

REGULAR MEETING OF MAY 22, 2001

Mayor Ganz opened the meeting at 7:45 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, Councilmembers Amato and Dobrow.

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

Mayor Ganz stated the Council has the capability to go live tonight. He said that yesterdays Supreme Court ruling provided municipalities televising such events greater immunity from potential libel and slander suits. This ruling should make live broadcasts more acceptable. Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow the meeting was to go live on Channel 66 without being taped.

MANAGER'S REPORT

No changes or additions were made to the report.

PROCLAMATIONS: Officer Glen Callons

Mayor Ganz explained they will postpone the reading of this proclamation until the June 12 meeting that will be held at Lyncrest School.

MAYOR'S APPOINTMENT: Library Trustee - Karen Botkin-Charipper

Mayor Ganz stated the Council had reviewed her resume at the last Work Session and has agreed to appoint her as a Library Trustee.

ORDINANCES: FIRST READING

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. 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

Upon motion by Deputy Mayor Adler and a second by Deputy Mayor Etlar, Resolution No. 155-2001 introducing Ordinance No. 1857-2001 was discussed.

Attorney Lustgarten explained that this ordinance will provide funds for improvements such as Auxiliary Police Barrier Free Improvements, Barrier Free Curb Cuts and Hearing Center Building Conversion. The hearing will take place on June 12 at Lyncrest School. Borough Manager Sacks stated the Borough sets up accounts and then receives Federal funds to reimburse what was spent. Mayor Ganz stated there is no net cost to the Borough.

There being no further discussion, Resolution No. 155-2001 introducing Ordinance No. 1857-2001 was 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. 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

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 156-2001 introducing Ordinance No. 1858-2001 was discussed.

Attorney Lustgarten stated this ordinance will delete the two-hour parking restriction on Saturday on Burbank Street. Mayor Ganz stated this was done because of the residents' petition.

There being no further discussion, Resolution No. 156-2001 introducing Ordinance No. 1858-2001 was 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. 1859-2001

"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 Adler and a second by Councilmember Dobrow, Resolution No. 157-2001 introducing Ordinance No. 1859-2001 was discussed.

Mayor Ganz said this ordinance sets the salary range for the computer operator. Borough Manager Sacks stated Civil Service informed the Borough that this classification was never adopted.

There being no further discussion, Resolution No. 157-2001 introducing Ordinance No. 1859-2001 was 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. 1860-2001

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC" AS MORE SPECIFICALLY SET FORTH AS SCHEDULE A ATTACHED HERETO

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 157A-2001 introducing Ordinance No. 1860-2001 was discussed.

Mayor Ganz requested the earliest date for adoption of this ordinance. Municipal Clerk Kwasniewski informed him they could adopt it at a Special Meeting on June 5, 2001. Mayor Ganz suggested changing the adoption date to June 5. Attorney Lustgarten said the mover and seconder of the motion would have to approve the change of date. There was a unanimous consensus to change the date of the public hearing.

Attorney Lustgarten stated this ordinance was to relieve parking problems at the High School. It will remove the two hour parking restrictions at the Cadmus Place area and Sasso Field. Parking in those areas will not effect the residents. Mayor Ganz thanked Deputy Mayor Etler for doing the inspection of this area. The change will provide at least one hundred spaces.

There being no further comments, Resolution No. 157A-2001 introducing Ordinance No. 1860-2001 was 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.1853-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, MORE SPECIFICALLY CHAPTER 125, ET SEQ., ENTITLED, "LAND DEVELOPMENT", SPECIFICALLY, SECTION 125-80, BY ADDING NEW SUBSECTION 125-80.K

There being no comment from 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 Dobrow, Resolution No. 158-2001 adopting Ordinance No. 1853-2001 was discussed.

Mayor Ganz explained that this ordinance provides that all fees must be paid to the Public Advocate before a CO is issued. It is an added safeguard to guarantee that the fees will be paid. He congratulated Ron Mondello, who was in the audience, for doing an excellent job as Public Advocate.

There being no further comments, Resolution No. 158-2001 adopting Ordinance No. 1853-2001 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.1854-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, MORE SPECIFICALLY CHAPTER 125 ENTITLED "LAND DEVELOPMENT" ARTICLE IV ENTITLED "SUPPLEMENTARY ZONING REGULATIONS" SUBSECTION 125-32 ENTITLED "NONCONFORMING LOTS, USES AND STRUCTURES"

There being no comment from 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. 159-2001 adopting Ordinance No. 1854-2001 was discussed.

Attorney Lustgarten explained that this ordinance was created to solve problems with people adding a level. He detailed the specifications of how close it can be to the neighbors property line. Deputy Mayor Etlar stated this is a much needed ordinance because of some substandard lots within the Borough. Mayor Ganz stated that Deputy Mayor Etlar was relying on more than twenty years experience on the Zoning and Planning Boards.

There being no further discussion, Resolution No. 159-2001 adopting Ordinance No. 1854-2001 was unanimously passed.

Upon motion by Deputy Mayor Adler 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.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)

There being no comment from 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. 160-2001 adopting Ordinance No. 1855-2001 was discussed.

Mayor Ganz stated that when the Council first designated the sites for cell towers they limited the number of antennas that were installed on a single tower. Now there is no need to limit what is on the tower. Attorney Lustgarten stated this ordinance will bring the Borough ordinances into compliance with the current Federal Telecommunications Act of 1996.

There being no further discussion, Resolution No. 160-2001 adopting Ordinance No. 1855-2001 was unanimously passed.

Upon motion by Deputy Mayor Adler 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.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"

There being no comment from 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. 161-2001 adopting Ordinance No. 1856-2001 was discussed.

Mayor Ganz stated this relates to a bus stop on Morlot Avenue. The homeowners brought the problem to the Council's attention. Fortunately the Borough could move the bus stop to a new location. Deputy Mayor Adler added she was glad these people can now sleep in.

There being no further comment, Resolution No. 161-2001 adopting Ordinance No. 1856-2001 was unanimously passed.

RESOLUTIONS BY CONSENT #11-2001

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #11-2001 containing the following items was unanimously adopted.

a. Resol. #162-2001 Approval of Minutes:

Work Session 4/3/01

Closed Session 4/3/01

Regular Meeting 4/10/01

Work Session 4/10/01

b. Resol. #163-2001 Refund of Overpayment of Taxes

c. Resol. #164-2001 Award of Bid: Well & Pump Station Door Replacement

d. Resol. #165-2001 Award of Bid: John Deere Model 270 Skid Steer Loader or Equivalent

e. Resol. #166-2001 Award of Bid: Disposal of Solid Waste

f. Resol. #167-2001 Award of Bid: Kasi Model IR-480 Trailer Mounted Pavement Heater or Equivalent

g. Resol. #168-2001 Reject Bid: Electrical Lift Truck

g. Resol. #169-2001 Change Order Fire Truck

i. Resol. #170-2001 Authorization to Execute Snow Plowing Agreement

j. Resol. #171-2001 Interlocal Agreement with Midland Park

k. Resol. #172-2001 Interlocal Agreement with Ridgewood

l. Resol. #173-2001 Authorization to Execute Lease Agreement with Fair Lawn Deaf Program

m. Resol. #174-2001 Interlocal Agreement with Prospect Park

MISCELLANEOUS PUBLIC COMMENTS

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

Leon Wender, 7-22 Manor Avenue, commented that last Sunday the Council was supposed to have the dedication of Memorial Pool and it did not happen. Several people were present. Mayor Ganz stated the Council decided to change the date to May 26 at 12:30 p.m. Mr. Wender commented on how the area had improved. He wondered how long it would take to unhook the trailers if a flash flood happened. Mayor Ganz stated in a real flood there is sufficient time to move them. They are also high enough off the ground. Mr. Wender asked how much time the trailers would have to get out of there in case of a flood. Mayor Ganz said he would have the Borough Manager ask the Borough Engineer for the opinion of how long it would take. Borough Manager Sacks said that even when Tropical Storm Floyd hit the Borough had a few hours of warning to get the equipment moved. The Borough now has Doppler radar. Mr. Wender stated he hoped it was at a minimal cost to the Borough. Borough Manager Sacks stated the Borough had a few hours notice in advance to warn the residents. Deputy Mayor Etlar told him to look at the boat launch to see how beautiful it is now. Deputy Mayor Adler stated the new date for the dedication is this Saturday, rain or shine.

Keith Brown, 23-05 Ellington Road, suggested the Council speak slower so that the sign language interpreter can keep up. He commended the Council for going live. Hopefully the meetings will be broadcast live all the time. He also commended some Police Officers. His daughter, Megan, who was in the DARE program at Thomas Jefferson Middle School felt that Officer Glen Callons did an excellent job. Mr. Brown asked for continued police presence on Ellington Road.

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

ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Amato it was unanimously agreed to adjourn at 8:23 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF MAY 22, 2001

Mayor Ganz reconvened the meeting at 8:30 p.m.

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

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

Retaining Wall at 26-02 Berdan Avenue - Deputy Mayor Etlar reported that he had looked at the site. The wall looks well made. He did not think it would be a problem if Mr. Berlin knows that if the Borough has to enter the easement he must remove the wall. Attorney Lustgarten noted that in the past the Borough has required an indemnification and an insurance certificate naming the Borough as an additional insured. He will need a sketch map so he will have the exact location.

The consensus was to permit the easement. Manager Sacks will ask Engineering to give Attorney Lustgarten a sketch of the area where the wall will be.

Change in Meeting Dates for June - It was necessary to change meeting dates due to the change in Primary Date. The Work Session will be on June 5 instead of June 6 and the Regular Meeting will be on June 25 instead of June 26.

Ordinance Change re Exigent Circumstances for Parking on the Street Attorney Lustgarten advised that he dictated two proposals for the Council to consider. The first is to amend the ordinance to authorize the Police Chief to give a permit for extraordinary circumstances to allow someone to park in an area that has the two-hour restriction. The Council will have to decide how many days the permit can be granted.

He noticed that another section of Code exempts construction vehicles working on that street, Borough vehicles and emergency vehicles, but that is not in this section. He suggested that the Traffic Safety Officer review it.

Deputy Mayor Etlar asked that any traffic changes be accompanied by a map. Attorney Lustgarten pointed out that waiving the two-hour no parking restriction during the day at the Police Chief's discretion is Borough-wide. Putting that information on a map would be quite a project. Mayor Ganz suggested that it may not be a bad idea to have the map, but he recognized that it would not be done quickly. Manager Sacks pointed out that the Engineering Department is doing construction now which at this time is the priority.

Manager Sacks noted that overnight parking has different criteria than exigent circumstances. The exigent circumstances would be that work is being done on the house or the driveway. Mayor Ganz did not think it was a good idea to give unbridled discretion to a bureaucracy. Manager Sacks suggested that there be a definition of exigent circumstances. She suggested that it be if the driveway is not able to be used. Mayor Ganz pointed out that it is not exigent but it is necessary. He thought the Council should be thinking about what they are trying to accomplish. Focusing it on a district at a time may be better. Deputy Mayor Adler summed up the problem by stating that the Council is trying to accommodate people who need to park in areas that have restricted parking and they need to know the circumstances under which someone can give an exception without having to come to the Council for it every time. She suggested they that could list those circumstances and then write a policy. Deputy Mayor Etlar would like to go into the field and see what they are talking about before he decides. Attorney Lustgarten suggested that the Council review his memo when they receive it and then they can prepare a list of needed circumstances on a daytime basis and adopt them as protocols. The Chief would still have discretion but not unbridled discretion.

This matter was carried to the next work session.

19-01 11th Street Easement Request - Manager Sacks reported that Mr. and Mrs. Walsh have lived in their home for 11 years. The prior owner used the side of the house for parking and installed a driveway. However, it is on the Borough's property. They are selling the house and they cannot get a CCO because they do not have off-street parking. The Construction Official/Zoning Officer has said that if they obtain permission from the Borough to use the strip of land, it would satisfy the requirement for a CCO. The Borough does not use the property.

Deputy Mayor Adler suggested having the strip of land appraised and offering to sell it to the homeowner. Councilmember Amato agreed provided the Borough received the value of the land.

The consensus was to have Manager Sacks obtain a value from the Tax Assessor, discuss it with the resident and have Engineering certify that it is less than a buildable lot. The Council would have to confirm the value since that would become the minimum sale price.

Request by Councilmember Amato - Councilmember Amato asked, with the consent of the Council, to allow the Municipal Clerk to ask CFO Eccelston if he received his e-mail. If CFO Eccelston received it, he asked for some idea of when the request will be processed. No one objected.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow the following closed session resolution was unanimously adopted at 9:15 p.m.

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the governing body; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss personnel; and

WHEREAS, this matter is one which permits the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of these discussions shall be made at the next regular Council meeting if the matter is decided this evening or at the Council meeting subsequent to when the matter is decided just as to the result;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

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