

Regular Meeting - September 28, 1999

Mayor Ganz opened the meeting at 7:37 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 "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, Borough Attorney Lustgarten, Municipal Clerk Kwasniewski and Assistant Municipal Clerk Dugan.

MANAGER'S REPORT

Manager Sacks reported that on the last page of her report, under Personnel - Item #3, that should have been a resignation not a termination and it will be amended.

Councilmember Trawinski asked Manager Sacks of the seven Police Officers who went to the Academy how many are remaining after either dropping out or not completing their provisional training? Manager Sacks stated there were four including the change on the Manager's Report and the Borough also put someone in the Passaic County Academy.

Councilmember Tedeschi asked about Page 5 under Police Department, Item #R, in regard to the total number of summons issued. Manager Sacks explained how the total was calculated.

ORDINANCES: FIRST READING

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

Ordinance No.1770-99

BOND ORDINANCE PROVIDING FOR ADDITIONAL VARIOUS 1999 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH"): APPROPRIATING \$491,800 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$468,380 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 265-99 introducing Ordinance No. 1770-99 was considered.

Councilmember Trawinski spoke about Item P, Page 4, Acquisition and Installation of Cable for Cable Television Services in the Borough

Council Chambers. He thought the amount they were going to appropriate was the quote they received from Sight and Sound, Inc. which was \$1,400 as stated in a letter to Municipal Clerk Kwasniewski. Originally the amount was speculated to be \$8,000 but the Council had insisted on getting accurate figures. The company that did the sound system would do the cabling for much less. Municipal Clerk Kwasniewski explained that this must be mislabeled because that figure must include the new microphones for the Council Chambers since it was not appropriated

anywhere else. Mayor Ganz asked Attorney Lustgarten to advise the Council if they can be combined or do they have to be separate. Attorney Lustgarten stated the Council Chambers Sound System should be added to the body of the ordinance.

Hearing no further comment, Resolution No. 265-99 introducing Ordinance No. 1770-99 was unanimously passed.

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. 1771-99

BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF MAIN VALVES AND/OR HYDRANTS, AT VARIOUS LOCATIONS WITHIN THE BOROUGH, BY THE WATER UTILITY OF THE BOROUGH, A LAWFUL PUBLIC PURPOSE, BY AND IN THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH"): APPROPRIATING \$55,900 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$53,238 BONDS OR NOTES OF THE WATER UTILITY OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 266-99 introducing Ordinance No.1771-99 was unanimously passed.

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

Ordinance No. 1772-99

AN ORDINANCE TO AMEND CHAPTER II, ENTITLED, "ADMINISTRATION", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, MORE SPECIFICALLY SECTION 2-8.6, OFFICE OF EMERGENCY MANAGEMENT, TO CREATE THE TEMPORARY POSITION OF FLOOD ASSISTANCE COORDINATOR

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 267-99 introducing Ordinance No.1772-99 was considered.

Councilmember Trawinski stated this ordinance represented an excellent example of this Council working together for the benefit of the people of Fair Lawn. He mentioned an article that was given to him from the Twin Boro News, a New Milford newspaper, dated September 22, 1999, dealing with Hurricane Floyd that read "In New Milford evacuees were brought to the New Milford Borough Hall which was also without power and to Fair Lawn which was better equipped in this situation". He thought it was a real tribute to our Emergency Management Coordinator, Tom Metzler, and the planning that has been done as a Municipality starting about five years ago. He remembers getting a lot of criticism about the funding that this Borough was spending on training and planning of the Emergency Management Services. He thought it was the best insurance policy that the Municipality could have purchased because they were better prepared. He is sure that everything did not go perfectly. He felt an incredible sense of pride. He congratulated Tom Metzler, Mike Messina, Ira Marks and all the people who have worked and have continued to work to protect the people of Fair Lawn. He has been known not to fiscally favor positions, but this particular position has a sunset which will require an affirmative action from this Council to continue beyond the March date. He hoped that whoever is sitting here in March recognizes that this is an interim time period and should be extended if need be.

Mayor Ganz stated that the Borough was indebted to the Emergency Management Director, Mr. Metzler, and to the many volunteers for assisting in times of trouble and in times of desperation. He also thanked Deputy Mayor Ahearn for setting up the radio network that allowed communication between Borough Hall, Hackensack and Trenton.

Hearing no further comment, Resolution No. 267-99 introducing Ordinance No. 1772-99 was unanimously adopted.

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

Ordinance No.1773-99

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

Upon motion by Councilmember Dobrow and a second by Councilmember Trawinski, Resolution No. 267A-99 introducing Ordinance No.1773-99 was considered.

Councilmember Trawinski stated he was voting on this Ordinance based on the understanding that whatever the salary fixed within this range would be prorated over the time period.

Hearing no further comment, Resolution No. 267A-99 introducing Ordinance No. 1773-99 was unanimously adopted.

RESOLUTIONS BY CONSENT #17-99

Mayor Ganz asked that Item A - Resolution No. 268-99 be moved to the non consent portion of the Agenda. Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Consent Agenda #17-99 containing the following items were unanimously adopted.

2. Resol. #269-99 Refund of Overpayment of Taxes
3. Resol. #270-99 Approval of Raffles & Bingo:
St. Leon Armenian Church off-premises 50/50

Friends of Music off-premises 50/50

4. Resol. #271-99 CDBG Application Barrier Free Curb Ramps
5. Resol. #272-99 CDBG Application Barrier Free Improvements at Memorial Pool
6. Resol. #273-99 CDBG Application Sign Language Interpreter
7. Resol. #274-99 CDBG Application Hearing Center Building Conversion
8. Resol. #275-99 Award of Bid: Computer Hardware and Upgrade
9. Resol. #276-99 Confirm Fire Board Actions

RESOLUTION No. 277-99 Approval of Raffles & Bingo:
St. Anne's Roman Catholic Church - Bingo

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 277-99 was unanimously passed with Councilmember Trawinski recusing himself.

RESOLUTION No. 277A-99 Approval of Minutes:
Special Meeting - 8/5/99

Mayor Ganz stated he had no objection to posting these Minutes provisionally as he has not finished listening to the tape. He did not want to hold these Minutes up if anyone wanted to use them they should be able to use them. He did not want to give his approval to it because it does not meet with his recollection on some items.

Councilmember Tedeschi stated it required a minimum of three Councilmembers to adopt minutes, he thought they should respect his desire to hold that over.

Upon motion by Councilmember Tedeschi and a second by Councilmember Trawinski, it was unanimously agreed to table this resolution.

RESOLUTION No. 277B-99 Approval of Minutes:

Work Session 8/24/99
Special Meeting 8/24/99
Closed Session 8/24/99

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 277B-99 was considered.

Councilmember Trawinski stated the Council had received revised Minutes dated September 22, 1999, regarding pages 1 and 3. He had an opportunity to listen to the tape and did not think the revision reflects what was said at the Council meeting. The minutes initially prepared by the Clerk accurately reflect what was said at the Work Session of August 24, 1999. The first item was the insertion of Mr. Sedaka's name as Chancellor Commander of the Knights of Pythias, it was not something he said at the meeting. The second item, Page 3 there was a revision of the Mayor asking Charles Tregidgo to Chair the Broadway Committee and was awaiting confirmation of acceptance. He thought the Mayor may have been slightly confused about the time frame. He said that he went back and listened to the tape which said it was going to be an open committee and he indicated he would ask Charles Tregidgo to Chair the Committee. Mayor Ganz stated he did not want to go into how many times the letter was typed. He asked that the Minutes reflect that Charles Tregidgo has been asked and has agreed to chair the committee.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow the minutes as originally proposed by the Municipal Clerk of the Work Session of August 24, 1999 were unanimously approved.

RESOLUTION No. 278-99 Rejection of Bids: Snow Plowing and Removal

Upon motion by Council Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 278-99 was discussed.

Councilmember Trawinski stated he did not see the sign off by the Borough Attorney stating he was satisfied that the bid was non conforming. He thought it was almost self evident from the face of the bid since no bid was received on certain items. He asked Attorney Lustgarten if the bid was non conforming.

Attorney Lustgarten stated it was a non conforming bid and he would not consider the submitter a bidder under the case law.

Hearing no further comments, Resolution No. 278-99 was unanimously adopted.

MISCELLANEOUS PUBLIC COMMENTS

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

Maurice Friedman, 38-15 Wilson Street, stated he was there representing Wilson and Patterson Streets. During the last flood they had five and a half to eight feet of water due to the neglect of the brook. The problem with the brook was partially corrected several years ago but has not been finished. He said there was an accumulation of silt, wood, tree branches, lawn clippings and garbage from the whole neighborhood accumulated in this water. His basement flooded and was completely demolished. He asked the Council to consider some action to clean up the brook and finish the job that was never completed.

Mayor Ganz stated he was not familiar with the particular situation of the brook but asked Attorney Lustgarten what can and cannot be commented on and what advice they could give relative to FEMA. Attorney Lustgarten stated the Council was creating a new position, temporarily through March of next year, of the Flood Assistance Coordinator to help process claims for FEMA. He advised the residents to accumulate whatever photographs, receipts, compilation of their damages and turn them in through the Borough Manager who will then turn them over to this officer. He informed them if they were entitled to any reimbursement through the Federal Emergency Management Program the Borough will help them with that. He said it would be appropriate for the Council to refer their specific request to the

Borough Manager to sit down with the Borough Engineer's Office to immediately go out to the brook to examine it and determine what has to be done. He advised Mayor Ganz to start this process immediately to see what remediation is required for the brook. Mayor Ganz asked if there was a consensus among the Council to do that, if was unanimously agreed.

Deputy Mayor Ahearn stated the National Guard does this type of projects with brooks and streams in their training. Mr. Friedman said he would be willing to sit down with anyone dealing with this emergency. Mayor Ganz suggested Mr. Friedman call the Borough Manager tomorrow, make an appointment with her, she will speak to the Borough Engineer and hopefully get this resolved for them quickly.

Manager Sacks stated the Borough has already started looking at that area as well as some of the sewers that need to be replaced because they could not carry storm water and as part of the remediation process they are taking a look at the entire town. Obviously, some things were beyond the Borough's control but the Borough Engineer and the Public Works Director felt they could do certain things in some areas to avoid that kind of problem in the future.

Edward Rosenthal, 38-23 Wilson Street, stated he had no grievance with this Mayor and Council. The Borough of Fair Lawn got a grant to put down pipes all the way, they got half way and suddenly stopped. That brook is exposed. Children go through the narrow path to school. There are rats and other animals, branches, grass clippings and leaves dumped by the landscapers. He wants to alleviate future grievances. The residents of Wilson Street and Patterson Street would appreciate the Borough taking care of it. It is not pleasant when the basement is flooded with five and a half feet of raw sewage. He appealed to Councilmember Dobrow because she knew from years ago what happened to that area. He asked them not to take this personally but to treat those residents with dignity.

Arlene Rubinstein, 28 Rutgers Terrace, asked what happened to the mysterious early warning system that was purchased and tested. She said she did not know that water had to be boiled in Fair Lawn because she could not understand a word the loudspeaker was blasting when it came through. Mayor Ganz stated the testing was scheduled for the 23rd of September and the disaster took place two or three days earlier. Mrs. Rubinstein said it was also scheduled for testing in June and wondered what happened then. She asked when the system was purchased. Mayor Ganz stated he did not recall. He said he would have the Borough Manager get the answers. Mrs. Rubinstein wanted to know why it was not tested when it was supposed to be tested originally because it could have been used to warn people to get out of their homes. She felt this was malfeasance in office.

Councilmember Tedeschi informed Mrs. Rubinstein the system was approved by Resolution No. 405-98, adopted on October 13, 1998. Mrs. Rubinstein asked when did it actually arrive. Councilmember Tedeschi stated he did not recall but he did recall that it was to be tested in mid June. Mrs. Rubinstein stated she did not know how many things were purchased and paid for at the tax payers expense at this point and are not used. She wanted to know why her tax dollars are being used to purchase systems that are not tested.

Deputy Mayor Ahearn stated that PSE&G had not run the power lines yet. Mrs. Rubinstein asked why the Borough Manager was not on top of this. Manager Sacks stated she has been on top of this. Mrs. Rubinstein stated the Borough Manager was supposed to be paid for doing a job of overseeing that systems are not only purchased in a timely manner, received in a timely manner but also tested in a timely manner.

Deputy Mayor Ahearn said he believed it was May or June when the tower was installed. Mrs. Rubinstein said whoever was responsible for being on top of these things should be on top and should be constantly calling PSE&G until they do something about it because the buck stops with the Mayor and Council. There are no excuses when the Council has the ultimate responsibility.

Councilmember Tedeschi stated this should be discussed at a Work Session because a lot of information is being thrown around. He believed at a Public Meeting in June that the Borough Manager told them the testing was going to take place. On the 15th of March the contractor was paid \$107,000, on the 17th of June the Borough paid \$23,000 and for several months there was a bureaucratic snafu between the Building Department and the Engineering Department as to who was to do the inspecting which was the actual cause of the delay. There was a period of time that this system sat dormant.

Deputy Mayor Ahearn stated testing or not if the power was there it should have been used during the storm and that is a bigger issue. He wanted to know if there was electricity running to those poles on the date of the storm.

Manager Sacks stated that PSE&G did not turn on the power to the poles and the initial testing showed that the system worked but the testing that would have been audible and have allowed them to use it could not take place until PSE&G turned on the power. PSE&G had them scheduled on the 23rd but was interrupted with the storm taking place on the 16th. She also stated the system was not paid for yet because the Borough is not satisfied and has not seen the final test.

Councilmember Tedeschi remarked that of the original purchase of \$154,219, \$153,419 has been paid leaving a balance of \$800.

Mrs. Rubinstein asked again why hasn't PSE&G turned on the power during all these months. Who is responsible to make sure they do it. She spoke of her dealings with PSE&G.

Councilmember Trawinski stated if they were to discuss this in a Work Session, it would be logical to ask the OEM Coordinator, Building Inspector and the Engineer be there. Mayor Ganz stated it would be up to the Borough Manager to decide that. Councilmember Trawinski stated it was up to the Council if the Council was willing to take a consensus and ask the Borough Attorney for his opinion.

Attorney Lustgarten stated the Council could take a consensus to ask through the Manager what administrative personnel the Council wishes to make inquires of. Mayor Ganz asked to clarify if it was the Council or Manager's decision. Attorney Lustgarten stated if the Council makes the request to the Manager, exercising the Council's oversight responsibility absent of extraordinary circumstances, the Manager should produce the people.

Mayor Ganz stated he would not take a consensus while they were in the Public Comment section of the meeting.

Albert Grossman, 38-41 Patterson Street, stated he has gone through many floods but not like this one. The problem was the water from Morlot Avenue came through his property. This was improved several years ago but this time his house was flooded in minutes and they had to be evacuated by boat. He said his house had four feet of water but his neighbor only had two inches. He wanted to know why this happened. Mayor Ganz took down his address so that it could be looked into.

Harold Bernstein, 38-40 Patterson Street, agreed with everyone that it was peculiar how the flooding occurred on isolated streets. Mayor Ganz informed him that over three hundred homes were flooded. Mr. Bernstein stated his flood was mixed with sewage. He said he had spoken to the Borough Engineer about the conditions of the brook and not much has been done. Mayor Ganz instructed Manager Sacks to take notes and get back to them about this situation. Mr. Bernstein inquired about a lawsuit against the damn that broke.

Al Placa, 38-12 Pellington Drive, asked where were the fire trucks and firemen during the storm. He said that no one on Pellington Drive was offered any help. After speaking with other residents he felt this was a joke and that the Office of Emergency Management cannot be depended upon. Mayor Ganz said he never authorized the equipment to leave town.

Harvey Rubinstein, 28 Rutgers Terrace, spoke about the problem with the pavers and the sidewalk at the Medical Arts Building. He told the Council the sidewalk had been repaired but wondered about the pavers. Mayor Ganz stated he had met with the Construction Official who met with the owner of the property and they have all agreed that the pavers are not as smooth as they should be. He was not sure the pavers would be staying. Mr. Rubinstein reminded the Council that the Library sidewalk had not been repaired. Mayor Ganz told him he had met with the Borough Engineer who would be contacting the Contractor to make the repairs.

Mr. Rubinstein mentioned the sidewalk in front of the Fair Lawn Avenue Exxon needs repairs. He reminded the Council that winter is coming and the section in front of Grand Union and the street in front of Columbia Savings

Bank are never shoveled. The area near the Ambulance Corps building needs to be cleaned up because children cut through that area. He mentioned the last Council meeting when Deputy Mayor Ahearn suggested an Ombudsmen for the Planning Board indicating that it is a waste of the taxpayers money.

Deputy Mayor Ahearn stated it was a policy decision to avoid conflict between the Borough and businesses and residential property.

Mayor Ganz said there are orientation sessions for new board members which is a very good idea. Councilmember Trawinski said he thought there were actually two sessions that are offered now and the point was well taken.

Mr. Rubinstein felt it became apparent in the Shop Rite situation because a lot of specifics were spelled out in testimony by the residents but were not picked up in the resolution. He felt that the concerns that were laid out on the table should be written down so there is no question.

Councilmember Trawinski said the Planning Board resolution covered 90 - 95% of the concerns raised by the residents. There are some items that were completely missed by either the Planning Board or the Engineer. The conditions are in the Resolution and in many cases are required to be bonded before the CO is issued. The quality of the Resolution drawn by the Planning Board attorney has increased over the last ten years. He said there really is an effort to nail these issues. He suggested Mr. Rubinstein take a look at the Shop Rite resolution.

Mr. Rubinstein saw on the Internet that NJIT was working with the DEP in regard to the chlorine issue for clean water as well as carbon dioxide oxidants that get into the water so that might be something the town should be aware of for the pool.

Hank Gray, 0-151 Blue Hill Avenue, thanked the Rescue Squad for a job well done.

Leon Wender, 7-22 Manor Avenue, asked about Resolution 272-99 regarding CDBG barrier free alterations at Memorial Pool. Mayor Ganz explained the bathrooms and shower areas will be improved.

Mr. Wender spoke about Memorial Pool and about an article in the October, 1999 issue of Popular Mechanics in regard to ozonation. He also mentioned the Broadway redevelopment, the Art Center seeking a buyer, renovating Memorial Pool, the expenditures of TREECO and Susan Gruel and a grant received by the Borough and he wants to see the Police in the new uniforms.

Attorney Lustgarten explained that four years ago the Council authorized a test using ozonation and it was determined by the test and the Council it was much too expensive and the DEP was reviewing it to determine if they were going to ban it.

Mr. Wender said the water was green and disgusting. Chlorine was not doing a good job and it causes cancer.

Attorney Lustgarten asked him not to make irresponsible statements to the public and cause a cancer scare. The water was tested every day it was in use as required by the State and everyone of the tests have passed. The tests were sent to the state with different agencies reviewing them. To come to a public meeting and try to link the pool with a cancer scare was definitely an irresponsible thing to say.

Mr. Wender said he thought that a lot of young people would not go to the pool. He was on the ADA Committee and the members would not let their children use that pool because of various disease scares.

Mildred Placa, 38-12 Pellington Drive, wanted to add to her husband's remarks about Tropical Storm Floyd. She wanted to know why during a state of emergency the firemen went to Wildwood for a convention. This proves that Fair Lawn needs a paid fire department and that the Office of Emergency Management cannot be depended on. She felt the Borough dropped the ball during the gas leak with that "early warning system" and now during the storm. She and her husband lost about \$5,000 and does not plan to file a claim. She said the Borough may have the equipment but did not have the manpower and what good was that. She felt that with Y2K coming they all better take a good look at

themselves and the Office of Emergency Management.

Fred Levine, 38-27 Wilson Street, said he endorsed what his neighbors have said regarding the flood. He thought that some precautions should have been taken before. There was a culvert that was constructed up to Wilson Street but was never continued. There is lot of brush and debris in the brook. He wanted to find out about defibrulators because the population in Fair Lawn was aging. He has called the Police who say they do not have any. He was told the Rescue Squad has them. He felt that something should be done about supplying each police car with one.

Manager Sacks said the Borough does have them and the Police Officers are trained and using them. A priority of the new Police Chief to get an adequate number of people trained and to get the defibrulators into marked and unmarked cars.

Mr. Levine said there should be a traffic light by the Municipal Building and Library. He felt it was a safety factor because there are a lot of accidents that occur there. He spoke to the Police Department who said it was not needed.

Mr. Levine also spoke about the usage of Walsh Pool during the height of the summer only five or six people were using it. He suggested closing the pool and having a jitney to Memorial Pool to save money.

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

Deputy Mayor Ahearn said he had comments regarding the Hurricane situation. He said depending on who you speak to you can hear good and bad things about the town. He wanted to address the situation on Volunteers. While his basement was flooded he spent several days working as a volunteer for the Red Cross which was severely undermanned and extremely pressed. They generally cannot handle anything more than a hotel fire because that is their experience. For those who think things could be improved all he could say was to volunteer. The Borough does not function without volunteers. The bigger the disaster the worse the situation the more volunteers are needed. He was there, people who did volunteer busted their chops, left their own homes flooded to help other people.

Councilmember Trawinski had a comment about the Wilson Street - Patterson Street flooding. He said in the four years he has been a Councilmember this is the first time that he has heard of a problem with a culvert that was not completed. This is the first time it was brought formally to the attention of the Council. In the past there have been issues raised about an incomplete culvert back behind High Street and in other locations in town. This certainly merits looking at. He thanked them for coming out and bringing this to their attention.

Adjournment to Work Session

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the meeting was unanimously adjourned at 9:05 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC
Assistant Municipal Clerk

Work Session - September 28, 1999

Mayor Ganz reconvened the meeting to order at 9:15 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

Leaf Removal - Manager Sacks noted that a memo has been circulated from the Radburn Association regarding leaf collection. Radburn Association's landscapers remove leaves from publicly-used parks. Radburn has parks that are open to the public although the Borough does not own them. They are not talking about the leaves from the private homes just from the parks. She compared them to the Board of Education.

Councilmember Tedeschi suggested issuing a permit to the agents of Radburn Association to allow them to bring the leaves. Manager Sacks advised that she had sent a letter to the landscapers advising them that the Borough was not going to be issuing permits. She wondered if they issue one permit will they be sued. Attorney Lustgarten advised that there is justification for the permit because this is an area that although privately owned is open to the general public. Deputy Mayor Ahearn felt the landscapers would also bring in the leaves from the property near the park. He wondered if they were already bringing in too many leaves into the Recycling Center.

Councilmember Trawinski thought the Council was going to have an ordinance and ban the landscapers. Attorney Lustgarten advised that administratively the Manager was asked not to have permits issued to private landscapers. Manager Sacks advised she sent out letters. Councilmember Trawinski thought they were supposed to be banning landscapers after December 31. Councilmember Tedeschi read the consensus from June 22 which was to adopt an ordinance banning commercial dumping at the Recycling Center. Attorney Lustgarten indicated that he drafted the ordinance. Manager Sacks noted that the Council started talking about noise from the leaf blowers and never talked about the ordinance.

Attorney Lustgarten advised that they could adopt the ordinance banning the commercial landscapers which he thought was the consensus. Mayor Ganz took the consensus again. The consensus was to adopt an ordinance banning landscapers from dumping at the Recycling Center. Councilmember Trawinski raised the question of when the ordinance would take effect. He thought that people already have contracts with the landscapers. He suggested that Recycling Department make sure that grass is not mingled with the leaves.

Manager Sacks pointed out that the Borough will have to pay to get rid of the leaves the private landscapers bring to the Recycling Center since they can no longer be added to the compost heap.

Councilmember Tedeschi noted that the permits should expire December 31, 1999. Manager Sacks advised that Superintendent Davidson says that most of the loads do not have much grass in them. Attorney Lustgarten indicated that there has to be no tolerance for mixing grass with leaves. Mayor Ganz thought some landscapers kept the leaves on the truck too long. Someone needs to be there to check the loads. Deputy Mayor Ahearn felt they need to make sure that leaves are only from Fair Lawn residents perhaps by requiring a list of their customers. Councilmember Tedeschi suggested limiting the number of hours landscapers can come to the center to 2:30 - 4:30 p.m. Mayor Ganz suggested having a penalty for perjury.

Attorney Lustgarten will draft an ordinance allowing landscapers to bring to the Recycling Center leaves that were collected within the geographic confines of the Borough; no comingling with grass, they will sign a certification that they have complied with that and establishing a \$1,000 fine for the first offense or six months in jail and the loss of permit.

The ordinance will be introduced at a Special meeting at 8:45 p.m. on October 1.

Use of Senior Citizens Center - Mayor Ganz received a request from the Democratic County Committee to use the Senior Citizen Center on October 18, 1999.

Attorney Lustgarten recused himself. Councilmember Trawinski was recused. Deputy Mayor Ahearn was recused.

The consensus was to grant their request, with Mayor Ganz abstaining.

Manager Sacks indicated that they will have to sign the same permit forms and to pay any costs associated with the use.

Councilmember Trawinski requested that at some point the Council look at the use of the Senior Center in general. A fee schedule should be established. Councilmember Tedeschi suggested that the Manager check with the Board of Education to see how they handle it.

SHOP RITE - This item will be on the next agenda. Mayor Ganz suggested that the Manager ask Mr. Karas if he has anything to add to the grid.

ADJOURNMENT - Upon motion of Councilmember Trawinski and a second Deputy Mayor Ahearn, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

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