

## Council

### Meeting Minutes - May 6, 2003

#### WORK SESSION

Mayor Ganz called the meeting to order at 7:37 p.m..

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

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

#### Review of Tentative Agenda 5/13/03:

Acting Manager/Municipal Clerk Kwasniewski stated she was going to add two grant resolutions for lighting the fields.

#### Fair Lawn Avenue Bridge Improvements:

Acting Manager/Municipal Clerk Kwasniewski stated that a few weeks ago Passaic County gave their presentation on the proposed improvements to the Fair Lawn Avenue Bridge. They asked for the Council's comments in thirty days. Mayor Ganz stated the Council was not ready to comment. The Council is committed to having the traffic looked at on the Fair Lawn Avenue side which will be later. He suggested that the Borough Engineer come in with additional advice. He wanted to make sure that the three-ton weight limit is imposed on the roadway by the County and he has had a discussion with the County Engineer who was in the process of drafting an ordinance so that to the west of Fair Lawn Avenue going up to First Street no traffic above three tons will be permitted.

Councilmember Amato arrived at 7:45 p.m.

Deputy Mayor Etlar wondered if Bergen County approved of the proposed changes to the bridge. Mayor Ganz said the Bergen County Freeholders have not given any approval.

#### Memorial Pool Weekends in June:

Acting Manager/Municipal Clerk Kwasniewski and Superintendent of Parks and Recreation Frey had recommended requiring pool tags for the pre-season. Mayor Ganz indicated that while he disagreed with Superintendent of Parks and Recreation Frey's reasoning, he felt Acting Manager/Municipal Clerk Kwasniewski's reasons were good. Based on those reasons he supported charging for the pre-season and closing the pools on Labor Day.

There was a unanimous consensus to follow Acting Manager/Municipal Clerk Kwasniewski's suggestion.

#### Request to Use Walsh Pool by Fair Lawn Community School:

Acting Manager/Municipal Clerk Kwasniewski stated that the Community School has requested use of Walsh Pool between the hours of 10:00 a.m. and 2:30 p.m. on Tuesdays, Thursdays and Fridays. She said it has been successful in the past. Mayor Ganz felt it was a benefit to the Borough.

There was a unanimous consensus to all the Community School use of Walsh Pool.

Change Order Hearing Center / Aux Police Building:

Acting Manager/Municipal Clerk Kwasniewski stated that additional sidewalk repairs are needed which will cost \$2,000.00. This project is funded by Community Development grants.

There was a unanimous consensus to authorize the use of CD funds for the change order for sidewalk repair.

Ordinance Revision re Fire Prevention:

Acting Manager/Municipal Clerk Kwasniewski stated that Fire Marshall Bender brought to her attention that a large portion of the fee section for Fire Prevention is missing. Mayor Ganz stated they knew when they did the recodification there would be omissions.

There was a unanimous consensus to correct the Borough code to incorporate the Fire Prevention fees.

Possible Dates for Masonic Cornerstone Laying:

Acting Manager/Municipal Clerk Kwasniewski stated the contractors are moving ahead with the addition. The brickwork was being put on. She felt the cornerstone laying would be good on a Saturday in June. Mayor Ganz requested that the Chief be available for the ceremony. He asked that invitations go out to the community.

There was a unanimous consensus to schedule the cornerstone laying for June 14, 2003 as long as the Chief is available.

Presentation Regarding New Recreation/Cultural Arts Center:

Architect Allen Weitzman presented several schemes for the new center. A lengthy discussion followed regarding the plans.

Special Meeting:

Upon motion by Deputy Mayor Etlar and a second by Councilman Caan, the work session was unanimously adjourned to a Special Meeting at 8:17 p.m.

Mayor Ganz reconvened the Work Session at 8:30 p.m.

Upon motion by Deputy Mayor Etlar and a second by Councilman Caan the meeting was recessed at 8:30 p.m.

Mayor Ganz reconvened the Work Session at 8:37 p.m.

Public Comments:

No one wished to be heard.

Grants:

A lengthy discussion took place regarding obtaining grants for the construction of the new Arts / Recreational Center. Mayor Ganz felt the Borough could obtain outright grants or get funding from the Bergen County Improvement Authority. Deputy Mayor Etler wondered how far they would go with this project because he felt there were things that could be cut. Mayor Ganz felt they should not start to cut anything from the project until they see if the Borough will be able to get funding for it.

#### Fireworks:

Acting Manager/Municipal Clerk Kwasniewski stated that previously Commerce Bank sponsored the concert before the fireworks but is not willing to do so this year. She had approached other banks and has received one thousand dollars. The thousand dollars will allow them to hire a DJ. Attorney Lustgarten felt that the band was hard to hear and that a DJ would make a lot of people happy. Mayor Ganz suggested the Council receive a list of banks that have been contacted and they will make the calls.

#### Diving Board Status:

Acting Manager/Municipal Clerk Kwasniewski stated they have run into a snag with the contractor installing the diving board. They have raised a question about the language of the agreement. There are only two minor changes which have been given to Attorney Lustgarten.

There was a unanimous consensus for Attorney Lustgarten to finalize the contracts.

There was a unanimous consensus to have Acting Manager/Municipal Clerk Kwasniewski sign off on the contracts so that the project can be done sooner.

#### Dixie Land Band:

Mayor Ganz suggested that they hire a Dixie Land Band to play Memorial Day weekend at Memorial Pool. He said he had gotten a quote of \$1,200 for a three-person band. The details of what day and time will be decided later.

There was a unanimous consensus to authorize the hiring of the Dixie Land Band to play at Memorial Pool.

#### Use of County Parks:

Deputy Mayor Weinstein stated that he had contacted the Bergen County Freeholders to see if they would allow use of a portion of the County park that is located near Peter's Whale on Saddle River Road. Mayor Ganz stated allowing that would let other people use it besides Fair Lawn residents. Permits should be obtained through Borough Hall instead of through the County. Deputy Mayor Weinstein felt this would help with the shortage of fields within the Borough. Mayor Ganz stated it was an excellent idea and he would ask the Freeholder Board to speak to the park's department to see if an arrangement could be made.

There was a unanimous consensus to proceed with obtaining permission from Bergen County for the use of the County park's field on Saddle River Road.

#### Closed Session Resolution:

Upon motion of Deputy Mayor Etler and a second by Councilmember Amato; the following Closed Session Resolution was unanimously adopted at 9:16 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 personnel; and

WHEREAS, these matters permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn with regard to personnel within 90 days by formal appointment by the Mayor and Council or Manager as statutorily appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters set forth above are ones which permit the exclusion of the public from such discussion.

Mayor Ganz reconvened the Work Session at 9:29 p.m.

Police Officer Grants:

Acting Manager/Municipal Clerk Kwasniewski stated Chief Marshall came to her about the School Resource Officer Grant which would put a Police Officer in the school for 75% of the time. The Borough would need an agreement with the Board of Ed. This is a Federal grant which lasts for three years. They would have to use the grant money to pay for the officer. The benefit would be that the Police Officer would be spending time with the youth. The downside is after the grant expires, the Borough is responsible for the officers salary. Attorney Lustgarten wondered if the Board of Education wanted armed police officers in the school and how would the parents would feel. Acting Manager/Municipal Clerk Kwasniewski stated it would be shared between the High School and Memorial School. They would be able to help with summonses regarding parking and smoking. She wanted the Council to know she was not advocating this. She said it was a big expense. Councilmember Amato stated he had a problem balancing between using the grant money and having to be liable for the expense after the grant runs out. Mayor Ganz felt that before they make a decision they should think about it and have the Chief talk to them. He felt the fourth year past the grant was problematic for him. He stated they have a meeting next week and then they can determine where they stand on this matter.

Adjournment:

Upon motion by Councilman Caan and a second by Councilmember Amato, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

SPECIAL MEETING OF MAY 6, 2003

Mayor Ganz called the meeting to order at 8:21 p.m.

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

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

## ORDINANCES: SECOND 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 and open the time for public hearing.

### 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@

Attorney Lustgarten stated this ordinance was a housekeeping item needed to clarify the townhouse ordinance.

John Rosco, 9 Lamring Drive, asked if this will prohibit the construction of townhouses in areas that are not zoned for them. Mayor Ganz advised him that it would require them to obtain a use variance in order to build in that zone. Attorney Lustgarten stated that this ordinance makes it clear what can be built in the townhouse zone. Deputy Mayor Etlar stated that a use variance requires five votes by the Planning Board members.

Joelle Karas, 11 Lamring Drive, wondered how this affects the person who wants to build townhouses on Lamring Drive. Attorney Lustgarten advised her that this ordinance is not geared for just one application. Ms. Karas stated that an application is pending before the Planning Board. Attorney Lustgarten advised her that the Planning Board will consider the application and this ordinance.

There being no further comments, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein the time for the public hearing was closed.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 168-2003 introducing Ordinance No. 1943-2003 unanimously passed.

## ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Etlar and a second by Councilman Caan, the meeting was adjourned to the Work Session at 8:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

PO Box 376, Fair Lawn, NJ 07410  
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