community Center falls within the zoning laws of the Borough and applies to all structures of the Borough. He asked Borough Attorney Lustgarten if this has a height not to exceed forty feet, does the ten percent overage apply to this so it would allow the building to be up to forty-four feet without requiring a variance.

Borough Attorney Lustgarten stated it would not require a use variance but would still require a variance. He added anything more than forty feet but less than forty-four feet would require a bulk variance. He stated if it is more than forty-four feet which exceeds the ten percent a use variance is required.

Deputy Mayor Etler asked if this only applies to buildings on Borough property. Mayor Ganz stated that was correct.

There being no further discussion, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 300B-2004 introducing Ordinance No. 1997-2004 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. 1992-2004

BOND ORDINANCE AUTHORIZING THE CONSTRUCTION AND COMPLETION OF VARIOUS GENERAL CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF GENERAL CAPITAL EQUIPMENT IN AND FOR THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,459,500 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 \$1,390,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Mayor Ganz stated this ordinance allows for the purchase of computer equipment for the Fire Department, the upgrading of various Borough facilities including the Fire Training Center, the Library, the Municipal Building and the Recycling Center. He stated it allows for improvements to basketball courts, tennis courts, backstops, playground equipment, road resurfacing, fire turnout gear, goose cleaning machine, improvements to the sanitary sewer system, storm drain system and shade tree replacement program.

Donal Meyers, 8-22 Mayfair Terrace stated he recalled there is a provision in the Borough Code for residents to pay \$200 or \$250 per tree if they want a Shade Tree replaced. He stated it looked to him at first glance that this bond issue is nothing more than lets borrow money to pay for the shade trees so they could take the fees they are charging the residents and move it somewhere else in the budget. He suggested this is an improper use of bond proceeds. He questioned the reconstruction and resurfacing of various roads and parking lots. He stated this strikes him as a regular routine maintenance item that should be budgeted for currently and not being cost deferred to future periods. He questioned the Fire Department turnout gear, he agreed they need this but this is a normal recurring type of expense that should be currently funded and they shouldn't be playing fiscal games shifting this regular recurring cost off into the future. He questioned the new computers for the Fire Department, a relatively small item and they do wear out on a regular basis, but why aren't they budgeting for them on a systematic and ongoing basis. He questioned why they are dipping into bond funding to fund regular recurring items. He added he objected to this kind of fiscal gamesmanship.

Mayor Ganz stated Mr. Meyers is an attorney and accountant and is very familiar with capitalization and that is exactly what the Borough does. He added each item he referred to are items that are budgeted to be spent over their useful lifetime. He stated in Mr. Meyers view and if it was to prevail the Borough taxpayers would pay substantially more in taxes today. He stated the Council has taken a prudent fiscal responsibility of deferring this to spread it out over the useful lifetime of the entire program. He stated when it comes to the Shade Tree, Fair Lawn is very proud to be a tree city and one of the requirements for that is to expend at least \$100,000 annually which they have committed to do. The sound way to do that is to spread it out over the useful lifetime of the tree and to include it in a bond ordinance.

Jane Diepeveen, 14 Ryder Road asked if any of the money would be going to putting trees on residents property or within the street right of way. Mayor Ganz stated there is a forestation plan that the Borough is in the process of working out under a grant they have received. He explained he had a meeting last week with the grant writer who actually is a forest expert and working through a systematic program that will upgrade there forestry stock throughout the Borough of Fair Lawn. He stated this is the actual tree acquisition. The installation of the trees would be done by borough employees within the normal budget process.

Manager/Municipal Clerk Kwasniewski stated the trees are planted in the Borough's right of way where the tree actually go. Mrs. Diepeveen asked if it is in the Borough's right of way would the resident's still have to pay the fee. Manager/Municipal Clerk Kwasniewski stated she had to check on this because she was not aware that when a person requested a tree replaced that there would be a fee. Mayor Ganz believed there was no cost to the resident either. Mrs. Diepeveen asked about the fire department computer if that was something new or is it a replacement. Mayor stated it was probably both. He added they have found throughout the Borough that the computers were old. They are still using 386 computer. He donated his

computer to the borough which was a 486 computer along with a laser printer, scanner and a lot of software.

There being no further 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 Councilmember Caan , Resolution No. 300-2004 adopting Ordinance No. 1992-2004 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. 1993-2004

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 \$690,900 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 \$658,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Mayor Ganz stated this ordinance is for the Borough's self liquidating water utility and the largest single component of this is the rehabilitation to the water tank in the amount of \$559,000 which they hope will last for a period of usefulness exceeding forty years. He stated they will also be doing rehabilitation and improvement work at the well, pumping station and general improvement to the water system together with the acquisition of portable generator, pavement breaker and alarm system.

Stewart Golden, 14 Rutgers Terrace asked which tank the work would be done on. Deputy Mayor Etler stated it was the one right off Kipp Street. Mr. Golden stated this seems like a lot of money especially because it is the one on the ground. Mayor Ganz stated when they had looked into the repair of the Morlot Avenue Bridge and found out the procedure was more than they had expected over \$600,000.00 to repaint it. It required scraping, chemically treating, prevention of lead decontamination and this process is very similar to that. He stated all this is put out to public bid. Mr. Golden asked how much it would cost for a new one. Mayor Ganz stated it would be millions of dollars.

There being no comments by the public, upon motion by Deputy Mayor Etler and a second by Councilmember Caan, 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.

RESOLUTIONS BY CONSENT #25-2004

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Consent Agenda 25-2004 containing the following items was unanimously adopted

- a. Resol. #302-2004 - Refund of Overpayment of Taxes
- b. Resol. #303-2004 - Award of Bid: Disposal of Solid Waste
- c. Resol. #304-2004 - Approval of Raffles & Bingos:
Temple Beth Sholom, Off-premise 50/50
Temple Beth Sholom, Off-premise merchandise

Knights of Pythias, Off-premise 50/50

St. Leon Armenian Church, Off-premise 50/50

d. Resol. #305-2004 - Confirming Fire Board Actions

e. Resol. #306-2004 - Endorsing the Police Explorer Program

f. Resol. #307-2004 - Appointment to the Fair Lawn Garden Club

g. Resol. #308-2004 - Appointment to the Recreational Facilities Review Committee

h. Resol. #309-2004 - Authorizing Tax Settlement - Verizon

i. Resol. #310-2004 - Confirming Endorsement of CDBG Grant: Children=s Therapy Center - unprogramed funds

RESOLUTION NO. #311-2004 - Confirming Endorsement of CDBG Grant: Fair Lawn Jewish Community Council

Mayor Ganz stated the Jewish Community Council requires this in order to gain approval for CDBG funding by the County of Bergen through the Board of Chosen Freeholders. He explained they made an application to them although it was a little late they are considering it now and this does not obligate the taxpayers of the Fair Lawn at all but they are Federal funds. He advised Manager/Municipal Clerk Kwasniewski to send a copy to Hackensack and the Jewish Community Council.

MISCELLANEOUS PUBLIC COMMENTS

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

Jane Diepeveen, 14 Ryder Road questioned the tax settlement with Verizon. Borough Attorney Lustgarten stated this is the switching station that was on Fair Lawn Avenue and was assessed at \$2,558,000.00 and there was a reduction in 2002 for \$2,319,000, 2003 for \$2,133,000.00 and 2004 \$1,806.00. He stated it was recommended by their appraiser to and their tax assessor. Mayor Ganz stated the reason the numbers are being reduced the Borough of Fair Lawn at the present time is not fully assessed, the assessment are valued at between sixty two and sixty three percent. He added if they do not hit the precise number they could be liable for substantially more than that. This was a number that was based on the experience of their expert and the Borough Tax Assessor based on comparable Verizon business units in other communities. Mrs. Diepeveen asked if there is a refund. Borough Attorney Lustgarten stated there would be a refund down the line. Mayor Ganz added they would pick up on it when the reassess. Mrs. Diepeveen asked if they were due to reassess. Borough Attorney Lustgarten explained they are due to reevaluate this year not reassess. Mrs. Diepeveen asked if that was when they go to everyone=s house. Mayor Ganz stated they will go to every house in the Borough and if they don=t allow them to go in they will go back up to three times. After that they will reevaluate it under the basis on what they think might be inside to the best of their ability based on what they can visually observe and what permits have been pulled. He stated all of the houses will go up in value, some will pay more in taxes and some will pay less but most will pay about the same. Borough Attorney Lustgarten stated they are jumping the gun on this because the Council has not finalized this. He added just in case people are watching this meeting, after the inspectors go out and come up with a preliminary value a notice is sent to all residents and they have the right to sit down with the inspectors and their staff to look at their property record card to see what the basis was for the number. They sit down with the tax assessor and the representative of the appraisal firm and try to work out differences. He explained that does not mean things always get changed but that is the informal process that occurs. If they still disagree they can go to the County Tax Board and then to the State Tax Board.

Councilmember McCarthy stated the three companies that spoke with them about the potential revaluation have indicated that they will work with the Tax Assessor ensuring that written communication will be sent to every property owner in Fair Lawn explaining the process in detail. Mrs. Diepeveen asked when will they

start. Mayor Ganz stated it would be after the first of the year and it will take many months.

Mrs. Diepeveen asked about the CBDG grant for the Children=s Therapy Center. Mayor Ganz explained it was a brick and mortar grant to assist them in their expansion efforts.

Mrs. Diepeveen questioned the ordinance to rezone the Naugle Property. Mayor Ganz stated it has passed first reading. Manager/Municipal Clerk Kwasniewski stated that statutory review by the Planning Board is required and they were due to meet next week. Mrs. Diepeveen asked is there anything in writing about protecting the Naugle House. Mayor Ganz replied they do have it in writing that he would not tear down the house but will deed it to the Borough for a dollar after he does some work to make sure it is brought up to code.

Donal Meyers, 8-22 Mayfair Terrace asked about a contract that was passed on the consent agenda September 14th between S. Rotundi and Sons and the Borough of Fair Lawn. He asked who was the sponsor of the resolution. Manager/Municipal Clerk Kwasniewski stated they do not have sponsors, the Council adopts things as a whole. Mr. Meyers stated the rules of procedures for the Borough Council specifically call for a member of the Council to put a consent resolution on that agenda. Mayor Ganz stated they all did. They act collectively. Mr. Meyers stated this is contract for personal services that was put out without bid for transporting leaves from the DPW Center to a compose site and New Jersey law says that for a contract of this nature must be put out without a bid. Manager/Municipal Clerk Kwasniewski stated recycling which this is considered a part of is an exception to the bidding laws. She added they took quotes on that which means it is a informal process of contacting the other entities that could provide that service. Mr. Meyers explained that he had seen those quotes. One of the quotes was from a person that wanted the leaves delivered to his yard in Goshen, New York and did not quote a price at all. He added that means they only really got two quotes. Mayor Ganz stated they did get three quotes and that was the third quote.

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.

PROCLAMATIONS: Fibrodysplasia Ossificans Progressiva Awareness
Lights on Afterschool Day

Mayor Ganz read the Proclamation for Fibrodysplasia Ossificans Progressiva Awareness.

Assistant Municipal Clerk Bojanowski read the Proclamations for Lights on Afterschool Day.

ADJOURNMENT:

Upon motion by Deputy Mayor Etler and second by Councilmember McCarthy, the meeting was recessed to the Work Session at 8:50 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk