

REGULAR MEETING OF AUGUST 21, 2001

Mayor Ganz opened the meeting at 7:43 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 27, 2000. 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 Etlar, Councilmembers Amato and Dobrow.

ABSENT: Deputy Mayor Adler

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

Mayor Ganz stated welcome to the last televised council meeting before the November election. He said they had two proclamations this evening but before the Municipal Clerk reads them he wanted to call everyone's attention to September 23 and 23 when the Borough will be having a unique event at Memorial Park. Fair Lawn is sponsoring a living history weekend that will depict the lives and times of the Civil War working with both Federal and Confederate camps. Tom Metzler is the co-chairperson of the Civil War Committee. Mayor Ganz felt it should be a very exciting and very historic weekend here in Fair Lawn.

PROCLAMATIONS: PROSTATE CANCER AWARENESS MONTH

Mayor Ganz stated this is very important for all men to be aware of particularly men over the age of forty. Municipal Clerk Kwasniewski read the proclamation.

NATIONAL ALCOHOL & DRUG AWARENESS

Mayor Ganz stated this proclamation relates to a very insidious problem that affects as many as one in four families not only nationwide but on a local level. Municipal Clerk Kwasniewski read the proclamation.

MANAGER'S REPORT

Borough Manager Sacks stated there were no changes or additions made to the report.

ORDINANCES: FIRST READING

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

Ordinance No. 1871-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC" MORE SPECIFICALLY SUBSECTION 232-11 "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS"

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Resolution No. 241-2001 introducing Ordinance No. 1871-2001 was discussed.

Mayor Ganz explained that this ordinance concerns Dorothy Street between Morlot Avenue and Linwood Road. This ordinance was in response to the residents concerns about commuter parking.

There being no further discussion, Resolution No. 241-2001 introducing Ordinance No. 1871-2001 was passed.

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

Ordinance No. 1872-2001

AN ORDINANCE TO TRANSFER TITLE TO A 1991 GMC PICKUP TRUCK, A 1984 GMC JIMMY TRUCK AND A 1974 FORD TRACTOR/BACKHOE BY THE BOROUGH OF FAIR LAWN TO THE FAIR LAWN BOARD OF EDUCATION

Upon motion by Councilmember Amato and a second by Councilmember Dobrow, Resolution No. 242-2001 introducing Ordinance No. 1872-2001 was discussed.

Mayor Ganz stated this ordinance involves transferring the title in the sum of one dollar a piece for a 1991 GMC pick-up truck, a 1984 GMC Jimmy and five thousand dollars for a 1974 tractor/backhoe to the Board of Education from the Borough. These otherwise would have been put out to auction and they are convinced that even at a dollar it is more than they are worth because they are all in disrepair.

There being no further discussion, Resolution No. 242-2001 introducing Ordinance No. 1872-2001 was 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.1869-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 24 ENTITLED "LENGTH OF SERVICE AWARDS PROGRAM" MORE SPECIFICALLY SCHEDULE "A"

Mayor Ganz commented that this ordinance related to the longevity services program. He said the people whom LOSAP affects such as Fire and Emergency Services having worked with it for some time have agreed that some of the points system are in need of modification. The Council agrees that these changes should take place.

There being no comments by the public, upon motion by Councilmember Amato 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 Amato, Resolution No. 243-2001 adopting Ordinance No. 1869-2001 was passed.

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.1870-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 33 ENTITLED "POLICE DEPARTMENT" MORE SPECIFICALLY ARTICLE VI ENTITLED "HOURS OF WORK; LEAVES OF ABSENCE; RESIDENCE; WAGES

Mayor Ganz stated the Council is making the ordinance consistent with state law. When hiring police officers they will give a preference to those Police Officers who at the time of their application and ultimately time of appointment are residents of the Borough of Fair Lawn.

Borough Attorney Lustgarten stated the state law does not allow the Borough to require residence as a condition of employment but it does allow them, if they have an ordinance in place, to consider residency in a schedule of who gets preference for selection. This ordinance puts that process into place.

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

Upon motion by Councilmember Amato and a second by Deputy Mayor Etlar, Resolution No. 244-2001 adopting Ordinance No. 1870-2001 was passed.

RESOLUTIONS BY CONSENT #15-2001

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #15-2001 containing the following

items was unanimously adopted.

a. Resol. #245-2001 Approval of Minutes:

Work Session 6/19/2001

Special Meeting 6/19/2001

Closed Session 6/19/01

Regular Meeting 6/25/01

Work Session 6/25/01

b. Resol. #246-2001 Special Item of Revenue: State Recycling Fund

c. Resol. #247-2001 Special Item of Revenue: Bureau of Justice Assistance

d. Resol.#248-2001 Special Item of Revenue: Department of Health and Human Services

e. Resol. #249-2001 Approval of Raffles & Bingo:

Sunrise Rotary Calendar

Young Israel of Fair Lawn off-premise 50/50

St. Anne Church off-premise 50/50

f. Resol. #250-2001 Audit Report

g. Resol. #251-2001 Change Order - Project #2082 Storm Drain Improvements 2000

h. Resol. #252-2001 Award of Bid: Water & Sewage Pump Station Repair & Maintenance

i. Resol. #253-2001 Award of Bid: Memorial Park Skating Rink Lighting

j. Resol. #254-2001 Award of Bid: Wheel Loader Backhoe

k. Resol. #255-2001 Award of Bid: Wheel Loader

l. Resol. #256-2001 Award of Bid: 2001 Ford Expedition XLT 4x4 or Equivalent

m. Resol. #257-2001 Professional Services LOSAP Provider

n. Resol. #258-2001 Award of Bid: Tennis Court Refurbishment

o. Resol. #259-2001 License Agreement Malka

p. Resol. #260-2001 Law Enforcement Block Grant

MISCELLANEOUS PUBLIC COMMENTS

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

Alan Kilman, 4-25 Dorothy Street, asked why the parking restrictions are going to be imposed on Dorothy Street. Mayor Ganz explained that residents from Dorothy Street petitioned the Council because of the commuters parking and the children at Thomas Jefferson Middle School. Mr. Kilman wondered if anyone on the Council looked to see that only three cars park there. Mayor Ganz asked him if there was a reason he did not want this ordinance. Mr. Kilman stated that he parks his car on the street and leaves it there.

Deputy Mayor Etlar stated he visited the site more than once and saw more than three cars. Councilmember Amato informed Mr. Kilman that the neighbors requested this parking restriction. Mayor Ganz asked Borough Attorney Lustgarten to check to see if sticker parking would be permitted. Borough Attorney Lustgarten stated they could not do sticker parking. Mr. Kilman asked why they could not wait until school started again to see how the parking situation is then. Councilmember Amato stated this is commuter parking and that has nothing to do with the school. Having commuters parking on Borough streets has been a real problem. In fact, he stated he has a parking problem on his own street.

Mr. Kilman stated he is the last house before the end of the restriction. Mayor Ganz instructed Borough Manager Sacks to have the Traffic Officer review the area and ask if they can exclude the last house from the restriction.

Leon Wender, 7-22 Manor Avenue, stated he believes the cost for the sand and the buildings at Memorial Park are not worth what the Borough paid. Since the Borough would be receiving a grant to fix up Memorial Pool he thinks they owe Fair Lawn residents a refund. Mayor Ganz informed him the grant money was placed in surplus. Mr. Wender continued about the signs on Berdan Avenue regarding no parking, unloading or idling. Mayor Ganz corrected him that it was the Avenue of Heroes that he was referring to. He asked Borough Manager Sacks to ask the Traffic Officer for guidance. Borough Manager Sacks stated there is a no parking restriction in place already.

Don Oliver, 8-32 Mitchell Place, a member of the Homeowners Association, asked about parking permits stating that Fort Lee does it all the time. He wondered why they did not allow certain things in Fair Lawn. Borough Attorney Lustgarten stated sticker parking is not acceptable unless there is a genuine concern. He gave an example of the beaches at the Jersey shore. The towns along the shore tried to restrict the public from going on their beaches but the state said they could not do so. Mr. Oliver stated he would have to check with Fort Lee. He asked the useful life expectancy of the vehicles they awarded tonight. Borough Manager Sacks

told him the vehicles were going to the Department of Public Works. Mayor Ganz informed him there was a ten-year life expectancy. Mr. Oliver felt purchasing these vehicles was excessive. He spoke about LOSAP thinking the Chief Financial Officer was the LOSAP provider. Mayor Ganz explained the firm they hired tonight does this for several other towns. Deputy Mayor Etlar stated the state mandates that these firms providing this service be approved by the state. Valic is one of two companies approved to do that service. Mayor Ganz stated this program has to be administered by someone outside the Borough.

Mr. Oliver referred back to last year regarding talk about garbage pick up at apartment complexes and wondered where that went. Mayor Ganz informed him that the Borough entered into an agreement with the apartment complexes.

Mr. Oliver stated he wanted to compliment the Police Department and the Ambulance Corp for helping him when he fell down his basement stairs. He particularly wanted to thank Police Officer Mark Wyka, the first officer to respond to help him. Mayor Ganz said he was glad he made a full recovery.

Keith Brown, 23-05 Ellington Road, asked for an update on the Court Administrator situation. Borough Attorney Lustgarten stated the last information he received was that the labor counsel is filing their brief on September 14, 2001. Once they submit that brief and all the other briefs are in then it is in the hands of the appellate division. Mr. Brown asked what cost they have incurred and if the Borough had been fined. Mayor Ganz told him there has been no fine. The only fees have been for counsel fees. Mayor Ganz asked Borough Manager Sacks if she knew what the amount was and she did not know. Mayor Ganz said they would find out and let Mr. Brown know at the next Council meeting.

Mr. Brown continued that he was sure that the Mayor and Council would agree with him that all elected officials, those people entrusted by the people to govern and insure the public treasury, should be held to the highest standard of behavior. He asked if they agreed with that. Mayor Ganz told him to go on with his point. Mr. Brown asked if Mayor Ganz would agree that despite raising taxes we all have a civic responsibility to pay their fair share of taxes. Mayor Ganz agreed. Mr. Brown stated a seated elected official who has not held themselves to the highest standard, who is not responsive to the strain that many incur to pay taxes has failed at the most fundamental level of civic responsibility. Mayor Ganz stated he did not understand the statement and asked him to make his point.

Mr. Brown stated that he urged them to join him in urging Deputy Mayor Adler to take the following immediate action. 1) Pay the \$7,156 to the Tax Office for the year 2000 property taxes. 2) Pay the \$5,604 to the Tax Office for the year 2001 property taxes. 3) Pay the \$1,295 in interest due to the Tax Office charged because of her failure to pay and meet her civic responsibility. The total due by the Deputy Mayor on her primary residence is more than \$14,000. This amount was verified by the Tax Office at two minutes to four this afternoon. He requested that Deputy Mayor Adler, until such time that she has fulfilled the obligation that every homeowner and apartment dweller has, recuse herself from voting or participating in any discussions or actions that involve the dispersing of any funds by the Borough of Fair Lawn. He further requested that should Deputy Mayor Adler fail to take such action on her own, the Council should take such action to affect the same. Mayor Ganz stated that Deputy Mayor Adler was not here this evening so he did not think that discussing this was appropriate for the Council or anyone else. He told him he could comment on anything he wished and the Council may respond anyway it wishes but Mr. Brown had no personal privilege. Mr. Brown said that his attorney advised him that he believed he could exercise a point of privilege under Roberts Rules. Mayor Ganz ruled that he does not. Mr. Brown asked if he could ask the Borough Attorney if that is the case. Mayor Ganz said he could not.

Mr. Brown stated that the Mayor agreed with him that elected officials should be held to the highest standards. He finds it disturbing. He finds it disappointing and disgusting that a member of this Council who sits on this Council who makes decisions with his tax dollars has not had the civic responsibility to pay her taxes and now owes \$14,000. Mr. Brown thought it was shameful and again asked that she recuse herself and if she does not, he asked again, that the Mayor and Council take such action to effect the same. Mayor Ganz thanked him and told him he appreciated his statement.

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

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Amato and a second by Deputy Mayor Etlar, 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 AUGUST 21, 2001

Mayor Ganz reconvened the meeting at 8:40 p.m.

PRESENT: Mayor Ganz, Councilmembers Amato, Dobrow and Etlar.

ABSENT: Deputy Mayor Adler.

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

Televising Council Meetings - Councilmember Amato asked that the Manager speak to the head of Creative Cable to improve the camera angle when they televise the Council meetings. He is being blocked from view when anyone is speaking at the podium. Mayor Ganz suggested that it could be resolved either by changing the angle of the camera or moving the podium. Manager Sacks will speak to Ms. Vivino about a solution to this problem.

Saving Broadway Train Station - Deputy Mayor Etlar stated that NJ Transit is very interested in keeping Broadway as a train station but that will require a major overhaul of that area. He thought that the Council should be aware of what they plan to do. Mayor Ganz suggested a meeting with NJ Transit on September 25. He asked the Manager to arrange to use of one of the schools. He also wanted a Borough-wide mailing inviting the whole town since any plans in that area would impact the entire Borough.

Manager Sacks will contact NJ Transit and the Superintendent of Schools. If September 25 is not convenient for N Transit, she will obtain several alternate dates and advise the Council.

Refund Request - Adam Larysz, 5-15 Hartley Place has asked that the Borough refund him the \$135.82 he spent for Zoning Board fees for a variance for a fence permit. Attorney Lustgarten advised that the only way the Borough can refund the fee is by resolution. He recommended that the fees be refunded to Adam Larysz as a matter of fairness. Mayor Ganz felt that if any other residents had applied to the Zoning Board for a variance for a six foot fence while the Council was amending the ordinance, they should also receive a refund. Manager Sacks will check with the Construction Official.

A resolution will be adopted at a Special Meeting at the next work session. Attorney Lustgarten will send a letter to Mr. Larysz advising him that the Council will refund his payment.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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