

REGULAR MEETING OF MAY 23, 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, Dobrow and Etlar.

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

ABSENT: Borough Manager Sacks

Mayor Ganz announced that Manager Sacks was at a conference and in her place was the Acting Borough Manager, Health Officer DePalma-Farr.

MANAGER'S REPORT

Mayor Ganz stated the reports were on the table and there were no changes.

PROCLAMATION: SMALL BUSINESS WEEK 2000

Municipal Clerk Kwasniewski read the proclamation. Mayor Ganz presented it to the Chamber of Commerce President, Rick Kellerman and to the Executive Director of the Chamber of Commerce, Suzy Novielli.

LAW ENFORCEMENT AWARDS

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

Health Officer DePalma-Farr stated that Manager Sacks could not be there but did extend a welcome to everyone. She was extremely proud of these Police Officers. This is a time when the Borough gives credit to the Police Officers for their actions.

Chief Rod Marshall stated that tonight they were honoring the Police Officers for their courage and hard work for the residents of this town. He explained that last year the Police Department handled 22,000 calls which was a 6% increase from 1999. He thanked the Mayor and Council for their pro activeness allowing the department to be fully staffed.

Mayor Ganz stated the citations show that the Borough has courageous Police Officers. He felt that Fair Lawn is a great place to live. There are 58 fine Police Officers. The Borough has officers who have risked their lives for the residents. He applauds them as does the Council. Mayor Ganz presented the following awards: Police Officer Richard Managan, Honorable Service Award; Police Officer Glen Callons, Exceptional Service Award; Lt. Joseph Cook, Exceptional Service Award; Detective Richard Mangan, Honorable Service Award; Det. Dave DeLucca, Honorable Service Award; P.O. Stephen Wassel, Notorious Service Award; P.O. Mary Ann Collura, Outstanding Service Award and Sgt. Carmine Moscatello, Notorious Service Award.

Mayor Ganz thanked them all very much. He invited the people who were present to go across the hall for coffee & cake.

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. 1803-2000

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 MISCELLANEOUS FEES - FOOD HANDLERS LICENSE/MINOR SITE PLAN AND SUPPLEMENTAL REGULATIONS (MINOR SITE PLAN APPROVAL)

Upon motion by Councilmember Etler and a second by Deputy Mayor Adler Resolution No. 169-2000 introducing Ordinance No. 1803-2000 was unanimously passed.

Mayor Ganz thanked Councilmember Etler very much for bringing this to the Council's attention. He felt the residents of Fair Lawn are in his debt. Councilmember Dobrow agreed.

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. 1800-2000

AN ORDINANCE TO REGULATE TATTOOING AND BODY PIERCING PARLORS, TATTOOISTS AND BODY PIERCERS WITHIN THE BOROUGH OF FAIR LAWN

There being no comments by the public, upon motion by Councilmember Etler and a second by Councilmember Amato, it was unanimously agreed to close the time for public hearing with Deputy Mayor Adler dissenting.

Mayor Ganz thanked Councilmember Etler and the Attorney Lustgarten for working so hard to create a smooth ordinance. He also thanked Health Officer DePalma-Farr for creating the original draft of the ordinance.

Upon motion by Councilmember Etler and a second by Councilmember Dobrow, Resolution No.170-2000 adopting Ordinance No. 1800-2000 was unanimously passed.

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

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

There being no 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.171-2000 adopting Ordinance No. 1802-2000 was unanimously passed.

RESOLUTIONS BY CONSENT #10-2000

Mayor Ganz stated that upon recommendation by Attorney Lustgarten, Resolution No. 175-2000 would be removed, discussed at the Work Session and then the Council could return to the Public Meeting to make a decision. Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #10-2000 containing the following items, with the exception of Resolution No. 175-2000, were unanimously adopted.

a. Resol. #172-2000 Approval of Minutes:

Budget Meeting 3/25/00

Regular Meeting 3/28/00

Work Session 3/28/00

Regular Meeting 4/4/00

b. Resol. #173-2000 Award of Bid: Roadway Improvements 2000

c. Resol. #174-2000 Refund of Overpayment of Taxes

d. Resol. #175-2000 Removed

e. Resol. #176-2000 Increase in Change Fund - Recreation

f. Resol. #177-2000 Award of Bid: Sandsifter 3000 or Equivalent

g. Resol. #178-2000 Interlocal Services Agreement with Elmwood Park

h. Resol. #179-2000 Award of Bid: Tennis Court Rehabilitation 2000

Mayor Ganz announced that he had received a letter from County Executive Schuber informing the Borough that the HUD grant had been approved.

PUBLIC COMMENT ON LAW ENFORCEMENT BLOCK GRANT

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

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 unanimously closed.

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.

Leon Wender, 7-22 Manor Avenue, asked what was being done with the Pedestrian Task Force Committee. He stated the Police should fine jay walkers, speeders and other offenders. He suggested having the crosswalk markers painted, maintaining all of the Borough premises, fining people who make unnecessary noise for example leaf blowers, lawn mowers, horn honking, etc. especially on the Sabbath. Councilmember Etlar stated there is a Noise Ordinance. Mayor Ganz thought there was a provision in it that does not allow anyone to make noise before 8 a.m. Attorney Lustgarten stated that time applied to Saturday and Sunday. Weekdays it is 7 a.m.

Mr. Wender continued stating the Borough should expunge all irrelevant ordinance on books, residents should respect minority neighbors and people should put their refuse out at the proper time. He said he read in The Shopper that the Borough Manager was intent on beautifying Broadway. He felt the people should be educated to shop on Broadway. He suggested the Borough give the businesses monetary breaks to get them started. He felt the residents were being ripped off because the Borough did not need to spend \$400,000 for sand. He wondered why all these improvements were being done at Walsh Pool when it was only a temporary decision to keep the pool open. He felt the Shade Tree department should have an experienced person train other employees so that the Borough can save town money by not contracting out tree services. He also felt that the Website is useless for people who don't have computers. Mr. Wender concluded that Mayor Ganz presumed affluence in owning a computer. Mayor Ganz informed him that if he did not have a computer he could go to the Library and have access to the Internet.

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 Amato it was unanimously agreed to adjourn at 8:15 p.m..

Respectfully submitted,

Marilyn B. Dugan, RMC
Assistant Municipal Clerk

WORK SESSION OF MAY 23, 2000

Mayor Ganz reconvened the meeting to order at 8:20 p.m.

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

Also present: Acting Manager Health Officer DePalma-Farr, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Salary Report by League of Municipalities - Councilmember Amato asked for Council Consensus on how far the analysis should go on the salary report by the League of Municipalities. He proposed an analysis of Bergen County although it may not cover all seventy municipalities because they did not all report. Attorney Lustgarten mentioned that traditionally comparisons have consisted of Fort Lee, Teaneck, Hackensack, Ridgewood and Englewood. Mayor Ganz thought he should do Bergen County if it were not too difficult. Councilmember Amato indicated he will present a straightforward analysis to see what other towns are paying. It will have no bearing on the quality of the work.

The consensus was that an analysis be done of Bergen County. A further consensus was that all information that is needed will be provided.

Pictures of Judges - Councilmember Etler advised that a former judge thought it would be a good idea to display pictures of all the judges in the Court room. Attorney Lustgarten noted that the Council had discussed getting photographs of all past councilmembers. He had looked into it but it turned out to be very expensive.

The consensus was to have the former judges and the presiding judge be photographed and the pictures be hung in the Council Chambers.

Mayor Ganz thought he knew a photographer who would be willing to volunteer her services for a long term project. He will let the Council know.

Continuing Certificates of Occupancy - Councilmember Etler advised that the Building Department is having difficulty finding owners regarding property maintenance. If there is a deficiency in the property, the property maintenance officer inspects it. They send a notice but if there is an absentee landlord, there is a long delay in the process. They are suggesting some mechanism for registering the landlords with the Building Department. Attorney Lustgarten pointed out that there is a State registration requirement that landlords must register with the Municipal Clerk. A Continuing Certificate of Occupancy is only triggered when there is a sale of property. The parties of interest are on the request.

Councilmember Etler noted that he really was referring to general property maintenance. Attorney Lustgarten noted that the Tax Assessor's records list the owners of the property. Councilmember Dobrow asked that George Bate of the

Property Maintenance Committee and the Property Maintenance Officer be invited to attend a Council meeting to discuss this problem. Municipal Clerk Kwasniewski advised that this matter was scheduled for June 14.

Deputy Mayor Adler felt that if the landlord is out of state, the Borough should have on file who is responsible for maintaining that property. Attorney Lustgarten pointed out that the property owner is always responsible for the maintenance of the property. A notice can be sent to the last known address. In extreme circumstances the Borough can do the work and put a lien against the property.

After a short discussion, it appeared that the issue was the difficulty in getting absentee landlords to maintain their property. Mayor Ganz suggested that the Manager explore with Mike Leonard what the real problem is and report to the Council.

Interlocal Service Agreement Hackensack - Hackensack has asked that the Borough enter an interlocal services agreement with them for the use of the band shell. They will be getting a new band shell but not in time for the 4th of July so they have asked to borrow the Borough's. The Council had already rejected their request based on Superintendent Frey and Manager Sacks' recommendation. Richard E. Salkin, Esq., Hackensack's Attorney has now proposed the interlocal services agreement. Borough Attorney Lustgarten noted that historically the Borough lent it out to other municipality and other organizations in the Borough. However, there was some damage done to the band shell so about three years ago the Council decided not to lend it out any more.

The consensus was not to lend out the band shell. Municipal Clerk Kwasniewski was asked to call Mr. Salkin and let him know.

Resolution No. 175-2000 Pool of Experts - Attorney Lustgarten advised that the Council has to set the hourly rate for the traffic and engineering experts. Mayor Ganz thought that the outside attorneys would be limited to the Borough rate. He thought the rates for the engineer and traffic experts would be the same as the Planning Board uses. The consensus was to wait until the Manager returns and she can advise what rates are used by the Planning Board. The Council would not return to open session to take any further action on this resolution at this time.

Shooting Range - Councilmember Amato thought they were supposed to get some information about the pistol range; specifically who is using it and how much they are paying. Mayor Ganz noted that they were supposed to get the information but they have not. He thought they were going to get information about engaging an expert in sound baffling.

Councilmember Etler noted that Capt. Sudol was supposed to provide a proposal from an expert. Councilmember Amato wanted to know the purpose of the range. Attorney Lustgarten explained that when it was upgraded in 1988 the purpose was to certify the Fair Lawn police officers so they would not have to spend an inordinate amount of time at the Police Academy in Mahwah. Outside agencies had requested the use of the range. At that time the Council had agreed, but when the residents started complaining the Council stopped letting outside agencies use it.

Mayor Ganz asked Acting Manager DePalma-Farr to tell Capt. Sudol that the Council wants the report by the end of the month. If that information is not available, the Council will get the information itself. Mayor Ganz also asked that the Manager supply the information on who uses the range and for at what cost, if any. Once the report is received the matter will be scheduled.

Council Agenda Format - Attorney Lustgarten submitted a proposal for changing the format of the agenda that he would like the Council to consider. It would be set up in four sections. Only people in the category can take an item off. He added that he has found the task performance report from Municipal Clerk Kwasniewski to be an essential tool. He suggested at some point they review that list since some of the items have no date assigned for further discussion. Mayor Ganz wanted to be sure that the chair still has control of the agenda so that it can flow. Attorney Lustgarten indicated that this format would not remove the prerogative of the chair. Deferral would be in the province of the Council.

The consensus was to start using the proposed format.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 9:00 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 desire to discuss anticipated litigation and personnel;

WHEREAS, these matters permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn concerning anticipated litigation within six months unless sooner by specific case other than legal strategy and concerning personnel by appointment of the Mayor and Council by resolution or if a Manager's appointment by announcement within the next 30 to 60 days;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth is one which permits the exclusion of the public.

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

Respectfully submitted,

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