

## Council

### Council Minutes - February 25, 2003

#### JOHN A. FORREST SCHOOL

Mayor Ganz opened the meeting at 7:35 p.m. Acting Manager/Municipal Clerk Kwasniewski 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 Mayors Etlar and Weinstein, Councilmembers Caan and Amato.

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

#### MANAGER'S REPORT

Mayor Ganz stated the Manager's Report is on the front table. In addition, Acting Manager/Municipal Clerk Kwasniewski thanked the Department of Public Works workers, the Parks and Recreation Workers and the OEM workers who plowed during the last storm. Some of them were out 23 hours that first night. They were out every night after. They were out every day as well. After plowing, they had sanding and salting to do. They dug out the catch basins and they had to shovel out the school paths. They did an incredibly good job. There were a few spots where there were problems so they went out again. They did an outstanding job.

Mayor Ganz announced that they reached an agreement with the Blue and White Collar labor unit and will shortly sign a contract with them. It will be a four-year agreement. The Borough spent more than 18 months negotiating and he and the Council are satisfied that the results are not only fair but will serve as a model that other communities may want to take a look at. The largest single component of the budget besides salaries is health benefits. This contract contains an historic agreement where new employees will receive coverage through a PPO program which will result in a savings to the taxpayers of at least \$4,000 per person. Over time the savings will amount to more than \$1,000,000 each year. Nearly 20 years ago a foresighted Council eliminated health coverage for retirees resulting in tremendous savings. He is confident that some future Council and Borough taxpayers will remember this day as the first step to getting health care costs under control.

The Council anticipates that the budget will be introduced in the next few weeks. For the past two months, the Council has worked diligently on the Manager's proposed budget. It is a difficult year in the Borough and throughout the State. The Council has looked at the proposed budget line by line and intends to make cuts while preserving the quality of life. The Manager's proposed budget calls for an average tax increase of \$187.82. The Council appreciates the hard work done by Acting Manager Joanne M. Kwasniewski and CFO Barry Eccleston in these trying times. Governor McGreevey has told them that there will be less State aid than ever before. The Council is committed to easing the pain of a municipal tax increase. The Council's goal is to do more with less.

## 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. 1938-2003

2003 MODEL ACAP ORDINANCE TO EXCEED INDEX RATE; INDEX RATE LESS THAN 5% LIMITATION FOR YEAR 2003 (N.J.S.A. 40A:45.14)

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 77-2003 introducing Ordinance No. 1938-2003 was unanimously passed.

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

Ordinance No. 1939-2003

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 125, ENTITLED, "LAND DEVELOPMENT", MORE SPECIFICALLY, SECTION 125-25, ENTITLED, AB-4 - RIVER ROAD BUSINESS ZONE, A. PERMITTED USES@ AND SECTION 125-26, ENTITLED AB-5 RIVER ROAD BUSINESS ZONE

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 78-2003 introducing Ordinance No. 1939-2003 was discussed.

Mayor Ganz stated this ordinance was introduced at the suggestion of the River Road Improvement Corporation and will allow for the construction on River Road for residences on the second floor of commercial buildings. It does not address the issue of cooperative parking in any way other than in the current method. It does not obviate the need for compliance with parking requirements.

There being no further discussion, Resolution No. 78-2003 introducing Ordinance No. 1939-2003 was unanimously passed.

## ORDINANCES: SECOND READING

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

ORDINANCE NO. 1936-2003

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED ALAND DEVELOPMENT, SPECIFICALLY SECTION 125-29 ENTITLED ACA COMMERCIAL ANTENNA ZONE@ AND SECTION 125-10 ENTITLED AOFFICIAL ZONING MAP

Borough Attorney Lustgarten explained that this ordinance relates to two block and lots at Memorial Pool which will revert back to R-R-1 which is a residential zone.

## OPEN TO THE PUBLIC:

Lori Seeger, 11-15 First Street asked where the zone will be moved. Attorney Lustgarten listed the five areas that are currently zoned as Commercial Antenna zones. This ordinance relates solely to Memorial Park. There is no transfer of the commercial antenna zone to anywhere else in the Borough. This is a generic ordinance. If a satellite company wants to put anything in that zone, it would have to go the Zoning Board of Adjustment for a variance. When it was zoned before, they had to go to the Planning Board for site plan approval. The Borough does not have the authority to pass an ordinance that says there can be no cell towers. The Borough can reasonably regulate them within finite guidelines, but they cannot be banned.

Kristine Larson, 10-23 First Street asked for clarification. Attorney Lustgarten explained that they will have to go to the Zoning Board of Adjustment for a use variance. There is a more vigorous test before the Zoning Board of Adjustment for a use variance.

There being no further 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 Councilmember Caan, Resolution No. 80-2003 adopting Ordinance No. 1937-2003 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 and open the time for public hearing.

### ORDINANCE NO. 1937-2003

AAN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER XII, ENTITLED >WATER=, SUB-SECTION 12-4.2, WATER RATES

Mayor Ganz explained this ordinance reduces the water rate by \$.02 per 1,000 gallons so that the next water bill will reflect the reduced rate. This is the second year in a row that the Council has been able to lower the rate for the taxpayer.

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 Councilmember Caan, Resolution No. 80-003 adopting Ordinance No. 1937-2003 was unanimously adopted.

### RESOLUTIONS BY CONSENT #8-2003

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Consent Agenda #8-2003 containing the following items was unanimously adopted.

a. Resol. #81-2003 - Approval of Minutes:

Work Session 12/3/02

Closed Session 12/3/02

Special Meeting 12/3/02

Closed Session 12/3/02

Work Session 12/17/02

Special Meeting 12/17/02

Closed Session 12/17/02

Special Meeting 12/19/02

b. Resol. #82-2003 - Refund of Overpayment of Taxes

c. Resol. #83-2003 - Transfer of Funds

d. Resol. #84-2003 - Refund Due to Veteran Property Tax Exemption - Guy

e. Resol. #85-2003 - Approval of Bingos & Raffles:

Knights of Pythias off premise merchandise

HB Milnes School PTA non-draw

Fair Lawn High School PTA off premise merchandise

St. Anne's Church off-premise 50/50

f. Resol. #86-2003 - Refund Due to Veteran Property Tax Exemption - Lombardo

g. Resol. #87-2003 - Award of Bid: Doors Recreation Center & Senior Center

h. Resol. #88-2003 - Authorizing Execution of Historic Preservation Grant Agreement

i. Resol. #89-2003 - Appointment to the Historical Committee

j. Resol. #90-2003 - Professional Services - Professional Nursing Services

k. Resol. #91-2003 - Interlocal Health Services Partnership

l. Resol. #92-2003 - Professional Services - Governmental Grants Consulting, Inc.

#### 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.

Deputy Mayor Etler wanted to revisit the matter of the Well Drive properties. Mayor Ganz suggested that a subcommittee of Deputy Mayor Weinstein and Deputy Mayor Etler be formed and they would report to the Council. There was a unanimous consensus that the subcommittee be formed.

Councilmember Caan stated many of the residents have seen the article concerning the prescription drug program. The brochure containing the application will be ready in March and they will be distributed throughout the Borough. If they have not received it by the end of March, a resident can call the Acting Manager, but until then please be patient.

Martha Carlucci, 2-19 Berdan Avenue apologized for being late and asked for clarification of the cellular antenna ordinance. She asked if it were possible to prohibit the cell towers anywhere children are present. Mayor Ganz explained that they cannot do that because it would be against the law.

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

#### BUDGET

Mayor Ganz asked if the Councilmembers had the opportunity to review the material from CFO Eccleston and if they would be ready to introduce the budget at the next meeting. There was a unanimous consensus to introduce the budget at the next meeting.

#### ADJOURNMENT:

Upon motion by Councilmember Caan and a second by Deputy Mayor Etler, the meeting was unanimously adjourned at 8:00 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE  
Acting Manager/Municipal Clerk

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