

REGULAR MEETING OF FEBRUARY 11, 2002

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 December 31, 2001. 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 Weinstein and Councilmembers Amato and Caan.

ABSENT: Deputy Mayor Etlar

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

PROCLAMATION: NATIONAL AFRICAN-AMERICAN HISTORY MONTH

Municipal Clerk Kwasniewski read the proclamation.

ORDINANCES: FIRST READING

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. 1892-2002

AN ORDINANCE AUTHORIZING THE BOROUGH OF FAIR LAWN TO SELL CERTAIN PROPERTY LOCATED IN THE BOROUGH OF FAIR LAWN, AND KNOWN AS PART OF LOTS 12 AND 13 IN BLOCK 5802 TO A CONTIGUOUS PROPERTY OWNER

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein Resolution No. 71-2002 introducing Ordinance No. 1892-2002 was discussed.

Mayor Ganz stated this ordinance relates to property located by Henderson Brook which the Borough owns but has not been used. Attorney Lustgarten stated this property is on 11th Street and is just a strip of land used as a driveway by the contiguous property owner.

There being no further comments, Resolution No. 71-2002 introducing Ordinance No. 1892-2002 was unanimously passed.

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

Ordinance No. 1893-2002

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 180 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "RIVER ROAD SPECIAL IMPROVEMENT DISTRICT" TO AMEND SCHEDULE A

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 72-2002 introducing Ordinance No. 1893-2002 was discussed.

Mayor Ganz stated this ordinance simply takes a vacant piece of property that we assessed under the SID and makes it exempt because it is now a residential piece of property.

There being no further comments, Resolution No. 72-2002 introducing Ordinance No. 1893-2002 was unanimously passed.

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. 1894-2002

AN ORDINANCE TO AMEND SECTION 125-1, ET SEQ., OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, KNOWN BY SHORT TITLE AS "LAND DEVELOPMENT ORDINANCE OF FAIR LAWN BOROUGH", AND MORE SPECIFICALLY ARTICLE X, FEES, SUBSECTION 125-85.1"

Upon motion by Councilmember Amato and a second by Councilmember Caan, Resolution No. 73-2002 introducing Ordinance No. 1894-2002 was discussed.

Mayor Ganz stated at the time of recodification escrow fees required by the Planning Board and Zoning Board were inadvertently left out. Attorney Lustgarten stated the entire subsection was streamlined.

There being no further comments, Resolution No. 73-2002 introducing Ordinance No. 1894-2002 was unanimously passed.

ORDINANCES: SECOND READING

Upon motion by Councilmember Caan 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. 1889-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 162 ENTITLED, "PEACE AND GOOD ORDER", BY ADDING NEW SECTIONS 162-31 ENTITLED, "BAD CHECKS" AND 162-32 ENTITLED "SHOPLIFTING" AND RENUMBERING EXISTING SECTIONS 162-31 ENTITLED, "FINES TO BE PAID INTO BOROUGH TREASURY" TO BE RENUMBERED AS 162-33 AND SECTION 162-32 ENTITLED, "VIOLATIONS AND PENALTIES" TO BE RENUMBERED AS SECTION 162-34

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

Upon motion by Councilmember Amato and a second by Deputy Mayor Weinstein, Resolution No. 74-2002 adopting Ordinance No. 1889-2002 was discussed.

Mayor Ganz stated this is the addition of two new items one is for issuing bad checks and the other is for shoplifting. Attorney Lustgarten stated this ordinance will give the Prosecutor the ability to negotiate in certain cases. The revenue will go to the Borough. Mayor Ganz concluded that the Borough Prosecutor Steven Schechter suggested this ordinance.

There being no further comment, Resolution No. 74-2002 adopting Ordinance No. 1889-2002 was unanimously approved.

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. 1890-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 125 ET SEQ., ENTITLED, "LAND DEVELOPMENT", SPECIFICALLY, SECTION 125-27 ENTITLED, "OBS-1 AND OBS-2, OFFICE AND BUSINESS SERVICE ZONES", SUBSECTION A.(3)

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 Weinstein, Resolution No. 75-2002 adopting Ordinance No. 1890-2002 was discussed.

Mayor Ganz explained that this ordinance would allow, for example, a dentist to sell toothbrushes from his office. Councilmember Caan stated this ordinance was at the request of local businesses.

There being no further comment, Resolution No. 75-2002 adopting Ordinance No. 1890-2002 was unanimously approved.

Upon motion by Councilmember Caan 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. 1891-2002

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 Councilmember Amato, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Caan and a second by Councilmember Amato, Resolution No. 76-2002 adopting Ordinance No. 1891-2002 was discussed.

Mayor Ganz stated this ordinance will change the penalty to include Community Service.

There being no further comment, Resolution No. 76-2002 adopting Ordinance No. 1891-2002 was unanimously approved.

RESOLUTIONS BY CONSENT #4-2002

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Consent Agenda #4-2002 containing the following items was unanimously adopted.

1. Resol. #77-2002 - Refund of Overpayment of Taxes
2. Resol. #78-2002 - Request for Relief from Property Taxes
3. Resol. #79-2002 - Approval of Minutes:
Reorganization 01/01/02
- d. Resol. #80-2002 - Professional Services - Medical Services
- e. Resol. #81-2002 - Award of Bid: Columbia Terrace Park Parking Lot
- f. Resol. #82-2002 - Approval of Raffles & Bingos:
HB Milnes School PTA non-draw
- g. Resol. #83-2002 - Endorsing CDBG Application Valley Hospital
- h. Resol. #84-2002 - Amending the Fair Lawn Veteran and Volunteer Coalition for Services and Discounts
- i. Resol. #85-2002 - Approving the Drug and Alcohol Policy for New Jersey Transit Bus Drivers
- j. Resol. #86-2002 - Offering Condolences to the Family of Ed Reilly

9. RESOLUTION NO. 87-2002 APPROVAL OF MINUTES:

Regular Meeting 12/11/01
Work Session 12/11/01
Closed Session 12/11/01
Closed Session 12/11/01
Special Meeting 12/18/01
Work Session 12/18/01
Closed Session 12/18/01
Special Meeting 12/28/01

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Amato, Resolution No. 87-2002 was approved with Councilmember Caan abstaining.

MISCELLANEOUS PUBLIC COMMENTS

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

Don Oliver, 8-32 Mitchell Place, a member of the Homeowner's Association, thanked the Mayor and Council for Resolution No. 86-2002 that offered condolences to the family of Ed Reilly. Mayor Ganz thanked him for bringing it to the Mayor and Council's attention. Mayor Ganz asked for a moment of silence. Mr. Oliver stated they will miss him.

Mr. Oliver wondered what happened with the horses that they discussed last year. Manager Sacks stated she had not sent the report to the Mayor and Council yet but will do so in the next four to five weeks.

Mr. Oliver questioned opening the pools because of the drought conditions. He stated that at Memorial Pool 300,000 gallons of

water a day are lost. Mayor Ganz stated the Council will look at the situation. In the past the Governor has allowed the Borough to use the pool. If the Governor advises the Borough not to fill the pool they will abide. Walsh Pool has their own wells and Memorial Pool gets the water from three different sources. Mr. Oliver stated they are heading into spring with drought conditions and that it is a very bad situation.

Mario Lepore, 2-02 Fair Lawn Avenue, explained his problems obtaining a Certificate of Occupancy. He said he had gotten his fire and plumbing inspections but did not receive his CO. He told the Council two months ago that he really needed an inspector from the County to help him because he had a problem with this Building Inspector. Mayor Ganz stated he had to work through the process and that he had to have the Building Inspector either grant the CO or deny it. If he denies it, Mr. Lepore has a right to appeal it. Mr. Lepore wanted to know how to appeal it. Attorney Lustgarten stated after the last time Mr.

Lepore spoke to the Council he met with the Borough Manager and the Building Inspector who advised him what they required to obtain a Certificate of Occupancy. He suggested if he had any problems with his decision the proper body would not be this Mayor and Council. The proper jurisdiction is the Construction Board of Appeals at the County. He suggested that Mr. Lepore call the Building Inspector and ask when they would decide. Attorney Lustgarten advised him that if he is not satisfied with that decision he has ten days to appeal it to the Construction Board of Appeals and that would be the body to hear any complaints he may have.

Hearing no further comments by the public, upon motion by Councilmember Caan and a second by Councilmember Amato, it was unanimously agreed to close the time for public comments.

Mayor Ganz stated they would be going into Closed Session across the hall, then come back and appoint a risk manager and then adjourn back into Work Session.

CLOSED SESSION - CONTRACT NEGOTIATIONS, PERSONNEL

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the following Closed Session Resolution was approved at 8:05 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 contract negotiations and personnel; 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 may be made upon formal appointment by the Mayor and Council most likely later this evening;

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.

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

Mayor Ganz announced that Gail Stussi has advised that she does not have the time to serve on the Fair Lawn Recreational Facility Review Committee.

RESOLUTION NO. 88-2002 - APPOINTMENT OF RISK MANAGEMENT CONSULTANT

Upon motion by Councilmember Caan and a second by Councilmember Amato, Resolution No. 88-2002 was approved.

RESOLUTION NO. 89-2002 APPOINTMENTS TO THE FAIR LAWN RECREATIONAL FACILITY REVIEW COMMITTEE AND THE YOUTH ADVISORY COMMITTEE

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 89-2002 was approved.

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Caan and a second by Councilmember Amato, the meeting was adjourned to the Work Session at 8:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF FEBRUARY 11, 2002

Mayor Ganz reconvened the meeting at 8:30 p.m.

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

ABSENT: Deputy Mayor Etlar.

Also present: Manager Sacks, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Schedule Dates for Budget Meeting - The following budget meetings were scheduled: February 6 at 6:00 p.m., March 2 at 8:30 a.m., March 5 at 6:00 p.m., March 9 at 8:30 a.m. and March 30 at 8:30 a.m.

The Mayor and Council will introduce the Manager's budget on February 19.

E-Mail Sign-on/Sign-off Logs Status Report - Councilmember Amato indicated that he was still waiting for the report. Manager Sacks stated that she e-mailed everyone that the Borough's new internet provider does not provide that information. Their server does not operate by individual users. The Borough is one large user. She has asked them if they can put the information together and if so, at what cost. If there is a cost, she will let the Council know.

Councilmember Amato wanted to know the criteria for selecting the vendor, but Mayor Ganz indicated that was not germane to this evening's item. He would be willing to put that item on the agenda for February 19. Councilmember Amato concurred and added that he will be discussing this matter during the budget process since he feels it is important.

Report by Deputy Mayor Weinstein re Littering by the High School - Deputy Mayor Weinstein reported that he met with six students from the High School newspaper. He received positive feedback from them. The students want to help resolve the problem. They had a number of ideas that he would like to discuss at another time.

This item will be on the February 19 agenda.

Parking in Front of 3-19 Owen Avenue - Mayor Ganz noted that this is the only house on that side of the street that the homeowner does not have the ability to park in front of the house or on the side. From a prior report from the Traffic Safety Officer the issue was historically that some people were parking there from Radburn School. This is not overnight parking. Mayor Ganz indicated that Deputy Mayor Etlar had looked at the site and had no problem with allowing parking during the day. Mayor Ganz would like to amend the ordinance to permit parking between the driveway and the walkway.

The consensus was to amend the ordinance.

19-15 11th Street - Manager Sacks reported that the owner would like to use the Borough property for their driveway. The Borough does not have any use for the piece of property. She recommended that the Borough give them a license agreement to use it for their driveway. Mayor Ganz wondered why the Borough did not sell it with an easement for the Borough to use it for access if it was needed. Attorney Lustgarten indicated that he would prefer the Borough sell it, but if they have to put in a driveway in accordance with the building code and if the Borough needs to get in there, it could be a problem. Manager Sacks stated that if the Council wants to sell it, the sales price should include all the costs for the transfer of the property including the appraisal. Attorney Lustgarten pointed out that they did not do that for the Walsh property so it may be a question of equity.

The consensus was to sell the land subject to an easement for entry with the owner paying for the value of the parcel, the subdivision and the conveyance.

Manager Sacks pointed out that the fair market value and the costs would make it about double what the other property owner paid. Mayor Ganz asked Manager Sacks to ask the Assessor what the new assessment would be and to ask for an opinion of the

appraiser of the value of the property.

Manager Sacks will see if the resident wants to purchase the strip of land.

Closed Session Resolution - Upon motion by Councilmember Caan and a second by Councilmember Amato, the following closed session resolution was unanimously adopted at 8:55 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 anticipated litigation and personnel; 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 anticipated litigation within 60 to 90 days and relating to personnel by action of the Mayor and Council within 60 days; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Governing Body of the Borough of Fair Lawn.

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 Councilmember Amato and a second by Deputy Mayor Weinstein, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

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