

REGULAR MEETING OF MAY 8, 2001 HELD AT MEMORIAL MIDDLE SCHOOL

Mayor Ganz opened the meeting at 7:40 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 Councilmember Dobrow.

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

PROCLAMATIONS: Buddy Poppy
Save a Life

Municipal Clerk Kwasniewski read the proclamations.

Councilmember Amato arrived at 7:45 p.m.

Mayor Ganz presented a certificate to Councilmember Dobrow making her an honorable Kentucky Colonel.

LAW ENFORCEMENT AWARDS

Mayor Ganz stated that once a year Fair Lawn's finest is honored. The Council gets to hear how brave and courageous they have been which will make everyone proud of them.

Chief Rod Marshall was present. He thanked the Mayor and Council for honoring the Police and for their support.

Mayor Ganz stated the citations show that the Borough has courageous Police Officers. He applauds them as does the Council. Mayor Ganz presented the following awards: Police Officers Henry Michalski and Brian Simpson along with Auxiliary Police Scott Gross - Honorable Service. Chief Marshall stated that Scott Gross was now a Lieutenant in the Auxiliary Police. Mayor Ganz continued presenting the awards to Det. Sgt. Robert Kneer, Detectives David Boone and David DeLucca and Police Officers John Annazone, John LaDuca and Henry Michalski - Honorable Service; Detective Sgt. Robert Kneer, Detective Jeffrey Welsh and David DeLucca - Honorable Service; Captain Anthony Serrao and Police Officer Glen Cauwels - Honorable Service; Police Officers Brian La Rosa, Donald MacIsaac, Paul Scott and Sgt. Michael Messina - Honorable Service; Police Officer Glen Cauwels and Detective Jeffrey Welsh - Honorable Service; Sgt. Michael Uttel - Honorable Service; Police Officer Edward Egan and Detective Jeffrey Welsh - Honorable Service; Detective Sergeant Robert Kneer - Honorable Service; Police Officer James Corcoran - Honorable Service; Police Officer Gerard Graziano and Detective Jeffrey Welsh - Honorable Service; Police Officer David Boone, Detective David DeLucca and Captain Anthony Serrao - Honorable Service; Detective Sergeant Robert Kneer and Detective Jeffrey Welsh - Honorable Service; Police Officer Mary Any Collura - Exceptional Service and Fair Lawn PBA Local #67 - Exceptional Service Award.

Chief Marshall concluded the presentations inviting everyone for cake and coffee in the cafeteria.

ORDINANCES: FIRST READING

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

Ordinance No. 1855-2001

AN ORDINANCE TO AMEND FAIR LAWN CODE CHAPTER 125 ENTITLED, "LAND DEVELOPMENT", SECTION 125-29. CA COMMERCIAL ANTENNA ZONE, AND MORE SPECIFICALLY SUB-SECTION 125-29.C(2)

Upon motion by Deputy Mayor Adler and a second by Deputy Mayor Etlar, Resolution No. 141-2001 introducing Ordinance No. 1855-2001 was considered.

Borough Attorney Lustgarten explained this ordinance was an amendment to the present cell tower ordinance. Deputy Mayor Etlar

stated it did not change any of the locations.

There being no further discussion, Resolution No. 141-2001 introducing Ordinance No. 1855-2001 was unanimously passed with Councilmember Dobrow being excused.

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

Ordinance No. 1856-2001

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 VIII "TRAFFIC", SUBSECTION 232-50 "BUS STOPS"

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 142-2001 introducing Ordinance No. 1856-2001 was considered.

Borough Attorney explained this ordinance will change the location of the bus stop that is on the corner of Morlot Avenue and John Street. This change is a result of the residents that were at the last meeting requesting this bus stop to be moved from in front of their home. He thanked Deputy Mayor Etler for the map showing the location of the new bus stop.

There being no further discussion, Resolution No. 142-2001 introducing Ordinance No. 1856-2001 was unanimously passed.

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.1852-2001

AN ORDINANCE AUTHORIZING THE BOROUGH OF FAIR LAWN TO SELL CERTAIN PROPERTY LOCATED IN THE BOROUGH OF FAIR LAWN, AND KNOWN AS LOT 37 IN BLOCK 1405, TO A CONTIGUOUS PROPERTY OWNER

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.143-2001 adopting Ordinance No. 1852-2001 was discussed.

Borough Attorney Lustgarten explained that this ordinance authorized the sale of a non buildable lot to a contiguous property owner.

There being no further discussion, Resolution No. 143-2001 adopting Ordinance No. 1852-2001 was unanimously passed.

RESOLUTION No. 144-2001 Annual Budget Examination

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 144-2001 was discussed.

Mayor Ganz asked if they could adopt this resolution before the adoption of the budget. Borough Attorney Lustgarten advised that they could adopt it first.

There being no further comments, Resolution No. 144-2001 was unanimously passed.

PUBLIC HEARING ON BUDGET AMENDMENTS

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, the time for public hearing was open.

Chief Financial Officer Eccleston summarized the amendments that included reducing labor attorney fees, public buildings and grounds, Police overtime, Police other expenses, maintenance, liability self insurance fund, Fire Department, Parks and Recreation, electricity, tree lighting, gasoline, terminal leave and adjusting for the loss of state aid.

There being no comments from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, the time for public comments was closed.

RESOLUTION No. 145-2001 Adoption of 2001 Budget

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 145-2001 was discussed.

Mayor Ganz thanked the Council for being so diligent in maintaining a stable tax rate that is less than two dollars a week.

There being no further comments, Resolution No. 145-2001 was unanimously passed.

RESOLUTION No. 146-2001 Adoption of SID Budget

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 146-2001 was discussed.

Mayor Ganz stated this resolution represents the budget of the Special Improvement District that the Borough will collect on their behalf. Deputy Mayor Etlar stated it was for the River Road Special Improvement District.

There being no further discussion, Resolution No. 145-2001 was unanimously passed.

RESOLUTIONS BY CONSENT #10-2001

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Consent Agenda #10-2001 containing the following items, was unanimously adopted.

a. Resol. #147-2001 Approval of Minutes

Special Meeting 3/20/01

Work Session 3/20/01

Closed Session 3/20/01

Special Meeting 3/27/01

Regular Meeting 3/27/01

Work Session 3/27/01

Closed Session 3/27/01

b. Resol. #148-2001 Award of Bid: Soft Drink & Food Concession Memorial Pool

c. Resol. #149-2001 Approval of Raffles & Bingos:

Fair Lawn High School PTA on premises 50/50

Fair Lawn High School PTA non draw

d. Resol. #150-2001 Open Space Recreation Trust Fund Grant Agreement (Warren Point School)

e. Resol. #151-2001 Approval of Fair Lawn High School Annual Marathon

f. Resol. #152-2001 Appointment to Health Advisory Board

g. Resol. #153-2001 Appointment to Cable Television Board

RESOLUTION No. 154-2001 Appointment to Cable Television Board

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 154-2001 was discussed.

Mayor Ganz explained the reason this resolution was set aside from the others was because Violet Etlar is a relative of Deputy Mayor Etlar, she is his wife.

There being no further discussion, Resolution No. 154-2001 was unanimously passed with Deputy Mayor Etlar abstaining.

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.

Edward Zammit, 15-14 Parmelee Avenue, stated he had questions about the Cable Television Board. Mayor Ganz explained how they appoint the people to the board and what it does. Borough Attorney Lustgarten said that pursuant to the franchise agreement the Borough cannot establish programs or rates.

Leon Wender, 7-22 Manor Avenue, spoke about the tree ordinance. Mayor Ganz explained that a resident can remove up to five trees from private property according to the ordinance. Mr. Wender asked how much was going to be wasted on Broadway and about the money that they invested in Treeco that he read about in The Shopper. Mayor Ganz informed him that the Borough never paid Treeco and he will not respond to what they print in the newspaper. Mr. Wender questioned the construction of Routes 4 and 208. Mayor Ganz told him the State was doing the construction. Mr. Wender talked about the retail vacancies on Broadway and River Road. He thought that they should educate the residents to shop locally.

Marie Ferracone, 15-24 Parmelee Avenue, stated she and her neighbors were present to talk about the parking lot that is to be built behind their homes. They had already presented a petition to the Mayor and Council. The people along that tract of land had put fences up to stop people from going into their backyards and to help prevent crime. They would really like to see the area kept the way that it is. She wondered if expanding that lot was really necessary because it is seldom full. Manager Sacks responded that last week there was a Senior Citizen's trip, the lot was overfull and some cars had to park in the street. Her predecessor said that was why the Borough kept that lot so that in the future if they needed the area they would have it. Ms. Ferracone stated senior citizens come in a car by themselves. Manager Sacks stated the lot gets used by more than the seniors when they go on trips. The lot gets used by parents who park there to take their children to the library. People also use it to park for Court. Ms. Ferracone felt it was not a common happening.

Edward Zammit, 15-14 Parmelee Avenue, stated he has been a taxpayer since 1999. He said where he lives they can smell the fumes of the vehicles in the parking lot. Mr. Zammit said he was concerned about the winter wondering what the bus drivers will do then. Mayor Ganz informed him that a Borough ordinance would only permit the buses to idle for no more than five minutes. Mr. Zammit stated his tenants have no place to park. They cannot even park in the street. He felt it was not fair that there is no parking for people who pay rent. He said he was concerned about the quality of life. Councilmember Amato stated that Mr. Zammit was comparing overnight parking with Library parking. He should not be bringing overnight parking into this discussion. Mr. Zammit felt there should be a permit for people who live on Parmelee Avenue. Councilmember Amato stated that was a whole other issue.

Waleska Garcia, 15-28 Parmelee Avenue, stated he had heard about this lot and wondered how far they would move the fences. Mayor Ganz asked Borough Manager Sacks to circulate a plan to the residents. Deputy Mayor Etlar explained that they will extend the lot, there will be a five-foot buffer and they will allow no fences.

Esther Gent, 15-18 Parmelee Avenue, stated senior citizens relieve themselves on her property and felt it is disgusting. Deputy Mayor Etlar said that was because the buses went into the lot but they will no longer permit them to do so. Borough Manager Sacks stated there are safety issues and the buses shine their lights into the parking lot to light the way. Mrs. Gent stated ten years ago the Borough promised a fence but one was never installed. Mayor Ganz told her the lot will not have buses running in it. Deputy Mayor Adler stated the lots may not be always full. Many of these issues came up when the Mayor and Council decided to do the George Street lot. Many people have to be accommodated and the Mayor and Council have to think ahead and plan for extra parking. She suggested having police stationed in the lots to make sure they follow the rules.

Kristen Willis, 15-40 Parmelee Avenue, stated she thought the buses would go all the way to Campbell Road. Deputy Mayor Etlar explained where the buses will park and the distance from one end to the other. Ms. Willis wondered if the bus parks near the municipal building how many senior citizens would actually park their cars and walk that far to board the buses. Mayor Ganz stated other people will be using that lot besides the seniors. Councilmember Amato stated so many cars are parking on the street already. Ms. Willis stated she never sees the lot full and feels it will raise taxes. Councilmember Amato stated he believed that people park in the streets that take trips. Deputy Mayor Etlar stated he is at the Municipal Building every day so he knows how much traffic is there. The lot was not only a Senior Citizen lot but an all purpose lot.

Laura Zammit, 15-14 Parmelee Avenue, questioned where her buffer was from the back of her property. Deputy Mayor Etlar told her to check her survey. Borough Manager Sacks told her there will be no changes to the lot behind her house because they were not making the lot wider only adding spaces to the end.

Borough Attorney Lustgarten stated he has been the Borough Attorney for eighteen years. The Borough did a survey of all Borough property that residents were encroaching upon and Parmelee Avenue was one of them. They decided over the last ten years to allow the residents to use the Borough property. The Borough, which has been grateful to the residents for fixing it up, never deeded the property to anyone. He said the Borough was aware of the houses next to the public area. The plan was to use the Borough property, put in a buffer area with trees for a noise barrier. There has to be a middle ground here. He told her that when the sketched map gets finalized the Borough Manager will get a copy to her.

Edward Zammit, 15-14 Parmelee Avenue, stated the expansion of the lot is necessary because they clutter the streets. He said they just wanted safety. Councilmember Amato explained that previously a resident had problems in that area because it is dark

with shrubbery and hiding places. Mr. Zammit stated that was not his issue.

Deputy Mayor Adler stated this was not just to build a parking lot. This endeavor has a need to warrant it. The Mayor and Council do not want crime in the Borough and they do not want kids hanging out. This parking lot will not appear overnight. There will be plenty of notice given to the residents in the area. She stated she did not want her town to be seen as dirty or crime filled. She also stated this was not just a way to raise taxes.

Fred Torez, 15-28 Parmelee Avenue, thanked Borough Attorney Lustgarten for explaining what was going on. He is worried about everyone else using the lot. He wondered what the town was planning to do about moving their fences and installing lights. Manager Sacks stated there will be lights installed and they will angle them away from the residents. Mr. Torez wondered if it will be like the present lot. Deputy Mayor Adler stated she walked that area and there will be a fence at Campbell Road that may stop the kids from walking through. Mr. Torez felt the kids were not an issue. Deputy Mayor Etlar stated it was for Mr. Lindsay.

Patricia Halligan, 15-34 Parmelee Avenue, stated she did not agree that the Borough needed additional parking. She had put a fence up trying to keep the kids out of her yard. She sees the seniors as a problem. Their cars will be idling. Ms. Halligan also felt that it will take away from their property values. She suggested they park somewhere else. Councilmember Amato wondered if the kids were hanging out in that portion of the lot that exists.

Ronald McPhee, 12-10 Burbank Street, stated his concerns about the assessment ratio. He also said he ran an article in The Shopper regarding the Board of Education and wanted them at this meeting.

Leon Wender, 7-22 Manor Avenue, stated he took exception to the comment that senior citizens soil the property. The buses have a garbage can and bathroom facility in them. He felt it was not right that the seniors had to park at Memorial Park while going on a trip. Three cars were vandalized. He asked are not they entitled to that lot. Mayor Ganz informed him it was available to all Borough residents. Deputy Mayor Etlar told Mr. Wender that it was an all purpose lot and that everyone can park there. There is no other allocation of parking spaces other than for employees until 4:30 p.m.

Waleska Garcia, 15-28 Parmelee Avenue, stated this was a major issue for the residents in the area. She mentioned a problem of people parking close to the corner and that makes it difficult for people to see down the road. She said she did not know that she could park in any of those lots to go to the Library. Mayor Ganz stated that last year signs were posted on the lots so that residents could park in those lots to go to the Library or the Municipal Building. He asked Manager Sacks to ask the traffic officer to do a general survey of that area not only the signing but for other control devices. Deputy Mayor Adler stated that sometimes the parking lots get filled up with people who are at the Athletic Club. She reminded her that a restaurant/bar contributes to the parking problem. Ms. Garcia stated that should not be allowed because that is private business. She said it obstructed people from turning and then they run the stop sign. Manager Sacks asked if she were referring to the Parmelee intersection. She stated many residents' park on the street from 5:30 p.m. on. Most of the area is part of an intersection so it is already illegal to park there. Nevertheless, those residents move their cars by 7:30 - 8:00 p.m.

Mr. Garcia felt they needed more enforcement in that intersection. Manager Sacks stated the Borough never enforced it and they should have posted it. Borough Attorney Lustgarten stated he did not recall what the footage was but that is a curved intersection. If you draw an imaginary line or more rectangular, you end with a box. It is illegal to park from the outer point to the center within the box by State law. The Council will request the Borough Manager to have the Police Department post it and enforce it. The unanimous consensus was to have Borough Manager Sacks have the Police Department install signs and enforce them.

Carolyn Boyle, 15-40 Parmelee Avenue, asked when they changed the sign on the parking lot. Mayor Ganz told her it was changed by ordinance last year.

George Meyers, 15-37 George Street, wondered about the sign for the lot. Mayor Ganz repeated that they changed it last year.

Borough Attorney Lustgarten explained that last year the Borough lot changed. The Council looked at all of the lots. At that time it was made an all purpose lot instead of just a senior citizens parking lot. The Council felt it met all of the needs of the people.

Marie Ferracone, 15-24 Parmelee Avenue, asked when the lot will be done. Borough Manager Sacks told her this summer. Ms. Ferracone stated she would have to move her shrubs. Borough Manager Sacks stated the Borough will give the residents several weeks notice but does not know the date yet. She informed Ms. Ferracone that the residents should not be putting fences up. Mayor Ganz stated there will be trees five feet from the curb line. Ms. Ferracone said that ten years ago the Borough promised a fence. They never installed it. Mayor Ganz stated there will be no fences put in.

Carolyn Boyle, 15-40 Parmelee Avenue, wondered if they would destroy her lilac tree. Mayor Ganz told her to see where it is on the survey.

Patricia Halligan, 15-34 Parmelee Avenue, stated she was not sure what the purpose of all of them coming to this meeting tonight because it seemed that the Council has not taken into account what anyone has said. She mentioned that the residents did not get notified. Deputy Mayor Adler stated the property is the Borough's and the Borough is informing them what they are planning to do to that lot. Mayor Ganz stated he did not agree that the people's comments go unheard. The residents have persuaded the Council to restrict the buses from going into the parking lot. Ms. Halligan asked who petitioned to have the lot made bigger. Mayor Ganz informed her that the senior citizens petitioned the Council. Originally the Council thought that moving the seniors to Memorial Park would work out but there were problems with that. This area is the logical site to enlarge. Ms. Halligan wondered what made the Council think there would be no vandalism. Mayor Ganz replied there is no vandalism reported in that lot. Ms. Halligan repeated that she was concerned about their safety and that it will lower the property value.

Kristen Willis, 15-40 Parmelee Avenue, wondered if the buses will be going on Campbell Road. Borough Manager Sacks stated they would be adding twenty-six spaces and nothing will be on Campbell Road.

Esther Gent, 15-18 Parmelee Avenue, felt they will lose the value of their houses.

Kristen Willis, 15-40 Parmelee Avenue, believed they should have notified the residents. She thought they should not have come here tonight because the Council's mind was already made up.

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.

Mayor Ganz asked what the status was on the Memorial Pool dedication. Borough Manager Sacks stated they should schedule it for the Saturday of Memorial Day weekend. She said she could not get a guarantee from George Frey that everything would be done before then. Mayor Ganz stated that everything has to be done and wanted to know who was doing the work. Borough Manager Sacks stated various contractors are doing the work. She said that was why George Frey recommended May 26th.

The unanimous consensus was for the dedication of Memorial Pool to be held on May 26, 2001 at 9:00 a.m.

Councilmember Amato stated he had concerns that they would not complete everything by then.

Mayor Ganz extended an invitation to all Borough employees to join the Council on May 26 for the dedication and to allow them the use of Memorial Pool.

Mayor Ganz gave Municipal Clerk Kwasniewski a resume for an appointment to the Library Board. He asked that it be discussed at the next Work Session.

Deputy Mayor Etler asked what happened to Creative Cable televising the meeting. Borough Manager Sacks stated Candice Vivino could not be present tonight because she was taping a show at the Cablevision studio. She thought about bringing a camcorder in to tape the sign language interpreter with the Council in the background. Discussion followed regarding Borough Manager Sacks purchasing a camcorder and having a dry run at the next Work Session. Deputy Mayor Etler suggested Ms. Vivino be told to attend the next Work Session. Deputy Mayor Adler felt that since she was a Borough employee they should tell her to attend. Borough Manager Sacks felt her memo was too polite. Borough Attorney Lustgarten advised them not to discuss personnel issues. They agreed to move the Work Session meeting across the hall to the Council Chambers. A sunshine notice will be sent to the newspaper advising them of the change.

ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 10:10 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk