

## Council

### Meeting Minutes - March 11, 2003

#### REGULAR MEETING OF MARCH 11, 2003

Mayor Ganz opened the meeting at 7:40 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 Mayors Etlar and Weinstein, Councilmembers Amato and Caan.

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

Mayor Ganz welcomed everyone to the meeting. He explained that the meeting was being taped and would be shown on Channel 77 in approximately thirty minutes after the meeting.

**PRESENTATIONS:** Zoning Board

Mayor Ganz made the presentations to Doug Charipper and Cathe McAuliffe for their time and effort that was put into the Zoning Board. He extended his and the Council's heartfelt thanks for all of the work they have done.

**PROCLAMATION:** Leah Schoen Prudential Spirit of Community Recognition

Assistant Municipal Clerk Bojanowski read the proclamation. Mayor Ganz presented it to Leah Schoen and her parents. He commended her for all that she has done for the community.

**ORDINANCES:** FIRST READING

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. 1940-2003**

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

Attorney Lustgarten explained that this ordinance covers the Blue and White Collar Union's salary increase from 2002 through 2005. Mayor Ganz stated it was a 4% increase across the board.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 98-2003 introducing Ordinance No. 1940-2003 was unanimously adopted.

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. 1941-2003**

**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 \$3,207,750 THEREFOR; 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 \$3,055,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Mayor Ganz explained that items such as safety turnout gear, stretchers and other equipment for the Fire Department and Ambulance Corps, acquisition of a fire truck, acquisition of an ambulance, four wheel drive vehicles for various departments, acquisition of a garbage truck, acquisition and installation of a telephone system in the Fire Department, acquisition and installation of carpeting, shelving and fixtures for the Library, improvements to lighting at various parks and recreation sites, improvements to the Veterans Memorial at Borough Hall, construction of a new Arts Center and acquisition of media and computer equipment would be included in the fast track bond ordinance.

Mayor Ganz announced that on a similar note Senator Coniglio was notified by the Department of Environmental Protection that the Borough has been awarded a grant for \$72,000 for lighting of the fields. He felt that would give relief to a lot of people.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 99-2003 introducing Ordinance No. 1941-2003 was unanimously adopted.

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. 1942-2003**

**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 \$904,050 THEREFOR; 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 \$861,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Mayor Ganz explained that this bond ordinance is for rehabilitation to the water utilities including other items that are needed to run the department.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 100-2003 introducing Ordinance No. 1942-2003 was unanimously adopted.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, it was unanimously

agreed to read the following ordinance by title.

ORDINANCE NO. 1943-2003

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 125, ENTITLED, ALAND DEVELOPMENT@, BY ADDING NEW SECTION 125-15A, ENTITLED, AUSES PROHIBITED IN ALL ZONES EXCEPT TOWNHOUSE RESIDENTIAL ZONES@ AND AMENDING SECTION 125-21.A(2) ENTITLED AR-5-1 AND R-5-2 TOWNHOUSE RESIDENTIAL ZONES@

Mayor Ganz explained that this ordinance clarifies the Council=s position that townhouses should only be allowed to be built in the townhouse zones.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 101-2003 introducing Ordinance No. 1943-2003 was unanimously adopted.

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

ORDINANCE NO. 1944-2003

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 204, ENTITLED, ASOLID WASTE@ AND SPECIFICALLY CHAPTER 204, ARTICLE II, BY ADDING SECTION 204-21A ENTITLED AADDITIONAL REGULATIONS FOR CONSTRUCTION WASTE@

Mayor Ganz thanked Deputy Mayor Etlar for bringing this matter to the Council=s attention. Tens of thousands of dollars were spent for this service. The Borough will continue to have curbside pick up twice a year.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 101A-2003 introducing Ordinance No. 1944-2003 was unanimously adopted.

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. 1938-2003

2003 MODEL ACAP ORDINANCE TO EXCEED INDEX RATE; INDEX RATE LESS THAN 5% LIMITATION FOR YEAR 2003 (N.J.S.A. 40A: 4-45.14)

Attorney Lustgarten explained that every year the State comes out with a cap figure. This year it is 1%. This ordinance would authorize the council to excel that 1%.

There being no further comments by the public, upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, 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. 102-2003

adopting Ordinance No. 1938-2003 was unanimously adopted.

Upon motion by Deputy Mayor Etlar 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. 1939-2003

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED ALAND 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

Mayor Ganz stated this ordinance will allow for residences on the second and third floors but they would still be subject to the parking restrictions.

Attorney Lustgarten stated this ordinance is at the request of the River Road Improvement Corporation. Mayor Ganz thought they should give it a try.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 103-003 adopting Ordinance No. 1939-2003 was unanimously adopted.

#### RESOLUTIONS BY CONSENT #10-2003

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Consent Agenda #10-2003 containing the following items was unanimously adopted.

- a. Resol. #104-2003 - Award of Bid: Arch Backstops
- b. Resol. #105-2003 - Award of Bid: Sprinkler Repair/Modification
- c. Resol. #106-2003 - Award of Bid: Trucks DPW
- d. Resol. #107-2003 - Authorizing Execution of Blue and White Collar Union Labor Agreement
- e. Resol. #108-2003 - Appointments to the Business Leadership Committee
- f. Resol. #109-2003 - Refund of Overpayment of Taxes
- g. Resol. #110-2003 - Use of Walsh Pool by Rising Stars Dance Academy
- h. Resol. #111-2003 - Approval of Fair Lawn High School Annual Marathon
- i. Resol. #112-2003 - Public Health Priority Funding
- j. Resol. #113-2003 - Interlocal Service Agreement with Ridgewood (Health Officer)

#### MISCELLANEOUS PUBLIC COMMENTS

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

Assemblyman Ahearn stated it was a pleasure to be there. He informed the Council that the grant for lighting the fields was approved. He felt it was appropriate for him to be there to give the news. The money will be here shortly. He felt it was a pleasure working with the staff.

Don Oliver, 8-32 Mitchell Place, a member of the Homeowners Association, asked about what was included in the bond ordinances that were introduced tonight. Mayor Ganz gave him copies of the ordinances.

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

ADJOURNMENT:

Upon motion by Councilmember Caan and a second by Deputy Mayor Etler, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

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