

REGULAR MEETING OF APRIL 9, 2002
MEMORIAL MIDDLE SCHOOL

Mayor Ganz opened the meeting at 7:35 p.m. 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 January 26, 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 and Councilmembers Amato and Caan.

ALSO PRESENT: Manager Sacks, Borough Attorney Lustgarten, Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Chief Financial Officer Eccleston.

Mayor Ganz welcomed everyone to the "Take Your Government to the Neighborhoods Program" here at Memorial Middle School. He said they have a very busy agenda tonight with proclamations and the budget hearings.

PROCLAMATION: Volunteer Week

Mayor Ganz stated the first proclamation related to Volunteer Week which is near and dear to his heart. The volunteers that are being honored here are on a nationwide basis but they are also honoring the volunteers who are in the Borough of Fair Lawn. They are the grist that makes our government work. These are the people who work on boards, all sports, football associations, softball association, street hockey association and probably every other sport you can imagine, even the Garden Club. He felt the Borough is blessed with these people. Municipal Clerk Kwasniewski read the proclamation.

National Organ Donor Awareness Month

Mayor Ganz stated last year he had the privilege of meeting a young woman who received a kidney, a gift of life. Municipal Clerk Kwasniewski read the proclamation which was then presented to Arlene Locicero who stated she took the liberty of placing a pin at each of the Council's places. The pin has two ribbons which represent the donor and the recipient. She said she was a donor mom and she could not begin to tell them what it meant for her to be there representing the sharing network. She said she knew that it worked and has to convince others that it does. Ms. Locicero thanked the Council for making people aware of how important this is.

National Coin Week

Mayor Ganz stated this proclamation was truly near and dear to his heart. This is in fact National Coin Week celebrated by a letter from President Bush. The National Coin Week proclamation was presented to David Silver, 7 Chittenden Road, Fair Lawn, who is a member of the American Numismatic Association.

ORDINANCES: FIRST READING

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

Ordinance No. 1908-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC", MORE SPECIFICALLY SUBSECTION 232-56 ENTITLED "MID-BLOCK CROSSWALKS"

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar Resolution No. 147-2002 introducing Ordinance No. 1908-2002 was discussed.

Mayor Ganz stated they are introducing this ordinance because of safety issues. He congratulated Councilmember Caan for moving this along. Councilmember Caan thanked the Council for moving so quickly. He hoped it will receive all the approvals it will need to be enforced.

There being no further comment, Resolution No. 147-2002 introduction Ordinance No. 1908-2002 was unanimously passed.

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

ordinance by title.

Ordinance No. 1909-2002

AN ORDINANCE AUTHORIZING THE BOROUGH OF FAIR LAWN, PURSUANT TO N.J.S.A. 40A:12-11, TO LEASE FROM THE FAIR LAWN BOARD OF EDUCATION, A CERTAIN PIECE OF PROPERTY LOCATED ALONG THE EASTERLY SIDE OF LOT 1, BLOCK 4515, IN THE BOROUGH OF FAIR LAWN "

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 147A-2002 introducing Ordinance No. 1909-2002 was discussed.

Mayor Ganz stated this ordinance is regarding a grassy knoll beside the high school which the Borough is going to lease from the Board of Education for the purpose of trying to get relief for the Borough residents who have complained about smoking that is taking place on Berdan Avenue and Orchard Street. No one on the Council approves of smoking. He felt they should discourage smoking. They just intend to give relief to the residents in that area.

There being no further comment, Resolution No. 147A-2002 introducing Ordinance No. 1909-2002 was unanimously passed.

ORDINANCES: SECOND READING

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

Ordinance No. 1905-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES AND PENALTIES

Mayor Ganz stated this ordinance relates to all fees, permits and penalties that the Borough can charge. The Council went through this at a prior Work Session.

Don Oliver, 8-32 Mitchell Place, a member of the Homeowner's Association questioned the water rates which have gone up from \$2.63 to \$3.36. He also wondered if the Council decided to lower the cost of the pool tags. Mayor Ganz stated they have not completed the budget yet but the water rates will go down. The pool tags will stay the same.

There being no further comments by the public, upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 148-2002 adopting Ordinance No. 1905-2002 was unanimously approved.

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. 1906-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 1, ENTITLED, "GENERAL PROVISIONS", MORE SPECIFICALLY, ARTICLE III, SECTION 1-17, ENTITLED, "GENERAL PENALTY PROVISIONS; MAXIMUM PENALTY"

There being no comments by the public, upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 149-2002 adopting Ordinance No. 1906-2002 was discussed.

Mayor Ganz stated this ordinance brings the Borough ordinance into accord with the State code which allows a maximum penalty for municipal violations. Attorney Lustgarten stated the State recently enacted their statute which increased the maximum penalty and the Borough is just following along.

There being no further comment, Resolution No. 149-2002 adopting Ordinance No. 1906-2002 was unanimously approved.

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. 1907-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", BY ADDING ARTICLE XI ENTITLED "PEDESTRIAN CROSSING RIGHT OF WAY SIGN"

There being no comments by the public, upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 150-2002 adopting Ordinance No. 1907-2002 was discussed.

Mayor Ganz stated the Pedestrian Bicycle Safety Task Force had made a series of recommendations for improvements for pedestrian traffic issues at Fair Lawn Avenue and Plaza Road. Councilmember Caan saw that those recommendations could apply to other areas in the Borough. The Council has decided to fast track it but will have to wait for approval from the County. Councilmember Caan thanked the Council and Traffic Officer Franco for working so quickly on this issue. Attorney Lustgarten stated pedestrian right of way signs will be installed at the following intersections: Fair Lawn Avenue at Radburn Road, Abbott Road and Parmalee Avenue; River Road at Hopper Avenue and Lyons Avenue; Plaza Road at High Street; Morlot Avenue at Lori Lane, 12th Street, 17th Street and Phillip Street.

There being no further comment, Resolution No. 150-2002 adopting Ordinance No. 1907-2002 was unanimously approved.

PUBLIC HEARING ON BUDGET

Mayor Ganz explained the proposed budget is not the final budget. The Council has not finished meeting with the various departments but plan on finishing in the next few weeks. They are waiting to see what the aid from the State will be. He stated the Council is trying to reduce the impact on the homeowners. He also stated there will be a hearing on any amendments made to this budget.

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

Keith Brown, 23-05 Ellington Road wondered if the cable television fee received from Cablevision is considered revenue. Mayor Ganz informed that it was considered revenue and that they have already deposited the check. Mr. Brown asked if it gets put into the general fund and is there a line for Fair Lawn TV. Chief Financial Officer Eccleston stated it is a sub-line in the Manager's budget. Manager Sacks stated their budget is \$10,000. Mr. Brown wondered if there would be funds in the budget to purchase a new camera. Manager Sacks stated they have what they need. Mr. Brown stated at last week's meeting there was talk about an employee going part-time and wondered where that would be reflected. Mayor Ganz stated it would be in salaries.

Don Oliver, 8-32 Mitchell Place, a member of the Homeowner's Association, asked if there was a legal reason why they do not list the Council's recommendations on the side. It seemed to him that they approved everything but knows from being at the meetings that they cut items. Mayor Ganz stated the Council has not finished with the cuts. Mr. Oliver wondered about the computer system the Engineering Department was looking into. Attorney Lustgarten stated there will be a second hearing on the amendments to the budget. They will publish the amendment. Chief Financial Officer Eccleston stated those types of items are in the capital budget. Councilmember Amato stated the system in Engineering is not a linking system, it stands alone. Mr. Oliver wondered if they would link it to the Fire Department. Manager Sacks stated the GIS system will link all departments together. Mr. Oliver asked about police vehicles. Chief Financial Officer Eccleston informed him they are \$26,000 each which will be in the amending resolution. Mr. Oliver wondered about over time and comp time and how they were figured. Chief Financial Officer Eccleston stated Federal law guides it and it gets computed the same way by getting one and half hours for every hour.

There being no further comments, upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, it was unanimously agreed to close the time for public hearing on the budget.

PUBLIC HEARING ON SPECIAL IMPROVEMENT DISTRICT BUDGET

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, it was unanimously agreed to open the time for public hearing on the Special Improvement District budget.

Mayor Ganz stated the Council was delighted to have Bob Landzettel, a former Mayor and currently the President of the River Road Special Improvement District, present.

Don Oliver, 8-32 Mitchell Place wondered about the \$18,600 parking lot revenue. Chief Financial Officer Eccleston informed him that the Borough set up the parking lot. The agreement made was that the River Road Special Improvement District would pay the Borough back.

There being no further comment, upon motion by Deputy Mayor Weinstein and a second by Councilmember Amato, it was unanimously agreed to close the time for public hearing on the Special Improvement District budget.

RESOLUTIONS BY CONSENT #8-2002

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Consent Agenda #8-2002 containing the following items was unanimously adopted.

1. Resol. #151-2002 - Approval of Minutes:

Work Session 2/19/02

Special Meeting 2/19/02

Closed Session 2/19/02

2. Resol. #152-2002 - Auction of Surplus Equipment

3. Resol. #153-2002 - Confirmation of Fire Board Actions

4. Resol. #154-2002 - Approval of Raffles & Bingo

The Valley Hospital Auxiliary - off-premise 50/50

5. Resol. #155-2002 - Award of Bid: Project #2078 Hearing Center Conversion / Police Auxiliary Building

6. Resol. #156-2002 - Award of Bid: Project #2099 - Parking Lot Improvements

7. Resol. #157-2002 - Amending Resolution Nos. 135-2002 and 145-2002 (Fair Lawn Business Leadership Committee)

8. Resol. #158-2002 - CDBG Agreement - Open Space Trust Funds

9. Resol. #159-2002 - Award of Bid: Project #2103 Well Rehabilitation

10. Resol. #160-2002 - Endorsing Bris Avrohom, E.S.L. CDBG Application

k. Resol. #161-2002 - Professional Services - Grants Firm

12. Resol. #162-2002 - Interlocal Agreement with Ridgewood for Health Services

13. Resol. #163-2002 - Change Order - Fire Truck

14. Resol. #164-2002 - Authorizing the Execution of the New Jersey Transit Corporation Shuttle Motor Bus Passenger Service Agreement

15. Resol. #165-2002 - Appointment to the Rent Leveling Board

16. Resol. #166-2002 - Appointment of co-liaison to the Property Maintenance / Face Lift Committee

q. Resol. #167-2002 - Amending the Fair Lawn Veterans and Volunteer Coalition for Services and Discounts

17. Resol. #168-2002 - Authorizing the Execution of a Lease with the Board of Education

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.

William LaSala, Sprint Spectrum PCS, 1 International Boulevard, Mahwah, New Jersey, stated he had sent letters to the Borough wanting to know if they would be going to re-bid the Land Lease & Construction of a self-supporting wireless telecommunications monopole and ancillary wireless telephone Memorial Park along the Passaic River. Manager Sacks stated there have been some restrictions but it will be going out to bid again and suggested he contact her office for the details. The new bid date will probably be in a month.

Keith Brown, 23-05 Ellington Road, stated one of his neighbors was mugged on her way home from Shop Rite and is really shaken up over it. He asked for more Police presence. Mayor Ganz asked Manager Sacks to follow up on it. Mr. Brown stated the Warren Point Crime Watch has asked about lighting on Midland Avenue as it is very dark between Blockbuster and Ellington Road. Manager Sacks stated she will check with PSE&G. Mr. Brown mentioned people making a left from Midland Avenue into the parking lot of Blockbuster and thought they should put a sign up advising them not to make a left. He also said the wrong sign is up in the Blockbuster parking lot. The correct sign should say "No Exit". Mayor Ganz suggested a note be sent to the owner of the property where Blockbuster is located asking them to change the sign to the appropriate one. Mr. Brown spoke about the trucks and speeding on Ellington Road. Now there is the day care on Broadway and their mini buses go up and down Ellington Road. He thought that at the Planning Board meeting the applicant said they would exit and go around to Broadway avoiding Ellington Road

altogether. Mayor Ganz asked Municipal Clerk Kwasniewski to write a memo to the Planning Board Chairman asking them to send a reminder to the day care center of the variances granted. Mr. Brown stated garbage trucks are coming at 5:40 a.m. Mayor Ganz informed him they were not to start collecting garbage before 6:00 a.m. He suggested that in the future Mr. Brown call the Police desk. Councilmember Caan stated he remembered the discussion about the day care center trying to avoid using Ellington Road.

David Figurelli, 5-18 Elizabeth Street, voiced his concern about an empty lot by his house. He has a continual problem with American Nursery. They have trucks running all night. Attorney Lustgarten stated there was a five minute limit. Mr. Figurelli stated the Police come and shut them down but it doesn't last long. Mayor Ganz stated they will pass his concern to the Police Chief and the shift Captain. Mr. Figurelli stated he sees rodents and garbage in the empty lot. Mayor Ganz asked Manager Sacks to check with the Health Department and the Building Department.

Mr. Figurelli said he had a sewer back up with three inches of sludge in his basement. The Borough helped clean up. The Borough's Sewer Department told him that the Borough would reimburse his loss. He said the Borough while trying to fix the problem broke the cap that was in the floor. Six months later another back up occurred. They told him the sewer line was put in wrong and needed to be replaced. Mr. Figurelli stated the Borough told him to make the repairs and that they would reimburse him. He has had no response from the Borough. Attorney Lustgarten stated that no one should have advised him that the Borough would reimburse him. It is not the Borough's policy. He said they advised Mr. Figurelli to clean out the sewer line and he never did. Attorney Lustgarten said unless the Borough has notice of a specific problem, it is not the Borough's responsibility. Mr. Figurelli stated they told him to go ahead with the clean up and repairs. They never reimbursed him for the damages. Attorney Lustgarten stated there is no one in the Sewer Department that would say it is the Borough's responsibility because it is not the policy.

Don Oliver, 8-32 Mitchell Place, a member of the Homeowners' Association and speaking for himself. He thanked Municipal Clerk Kwasniewski for getting the information he requested. He went through the minutes and wondered where the discussion was regarding the addition to the Borough Hall. He asked to have the Municipal Clerk get the minutes for the discussions on the addition.

Mr. Oliver stated at the last meeting he mentioned a management review company coming in to review the Manager. He felt the morale was not good in the Borough. If everyone agrees that she is doing a great job he will apologize to her. He stated he had several documents that showed there has been an inappropriate amount of hiring and firing of employees. Mr. Oliver wondered if the Borough Manager had a contract. Mayor Ganz informed him there is a renewable yearly contract that expires December 31, 2002. Mr. Oliver continued that they have a serious problem here because they are stuck with palm trees they don't need. He asked that the Mayor and Council consider terminating the Borough Manager. The cost of the legal fees in the last few years is enough cause for termination. Mr. Oliver stated he will continue to ask for her termination until it is done.

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

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk