

REGULAR MEETING OF MAY 2, 2000
HELD AT MEMORIAL JUNIOR HIGH 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, notice of the moved meeting of the Borough of Fair Lawn was published in the "The Record" issue of April 5, 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 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, Dobrow and Etlar.

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

Mayor Ganz stated he was delighted to see new faces at the meeting. This is the fourth "Take Your Government to the Neighborhood" meeting. Next month the Council will be at Radburn School on June 5, 2000. Councilmember Dobrow is still absent but they expect her back next week.

RESCINDING ORDINANCE:

ORDINANCE NO. 1798-2000

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC", SUBSECTION 7-3.6 PARKING TIME LIMITED ON CERTAIN STREETS BY ADDING SCHEDULE IVB, TIME LIMIT PARKING CERTAIN DAYS

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar, rescinding Ordinance No. 1798-2000 was discussed.

Mayor Ganz stated the purpose of rescinding this ordinance was so that a new ordinance could be reintroduced as the Council discussed. Attorney Lustgarten added that Ordinance No. 1802-2000 was the revised ordinance.

ORDINANCES: FIRST READING

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. 1802-2000

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC", SUBSECTION 7-3.6 PARKING TIME LIMITED ON CERTAIN STREETS BY ADDING SCHEDULE IV B, TIME LIMIT PARKING CERTAIN DAYS

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar, Resolution No. 150-2000 introducing Ordinance No. 1802-2000 was discussed.

Mayor Ganz stated this Ordinance is introduced at the suggestion of Borough residents to allow parking on certain streets on Election Days. Several citizens were able to park on these streets at the last School Board Election. He

thanked Councilmember Etler for taking the time to go out and inspect the various locations.

Hearing no further comments, Resolution No. 150-2000 introducing Ordinance No. 1802-2000 was unanimously passed.

ORDINANCES: SECOND READING

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.1788-2000

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 24-1, ET SEQ., 25-1 ET SEQ., AND 26-1 ET SEQ. OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN TO AMEND AND SUPPLEMENT THE EXTENT OF THE B-4 RIVER ROAD BUSINESS ZONE AND THE B-5 RIVER ROAD BUSINESS ZONE

Ria Peters, 7-02 Harrison Drive, stated her house was on River Road directly across from the auto glass business on the southeast side of Harrison Drive. She felt that any changes to these zones would impact on her and her property. It appeared to her that anything that is done to the business section affects her property. If the Borough increase the height allowance it will take the air and sun away from her. She asked what the B4 and B5 zone was.

Councilmember Etler explained the zones to her. He informed her it was the Special Improvement District from where she lived down to Shop Rite. Ms. Peters asked about the height restrictions. Councilmember Etler informed her he believed it to be 28 feet but he will check and get back to her.

Ms. Peters wanted to know what type of businesses could she expect to have. Councilmember Etler informed her she was zoned residential. Mayor Ganz told her that this Ordinance was only correcting a couple of different properties. He felt she was misunderstanding the Special Improvement District. If she wanted to be included in the Special Improvement District she would have to pay more taxes.

Ms. Peters stated if they continue to change the character of what she has to see or breath it is not fair. She stated she wanted to be treated like the others. She felt the traffic was terrible.

Attorney Lustgarten felt Ms. Peters had misconceptions of the B4/ B5 zones. All of River Road was zoned commercial. Whenever a residential property abuts a business zone there is friction. When the B4/B5 zone was created there were residential properties included in it. The Council amended the ordinance so those properties are exempt from the assessment. This ordinance was just correcting some inconsistencies. He suggested, through the Chair, that if there are any zoning questions or questions in regard to the height the residents should send him a letter and he will get them the information.

Deputy Mayor Adler agreed with Ms. Peters that the traffic is terrible, but unfortunately it is a County road. Deputy Mayor Adler was sorry that Ms. Peters had to live on that street. She suggested Ms. Peters go to a Planning Board meeting to find out what is going on.

Councilmember Etler stated there was a house on the easterly side of the street that has been excluded from the tax. He thought that any residential property included in the Special Improvement District would be exempt from the tax they pay.

Ms. Peters continued that she was delighted with the rest of River Road. She felt it is unfair to her to have to invest for new sidewalks because they will deteriorate faster with the traffic that goes by.

Eugene Maimin, 15-01 Raymond Street questioned the ordinance as it was very vague. He hoped that in the future the description would be clearer for a lay person. He suggested adding a map to the ordinance.

There being no further 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 Amato, Resolution No.151-2000 adopting Ordinance No. 1788-2000 was unanimously passed.

RESOLUTIONS BY CONSENT #9-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #9-99 containing the following items were unanimously adopted.

a. Resol. #152-2000 Approval of Minutes:

Budget Meeting 3/11/00

Work Session 3/14/00

Closed Session 3/14/00

Special Meeting 3/14/00

Closed Session 3/14/00

Work Session 3/21/00

Special Meeting 3/21/00

Closed Session 3/21/00

b. Resol. #153-2000 Change Order - Columbia Terrace Bike Path

c. Resol. #154-2000 Refund of Overpayment of Sewer User Charges

d. Resol. #155-2000 Authorizing Execution of an Agreement with the Processing Company for an ATM Machine

e. Resol. #156-2000 Confirmation of Fire Board Actions

Deputy Mayor Adler announced that the Alliance for Substance Abuse would be at the High School on May 13th, between 10 a.m. and 1 p.m. to teach about the dangers of substance abuse.

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.

Jane Young, 38 Pomona Avenue questioned the change order concerning the Columbia Terrace Bike Path. Manager Sacks informed her it was to put a storm sewer line in. Mayor Ganz stated it had nothing to do with the bike path and that there was no additional cost to the Borough as it was already included. Manager Sacks stated the Borough Engineer felt the drainage was not good enough there so that is why the storm sewer line had to be put in. Mayor Ganz asked Manager Sacks to have the Borough Engineer send her a map of the area.

Leon Wender, 7-22 Manor Avenue, questioned the article in The Shopper regarding Walsh Pool. He wanted to know the cost of keeping the pool open. Mayor Ganz stated The Shopper did quote them but there are other costs such as the Borough Manager's time and other salaries that have to be included. The real cost is close to \$75,000. Mr. Wender asked if the Borough opened Walsh Pool to residents in Elmwood Park would they be charged \$300. Mayor Ganz informed him it would be \$300 for a family, \$150 for a single and \$75 for a Senior Citizen.

Mr. Wender felt the Borough was spending too much money. He wondered where it was coming from. Between the school budget passing and the introduction of the last bond ordinance there will be a wealth of homes for sale. He also mentioned that at the last meeting residents raised their concerns about the pistol range. He wondered if they would be willing to pay for the additional soundproofing. Previously these same residents complained about the leaf odor. He thought it was ludicrous to build a roller hockey rink for \$150,000 of the taxpayers money. He wanted to know what the Borough expected to get from FEMA for the flooding at Memorial Pool. Mayor Ganz stated the money received from FEMA will be directly applied to the bond ordinance. Mr. Wender felt that area could have been refurbished for less money. He also felt that anything for the children should come out of the school budget. Mayor Ganz said that

these funds would come out of the Borough Recreation budget. He told Mr. Wender it was not up to them to discuss the Board of Education.

Raina Valenzuela, 2 Katherine Avenue, stated that two or three years ago the Council had an open house at both pools and she was wondering if they had considered doing that again. Mayor Ganz thought it was a wonderful idea and that they will check it out.

Ms. Valenzuela asked about the performance bond that was returned to Lackland Storage. She wondered if that had anything to do with the dead trees. Mayor Ganz stated a maintenance bond has been put in place of the performance bond. Attorney Lustgarten stated if it was covered by the original site plan approval it would be covered by the maintenance bond.

Eugene Maimin, 15-01 Raymond Street, asked if New Jersey Transit was considering stopping their service at Broadway. Mayor Ganz stated that the Borough Manager has worked with New Jersey Transit. They do not want to see it closed. It is New Jersey Transit's decision alone.

Scott Levy, 2-19 Lyons Avenue, asked whether it was just Fair Lawn discussing the fate of the station with New Jersey Transit or is it also Elmwood Park. Mayor Ganz stated that Mayor Mola has an interest and will not comment.

Raina Valenzuela, 2 Katherine Avenue, asked which Councilmember was a liaison to the Zoning Board and asked when the school bus issue was scheduled. Mayor Ganz informed her that the Borough had hired a Public Advocate but he has a conflict since he was distantly related to someone with Scholastic Bus Company. Any applicant can go before the Mayor and Council to appeal the Board's decision. They will be appointing an alternate Public Advocate.

Scott Levy, 2-10 Lyons Avenue, felt that it was every persons right to be at these meetings. Sometimes there are issues that come up that may not be addressed. Mayor Ganz stated the Public Advocate does not represent an individual's needs. They are to look at the community as a whole.

Don Oliver, 8-32 Mitchell Place and a member of the Fair Lawn Homeowner's Association, asked about the cabling of the Court Chambers. Mayor Ganz told him there was a feed back problem. He informed Mr. Oliver it should only be a short time before it is completed.

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.

PROCLAMATION: Kids Day

Municipal Clerk Kwasniewski read the proclamation. Mayor Ganz presented it to Michael J. Cohen, DC.

Manager Sacks announced the Borough received a block grant in the amount \$12,331. Public Comment is a requirement of the grant. The use of these funds is limited to Police overtime and crime prevention materials. Mayor Ganz asked if this lowered the cost of overtime, but Manager Sacks stated it did not. Mayor Ganz though foot patrol would be good. Attorney Lustgarten stated the public could not comment on this if there were not properly notified. He advised the Council to put it on the next meeting agenda.

ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Etler it was unanimously agreed to adjourn at 8:31 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC
Assistant Municipal Clerk