

REGULAR MEETING OF JUNE 12, 2001 HELD AT LYNCREST 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 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 Mayors Adler and Etlar, and Councilmembers Amato (late) and Dobrow.

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

Mayor Ganz welcomed everyone to the fourth Take Your Council to the People meeting at Lyncrest School. He said he had many memories of this school because his children graduated from here. He also stated that as everyone knows the Council meetings are to be broadcast. Unfortunately the equipment was not present so the Borough Manager has a video camera running and the tape will be brought to Channel 66 for broadcasting at a later date.

PROCLAMATIONS: Officer Glen Callons
McDonald's
Van Horn's Anniversary

Municipal Clerk Kwasniewski read the proclamations.

Mayor Ganz presented the proclamation to Glen Callons stating that we all have children and that he has done a miraculous job. Mayor Ganz presented a proclamation and an award to McDonald's.

Mayor Ganz stated that marriage is a unique institution. One of his greatest joys as Mayor is marrying people. The Van Horn's have been married for fifty-five years which is remarkable. He then presented the proclamation to Mr. and Mrs. Van Horn.

ORDINANCES: FIRST READING

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

ORDINANCE No. 1861-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 125, ET SEQ., ENTITLED "LAND DEVELOPMENT," MORE SPECIFICALLY, SECTION 125-24, ENTITLED, "B-1 RESTRICTED BUSINESS, B-2 GENERAL BUSINESS AND B-3 BUSINESS ZONES"

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 178-2001 introducing Ordinance No. 1861-2001 was considered.

Borough Attorney Lustgarten stated this ordinance added the definition of a sit down restaurant left out when the Borough did the recodification.

There being no further discussion, Resolution No. 178-2001 introducing Ordinance No. 1861-2001 was unanimously passed.

Mayor Ganz asked for an interruption in the meeting so that they could take photos with Mr. and Mrs. Van Horn and their children who were present in the audience.

Ron Mondello, Public Advocate, spoke about the Nextel application that the Zoning Board granted. The applicant agreed that if the Borough bid another site within the seventy-five day review period, they would bid on that site and not use the variance. Borough Manager Sacks assured him that the bid specifications would be going out shortly.

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

ORDINANCE No. 1862-2001

BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (THE "BOROUGH") APPROPRIATING \$1,470,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,400,000 OF BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 179-2001 introducing Ordinance No. 1862-2001 was considered.

Borough Attorney Lustgarten summarized the ordinance that included furniture and equipment, vehicles, improvements to the municipal facility and various other items.

There being no further discussion, Resolution No. 179-2001 introducing Ordinance No. 1862-2001 was unanimously passed.

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

ORDINANCE No. 1863-2001

BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY ("THE BOROUGH") APPROPRIATING \$133,665 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$127,300 OF BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 180-2001 introducing Ordinance No. 1863-2001 was considered.

Mayor Ganz said this ordinance related to a water meter truck, breathing apparatus, backhoe and a modest amount of office furniture

There being no further discussion, Resolution No. 180-2001 introducing Ordinance No. 1863-2001 was unanimously passed.

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

ORDINANCE No. 1864-2001

AN ORDINANCE PROVIDING FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 181-2001 introducing Ordinance No. 1864-2001 was considered.

Mayor Ganz stated this ordinance relates to the skating rink at Memorial Park and the Warren Point annex.

There being no further discussion, Resolution No. 181-2001 introducing Ordinance No. 1864-2001 was unanimously passed.

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

ORDINANCE No. 1865-2001

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 125, ENTITLED, "LAND DEVELOPMENT," SPECIFICALLY, SECTION 125-80, CERTIFICATE OF OCCUPANCY AND CHAPTER 94 ENTITLED "FEES" ARTICLE VI ENTITLED "SCHEDULE OF FEES" SUBSECTION 94.12 ENTITLED "MISCELLANEOUS FEES"

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 182-2001 introducing Ordinance No. 1865-2001 was considered.

Mayor Ganz stated the CCO that this relates to should have been included in the recodification of the Borough's ordinances. It is a technical amendment retroactive to September 19, 2000. Borough Attorney Lustgarten said this ordinance had no substantive change and was only housekeeping.

There being no further discussion, Resolution No. 182-2001 introducing Ordinance No. 1865-2001 was unanimously passed.

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

ORDINANCE No. 1866-2001

AN ORDINANCE TO AMEND CHAPTER 232 OF THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED "VEHICLES AND TRAFFIC" BY ADDING SECTION 232-11.1

Upon motion by Deputy Mayor Adler and a second by Deputy Mayor Etlar, Resolution No. 183-2001 introducing Ordinance No. 1866-2001 was considered.

Mayor Ganz explained that previously the Borough Council authorized overnight parking. This ordinance is for daytime parking that the Council feels will be effective.

There being no further discussion, Resolution No. 1832-2001 introducing Ordinance No. 1866-2001 was unanimously passed.

Councilmember Amato arrived at 8:05 p.m.

ORDINANCES: SECOND READING

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

ORDINANCE No. 1857-2001

AN ORDINANCE PROVIDING FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFOR

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No.184-2001 adopting Ordinance No. 1857-2001 was unanimously passed.

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

ORDINANCE No. 1858-2001

AN ORDINANCE TO AMEND CHAPTER 232 OF THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 ENTITLED "VEHICLES AND TRAFFIC," MORE SPECIFICALLY SECTION 232-13

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No.185-2001 adopting Ordinance No. 1858-2001 was discussed.

Borough Attorney Lustgarten stated this ordinance will delete the two-hour parking on Burbank Street on Saturdays. He pointed out an error in one of the last paragraphs where a line had to be removed.

There being no further discussion, Resolution No. 185-2001 adopting Ordinance No. 1858-2001 was unanimously passed as

amended.

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

ORDINANCE No. 1859-2001

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

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No.186-2001 adopting Ordinance No. 1859-2001 was unanimously passed.

RESOLUTIONS BY CONSENT #12-2001

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Consent Agenda #12-2001 containing the following items, was unanimously adopted.

- a. Resol. #187-2001 Approval of Minutes:
Work Session & Special Meeting 4/18/01
Closed Session 4/18/01
Regular Meeting 4/24/01
Work Session 5/1/01
Closed Session 5/1/01
- b. Resol. #188-2001 Refund of Overpayment of Taxes
- c. Resol. #189-2001 Professional Services - Administration of LOSAP Program
- d. Resol. #190-2001 Recreational Opportunities for Individuals with Disabilities Grant Application
- e. Resol. #191-2001 Renewal of Liquor Licenses 2001 - 2002
- f. Resol. #192-2001 Award of Bid: Vermeer Model 1800A Brush Chipper
- g. Resol. #193-2001 Award of Bid: Electrical Lift Truck
- h. Resol. #194-2001 Authorization to Execute Amendment to Sedgewick James Agreement
- i. Resol. #195-2001 Authorization to Execute Contract for Electronic Parts Recycling
- j. Resol. #196-2001 Appointment to Rent Leveling Board

MISCELLANEOUS PUBLIC COMMENTS

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

Cliff Knapp, 15-23 George Street, said he wanted to address the Council on the proposed parking lot. He stated that when he was growing up the Municipal Building was just a dirt playground. The circus came to town pitching their tent on what is now the Municipal Building lot. An elephant got loose and went into his Mom's garden. They gave his family free passes to the Circus.

Mr. Knapp said that on May 8 Borough Attorney Lustgarten explained the delicate balance between the Borough and the property owners. They understand it is the Borough's property and they have a right to expand the parking lot. He said he had done a one month study of the parking lots. He checked the lots at three different times. The maximum amount of vehicles using the lots was 11.5, which totals 25% of the lot. When they expand the lot, the capacity used will only be 12%. Mr. Knapp presented a graph of his study to the Mayor and Council. He said he completed this study because he wondered if it they ever researched the use of the parking lot.

Mr. Knapp asked the following questions:

- 1) This study shows an average of eleven vehicles during work days. There is a parking problem in the area. Why does it appear that no one is parking in lot B?
- 2) His study shows 25% maximum use during the weekdays. The existing lot is 75% unoccupied. How is that justified?

3) He wondered if the Council could explain to taxpayers the evidence they have used to explain lot B or what figures they have to contradict his findings.

Mr. Knapp stated he realized change is inevitable but not warranted. This is about unnecessary suburban sprawl. He urged the Council to reconsider this issue further, take a walk and count the number of vehicles. He thanked the Council for their time and for airing the Council meetings. Mayor Ganz thanked him for the chart and for the time he put into it and he will take the time to go over it.

Joseph Lomonico, 40-10 Morlot Avenue, stated he came to the meeting tonight because he read about this parking lot issue in the paper. He has seen that lot full though at times it appears that the Borough does not need any more parking. Mr. Lomonico felt the Borough does need the space. He has been there frequently and has seen how difficult parking is. As a Senior Citizen they approached them to give up their right to park in that lot. He said he understood the Borough has to do what it has to do. Mayor Ganz stated he appreciated his anecdotal comments.

Howard Mark, 12-23 Ferry Heights complained about the Board of Education's lack of public notices regarding the budget. Mayor Ganz informed him the Borough Council has no jurisdiction or authority over the Board of Education. They have a separate budget. He suggested Mr. Mark take it up with the Board. Mr. Mark said he recalled they posted notices in The Shopper. Mayor Ganz told him the Borough advertises in The Record because the Borough is not allowed, by law, to advertise in The Shopper.

Mr. Mark stated the Fair Lawn Police were not writing reports. His mother's car was vandalized and they made no report. Mayor Ganz asked if he had a recent complaint. Mr. Marks stated that last March someone fooled with his house locks. Mayor Ganz stated he would ask Borough Manager Sacks to look into it. Councilmember Amato informed him if he had a complaint, it had to be very specific.

There being no further comments from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Amato, the time for public comments was unanimously closed with Deputy Mayor Etler dissenting.

Deputy Mayor Etler stated in reference to the parking lot being made larger there will be a twenty-foot buffer strip to the curb. There will be a five-foot buffer strip with an additional fifteen foot buffer strip that they will allow the residents to use but not to put up a fence.

Councilmember Amato stated he appreciated the quality of the study the resident did. He wants the Borough Manager Sacks to look into it.

Borough Manager Sacks stated she did not have the statistics. She does get many complaints, she looks outside and sees that the lots are full. There is no place for people to park. She stated she did not know if someone sat there all day to check the usage of the parking lot. She said if anyone had any doubt about enlarging this parking lot they should first talk to the employees, the Seniors or people coming to Court. The lots are always full.

Councilmember Amato stated that was the answer he expected. He said that at times he had seen a problem of parking. He said the Council approved an addition to the Borough Hall which may take away some spaces compounding the problem. Mayor Ganz stated the addition would not take any spaces as it is to the west of the building. Councilmember Amato stated he has seen the lot full and felt the expansion is needed.

Deputy Mayor Adler stated the desire to extend the parking lot may not meet the day to day demands but the parking needs to be increased. She felt that as long as it is attractive and does not infringe on the property owners this is the Council addressing a need.

ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 8:40 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk