

SPECIAL MEETING OF MAY 14, 2002

Mayor Ganz called the meeting to order at 6:05 p.m.

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

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

Defeated School Budget - Mayor Ganz stated the Council has a responsibility under the law to go through the budget and make affirmative recommendations. The choice is to allow the budget to stand as it is or make reductions. He and Deputy Mayor Etlar met with representatives of the Board of Education and discussed in general terms what needs to be done to be responsive to the voters who turned the budget down and at the same time to make sure that the children are not hurt by the decisions made. The members of the Board felt strongly about the budget since they spent seven months creating it. They felt that the 10 days the Council had to examine the budget allowed for only a superficial review. He and Deputy Mayor Etlar felt it was essential that the budget was cut. Two committee members felt no cuts should be made and the other two were willing to accept some cuts.

They had agreed that the parking lot at the "corral" would be paved as a Board of Education expense using their surplus. They agreed that there would be line item changes in the budget of \$340,000 which will reduce the budget from \$49,573,890 to \$49,233,890. They spent a considerable amount of time talking about the areas that the Board felt they thought could be deferred. Mayor Ganz presented a list of the cuts that could be made. He added that the Borough will assume the responsibility for the field maintenance this year and the Board will assume it for 2003.

Deputy Mayor Weinstein felt the proposed cuts represented a good compromise. It will resolve a problem with the parking and the cuts are reasonable. They will not hurt the curriculum or the children. Mayor Ganz advised that after his initial review of the budget he had many questions but after meeting with Superintendent Watson on three occasions he is satisfied. The budget contained new initiatives that would have been beneficial, but they are going to defer them for now.

Councilmember Amato wanted to know how many parking spaces would be created. Mayor Ganz stated that there would be approximately 60 although it may be possible to add a few more spaces for compact cars. The Engineering Department will assist them, but the Borough will not be spending any funds.

Councilmember Caan stated that he reviewed the budget. It is a tight budget. A considerable amount of the budget is made up of salaries and benefits. He thought it was difficult finding the proposed cuts. He thought the subcommittee did a good job working with the Board of Education in getting the cuts. Mayor Ganz stated that it was a cooperative effort. No one wants to see a school budget defeated, but the voters spoke. The Council has been responsive to them by making cuts. Councilmember Amato thanked Mayor Ganz and Deputy Etlar for taking the time to pursue the negotiations and doing a great deal of extra work. Mayor Ganz explained that they went through the budget on a line by line basis and then discussed it with the Board. They did not agree with the Council on deferring the construction. They felt in order to comply with the ADA and the autistic program they had to spend \$400,000. Two state of the art classrooms for autistic children will be constructed.

ADJOURNMENT - Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

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

REGULAR MEETING OF MAY 14, 2002 WESTMORELAND 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.

PROCLAMATION: Myasthenia Gravis

Mayor Ganz stated they had two proclamations to give out tonight. One is for Myasthenia Gravis and the other is for Emergency Medical Services Week. Municipal Clerk Kwasniewski read the proclamation. Mayor Ganz presented it to Kelly Hughes who was present and representing the Myasthenia Gravis association. She thanked the Council for the proclamation.

Emergency Medical Services Week

Mayor Ganz stated this next proclamation was for Emergency Medical Services Week. He stated the emergency medical personnel are an important part of our Borough and in the State. He said they owed thanks to all of the people in the emergency medical services field.

ORDINANCES: FIRST READING

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. 1913-2002

AN ORDINANCE AUTHORIZING THE BOROUGH OF FAIR LAWN TO SELL CERTAIN PROPERTY LOCATED IN THE BOROUGH OF FAIR LAWN, AND KNOWN AS LOTS 6, 7, 8 AND 9 IN BLOCK 3516 TO A CONTIGUOUS PROPERTY OWNER

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar Resolution No. 177-2002 introducing Ordinance No. 1913-2002 was discussed.

Attorney Lustgarten stated this ordinance allows the Borough to transfer lots it owns to the Volunteer Ambulance Corps. If in the future they decide they do not need the land they will deed it back to the Borough. Mayor Ganz stated the Ambulance Corps. needs this land to expand their facilities for safety issues.

There being no further comment, Resolution No. 177-2002 introduction Ordinance No. 1913-2002 was unanimously passed.

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

Ordinance No. 1914-2002

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

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 178-2002 introducing Ordinance No. 1914-2002 was discussed.

Attorney Lustgarten stated this is a salary ordinance for the Secretary to the Safety Committee. Mayor Ganz stated this was a stipend.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Amato, Resolution No. 178-2002 introducing Ordinance No. 1914-2002 was unanimously postponed until May 28, 2002.

ORDINANCES: SECOND READING

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. 1910-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES" TO ESTABLISH A FEE FOR WORK ZONE SAFETY PROJECTS

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 179-2002 adopting Ordinance No. 1910-2002 was discussed.

Attorney Lustgarten stated this ordinance provides reimbursement from the contractor for the cost of police officers used for Work Zone Safety projects. Mayor Ganz stated this came to the Council's attention from various projects done in the Borough, for example, the contractor who did the construction on the Routes 4 and 208 interchange used Borough police officers. He said Governor McGreevey was in town today to officiate the opening of the highway.

There being no further discussion, Resolution No. 179-2002 adopting Ordinance No. 1910-2002 was unanimously passed.

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

Ordinance No. 1911-2002

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

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 180-2002 adopting Ordinance No. 1911-2002 was discussed.

Attorney Lustgarten stated this ordinance establishes the minimum and maximum salary for the Municipal Court Administrator, the Judge, the Prosecutor and the Recreation Leader.

There being no further discussion, Resolution No. 180-2002 adopting Ordinance No. 1911-2002 was unanimously passed.

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. 1912-2002

AN ORDINANCE TO AMEND ORDINANCE NO. 1903-2002 OF THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", MORE SPECIFICALLY SUBSECTION 232-11 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" AND SUBSECTION 232-13 ENTITLED "PARKING TIME LIMITED ON CERTAIN STREETS"

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 181-2002 adopting Ordinance No. 1912-2002 was discussed.

Attorney Lustgarten stated this was a technical amendment relating to Orchard Street parking. Mayor Ganz stated it is from the suggestion of Councilmember Caan.

There being no further discussion, Resolution No. 181-2002 adopting Ordinance No. 1912-2002 was unanimously passed.

RESOLUTIONS BY CONSENT #10-2002

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Consent Agenda #10-2002 containing the following items was adopted with Councilmember Amato dissenting.

a. Resol. #182-2002 - Approval of Minutes:

Budget Meeting 3/5/02

Work Session 3/5/02

Special Meeting 3/5/02

Budget Meeting 3/12/02

Regular Meeting 3/12/02

Work Session 3/19/02

Special Meeting 3/19/02
Closed Session 3/19/02
Regular Meeting 3/26/02
Special Meeting 4/2/02
Closed Session 4/2/02
Work Session 4/2/02

- b. Resol. #183-2002 - Refund Due to Veteran Property Tax Exemption
- c. Resol. #184-2002 - Professional Services - Loss Control Services
- d. Resol. #185-2002 - Extension of COAH Second Round Substantive Certification
- e. Resol. #186-2002 - Appointments to Fair Lawn Borough Gardens Committee

RESOLUTION No. 187-2002 School Board Budget

Upon motion by Councilmember Caan and a second by Deputy Mayor Etler, Resolution No. 187-2002 was discussed.

Mayor Ganz stated they have gone through the budget line by line. The goal of the Council is to be responsive to the voters and also to the Board of Education. He and Deputy Mayor Etler met with the Board of Education. Their aim was to maintain the quality of education throughout the system. The Council feels this is a reasonable cut to allow for a quality education. Mayor Ganz stated he had spent more than twenty hours reading the budget. They have taken off a point and a half. The Board of Education has agreed to pave the area on Fairclough for more parking. Mayor Ganz instructed Municipal Clerk Kwasniewski to let the Board of Education know that the resolution has been adopted.

There being no further discussion, Resolution No. 187-2002 was unanimously passed.

RESOLUTION No. 188-2002 Acceptance of Scoreboards from All Sports Association

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 188-2002 was discussed.

Deputy Mayor Weinstein stated he was grateful and happy about the scoreboards and that All Sports has been on the Recreational Facilities Review Committee. They have great input. Councilmember Caan thanked All Sports for donating the scoreboards and for all they have done in the past few years. They are an integral part of the Borough. He looks forward to working with them in the future.

There being no further discussion, Resolution No. 188-2002 was unanimously passed.

Mayor Ganz stated he had received a letter from County Executive Pat Schuber advising him that they have approved the Borough's application for 2002 Community Development Block Grant for \$20,000 for barrier free curb cuts.

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.

Karen Machuka, 5-05 Lyncrest Avenue, stated she had three hundred letters from kids asking for town sponsorship. They need fields and indoor play areas. Their funds are self generated. She said they want to work with the Borough. Mayor Ganz informed her it was the right step to come before the Mayor and Council and assured her that she has the full cooperation of the Council. He will make sure the fields are available.

Keith Brown, 23-05 Ellington Road, stated he was a member of Fair Lawn All Sports, the Assistant Coach of the third and fourth graders, and President of the New Jersey Soccer League. He felt the Borough does not have enough fields for their own teams. The lower field at Thomas Jefferson Middle School is an accident waiting to happen. He stated he is familiar with Lighting Soccer and believe there are many outside kids. All Sports needs fields to play on. He asked the Council to take into consideration the teams in this town. They would love to play all year but do not have enough fields in town.

Jill Stefanik, 0-55 34th Street, stated All Sports does not offer a girls team.

Jack Hurley, 18-09 Ellis Avenue, stated 85 percent are Fair Lawn residents. He joined Lightning Soccer because there is no select team in All Sports.

Jomarie Sacchinelli, 23-17 Ellington Road, wondered what the status was of having a left hand turn installed from Broadway on to

Midland Avenue. Mayor Ganz informed her the state denied it. Ms. Sacchinelli stated the residents had suggested they dead end Ellington Road but that never went anywhere. Mayor Ganz stated they sent it to the County but they have not acted on it yet. Ms. Sacchinelli stated she will contact the County to see where they are with it.

Ms. Sacchinelli continued with a problem she had with the Planning Board and not being notified about an application that was heard before the Planning Board on May 21, 2001 in reference to the food market on Broadway. She said that supposedly they notified all of the residents on her street but she was not. Mayor Ganz informed her there was a remedy for this and suggested she go to Superior Court to exercise the remedy. Ms. Sacchinelli stated the other problem she had was where the dumpster were placed. They are right behind her house. She submitted photos of the dumpsters. She felt the dumpsters were closer to her house than to the business. Deputy Mayor Etler stated he recalled that they notified everyone of this application. He said he also remembered there were some specific reasons as to why they wanted a compactor. The residents there were very vocal and they wanted it compacted. There was a site plan that was given to the Planning Board indicating precisely where the compactor would be located. Ms. Sacchinelli agreed that the plan showed it would be placed in the middle of the property for all of the stores to use but it was not placed where it was supposed to be. It is in the middle of the parking lot towards her home. Mayor Ganz asked Manager Sacks to ask the Building Inspector to go out and take a look at the lot to see whether the compactor and trash removal storage area complies with the resolution.

Attorney Lustgarten stated the municipal land use act requires notice to all residents within 200 feet of the application. A list is obtained from the Tax Assessor of everyone within 200 feet and they check the certified card and acknowledgment of service and if that is incomplete, the hearing is null and void. He informed her to check with the Planning Board secretary to pull the file and see if there is a green card for her or someone in her household that signed the acknowledgment service. Ms. Sacchinelli stated the Planning Board secretary did not have the signatures on file. Attorney Lustgarten asked if they had a resolution and a certification that they notified everyone. Ms. Sacchinelli said they were missing and that is the issue.

Ms. Sacchinelli stated she wanted to bring up the agreement that the landlord of the property would fix the fence, the bushes and the shrubbery behind her home. She submitted pictures that showed it was not done. Mayor Ganz asked if that was in the resolution and Ms. Sacchinelli said it was. Mayor Ganz asked Manager Sacks to ask the Building Inspector to check that out as well.

Ms. Sacchinelli asked about the buffer zone between residential and commercial. She said the Planning Board resolution stated there had to be a ten-foot buffer zone but there is not. In that buffer zone her husband found a hypodermic needle. She had two young children. She called the Police and he found a marijuana baggie. Ms. Sacchinelli stated they take very good care of their property. She is proud to be a Fair Lawn resident but feels that Ellington Road is not getting enough attention. She can't even cross her street during the day because of the traffic. Now she has buses using her street. She gave more pictures to the Municipal Clerk. Elderly people are walking on her sidewalk unescorted and wondered who would be liable if they fell. The Adult Day Care center was told they were to clean up the area and they have not. Ms. Sacchinelli felt her neighborhood was looking like Newark and asked for more attention.

Gary Sacchinelli, 23-17 Ellington Road, stated he found the needle in his backyard. They are downwind from the parking lot. He felt the fence should be replaced. With the dumpster being so close to his house he is finding garbage thrown in his yard. The property owner has no maintenance schedule for cleaning the property. He felt it did not make any sense that it was not up against the building. It is a haven for flies because of the food in the dumpster. Attorney Lustgarten suggested they get the inspectors out there because property owners should not be subjected to that. Mr. Sacchinelli stated the dumpsters get picked up three o'clock in the morning.

Barbara Spector, 38-18 Wilson Street, wanted to know how she could let someone park in the street in front of her house even though there was a parking restriction and could she use a temporary parking sticker. Manager Sacks stated those stickers were for occasional use intended for a short period of time. Ms. Spector stated it was such an inconvenience not being able to park in front of her house. She does not want the commuters but feels she should be allowed to park there. The Police told her to go before the Mayor and Council. Manager Sacks stated that unless the Council amends the ordinance she cannot use the sticker or park in front of her house. Deputy Mayor Weinstein wondered if this were a self-imposed hardship. Attorney Lustgarten stated that once they make exceptions they would be having problems. The ordinance allows for workers to come occasionally. He felt there was no solution. Mayor Ganz wondered if she put a hand-lettered sign in her car if that would work. He suggested this be discussed at a Work Session and for Ms. Spector to call the Municipal Clerk's office to find out when it is on the calendar.

Audrey Pfeffer, 13-54 Sperber Road, stated in response to Mr. Brown's comments his statement is unfair that they should not be able to use the fields.

Don Oliver, 15-01 Well Drive, stated he was on the Board of Directors on Fair Lawn All Sports. He is not trying to go between Fair Lawn All Sport and Lightning Soccer. All Sports could not provide a select program but does welcome them. He stated that All

Sport uses the fields just in the fall and he asked that the Council give out fields as necessary. He stated they would like to discuss the situation further. He hoped that the Council continues that action and wished Lightning Soccer all the best.

Jane Spindel, 395 Plaza Road North, asked what was happening with the addition to the Municipal Building and what was the estimated time for completion. Manager Sacks stated they had anticipated it would be under construction by now. There was a change in the engineering and surveying firm. Once the survey is done, the Borough Engineer will get it to the County Planning Board for their approval

Karen Machuka, 5-05 Lyncrest Avenue, stated she was at the meeting and her impression was that no fields were allotted to them. She felt that they still want the Council to work on this. Someone should mediate the process so that both sides are taken care of. Mayor Ganz stated the fields are for all children participating.

Keith Brown, 23-05 Ellington Road, stated he agreed with Don Oliver 100 percent. A few meetings ago Radburn Association was contacted about using Daly Field. Mayor Ganz felt the use of that field would help. Mr. Brown continued that he received notice of the farmer's market. He did attend those meetings and read the site plan that called for four or five dumpsters on their property. Mr. Brown asked for greater Police presence on Ellington Road because the speeding and buses are out of control. There is noise at three o'clock in the morning when the dumpsters are being emptied. He mentioned that one of his neighbors had Dobermans. Mayor Ganz informed him he had a right to issue a citizen's complaint. Mr. Brown felt the residents should not have to do that. He also wondered about the Council ordering the DPW to police the High School area and whether the Health Department had policing powers. Attorney Lustgarten stated the Health Department has health violation enforcement powers. Mr. Brown concluded that he would have like to seen a bigger cut on the Board of Education's budget.

Edward Aig, 13-05 Alexander Avenue, stated he was president of All Sports and has been involved since 1983. Fair Lawn All Sports has put a lot of time into lighting Columbia Terrace Park. That field is the only quality field in Fair Lawn. The fields in the Borough are used seven days a week and all day weekends. He felt they were over used. He also felt there is a large distinction between the clubs.

Jomarie Sacchinelli, 23-17 Ellington Road, submitted documents to the Municipal Clerk and asked if they would be notified of the next meeting. She wondered if they would notify them when the Engineer would be coming to her house. She stated she was the one with the Dobermans.

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

MEMORIAL POOL

Attorney Lustgarten stated that the Engineer has filed the application for a hardship exemption which if granted will allow the Borough to fill Memorial Pool. If the pool is to be ready for Memorial Day, they need to start getting ready. Mayor Ganz suggested that the staff be permitted to start filling the pool to check the pipes. If they get the hardship exemption, they will be in position to fill the pool quickly. It is a compromise position to check the system to ensure that they are ready to fill the pool as soon as the exemption is granted.

The consensus was to begin to fill the pool in order to check the pipes.

TOKENS FOR THE COMMUTER BUS

Mayor Ganz suggested that the Borough create a token for Fair Lawn Transportation that can be sold for \$1. He estimated that it would cost about \$1500. The tokens would be available to non commuters as a piece of Fair Lawn memorabilia. He offered to prepare specifications and then bring it back to the Council for final approval.

The consensus was for the Mayor to proceed.

ADJOURNMENT

Upon motion by Councilmember Caan and a second by Councilmember Amato, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk