

## January 26, 1999 - Regular Meeting

Mayor Ganz opened the meeting at 7:35 p.m. and 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 "News Beacon" issue of December 17, 1998. 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 Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

Mayor Ganz asked for the consent of the Council to pull Resolution No. 55-99 from the Consent Agenda since the Chief Financial Officer has requested another week or two to be able to provide some additional information, without objection it was so ordered.

### MANAGER'S REPORT

#### ORDINANCES: FIRST READING

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

#### Ordinance No. 1748-99

#### **AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTER VII, "TRAFFIC", SUBSECTION 7-3.3, SCHEDULE 1(A), "NO PARKING"**

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 49-99 introducing Ordinance No. 1748-99 was unanimously adopted.

#### ORDINANCES: SECOND READING

Upon motion by Councilmember Trawinski 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. 1747-99

#### **AN ORDINANCE TO FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

Charles Coviello, 5-07 5<sup>th</sup> Street, stated that this was updated just a few years ago and asked why does it have to be updated so frequently. Mayor Ganz replied that the statute requires it. Councilmember Trawinski stated it was a result of the labor contracts and is an administrative function.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Dobrow and a second by Councilmember Trawinski, Resolution No. 50-99 adopting Ordinance No. 1747-99 was unanimously passed.

#### RESOLUTIONS BY CONSENT #3-99

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolutions by Consent #3-99 which contained the following items, was unanimously adopted.

a. Resol. #51-99 Refund of Overpayment of Taxes b. Resol. #52-99 Approval of Minutes:

Work Session 12/1/98

Special Meeting 12/1/98  
Closed Session 12/1/98  
Regular Meeting 12/8/98  
Work Session 12/8/98  
Closed Session 12/8/98  
Work Session 12/16/98  
Special Meeting 12/16/98  
Closed Session 12/16/98

c. Resol. #53-99 Approval of Raffles & Bingo:

H.B. Milnes PTA on-premise 50/50

d. Resol. #54-99 Confirmation of Fire Board Actions

e. Resol. #55-99 Removed

1. Resol. #56-99 Ratifying Auction of Borough Property

### **MISCELLANEOUS PUBLIC COMMENTS**

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

Leon Wender, 7-22 Manor Avenue, indicated that at the last Council Meeting it was discussed why the lines in the street were not painted. He asked why the DPW was not doing this on a Sunday. Mayor Ganz responded that he had no answer for that. Mr. Wender questioned the Chinese Grocer taking over the empty video store and why the "For Rent" signs were still up. Mayor Ganz responded that Mr. Wender should ask the landlord that question. Mr. Wender also reported an incident his wife had while walking along River Road while the kids were getting out of school and the lack of respect that children have these days. He also spoke about Memorial Pool and about personnel at the Library.

Richard Safir, 5-01 1<sup>st</sup> Street, asked what the plans were for Memorial Pool. Mayor Ganz stated there are several choices to be considered and the Financial Planning Committee is to report to the Mayor and Council within 45 days. Mr. Safir hoped the voters will get to vote on the matter of funding. He was concerned about the snow plowing that was done in the last few weeks and asked what was going on. Mayor Ganz referred it to Manager Sacks who stated the reasons why they didn't plow curb to curb was because of the slush and that they did get to all the streets. Mr. Safir stated 1<sup>st</sup> Street was iced over and was three to four inches thick and was not driveable. He asked if there is a shortage of manpower. Manager Sacks said she would bring it to the DPW's attention that his street was not being plowed. Mr. Safir commented on the beautification of River Road and that we should consider the beautification of Broadway because it is looking shabby. He asked if there are any plans for that area. Councilmember Dobrow stated that she was going to bring this up at the next Council meeting. She said she wanted River Road to get to a certain point then bring up Broadway. Mr. Safir stated that Broadway looks like Route 46.

Al Placa, 38-12 Pellington Drive, asked who was in charge of the snow plowing because it was the worse he has ever seen. He stated they were picking up Recyclables and they could have put a plow on the truck and plowed the streets. Mayor Ganz said Bill Davidson is in charge as he has been for many years. He asked if Mr. Placa called Bill Davidson and he stated that he did not.

Charles Coviello, 5-07 Fifth Street, and a member of the Fair Lawn Homeowner's Association asked if Bill Davidson answers to anyone. He wanted to know if there was overtime for this storm. He stated that a lot of people contacted him asking why nothing was done all day and then there was full action on this matter at night. Manager Sacks responded that she defers to Bill Davidson as she does not have his expertise. She said they did a better job than some other communities. Mr. Coviello said he doesn't care what other towns are doing. He said he thinks the cleaning process was purposely done at night to get overtime.

Mr. Coviello advised that he slipped at the Recycling Center and fell because of the concrete slab that looks wet but is ice covered. Mayor Ganz asked if he had called the Recycling Center to tell them about this condition, Mr. Coviello said no that he brought his concern to the Council tonight. Mayor Ganz stated that he will ask the Borough Manager to pass that along that there is black ice at that site. Mr. Coviello stated that while he was at the Recycling Center he saw the workers washing salt away and he had concerns about the DEP regulations against it.

Mr. Coviello thanked the Mayor and Council for taking some type of competitive bidding for the vendor at Memorial Pool. Mayor Ganz gave credit to Mr. Coviello stating that it was a good idea.

Mr. Coviello advised that when he drives through the Glen Rock Lumber area, FM radio reception is lost in the car by when you drive through that area on Banta between where the office is and further up where the bus company is. He remarked that whatever

is there is putting out the radio and that he has driven through that area a few times and the radio does go out.

Mr. Coviello asked if there were any openings in any of the boards or commissions. Mayor Ganz explained that there are still some vacancies.

Mr. Coviello spoke about the Manager's Report in regard to

Personnel. Manager Sacks explained her report and asked Mr. Coviello to contact her tomorrow.

Mr. Coviello remarked about the Police Director and that the Manager should be looking diligently for his replacement. He asked if the Police Department had been told and how there is disharmony in the department. He knows the Council could not get involved. He felt that the Police Department should have been polled to see how they felt about it and the Manager should have taken that into consideration. He said that whoever comes in to replace him would have to start all over again building up a rapport and that will take time.

Mr. Coviello spoke about a comment made by Engineer Garrison in regard to the tonnage of leaves and the DEP.

Mr. Coviello had several other issues in which he wanted to speak of including Shade Tree and their involvement with the leaf pick up, holiday decorations, moving their shop, dead trees and asked when did they finish picking up the leaves. Manager Sacks told him to call her tomorrow and she will have all the information he needs.

Councilmember Tedeschi stated that the building is oversized for trucks and that when the complex was built it was to maximize space. Mr. Coviello asked who gave them permission to move out there. Councilmember Trawinski stated that the Council did. He asked if this was final and if this is where they were going to stay. He said he never heard this being discussed. Mayor Ganz said he was closing that dialogue and that if Mr. Coviello wanted he could read the minutes in the Municipal Clerk's office.

Daniel Stav, 41-15 Elaine Terrace, lives across the street from the ex-Kenny Rogers and asked if in the future they could change the zoning at that location to not allow a restaurant at that site. He asked if it could be talked over with the Zoning Board to see if the change is possible.

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

Councilmember Trawinski remarked about the status of the pool and that it was his understanding that if the Council went for the maximum plan the Council had agreed to put it out for referendum. He said he felt that if they were to spend that much money the citizens of Fair Lawn should have some say. He stated that any use of green acres funding would put requirements on the Borough and the pool would have to be opened up to outside people and to the best of his knowledge that has never been a consideration. Because of the Council's commitment, they now have a real choice. He said the Borough has received special permission from the U.S. DEP to continue to use chlorine as the Borough has done in the past. The Borough did not have that choice five or six months ago but they now have it. He feels that they are now at a point where the financial feasibility committee can look at all of the options.

Councilmember Trawinski commented that there is a delicate balance in when to send the plows out and to decide what streets are to be plowed. He felt it was a tough storm. He does not know why the streets were not plowed. As far as River Road beautification versus Broadway, Councilmember Dobrow has been a champion for Broadway beautification, it has been the hope of the Council that River Road will serve as the paradigm for Broadway and the other business districts. There are good things happening on Broadway, Apple Chevrolet will become a Rite Aid with massive landscaping changes. He stated that the Borough tried unsuccessfully to get the State to vacate Route 4 and turn it back to the Borough of Fair Lawn so that they could do some things with it.

Councilmember Trawinski advised that if there is a problem with radio frequency emissions on Banta, the Borough can call the FCC. It will take some doing and some persistence but the FCC will come out and check the radio frequency emissions from the cellular antennae that is back there, if indeed it is up and running, and if it is causing any interference. He stated that it would be very unusual for the frequency that the cellular antennas operate on to cause interference with commercial radios. He said he is not saying it's not possible but it would be extremely unusual. He requested through Mayor Ganz that the Manager have Mr. Garrison or somebody take a look at it because they can bring the FCC out.

Councilmember Trawinski pointed out that the Shade Tree Department is still one or two below its highest headcount. He also commented on the \$60,000 the Borough received from DOT for Columbia Terrace project.

Councilmember Tedeschi stated that the Council, as a body, delegate authority and empower employees such as the Borough Manager to be the operating officer of the Borough. She may empower Department Heads to take the responsibility but this body is ultimately responsible and this body is ultimately accountable to the public and it is this body that should have a sound footing of

what is going in within this municipality. In the Borough Manager's Annual Report there is a comment that says due to volume, priorities had to be set so that the demands of one or two elected officials did not occupy all the time of the Manager's office at the expense of the normal and necessary duties. Mayor Ganz asked the Borough Manager if this was a public document yet. Councilmember Tedeschi stated that it was not marked confidential. He referred back to his original comment that this body was responsible for the operation of the Borough and is accountable to the people, he stated to the Borough Manager that it is the proper and normal duties of the Borough Manager and the only reason that he can sit there and answer questions that some other people don't have the answers for is because he asks questions and he believes as an elected official they all have that responsibility.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, the meeting was unanimously adjourned at 8:31 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk