

REGULAR MEETING OF SEPTEMBER 26, 2000

Mayor Ganz opened the meeting at 7:38 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.

PROCLAMATION: NATIONAL BREAST CANCER AWARENESS MONTH

Mayor Ganz stated that the meeting will begin with a Proclamation for National Breast Cancer Awareness Month. Municipal Clerk Kwasniewski read the proclamation. Mayor Ganz presented it to Sue Davis, a breast cancer survivor.

MANAGER'S REPORT

Manager Sacks stated there were no changes to her report.

ORDINANCES: SECOND READING

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

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

Bob Landzettel, President of River Road Improvement Corporation, stated this ordinance helped clarify the B4/B5 zone. He feels it will help the businesses in the district to rent or sell therefore making the Borough more business friendly. He said there was much more to do in that district and thanked the Mayor and Council for the ordinance.

Councilmember Etlar stated he had a memo from RRIC about the B4/B5 ordinance that he did not understand. Mayor Ganz informed him the matter had been referred to the Borough Attorney. Attorney Lustgarten advised them to adopt the ordinance tonight. They can amend it later if necessary. Mayor Ganz stated this ordinance gave relief to many store owners.

There being no further comments from 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. 301-2000 adopting Ordinance No. 1819-2000 was unanimously passed.

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. 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

There being no comments from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, 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. 302-2000 adopting Ordinance No. 1824-2000 was discussed.

Mayor Ganz stated this ordinance allows a very small taking of land at the intersection of Plaza Road and Morlot Avenue. It is going to allow the County to revise that intersection making it safer and improving the traffic flow. He is thrilled that Attorney Lustgarten was able to be persuasive with the owner of the property that is being taken. Attorney Lustgarten informed the Council that the deed and the requisition have already been prepared and will be mailed out tomorrow. Mayor Ganz asked Municipal Clerk Kwasniewski to communicate to the County that this ordinance has been adopted.

Hearing no further comments, Resolution No. 302-2000 adopting Ordinance No. 1824-2000 was passed.

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. 1825-2000

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

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution 303-2000 adopting Ordinance No. 1825-2000 was discussed.

Mayor Ganz stated he understood the Planning Board discussed this recently. Simply to clarify, and to ask Municipal Clerk Kwasniewski to send this clarification to the Planning Board in the name of the Mayor and Council that what the Council is adopting is not a new set of fees and permits that require individuals to pay more than they previously had to pay. This is simply a redefinition and a recodification with respect to Zoning Permits that are required to cover the cost of various inspections that were previously required for various driveways, fences and storage sheds in the Borough.

Attorney Lustgarten stated there was a question raised at the Work Session whether or not this ordinance would cover repairs or patching and sealing of driveways and they had a response from the Zoning Official that it would not. Mayor Ganz asked with consent of the Council that the Zoning Official's response be made a permanent part of this record.

RESOLUTIONS BY CONSENT #17-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolutions by Consent #17-2000 which contained the following items was unanimously passed.

- a. Resol. #304-2000 Approval of Minutes:
Special Meeting 8/7/00
- b. Resol. #305-2000 Extending the Term of the Water & Sewage Pump Maintenance contract
- c. Resol. #306-2000 Approval of Raffles:
Cerebral Palsy Center Bergen County, Inc. off-premise 50/50
St. Leon's Armenian Church off- premise 50/50
Knights of Pythias off-premise 50/50
4. Resol. #307-2000 Refund of Overpayment of Taxes
5. Resol. #308-2000 Award of Bid: Water Main Insertion Valves
6. Resol. #309-2000 Appointment to Fair Lawn Economic Development Committee

RESOLUTION NO. 310-2000 CDBG Application Senior Center Refurbishing

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 310-2000 was discussed.

Mayor Ganz stated the reason this was not on the Consent Agenda is that this was not previously discussed although they knew this was coming along. They are delighted with it.

Manager Sacks explained the projects that would be done at the Senior Center including the bathrooms, kitchens and common

area including cabinets and flooring. The parking lot will be reconfigured and repaved adding eight to ten spaces. The entrance to the parking lot will be moved from 11th Street to Gardner.

There being no additional comments, Resolution No. 310-2000 was unanimously adopted.

RESOLUTION NO. 311-2000 CDBG Application Senior Center Parking Lot Addition

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 311-2000 was unanimously adopted.

PRESS RELEASE

Attorney Lustgarten advised that a motion should be made to amend the Agenda to add the press release. Mayor Ganz stated that in the absence of objections from the members of the Council the Agenda will be amended to add a section to have a press release.

Councilmember Etlar read a press release regarding LOSAP, expressing the Council's support and urging residents to pass this initiative on Election Day.

The consensus was to have Municipal Clerk Kwasniewski forward this press release to The Shopper, The Herald News, The Record, The Fair Lawn Focus, the four fire companies and the website.

MISCELLANEOUS PUBLIC COMMENT

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

Leon Wender, 7-22 Manor Avenue, stated he could not understand spending four hundred thousand dollars at Memorial Pool or ninety nine-thousand dollars at Walsh Pool. He wondered why the Old Library Theater could not be fixed. He felt there are too many committees and wondered why the Council could not get Property Maintenance to do their job because many people leave their properties a mess. Mr. Wender repeated his concerns about the benches on River Road not being cleaned, the missing flags from the fire hydrants. He felt that River Road is hurting financially and he wondered why the Borough has not purchased property on River Road to build Senior Citizen housing.

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

CLOSED SESSION RESOLUTION

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, the following closed session resolution was unanimously adopted at 8:15 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 discussions; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Mayor and Council of the Borough of Fair Lawn.

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.

Mayor Ganz reconvened the meeting at 8:25 p.m.

PUBLIC COMMENTS AT WORK SESSIONS

Mayor Ganz asked for a procedural change in the way the Council handles work sessions to allow public comments. He proposed using a sign up sheet and allowing the first ten people to sign up to speak for three minutes each. The sign up sheet should be available from 7:35 to 7:55 p.m. Municipal Clerk Kwasniewski will maintain the sign up sheet and at 7:55 p.m. she will give it to the chair. At 8:00 p.m. the meeting will be open to the public for half an hour. He suggested this procedure because there were times that people wanted to give their input, but they were not able to do so. Hearing different ideas is useful. The comments are to cover on items listed on the agenda. There is no precedent for doing this in the State of New Jersey.

Deputy Mayor Adler liked the idea. Councilmember Amato thought it was a good idea. He pointed out that the work sessions have been open on certain key issues. His only concern is that the items on the agenda will not be reached and then they will have to be delayed to the next work session. He wanted a provision so that those items are posted promptly to another agenda. Mayor Ganz pointed out that the chair can move items on the agenda. He would like to keep the meetings to 11:00 p.m. Councilmember Amato expressed concern that one individual Councilmember will not get his items heard. Deputy Mayor Adler thought they should set some narrow rules. This is only for items on the agenda. After the initial excitement wears off, it will be just a few people taking advantage of the comment period. Mayor Ganz stated it is open government and the Council will now have an opportunity to listen to the people on the items on the agenda.

Manager Sacks suggested trying it before changing the bylaw. Mayor Ganz concurred and suggested trying it between now and the end of the year.

The consensus was to try Mayor Ganz's suggestion.

ADJOURNMENT

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, the meeting was unanimously adjourned at 8:35 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk