

## REGULAR MEETING OF NOVEMBER 27, 2001

Mayor Ganz opened the meeting at 7:30 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 Etler, and Councilmembers Amato, Dobrow and Weinstein.

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

Mayor Ganz stated he was delighted to note that they had a full quorum and welcomed Councilmember Dobrow back from her sojourn to Boston.

### PROCLAMATIONS:

JIM HILE

THOMAS METZLER

Municipal Clerk Kwasniewski read the proclamation. Mayor Ganz stated he understood Tom Metzler was not present tonight but that his wife would be accepting it for him. Mayor Ganz presented the proclamations to Mr. Hile and to Mrs. Thomas Metzler. Deputy Mayor Etler stated he participated in a small part of this event and feels this recognition is well deserved. Mr. Hile thanked the Borough Council for their support and especially Tom Metzler who was the workhorse behind it all. He hoped to do this event again but cannot do it in 2002 because of scheduling difficulties.

### MANAGER'S REPORT

Manager Sacks stated there were no changes or additions to the report that was on the table.

### ORDINANCES: FIRST READING

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

#### ORDINANCE NO. 1881-2001

AN ORDINANCE TO AMEND CHAPTER 33 OF THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED "POLICE DEPARTMENT" MORE SPECIFICALLY SECTION 33-2

Upon motion by Councilmember Weinstein and a second by Deputy Mayor Etler, Resolution No. 325-2001 introducing Ordinance No. 1881-2001 was discussed.

Mayor Ganz stated this ordinance will allow up to sixty-one Police Officers. Attorney Lustgarten stated this is a housekeeping ordinance setting the maximum number of Police Officers the Council can fund.

There being no further comments, Resolution No. 325-2001 introducing Ordinance No. 1881-2001 was unanimously passed.

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

#### ORDINANCE NO. 1882-2001

AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED "LAND DEVELOPMENT" AND MORE SPECIFICALLY SECTION 125-25 ENTITLED "B-4 RIVER ROAD BUSINESS ZONE", SUBSECTION C ENTITLED "CONDITIONAL USES" AND SECTION 125-26 ENTITLED "B-5 RIVER ROAD BUSINESS ZONE", SUBSECTION C ENTITLED "CONDITIONAL USES"

Upon motion by Councilmember Amato and a second by Councilmember Weinstein, Resolution No. 326-2001 introducing Ordinance No. 1882-2001 was discussed.

Mayor Ganz stated the adoption of this ordinance is scheduled for December 18, 2001 so that the Planning Board could review it and make their recommendations. Attorney Lustgarten stated this was a housekeeping ordinance that was deleting and adding sections. The substance of the ordinance has not changed.

There being no further discussion, Resolution No. 326-2001 introducing Ordinance No. 1882-2001 was unanimously passed

#### ORDINANCE: SECOND READING

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

#### ORDINANCE NO. 1876-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 125 ENTITLED "LAND DEVELOPMENT" MORE SPECIFICALLY SUBSECTION 125-24 ENTITLED "B-1 RESTRICTED BUSINESS, B-2 GENERAL BUSINESS AND B-3 BUSINESS ZONE", SUBSECTION 125-43 ENTITLED "OUTDOOR CAFES" AND SUBSECTION 125-85 ENTITLED "MISCELLANEOUS FEES"

There being no comments from the public, upon motion by Councilmember Weinstein 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 Weinstein, Resolution No. 327-2001 adopting Ordinance No. 1873-2001 was discussed.

Attorney Lustgarten explained that this ordinance has two aspects to it. One was the housekeeping issue that put restrictions in the B2 and B3 zones. The other aspect was to codify the fee for outdoor cafes.

There being no further discussion, Resolution No. 327-2001 adopting Ordinance No. 1873-2001 was unanimously passed.

#### RESOLUTIONS BY CONSENT 20-2001

Upon motion by Deputy Mayor Etlar and a second by, Councilmember Weinstein Consent Agenda #20-2001 containing the following items was unanimously adopted.

##### a. Resol. #328-2001 Approval of Minutes

Regular Meeting 9/13/01

Regular Meeting 9/25/01

Work Session 9/25/01

Work Session 10/3/01

Closed Session 10/3/01

Regular Meeting 10/10/01

Closed Session 10/10/01

##### b. Resol. #329-2001 Approval of Raffles & Bingo:

Cerebral Palsy Center off-premise 50/50

Temple Beth Sholom off-premise mdse.

##### c. Resol. #330-2001 Refund of Overpayment of Taxes

d. Resol. #331-2001 Award of Bid: Sanitary Sewer Cleaning & TV Inspection

e. Resol. #332-2001 Extension of Electrical Repair Contract

f. Resol. #333-2001 Change Order - Project #2084 Memorial Park Skating Rink Lighting

g. Resol. #334-2001 Endorsing Bris Avrom CDBG Application - Educational and Employment Skills Program

h. Resol. #335-2001 Endorsing Bris Avrom CDBG Application - Youth Program

#### RESOLUTION NO. 336-2001 APPROVAL OF MINUTES -

Work Session, Closed Session and Special Meeting 9/19/01

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Resolution No. 336-2001 was unanimously passed.

#### RESOLUTION NO. 337-2001 EXPRESSING APPRECIATION TO ASSEMBLYMAN FELICE

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, Resolution No. 337-2001 was discussed.

Mayor Ganz explained that the Borough Council through the Manager made a request to the state for reimbursement of a substantial amount that the Borough spent to repair Memorial Pool's damage caused by Tropical Storm Floyd. A check for \$450,000 was received yesterday and this resolution expresses appreciation to Assemblyman Felice for his efforts in obtaining this funding for the Borough. Mayor Ganz asked Municipal Clerk Kwasniewski to forward a signed copy of this resolution to Assemblyman Felice along with a note of thanks from the Council.

There being no further discussion, Resolution No. 337-2001 was unanimously passed.

#### RESOLUTION NO. 338-2001 RENAMING PARMALEE AVENUE

Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein, Resolution No. 338-2001 was discussed.

Mayor Ganz stated that Councilmember Dobrow was retiring at the end of this year after more than twenty-five years of service to the Borough. He suggested that for the entire month of December Parmalee Avenue be renamed in her honor.

There being no further discussion, Resolution No. 338-2001 was unanimously passed.

Mayor Ganz read a letter he received yesterday which they addressed to him as Mayor and inside was a letter addressed to Flossie. The letter read as follows, Dear Ms. Dobrow: Congratulations on your retirement from the Borough Council after many years of service. I know how proud your family, friends and colleagues must be of your record of service and accomplishment. Laura joins me in sending our best wishes for many years of happiness in the future. Sincerely, George W. Bush, President of the United States.

#### MISCELLANEOUS PUBLIC COMMENTS

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

Leon Wender, 7-22 Manor Avenue stated that while the Christmas wreaths placed on the poles on River Road are cheery and nice he felt that symbols of all faiths should be displayed. He thought it would be good for all businesses and citizens. It would be a symbol of solidarity. He wondered if the paving of the former senior citizen parking lot was completed. Manager Sacks informed him it was almost completed only a few more things needed to be done. Mr. Wender stated he has received many complaints from the senior citizens taking trips.

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

#### ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Weinstein and seconded by Councilmember Amato the meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

#### WORK SESSION OF NOVEMBER 27, 2001

Mayor Ganz reconvened the meeting at 8:00 p.m.

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

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

Resolutions Honoring Councilmember Dobrow:

It was the consensus that December be designated Councilmember Flossie Dobrow Month, that Flossie Dobrow be declared Honorary Mayor for December and that December 18 be declared Councilmember Flossie Dobrow Day in Fair Lawn.

Ambulance Corps. - Matt Ahearn, Esq. appeared on behalf of the Ambulance Corps. to update the Council since the Ambulance Corps does not have a Council liaison. Some years ago the Borough bonded for an ambulance and the Ambulance Corps. is to reimburse that cost from the cell tower revenue. Mayor Ganz noted that the Council had agreed that if the revenue was not there, the Borough would assume the cost of the ambulance. Deputy Mayor Etlar asked for the full income of the Ambulance Corps.

Attorney Ahearn advised that the Ambulance Corps. has purchased another ambulance on its own. The Borough's assistance was a good idea but they do not think it should continue in the future. One of the problem areas for the Corps. is staffing. The competition between towns has increased with some municipalities offering stipends and better facilities than Fair Lawn's. The Corps. wants to upgrade their facilities. He asked for assistance with a grant application. He asked if the grants firm could research this item.

He asked the Council to look at what is spent on expendable medical supplies. The costs have gone up and the amount used has also risen. The Corps. uses its supplies to stock the police cars. They spend about \$15,000 a year. If the Council could assist with those costs, the Corps. may be able to self-fund its own structural improvements. Gail Cebular, President explained that they supply oxygen, bandages, oxygen supplies, tubing and masks. They fill the small oxygen bottles for the police. Attorney Ahearn thought if the Borough could assist with this item, the donation money could go toward the facilities and the cell tower revenue toward the ambulances.

Deputy Mayor Etlar reiterated that he wanted to know the full income. Mayor Ganz stated they were required to file a 990 form with the Internal Revenue Service. If the Ambulance Corps. does not supply it within 30 days, the Manager is directed to obtain it from the IRS.

Attorney Ahearn also pointed out that the Ambulance Corps. is the last service to get the exhaust system. Manager Sacks noted that funds have not been included in the Police Department budget for the supplies. It is a police cost that has just been subsidized by the Ambulance Corps.

Councilmember Amato asked if the typical volunteer sleeps at the building. President Cebular explained that each person has a pager. When they are on call, they are at home. Many of the members have moved out of town but have chosen to stay with Fair Lawn Ambulance Corps.

instead of joining the Corps. where they now reside. Those people have to stay in town so they must stay at the building. Some are only available during the day which makes it more difficult for those who live in town because they have to cover more shifts. If the facilities were better, they could attract more members. Gloria Schoenfeld added that about 40 percent of the Corps. lives out of town. President Cebular continued that the ambulances are required to be on chargers so they have to be housed at the building. Councilmember Weinstein asked if any towns require those who live in town to sleep at the building. Attorney Ahearn replied that Saddle Brook requires them to stay until midnight. He thought Hackensack, Paramus and Hoboken might.

Mayor Ganz noted that several years ago the question was raised if the Ambulance Corps. wanted to have the ability to collect when there is insurance. Attorney Ahearn noted that they did not have the people to do the paperwork. President Cebular added that it would have a negative affect on contributions. Attorney Ahearn continued that it changes the nature of the Ambulance Corps. It would no longer be a volunteer Ambulance Corps. The burden on the volunteers was too much to even do a study. Manager Sacks added that one of the biggest problems is that it becomes costly to meet the requirements if the status changes. Unless the Corps. knows that the bulk of the calls is going to be paid, it does not make sense to do.

Mayor Ganz wondered if it would be helpful to have a Council liaison. Attorney Ahearn noted that the Corps. will be reorganizing and they can discuss it at that time. Councilmember Amato stated that he would be very interested in being the Council liaison if the Ambulance Corps. was interested. President Cebular stated that she is finishing her second year as President. Lisa Fusco and Gloria Schoenfeld are candidates. In January this issue can be considered by the new administration.

Lloyd Dorfman, 12-16 Fairclough Place asked how many active volunteers the Corps. has. President Cebular replied 42 not including the youth members.

Mayor Ganz thanked them for attending the meeting.

Petro Vend Electronic Files - Councilmember Amato mentioned last week that he was looking for comments on the gas reports he distributed. Deputy Mayor Etlar thought the report was skewed when looking at the odometer readings. He thought the DPW Superintendent should come to the next work session. Manager Sacks agreed.

Councilmember Dobrow was excused at 8:35 p.m.

This item will be on the December 18 agenda.

Closed Session Resolution - Upon motion by Deputy Mayor Etlar and a second by Councilmember Weinstein the following closed session resolution was unanimously adopted at 8:45 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, these matters are ones which permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of these discussions shall be made upon formal appointment at the reorganization meeting of the 2002 Council or thereafter;

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.

Reorganization of the Council - Mayor Ganz suggested that the reorganization be held on January 1, 2002 at 5:00 p.m. and then a meeting on January 2 to do all the government business that is usually done on the first. January 2 would be the first work session. They can have a special meeting to make the appointments and then go into work session. There will be a celebration on January 1 at the Fair Lawn Athletic Club immediately following the meeting.

The consensus was to follow the Mayor's suggestion.

ADJOURNMENT - Upon motion of Deputy Mayor Etlar and a second by Councilmember Weinstein the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

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