

REGULAR MEETING OF SEPTEMBER 12, 2000

Mayor Ganz opened the meeting at 7:40 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, notice of the meeting of the Borough of Fair Lawn were published in the "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 Notice 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: Manager Sacks, Attorney Lustgarten, Municipal Clerk Kwasniewski and Assistant Municipal Clerk Bojanowski.

PROCLAMATIONS AND PRESENTATION OF AWARDS:

Honoring Police Officers and END DWI

Awards presented by End DWI

Mayor Ganz stated that the meeting would begin with a series of awards and proclamations for End DWI. He asked Chief Marshall to join him at the podium for the presentations.

Chief Marshall thanked everyone for joining them. He said it gave him great pleasure, on behalf of the Police Department and the Mayor and Council, to present these awards to the four new Police Officers.

Florence Nass, founder of END DWI, thanked the Mayor and Council and the Police Department. She explained the trees and a walking path were established at Van Saun Park. She felt that the grove of trees will be a reminder of the tragedies that have taken place. The Police Officers who were off-duty went to Van Saun Park volunteering their time to help. She thanked David Boone for taking a spiritual part of the ceremony. She then presented the awards in recognition of their assistance to James Krizek, John LaDuca, James Corcoran and Gerard Graziano. Ms. Nass also presented a citation to Sgt. Detective Robert Kneer.

Golden Quill Award

Manager Sacks stated this award was given to newspaper editors. The recipient of this award does more than who, what, when and where. He manages to get the information, via email and faxes, out to the public making the Police Department look good. She presented the award to Sgt. Richard Schultz. Sgt. Schultz accepted the award and stated he did not know what to say.

Undoing Racism Day

Municipal Clerk Kwasniewski read the proclamation.

RESCINDING ORDINANCE:

Ordinance No. 1820-2000

AN ORDINANCE TO OBTAIN A ZONING PERMIT RELATING TO DRIVEWAYS, FENCES AND STORAGE SHEDS AND ESTABLISHING THE FEE THEREFOR

Upon motion by Deputy Mayor Adler and second by Councilmember Amato, Ordinance No. 1820-2000 was rescinded.

ORDINANCES: FIRST READING

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

Ordinance No. 1819-2000

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, MORE SPECIFICALLY CHAPTER 125 ENTITLED, "LAND DEVELOPMENT" SECTION 65, RELATING TO THE GENERAL PROVISIONS FOR THE SUBMISSION PROCEDURES FOR SITE PLAN APPROVAL

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 280-2000 introducing Ordinance No. 1819-2000 was discussed.

Mayor Ganz stated this ordinance was created to treat the B4/B5 zone as any other district in the Borough as long as they agree to sign a cooperative parking agreement. Attorney Lustgarten stated he had spoken to the RRIC and they are in accord with this ordinance.

Hearing no further comments, Resolution No. 280-2000 introducing Ordinance No. 1819-2000 was passed.

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

Ordinance No. 1824-2000

AN ORDINANCE AUTHORIZING THE BOROUGH OF FAIR LAWN TO ACQUIRE CERTAIN PROPERTY LOCATED IN THE BOROUGH OF FAIR LAWN BY DEED OF EASEMENT AND TO IMPLEMENT NEGOTIATIONS TO EFFECTUATE THE ACQUISITION OF THE PROPERTY KNOWN AS A PORTION OF LOT 8, IN BLOCK 3413, AS SHOWN ON THE TAX ASSESSMENT MAP OF THE BOROUGH OF FAIR LAWN, FOR A ROAD IMPROVEMENT PROJECT AT THE INTERSECTION OF PLAZA ROAD AND MORLOT AVENUE

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 281-2000 introducing Ordinance No. 1824-2000 was discussed.

Mayor Ganz stated this was a piece of property that needed to be acquired so the County could proceed with construction at the intersection of Plaza Road and Morlot Avenue.

Hearing no further comments, Resolution No. 281-2000 introducing Ordinance No. 1824-2000 was passed.

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

Ordinance No. 1825-2000

AN ORDINANCE TO OBTAIN A ZONING PERMIT RELATING TO DRIVEWAYS, FENCES AND STORAGE SHEDS AND ESTABLISHING A FEE THEREFOR

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 282-2000 introducing Ordinance No. 1825-2000 was passed.

ORDINANCES: SECOND READING

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

Ordinance No.1818-2000

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING CHAPTER VIII, ENTITLED "MUNICIPAL PARKING AREAS"

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 Dobrow, Resolution No. 283-2000 adopting Ordinance No. 1818-2000 was discussed.

Mayor Ganz remarked that the parking lot behind Borough Hall, across the street and by the Library have now been denominated. Councilmember Etlar stated there will now be twenty five spaces for visitors that are closest to the building.

Hearing no further comment, Resolution No. 283-2000 adopting Ordinance No. 1818-2000 was passed.

RESOLUTIONS BY CONSENT #16-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Etler, Consent Agenda #16-2000 containing the following items were unanimously adopted.

- a. Resol. #284-2000 Approval of Minutes:
Regular Meeting 7/18/00
Work Session 7/18/00
Closed Session 7/18/00
Special Meeting 7/31/00
- b. Resol. #285-2000 Refund of Overpayment of Taxes
- c. Resol. #286-2000 Approval of Raffles:
Temple Beth Sholom Bingo
Fair Lawn High School PTA on-prem 50/50
Congregation B'nai Israel off- prem 50/50
Warren Point PTA Amend Raffle License #13-2000
- d. Resol. #287-2000 Change Order Roadway Improvements 2000
- e. Resol. #288-2000 CDBG Agreement: Sign Language Interpreter
- f. Resol. #289-2000 CDBG Agreement: Memorial Park Skating Rink Lighting
- g. Resol. #290-2000 Professional Services: Lewis S. Goodfriend and Associates
- h. Resol. #291-2000 Corrective Action Plan
- i. Resol. #292-2000 Authorization to Execute Snow Plowing Agreement
- j. Resol. #293-2000 Open Space Recreation Trust Fund Application (Warren Point Annex Playground)
- k. Resol. #294-2000 Tax Settlement - Bottner
- l. Resol. #295-2000 Addition to Pool of Experts: Michael Kauker Associates
- m. Resol. #296-2000 Appointments to Fair Lawn Economic Development Committee

MISCELLANEOUS PUBLIC COMMENT

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

Leon Wender, 7-22 Manor Avenue, reiterated his concerns from prior meetings including the early warning system not being audible and Channel 66 not working. He questioned several purchases listed on the Manager's Report. He voiced his concerns about the money being put into the area around Memorial Pool. Mr. Wender stated he had concerns about property maintenance and in particular the condition of his neighbor's yard. Mayor Ganz told him if he had a formal complaint, submit it in writing to the Building Department and the Building Inspector will act on it as he does with any other complaint he gets. The Building Inspector will inspect it and if there is a violation he will issue a notice to correct. If it is not corrected a summons will be issued. Personally, he would suggest calling the neighbor to tell them he has a problem with something and if that doesn't work send a letter to Mr. VanHook. Mr. Wender said that as far as his appeal to the Council, without mentioning names, he'd rather not be a rat. He concluded that "if there is no one to talk to, he will pour some gasoline on it and burn the damn thing down".

Don Oliver, 8-32 Mitchell Place, a member of the Homeowner's Association, asked why Ordinance No. 1820-2000 was rescinded. Municipal Clerk Kwasniewski explained it was rescinded based on the advice of Legal Counsel. Attorney Lustgarten pointed out that two definitions had to be corrected.

Mr. Oliver thanked whomever was responsible for having the tree taken down. He wondered if anything was heard from the Plaza Road North residents regarding parking. Manager Sacks informed him the residents were not interested in paying for parking.

Mr. Oliver wondered what caused the flood in the basement of Borough Hall. Manager Sacks said that torrential downpour had flooded the parking lot sending a cascade of water into the window wells and the pressure of the water broke the windows. Mr. Oliver asked if anything else was damaged. Manager Sacks told him the carpets, computers and other items were destroyed. The flood insurance has already begun clean up and replacement. Mayor Ganz stated Channel 66 will be up and running soon.

Al Lindsay, 15-43 George Street, stated he owned property on George Street next to the Borough parking lot. Kids get into that parking lot and drive him crazy. Manager Sacks told him the Police were patrolling that area. It was worse during the summer. They will eventually expand that area for parking. Mr. Lindsay said there were two parks near by that the kids could go to.

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 a second by Councilmember Amato, the meeting was unanimously adjourned to the Work Session at 8:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF SEPTEMBER 12, 2000

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.

Request by Shotmeyer to Purchase Block 3517, Lot 21 - Attorney Lustgarten reported that he had spoken to Gary Feitlin, Esq. advising him of the problems with the title. The Borough could do a quit claim deed. Mr. Feitlin was to speak to his client. Attorney Lustgarten suggested deferring this matter until October 3.

Maple Avenue Deed Restrictions (Turano & Johnny & Hanges) - Attorney Lustgarten reported that he wrote to seven property owners. He has heard from three. There is no unanimity. Councilmember Etlar did not think the Council would get unanimity. He thought they should make an agreement with Turano that they cannot build anything but a parking lot. The other properties have parking areas. He did not understand why they were waiting for everyone to agree. Mr. Turano needs relief now. Attorney Lustgarten noted that a parking lot is a structure although Councilmember Etlar pointed out that they can always remove blacktop.

Attorney Lustgarten suggested asking Engineering for a map showing all the properties. The Council could see if a need still exists for the restriction. It was designed to be a buffer for the ball field. The Council could decide to lift the restriction.

Mayor Ganz asked Manager Sacks to ask Engineering to lay out the area for the council and then to make a recommendation if the restriction is still needed. The Councilmembers should look at the area as well.

This item will be on the agenda for October 3.

CDBG Possibilities for 2001 - Manager Sacks presented two recommendations for next year's grants including refurbishing senior center kitchen and foyer for \$40,000 and adding spaces to the parking lot for \$40,000. She recommended asking for grants for both projects but she wanted to know which one was more important. She thought refurbishing the interior should be first. The Council concurred.

Manager Sacks added that the only other eligible project the staff thought of was more curb cuts but they had sufficient funds at this point.

Resignation from the Fire Department - Councilmember Amato reported that they accepted his resignation from Fire Company #1.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by the Councilmember Amato meeting was adjourned at 8:45 p.m.

Respectfully submitted,

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