

REGULAR MEETING OF JANUARY 28, 2003
THOMAS JEFFERSON MIDDLE 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 27, 2002. 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 Mayor Etler and Councilmembers Amato and Caan.

ABSENT: Deputy Mayor Weinstein

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

Mayor Ganz welcomed everyone to Thomas Jefferson Middle School. He was delighted to begin the fourth year of "Take Your Government to the Neighborhoods Program." He stated that the Work Session after this meeting will reconvene at Borough Hall.

PROCLAMATION OF COMMENDATION

Mayor Ganz presented a Proclamation of Commendation to Acting Manager / Municipal Clerk Joanne Kwasniewski for having been sworn in as Vice President of the Bergen County Municipal Clerks Association.

MANAGER'S REPORT

Acting Manager / Municipal Clerk Kwasniewski stated she would like to mention that there is ice skating under the lights on the weekends as long as the weather stays cold.

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. 1933-2003

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED "LAND DEVELOPMENT" SPECIFICALLY SECTION 125-85.I (2) RELATING TO ESCROW FEES FOR NONRESIDENTIAL PROPERTY

Mayor Ganz stated this ordinance will allow the Planning and Zoning Boards to increase escrow fees for commercial applications. This was brought to the Council by the Planning Board Chairman.

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Resolution No. 53-2003 introducing Ordinance No. 1933-2003 was unanimously adopted.

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. 1934-2003

AN ORDINANCE TO AMEND CHAPTER 232 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, AVEHICLES AND TRAFFIC@, MORE SPECIFICALLY SECTION 232-24 ENTITLED ARESIDENTS WITHOUT DRIVEWAYS@, SECTION 232-25, ENTITLED APERMIT PROCEDURE@, SUB-SECTION A., AND SECTION 232-26 ENTITLED ATERMS AND CONDITIONS@, SUB-SECTION A.

Mayor Ganz stated this was brought to the Council=s attention by a resident that needed to park in the Municipal Lot. Attorney Lustgarten stated the requirement of having no driveway was deleted so that if people run into a hardship they can obtain a permit. Mayor Ganz stated it was on a first come first serve basis with only five spaces available.

Upon motion by Councilmember Caan and a second by Deputy Mayor Etler, Resolution No. 54-003 introducing Ordinance No. 1934-2003 was unanimously adopted.

RESOLUTIONS BY CONSENT #5-2003

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Consent Agenda #5-2003 containing the following items was unanimously adopted

- a. Resol. #55-2003 - Refund of Overpayment of Taxes
- b. Resol. #56-2003 - Transfer of Funds
- c. Resol. #57-2003 - Extension of HVAC Repairs & Maintenance Contract
- d. Resol. #58-2003 - Extension of Bioxide Odor & Corrosion Control Contract
- e. Resol. #59-2003 - Extension of Uniforms: Fire Department Contract

REMARKS BY THE MAYOR AND COUNCIL

Deputy Mayor Etler read the following statement: An important subject has come to my attention concerning the installation of a cellphone transmission tower in Memorial Park. I ask this Council to give me permission to speak on this subject.

It appears, that in 1997 the then existing Council had authorized by ordinance the building of these towers within specific areas within Fair Lawn, one of these areas was Memorial Park. They did this for compelling reasons, so as not to have a proliferation of cell towers within the Borough.

However, I now see as a member of the Planning Board and as Deputy Mayor, this permitted use should be reversed. I know that this was done by ordinance and it will take another one to undo it, however, nothing should be frozen in cement. My reason for this, Mr. Mayor, is that this pole would be constructed near a floodway. All of us can remember Hurricane Floyd and the devastation it brought when the Passaic River overflowed. Constructing a pole of this size right next to a ball field and skating rinks, and an area that is in heavy use where our picnic area is, is not conducive to good planning. Any construction of that nature could be undermined by raging waters, and could have dire consequences.

The first duty of any public official is to protect the health, safety and welfare of its citizens. In that regard, Mr. Mayor, I am requesting a full review of our existing ordinance with respect to its use at Memorial Park.

Mayor Ganz stated he wanted to second the point that Deputy Mayor Etler made about this being in Memorial, being in the flood way, near the place where children go ice skating and in the location where Hurricane Floyd caused almost a million dollars worth of damage to other properties. All of that took place long after the Borough ordinance was introduced but he was certain that if the Council had known then that there was the possibility of a hurricane or that ice from the pole could crash down on kids that are skating, they would have very serious second thoughts. He asked if anyone on the Council objected to having the Borough Attorney draft an ordinance to remove Block 6601 Lot 1 and any other appropriate lots from the overall schematic of where a celltower is allowed.

Councilmember Caan thanked Deputy Mayor Etler for bringing this to the Council's attention. He felt it was an important safety issue that affects many residents who not only live near Memorial Pool but who use that area. He thought this went back long before Hurricane Floyd and that it was a very good move by Deputy Mayor Etler in bringing this to their attention.

Councilmember Amato stated he wholeheartedly agreed.

There was a unanimous consensus to have this ordinance prepared.

There was another unanimous consensus to have the ordinance introduced at a Special Meeting on February 4, 2003.

Attorney Lustgarten stated he remembered the then Council did this at an appropriate time because they were being hard pressed to install celltowers. Things have changed in the landscape of the Borough.

Acting Manager / Municipal Clerk Kwasniewski stated they would have to give notice to everyone in the whole district, there are hundreds in that zone. It would have to be done between the introduction and adoption of the ordinance. She stated the Planning Board would also have to have a statutory review. Attorney Lustgarten stated he could prepare a draft ordinance for Tuesday, the Council introduces it then the statutory notices can be sent out. Mayor Ganz asked her to calculate how long it will take to give notice to all the people so the adoption date can be determined.

MISCELLANEOUS PUBLIC COMMENTS

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

Don Oliver, 8-32 Mitchell Place and a member of the Homeowner's Association, congratulated Acting Manager / Municipal Clerk Kwasniewski on her swearing in as Vice President and felt it was nice that she was recognized.

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

ADJOURNMENT TO WORK SESSION AT BOROUGH HALL

Upon motion by Councilmember Caan and a second by Deputy Mayor Etler, the meeting was adjourned to the Work Session at 7:55 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF JANUARY 28, 2003

Mayor Ganz reconvened the meeting at 8:20 p.m.

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

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

BAR ASSOCIATION MOCK TRIAL - USE OF BOROUGH EQUIPMENT

Mayor Ganz stated there will be a modest stipend paid and that Fair Lawn TV will be present to supervise. Deputy Mayor Etler stated that he agreed but felt it should that in the future it should go before the Council and that the fee should go to the Borough.

There was a unanimous consensus to advise Judge Mizdol that the Council welcomes her group and that in the future the stipends should go to the Borough.

PRESCRIPTION PLAN FOR BOROUGH RESIDENTS

Councilmember Caan stated that the gentleman from GS POPS will be present at the next work session to answer any questions the Council may have. He passed out information regarding the plan and an example of the prescription drugs that are on the program. There are nine pharmacies in Fair Lawn that are part of this group. There is no cost to the Borough. GS POPS would provide cards for free. The Council would have to set parameters of who will get the card. Acting Manager / Municipal Clerk Kwasniewski wondered who would be administering the program. Councilmember Caan stated the company would.

Closed Session Resolution - Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 8:35 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 Labor Negotiations; 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 Labor Negotiations at the end of the negotiations culminating at the introduction of the ordinance and implementing and executing the contract specific dates unknown but estimated to be within 30 to 60 days; and

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

ADJOURNMENT

Upon motion of Deputy Mayor Weinstein and a second by Deputy Mayor Etler, the meeting was adjourned at

10:00 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk