

REGULAR MEETING OF APRIL 25, 2000

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 17, 1999. 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 Record, The North Jersey Herald and News, and The Shopper. The Annual Notices identified the meeting location and the time of the Council Meetings and Work Sessions.

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

Also present: Borough Manager Sacks, Municipal Clerk Kwasniewski and Assistant Municipal Clerk Dugan.

ABSENT: Councilmember Dobrow and Attorney Lustgarten

Mayor Ganz commented that it was his understanding from Manager Sacks that Councilmember Dobrow has been hospitalized. On behalf of the Council, he wanted to convey to her the Council's wishes for a speedy recovery.

MANAGER'S REPORT

Manager Sacks stated there were no additions or changes to her report.

PROCLAMATIONS: Days of Remembrance

Municipal Clerk Kwasniewski read the proclamation. The proclamation will be placed on the website.

ORDINANCES: FIRST READING

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

Ordinance No.1799-2000

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTER XXVI "ZONING", SUBSECTION 26.6-13 USES PROHIBITED IN ALL DISTRICTS TO ADD FARMERS MARKET

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar, Resolution No. 134-2000 introducing Ordinance No. 1799-2000 was unanimously discussed.

Deputy Mayor Adler wanted everyone to know that the Farmers Market will be held at Van Riper Church every Monday. There will be plenty of fresh fruit, goodies and fun things to do.

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 134-2000 introducing Ordinance No. 1799-2000 was unanimously passed.

RESOLUTIONS BY CONSENT #8-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar, Consent Agenda #8-2000 containing the following items was unanimously adopted.

- a. Resol. #135-2000 Approval of Minutes
Budget Meeting 2/26/00
Special Meeting 2/29/00
Regular Meeting 3/7/00
Budget Meeting 3/9/00
- b. Resol. #136-2000 Return of Performance Bond: M. J. Hoag
- c. Resol. #137-2000 Award of Bid: Uniforms - Public Works
- d. Resol. #138-2000 License Agreement - 9 Reading Terrace
- e. Resol. #139-2000 Naming of Batting Cages
- f. Resol. #140-2000 Appointment of Public Advocate to Planning Board
- h. Resol. #141-2000 Appointment of Public Advocate to Zoning Board of Adjustment
- i. Resol. #142-2000 Appointments to Rent Leveling Board
- j. Resol. #143-2000 Appointment of Special Advisory to Senior Citizen Center
- k. Resol. #144-2000 Authorizing Execution of Vegetative Waste Disposal Contract
- l. Resol. #145-2000 Award of Bid: Bioxide Odor & Corrosion Control

RESOLUTION No. 146-2000 Authorizing Renewal of Agreement with HealthNet Medical Group for Drug and Alcohol Testing

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 146-2000 was discussed.

Mayor Ganz stated this was an agreement that has lapsed with a provider located in Paramus. The terms of the agreement have been extended so it expires at the end of this year. Manager Sacks stated that there is a law that mandates the Borough test for drugs and alcohol.

Hearing no further comment, Resolution No. 146-2000 was unanimously passed.

MISCELLANEOUS PUBLIC COMMENTS

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

Shirley Giamongo, 5-12 Fifth Street, thanked the Mayor and Council for taking care of the Election Day parking issue. Mayor Ganz informed her it was in the process of becoming an ordinance. He stated the Borough had a meeting with the Board of Education who agreed to have the teachers leave their spots open. Ms. Giamongo thought it should be publicized to let people know. Mayor Ganz told her it would be put on the cable channel and the website. Ms. Giamongo also wondered if the new trailers at Memorial Pool will be handicap accessible.

Don Oliver, 8-32 Mitchell Place, a member of the Fair Lawn Homeowner's Association, stated he had questions about Parks and Recreation. He asked about the installation of a chlorine monitor. Manager Sacks replied that it was discussed and put into the capital ordinance but it was too late to buy it. Mr. Oliver inquired about the new trailers at Memorial Pool and if it was probable they would be installed for the opening of the pool season. Mayor Ganz stated the existing buildings would have to be utilized until the trailers come in. Mr. Oliver questioned the purchase of a sand sifter and wanted to know when this was discussed. Manager Sacks stated it predated her but it has been in the budget request for approximately four years. He also wanted to know what type of equipment would be installed at Walsh Pool. Manager Sacks informed him that during the Work Session she will be giving a list of equipment to the Mayor and Council so that they can decide on what they want installed.

Leon Wender, 7-22 Manor Avenue, spoke about the low turnout at the last school board election. He wondered if the advisors to the Senior Center were paid positions. He reminded everyone that less government is needed. He talked about refuse not disposed of properly, ordinances not being enforced, and irrelevant ordinances should be expunged from the books, show tolerance to our neighbors, asked when the diner on Broadway will be completed and why was

money being spent on casinos in Atlantic City. He also felt that the Deputy Mayor had too much on her plate. He wondered when the diner on Broadway would be completed.

Deputy Mayor Adler thanked Mr. Wender for his concern. She enjoys all of the committees she is involved with. Councilmember Etlar stated that the diner on Broadway was approved by the Planning Board so it should be completed shortly.

Anna Piro, 42-17 DeBruin Drive, presented a petition to the Mayor and Council requesting that the Pistol Range not be used on weekends and holidays. Mayor Ganz asked that the petition be included in the minutes as Schedule A. Ms. Piro stated the noise was excessive at the range. She and her neighbors felt there should be no shooting on the weekends, the Sabbath or on holidays. For the past two years there has been no shooting on weekends until this past weekend. There was an agreement made that no shooting would take place on the weekends. The residents feel it is unacceptable to hear guns outside. Ms. Piro felt it is showing no respect for the highest paying taxpayers.

Manager Sacks stated she did receive a complaint regarding this issue. It turned out that it was an emergency qualification for one of the Police Officers. There were never any agreements between the Borough and the residents regarding the hours of operation of the Pistol Range. They do restrict the times they use the facility so that it is not excessive. She knows there are other problems in that area. The Borough can try to do something with the hours but they are limited with bringing Police Officers in on over-time.

Mayor Ganz asked Ms. Piro whether she was objecting to the hours of operation or to the noise. Ms. Piro stated both. The shooting went on until 1 p.m. this past Saturday. The facility was there and everyone knew they were buying a house near a pistol range. The facility is not insulated or soundproofed at all. When they shoot outside it sounds as if a bomb went off.

Deputy Mayor Adler stated it was something the Council had to look into. It is a Police facility that is needed. She was not sure if it could be moved.

Manager Sacks said there was sound deadening in accordance with OSHA's regulations. Ms. Piro's house is so close to the facility. These houses were built by the town dump and the Police facility. She told Ms. Piro that the Pistol Range is not in use that often.

Mayor Ganz suggested that the Council schedule a tour of the Pistol Range to see if they can come up with any suggestions to help alleviate this problem.

Councilmember Amato asked if only the Fair Lawn Police use this facility or do other towns use it too. Manager Sacks informed him that they do open it up to other towns but only on a limited basis. Councilmember Amato stated he was under the impression that other towns used it or other types of law enforcement used it. He wanted to know the percentage of the Fair Lawn Police Officers who use the site. He asked about the Pistol and Gun Club's usage of the facility. He also wanted to know if any other non law enforcement groups use it.

Councilmember Amato continued that while he felt for the resident's inconvenience, it did matter what came first. Their property cost less because of the facility. Ms. Piro stated there is value in those homes because they are in a nice neighborhood and are well kept. Councilmember Amato stated what surrounds the neighborhood does make a difference. Mayor Ganz asked if she wanted the Borough to demolish the facility. Ms. Piro stated it was at the Borough's discretion. There are other facilities in other towns that the Borough could utilize. Mayor Ganz asked what was the most bothersome to the residents, the time, the dates or the noise. Ms. Piro said they were asking for no shooting on weekends. She knows that clubs use it on Tuesday and Wednesday night. Mayor Ganz stated the Borough Manager will get back to them.

Robert Waxman, 42-29 DeBruin Drive, stated he knew when he moved in there was a shooting range but the town zoned the area around a residential area. The area should be suitable for living. There were no ordinances regarding the time when the pistol range could be used. There were statements made by previous Councils that claimed the activities that occurred in that area would be much less. The opposite has occurred. There were a few suggestions made by the

Council. Bert Kendall told them there would be sound deadening landscape installed on the property line but that was never done.

Mr. Waxman continued that he had gone to the County facility in Mahwah. Other towns use the Mahwah facility. They are extremely sensitive to the neighbors. They do not permit shooting on weekends or evenings nor do they allow private gun clubs to use the facility. He mentioned the State law regarding noise pollution. He does not see how private gun clubs can fit in. Mayor Ganz question Mr. Waxman's knowledge of what the sound level was.

Mr. Waxman continued that the older part of the range was only fifty feet from the property line. To hear a shotgun at that range is incredibly loud. Mr. Waxman felt that if an emergency occurs it is because it was convenient to do it during the weekend instead of during the week. That requires proper management of the Police Department.

Mayor Ganz asked if the Pistol Range were capable of being soundproofed, would that solve their problem. Mr. Waxman replied that was one of the solutions he was going to suggest. He also suggested that the Council notify the Police Department that they are not permitted to use the facility on holidays, weekends or evenings. He said he has heard there are no restrictions on the Police Department's use of the facility. Mayor Ganz stated he would speak with the Police Chief. Manager Sacks suggested they go to the facility for a tour. She also stated that Police Officers have to be qualified after being out for a while. She also said that the Police do try to limit the times they use the facility. Mr. Waxman stated that in certain circumstances the Police should use the County facility in Mahwah.

Councilmember Amato made it clear that Police overtime was a critical issue. He also asked who was to put the sod and landscaping in. Mr. Waxman stated it was in the plans for the upgrade of the DPW site. Councilmember Amato asked if the Borough had promised to do it or did the contractor. Mr. Waxman informed him the Borough was to do it. Mayor Ganz asked Municipal Clerk Kwasniewski to get the minutes of these discussions.

Councilmember Etlar stated that Waldwick and Allendale have similar problems. They use the County facility and have to pay for the use.

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

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 9:30 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC
Assistant Municipal Clerk

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