

REGULAR MEETING OF SEPTEMBER 24, 2002
RADBURN SCHOOL

Mayor Ganz opened the meeting at 7:35 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 January 26, 2002 and September 3, 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 Caan and Amato.

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

Mayor Ganz welcomed everyone to Radburn School and that it was good to be back as part of the take the Government to the People Program initiated by the Council. The meeting will begin with three proclamations each of which are very important.

PROCLAMATIONS: National Breast Cancer Awareness Month

Assistant Municipal Clerk Bojanowski read the National Breast Cancer Awareness Month proclamation.

Domestic Violence Awareness Month

Mayor Ganz stated this proclamation is equally important. There are programs in the Borough designed to deal with this insidious problem. Assistant Municipal Clerk Bojanowski read the Domestic Violence Awareness Month proclamation.

Race Equality Week

Mayor Ganz stated this proclamation relates to race equality, a goal to which all of us should aspire. Assistant Municipal Clerk Bojanowski read the Race Equality Week proclamation.

MANAGER'S REPORT

Mayor Ganz stated the Manager's Report is on the front table and there were no changes or additions.

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. 1926-2002

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND "TRAFFIC", ARTICLE II "PARKING"

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Resolution No. 301-2002 introducing Ordinance No. 1926-2002 was discussed.

Mayor Ganz stated this is about a matter Mr. & Mrs. Meyers brought to the Council's attention about parking in front of their home. Attorney Lustgarten stated the ordinance established an estimated 75 feet where parking will be banned on the corner of Madison and Mayfair. Deputy Mayor Etlar stated he was astonished at how quickly the Council acted on this request.

There being no further comment, Resolution No. 301-2002 introducing Ordinance No. 1926-2002 was unanimously passed.

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. 1927-2002

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

ENTITLED, "LAND DEVELOPMENT", SECTION 125-37 SWIMMING POOLS, TENNIS COURTS AND SIMILAR PRIVATE RECREATIONAL FACILITIES

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 302-2002 introducing Ordinance No. 1927-2002 was discussed.

Mayor Ganz stated this ordinance is just housekeeping and does not change anything. It does clarify the distinction between hot tubs and spas. Attorney Lustgarten advised this would bring the Borough in to conformance with the BOCA code.

There being no further comment, Resolution No. 302-2002 introducing Ordinance No. 1927-2002 was unanimously passed.

RESOLUTIONS BY CONSENT #19-2002

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Consent Agenda #19-2002 containing the following items was unanimously adopted.

a. Resol. #303-2002 - Approval of Minutes:

Work Session 7/16/02

Special Meeting 7/16/02

Closed Session 7/16/02

Regular Meeting 7/23/02

Work Session 7/23/02

b. Resol. #304-2002 - Refund of Overpayment of Taxes

c. Resol. #305-2002 - Approval of Raffles & Bingo:

Greek Orthodox Community Church of Bergen County, Inc. off-premises mdse.

d. Resol. #306-2002 - Confirmation of Fire Board Actions

e. Resol. #307-2002 - Protocols - Review of Personnel Files

f. Resol. #308-2002 - License Agreement Murray

g. Resol. #309-2002 - Shared Services Agreement Critical Incident Command & Communications Task Force

h. Resol. #310-2002 - Bergen County Cooperative Pricing Agreement

i. Resol. #311-2002 - Award of Bid: Industrial Supplies

j. Resol. #312-2002 - Audit Report

k. Resol. #313-2002 - Amending Deferred Compensation Plan

l. Resol. #314-2002 - Bergen County Open Space Representative

m. Resol. #315-2002 - 2002 - 2003 Snow Plowing Agreement

n. Resol. #316-2002 - Endorsement of Board of Education CDBG Application

o. Resol. #317-2002 - Endorsement of Board of Education CDBG Application

p. Resol. #318-2002 - CDBG Application B/F Ramp

q. Resol. #319-2002 - CDBG Application Senior Citizens Center

Councilmember Caan spoke about the resolution that they just passed which is an agreement with Paramus and Ridgewood to share equipment in case of an emergency. He wanted to point out that it was a very important resolution that they passed because it gives the Borough the ability to share manpower and equipment with local communities in case of an emergency. He thought it was important for the residents of Fair Lawn that they do this in order to provide the best care that they can.

Mayor Ganz on behalf of the Mayor and Council welcomed Mrs. Lustgarten and some members of her fifth grade class. He stated to those who were not fortunate to be upstairs before the meeting, you will be pleased to know an official weather station is in operation and that you can find out anything from the temperature inside the classroom to what is happening outside. The information is on the Channel 4 website.

Mayor Ganz stated in regard to the Cooperative Parking Ordinance, it was forwarded to the Borough Attorney as a draft so that he may make some comments and introduce it at the next meeting.

MISCELLANEOUS PUBLIC COMMENTS:

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

Peter Strungis, 5-33 Dewey Place, voiced his concerns about not being able to cross Fair Lawn Avenue by the Library. He thought the Police should have someone posted there for people who do not yield to pedestrians. Mayor Ganz stated his concern will be

passed to Chief Marshall and Traffic Safety Officer Franco. Deputy Mayor Etlar stated the signs posted should already slow or stop the traffic. Mr. Strungis continued with another concern about a sewer smell on Dewey Place. Mayor Ganz referred this to Acting Manager / Municipal Clerk Kwasniewski and to the Sewer Supervisor Ron Conte.

Marie Scelzo, 15-27 4th Street, presented her list of the Top Ten Ways to Thank the Borough of Fair Lawn for the care given to property owned originally by the Board of Education on Bergen Street and Legion Place. The list read 1) thank you for gas and oil leaks from existing tanks, that they did not notify us they were being replaced; 2) thank you for that wonderful humming sound coming from the pumps, which are hopefully cleaning the underground environment; 3) thank you for trailers on property, they look lovely. Are they now part of the scenery?; 4) thank you for the fear we live with that anytime, any person, working there or passing there can light a match and destroy all our homes; 5) thank you for the maintenance given to the building and grounds in question, looks just like Tobacco Road; 6) thank you for all the cars, trucks and buses parked all over the place on property on which we pay taxes. Do all those trucks and buses belong on this property? I think not. 7) thank you for all our properties going down in value. 8) thank you for all the uncertainty that is leading us to for health problems. Every other house within two blocks has suffered from various forms of cancer or leukemia. Coincidence, I think not; 9) thank you also for all the additional large trucks that are coming down these streets from Fair Lawn Avenue and River Road that are dangerous to children and adults; and 10) last but not least, thank you for making us pay taxes for the past 35, 20, 10 years and backing our Board of Education on issues for our young people, so that in the end the Board of Education has rewarded us in the best way possible, letting us fear our retirement, health and welfare of our families. Thank you! Thank you! Thank you!

James Cosentino, 4-16 Bergen Avenue, voiced his concerns about the property that the Board of Education owns on Bergen Street and Legion Place. The Board of Education leaves the generator running and therefore he cannot open his windows. The American Legion had to install concrete blocks in their parking lot that is behind his home to stop vehicles from going through their lot. The Board of Education put up lights that shine into his windows. They run buses for long periods of time to warm them up in the morning. Mayor Ganz stated he had received the correspondence Mr. Cosentino sent him and he wondered if they had jurisdiction to contact the Board of Education about these issues. Attorney Lustgarten advised they did not but there is a Property Maintenance person working for the Borough that could make a recommendation that could be brought to the Board of Education

Aniello Scelzo, 15-27 4th Street, stated he lived here for thirty-five years. He moved from the Bronx where you could do anything but here in Fair Lawn permits are needed for everything. Mr. Scelzo stated he did not receive notification that they were going to expand. Mayor Ganz stated a public entity is not required to do that. Mr. Scelzo said that to look out his back window does not look good. He felt it was terrorism in a different light. He said he paid his taxes and gets involved. Mr. Scelzo stated that someone should have told him he was going to get shafted by the noise, the concrete and more than twenty-five buses. One of the Kuikens wrote something in The Record that said his end of town was the seedy end. He is upset because he is at an age to retire. He has had two cancer operations and does not see those cases in Ridgewood. Attorney Lustgarten advised him to make a list of his complaints, take photos and send them to Dr. Watson asking them to put it on the Board of Education's agenda. He told him to contact the Clerk's office for the address.

Joe Marrone, 4-12 Legion Place, stated his wife had breast cancer five years ago. He found it ironic because of the fumes from the generator and the liquid that leaks into the ground soil. Not more than twenty feet away from his property are aging vehicles that leak. Mayor Ganz stated they were not Borough owned vehicles. He suggested he contact the Board of Education.

Gary Sacchinelli, 23-17 Ellington Road, wanted to know if the Property Maintenance person was blind because when he came to his house he did not see the problem he has in his backyard. He does not know what this person's credentials are and does not think he is qualified. He wondered how he got the job and how he is keeping it. Mr. Sacchinelli felt there was a lot of politicking in Fair Lawn. He felt the Property Maintenance person was not doing a good job. Acting Manager / Municipal Clerk Kwasniewski stated that was not true because she has a whole file on that area over there. He not only gave notices to the owners of the complex, actually, one of them received a summons because they did not remove construction material. Acting Manager / Municipal Clerk Kwasniewski stated the Property Maintenance person sent him a violation notice for his backyard as well. Mr. Sacchinelli denied he received a notice. He said he had complained about the business that received a violation for months that is why they received a violation notice. Mr. Sacchinelli stated he was upset that Acting Manager / Municipal Clerk Kwasniewski said he received a summons for his backyard. Acting Manager / Municipal Clerk Kwasniewski stated it was a notice to clean up their backyard because of the dogs. Mr. Sacchinelli stated he would like that in writing. He felt that was some accusation. Acting Manager / Municipal Clerk Kwasniewski stated it was a notice and she was sorry if she misspoke. The notice was sent because of all of the dog feces in the backyard. Mr. Sacchinelli asked if he could see this summons. He asked that this be put on record. Attorney Lustgarten stated the record will reflect it was a notice of violation not a summons. He said the Property Maintenance person gave a very thorough report. Attorney Lustgarten stated Mr. Sacchinelli may disagree with the photographs that were taken, he may disagree with the observation he made, he may disagree with the conclusions that they reached but the remark he made about the man not doing his job is untrue. Mr. Sacchinelli stated he did his job after numerous phone calls. Then when heat was put on him he started noticing violations. The problem with the drain that the DEP gave a violation to he did not see the first, second or third time.

Aniello Scelzo, 15-27 4th Street, wondered from what Mr. Sacchinelli was saying did the Property Maintenance person come out to see one thing and discovered another. Mr. Sacchinelli responded that he did not. He invited him in his backyard and felt there might be some intimidation.

Silvia Choureri, Syl's Salon & Spa, 21-16 Saddle River Road, stated she wanted to show appreciation to the Police, Fire, Rescue and Ambulance volunteers in remembrance of September 11 by offering a free hair cut and manicure. The offer is valid from September 30 to November 2. Mayor Ganz told her that was very kind of her to make that offer.

Dan Whalen, 7-17 Manor Avenue, stated it was ironic that most of the people present were not from the Radburn School area. He felt it was not wise to have the meetings in locations other than the Municipal Building. The Council Chambers is well equipped so the people can see the Council in action. Mr. Whalen wondered about the press conference that was held on the Borough Hall steps. He wanted to know who requested it to be televised live. Acting Manager / Municipal Clerk Kwasniewski stated she was asked to have it filmed. Mr. Whalen asked who filmed it. Acting Manager / Municipal Clerk Kwasniewski stated Ron Lottermann did and that was the usual policy.

An unidentified resident stated that she went to Borough Hall and found the meeting was not located there. She did not find a notice that the meeting had been moved. Acting Manager / Municipal Clerk Kwasniewski stated there was a note on the door.

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.

ADJOURNMENT:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, the meeting was unanimously adjourned at 8:22 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk