

Regular Meeting - October 12, 1999

Mayor Ganz opened the meeting at 7:35 p.m. Assistant Municipal Clerk Dugan 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 and Trawinski. Councilmember Tedeschi absent.

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

PROCLAMATION: United Nations Day

Assistant Municipal Clerk Dugan read the proclamation proclaiming October 24, 1999 as United Nations Day within the Borough of Fair Lawn.

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Ahearn 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

Charles Coviello, 5-07 Fifth Street and a member of the Fair Lawn Homeowner's Association, questioned different items listed in this bond. He wanted to know about the street sweeper and the number of people operating it. Manager Sacks stated that one of them is always breaking down. Mr. Coviello asked if the Borough had the manpower to do it. He also spoke about the removal of a packer body and if it was a garbage truck. Manager Sacks said she would check with the DPW. Mr. Coviello asked about the installation of cabling the Council Chambers and if the Public Meeting will be televised. Mayor Ganz stated that was the intention. Mr. Coviello asked for a date when this would happen. Mayor Ganz informed him that this summer Councilmember Tedeschi and Deputy Mayor Ahearn worked on a protocol on how this will happen and when this is finalized it will be ready to go.

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

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 280-99 adopting Ordinance No. 1770-99 was discussed.

Councilmember Trawinski said that as he indicated while going through the capital improvement process he believed this was the worst process they as a Council have used in the last four years. There is still 1.6 million dollars in capital

improvements that other department heads have asked for that they have failed to discuss. He feels that as a Council they have failed to do their job in reviewing the capital requests. With this 1.6 million that they have not even looked at they probably will face a capital budget initial request next year in the range of 4 to 5 million dollars. If they skimp too much on it they will end up paying double and triple in future years. They have worked very hard over the last four years to get the capital requests done in a timely fashion but most of the 1999 capital requests will not come on line until the year 2000. They virtually did not do any capital items other than the fast track items and the authorization for the DPW facility. By skimping and not doing a thorough review on the other 1.6 million dollars they will eventually find themselves playing catch up. He said he would support this Ordinance because he believed the amounts in it are needed but he did not support the process they used.

There being no further comments Resolution No. 280-99 adopting Ordinance No. 1770-99 was unanimously approved.

Upon motion by Councilmember Dobrow and a second by Councilmember Trawinski, 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

Harvey Rubinstein, 28 Rutgers Terrace, wondered if based on what Councilmember Trawinski just stated that on the 75th Anniversary of this Borough does this mean that the Borough is so broke that they have to go out and bond \$55,000. Mayor Ganz explained because of the useful life of what this it is over a protracted period. The Borough has a very substantial surplus that can be drawn upon but it is the advice of the Attorney, Bond Counsel, Chief Financial Officer and the unanimous Council that this is appropriate for them to do.

Charles Coviello, 5-07 Fifth Street, said this comes up every year in regard to hydrant replacement and that he had asked years back about how many were left to be replaced, etc. He felt that after a twelve year period they were probably replaced more than once. He thought this Mayor and Council should get feed back from the Water Department where they are to date and what is happening. Mayor Ganz stated he would have the Borough Manager look into it and report back to the Council at her convenience.

Councilmember Trawinski stated he had asked Engineer Garrison those questions and found it was an on-going process that the Borough will never catch up because of the nature of the hard water in Fair Lawn. He said the Borough will always have to spend some amount of money to either replace the lines or hydrants.

Mr. Coviello stated the answers he has gotten in the past were about the new hydrant and old hydrant. He gave an example of when a car hit the hydrant it would tear up the line below the ground level. He also mentioned that the hydrants are flushed every year and does not understand what could go wrong with these hydrants. Mayor Ganz stated he would get him a definitive answer.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 281-99 adopting 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

Charles Coviello, 5-07 Fifth Street, asked about the salary range, if this was an additional person coming in and if it was someone who was employed by the Borough already and would there be a replacement for that person. Mayor Ganz informed him it was not an additional person and deferred to Manager Sacks for the additional information he requested. Manager Sacks explained the process the Borough had taken in regard to this position.

Al Placa, 38-12 Pellington Drive, said he was one of the people that were flooded out and questioned the Borough giving this man that did a terrible job this position. He never showed up at all on Pellington Drive. They had no assistance at all. They never saw a Fire Truck and on Saturday a heavy Rescue Truck showed up with a small pump. He felt they should look for someone better qualified for this job.

Attorney Lustgarten advised that it was not appropriate to respond to that statement.

Reina Valenzuela, 2 Katherine Avenue, asked if someone was doing this job already. Manager Sacks informed her that starting today there was. Ms. Valenzuela asked about the salary. She felt it was high for a five month period. Mayor Ganz explained it was an annual salary. She asked who should the victims of the flood contact. Mayor Ganz explained it was the Emergency Manager Director who is now handling this on a full time basis. He will be devoting his energy to between now and March.

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

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Trawinski, Resolution No. 282-99 adopting Ordinance No.1772-99 was discussed.

Councilmember Trawinski said the general philosophy over the last four years has been not to support the creation of new positions. In this instance they realized that the Borough needs help in dealing with the Federal and State governments to make sure the Borough gets all of the reimbursements they are entitled to. The Borough needs to have someone monitor that on a full time basis. He said he saw during the blizzard three years ago the difficulty the Borough had dealing with the reimbursement they were entitled to from Bergen County and he saw the job Mr. Metzler did then in obtaining the reimbursements. He said he is supporting this ordinance based on the facts and that the Council has agreed this position terminates on March 1, 2000.

Mayor Ganz stated that in creating a temporary position, such as this, the Borough has validated the action of Council's of years past that have focused on Emergency Management when and if it was needed. He realized that some Borough residents found flaws in the Emergency Management techniques that were done but the overwhelming majority of people who have contacted Borough Hall were very satisfied both with the manner in which Mr. Metzler performed his tasks and now the way he is assisting people in obtaining both government grants and government loans for flood assistance.

There being no further comments, Resolution No. 282-99 adopting Ordinance No. 1772-99 was 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.1773-99

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

Charles Coviello, 5-07 Fifth Street, asked if benefits were to be given with this position. Manager Sacks stated that it would be the same as his full time job.

There being no further comments by the public, 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 Trawinski and a second by Councilmember Dobrow, Resolution No. 283-99 adopting Ordinance No.1773-99 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. 1774-99

AN ORDINANCE TO AMEND CHAPTER XVII, ENTITLED "STREETS AND SANITATION", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, SECTION 17-6, ENTITLED, "MANDATORY RECYCLING PROGRAM", MORE SPECIFICALLY SECTION 17-6.4B, RELATING TO ADDITIONAL REGULATIONS FOR LEAF COLLECTION

Charles Coviello, 5-07 Fifth Street, inquired about the stickers that are to be placed on the leaf bags itself. Mayor Ganz did not believe that was correct. Attorney Lustgarten stated the sticker was for commercial landscapers only and not to be put on bags. Mr. Coviello asked about Ray Bleeker. Mayor Ganz stated that was not part of this ordinance.

There being no further comments by the public, upon motion by Deputy Mayor Ahearn 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. 284-99 adopting Ordinance No.1774-99 was discussed.

Councilmember Trawinski stated that this Ordinance represents a small step in resolving what he thinks is a bigger problem at the Recycling facility. This does not solve the neighbors problems but he believed it addressed some of the municipalities problems in regard to the amount of leaves allowed at that site. This is an effort to try to control the leaves coming in from commercial landscapers that are not generated in Fair Lawn. It was not fair to ask the taxpayers of Fair Lawn to pay for the recycling and disposal of these leaves. It was his understanding that there would be definite administrative times that commercial landscapers will be allowed to unload their leaves. They will try very hard administratively to enforce this ordinance to reduce the cubic yards that are coming in. In regard to the odor issue it was his understanding that the Manager will advise the staff to reject any load that contains grass clippings because grass clippings, while composting, have a significant adverse impact on the odor. He thanked the Manager for getting them the memo that confirmed the times that she and her staff have selected.

There being no further comment, Resolution No. 284-99 adopting Ordinance No. 1774-99 was unanimously passed.

RESOLUTIONS BY CONSENT #18-99

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Trawinski, Consent Agenda #18-99 containing the following items were unanimously adopted.

- a. Resol. #285-99 Approval of Minutes:
Regular Meeting 8/31/99
Work Session 8/31/99
Closed Session 8/31/99
- b. Resol. #286-99 Refund of Overpayment of Taxes

c. Resol. #287-99 Approval of Raffles & Bingo:
Valley Hospital Auxiliary on-premises mdse.
Grand Lodge Knights of Pythias off-premises 50/50

Fair Lawn High School PTA calendar raffle

d. Resol. #288-99 Urging State of New Jersey to Return Broadway to Fair Lawn
e. Resol. #289-99 Opposing Assembly Bill 1112/Senate Bill 632
f. Resol. #290-99 Urging Installation of Traffic Light at Fair Lawn Avenue and Chandler Drive
g. Resol. #291-99 Award of Bid: Radburn Pathways
h. Resol. #292-99 Special Emergency Appropriation Flood Damage Overtime
i. Resol. #293-99 Annual Audit Report
j. Resol. #294-99 Tax Settlement Bridgebrook Associates
k. Resol. #295-99 Establishing Broadway Committee
l. Resol. #296-99 Appointments to the Broadway Advisory Committee

RESOLUTION No. 297-99 Special Emergency Appropriation Flood Damage

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow,
Resolution No. 297-99 was discussed.

Councilmember Trawinski stated he had questions on some of the items included in the emergency appropriation. Having received the budget update and overtime information from the Chief Financial Officer he is prepared to support this resolution but he felt the only item that does not belong there is \$2,000 for holiday decorations. Seeing this appropriation prompted him to take a walk around Prospect, Wilson, Paterson and Dorothy where the Emergency Management personnel focused heavily during the storm where they had to use Heavy Rescue's aluminum boat. Many kudos went out to the volunteers for the job they did but there was less than enthusiastic support for their boat. One of the residents informed him she was convinced the boat was leaking and had concerns about the stability of it. Based on all of that it seems to him that it is time that a boat that was acquired in 1950 should be replaced. He felt that if the Borough could appropriate \$2,000 for holiday decorations it could spend approximately \$5,000 for a boat and trailer. He suggested this resolution be amended to add in \$5,000 to replace this boat. Mayor Ganz stated they should keep one by Lake Wagaraw and one by Lake Prospect.

Attorney Lustgarten stated that if they are going to add \$5,000 to bring the total up to \$178,800, item #3 should be \$35,760. In fact if they just insert those numbers by consensus then when it is introduced they will not have to go through a formal process to amend it. The other expenses would be \$166,800, the total of \$178,800 and paragraph #3 would be \$35,760 rather than \$34,760.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 297-99 was unanimously amended by revising the total Other Expenses to \$166,800 and to revise paragraph 3 to \$35,760.

RESOLUTION No. 298-99 Supporting the Preservation of Lands Within the Ramapo River Watershed

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, Resolution No. 298-99 was discussed.

Councilmember Trawinski stated he would support this even though they did

not discuss it in the Work Session. He is not sure he sees the urgency of dealing with this tonight but obviously it is something that needs to be addressed. He thought they should have urged that the dam on the tributaries to the Saddle River be upgraded to make it a category one dam as opposed to the dam that they had there that burst during Hurricane Floyd.

Deputy Mayor Ahearn stated this is an extremely important issue both now and for the children and the future. He wished they had brought this up in Work Session but as long as it is out there now he would like to see them do

something more realistic on a local level about preserving water quality. He thought the Council needed to investigate some of the concepts of the Environmental Commission. comments about the excessive numbers, at least what they have in their minutes, of variances granted for impervious lot coverage which increases water runoff and all the chemicals from the pesticides. He also thought they should take a look into what they can do on Borough property in terms of lawn care to use organic methods instead of standard chem lawn type chemicals that they throw in their parks. If this meant enough for them to do this resolution and tell the people up in New York how to develop on their lands, he thought they ought to clean up their own act. He supports this resolution.

Councilmember Dobrow suggested that all of the minutes on this subject be passed on to the Environmental Commission.

Councilmember Trawinski thought perhaps the Deputy Mayor did not recall but they actually did review, not only at the impervious coverage ordinance but also the other variances that were granted by the Zoning Board over the last couple of years as a result of the report that they received. They did modify some of those ordinances. The reality is when they have a fair amount of the town developed on 50' X 100' lots and people want to increase the size of their homes then it becomes a difficult balancing act for the Zoning Board to achieve the right balance between impervious coverage variance relief and not granting the relief. He actually thought the Mayor gave them some very good guidance based upon his tenure on the Zoning Board as to the practical difficulties that the Zoning Board faced with those requests. He thought they struck a pretty good balance. They should ask the Road Department to look at the alternatives to what they put on the roads to de-ice them. The other thing they ought to take a good look at once and for all is the thirty five million gallons of drinking water they waste at Memorial Pool.

Deputy Mayor Ahearn stated he did remember them discussing this and that is why he raised it again. He knows everyone else's feeling on the Council but he tends to feel a little bit stronger that they should do more and he does not want to close the door and say they have done enough. He thought they need to be a little tighter and he understands the situation, he is on a very small piece of property in a very small house with a growing family, so he certainly understands that, but there are certain standards that are required to get a variance and he thought they bend the rules a little too much on that.

There being no further comment, Resolution No. 298-99 was unanimously passed.

RESOLUTION No. 299-99 Interlocal Services Agreement with Elmwood Park

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 299-99 were discussed. Mayor Ganz stated he understood there was an emergency in Elmwood Park requiring that their gas tanks be replaced. They have asked to use the DPW facility for about six weeks. It was his understanding that this will be at no cost to the Borough of Fair Lawn, with full indemnification. Manager Sacks stated they have been issued their own number which the fuel will be billed to. Councilmember Trawinski stated the Borough Attorney will satisfy himself as to the form of the agreement and make sure it includes full indemnification.

RESOLUTION No. 300-99 License Agreement - Suarez

Upon motion by Council Trawinski and a second by Deputy Mayor Ahearn, Resolution No. 300-99 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.

Richard Lustgarten, 12-28 Burbank Street, spoke about an incident that took place last Friday night, at 1 a.m., at his neighbors house. He and his wife were awoken by the smell of smoke and upon checking it out saw that it was coming from his neighbor's air conditioner. The Police and Fire Department responded quickly. Mr. Lustgarten was impressed with how professional the volunteers are in this Borough. Every fireman that came to the job had a specific job to do.

He felt as a layperson they actually saved the house. What struck him further was the humanity that was shown to the owner of the house. The Police Officers on the scene went to Kodak brought her home, comforted her and the Fire Marshall was comforting her also. He said that a good percentage of the fire fighters did not leave the scene until 3:30 a.m.. He said they hear criticisms of the volunteers and paid professional staff such as the Police Department. As a citizen he wanted to say thank you to all the people that showed up on Friday night. They did a superb job.

Arlene Rubinstein, 28 Rutgers Terrace, attested to what a magnificent job the Fire Department does as she had an occasion to have fire trucks at her house when her children were younger. Not only did they do a professional job of putting the fire out, they took the time to calm her two girls. These people are wonderful and there is no way to thank them enough.

Mrs. Rubinstein said she has heard through very reliable sources that people involved in TREECO and in the bank that finances TREECO have said they are not finished with Fair Lawn. She wanted to know why the Council passed a resolution requesting the State return Broadway to the Borough. She wanted to know why the Borough would want it back. Mayor Ganz said the New Jersey barriers that in the middle of Highway 4, while they served a very valid and important purpose before Route 208 was completed now prevent Fair Lawn from being beautified.

Mrs. Rubinstein stated she did not think it was that simple. She felt there a lot of mistruths and outright lies that were presented by Council during the TREECO discussion that she tended to disbelieve a simple explanation like the one she just heard. She suggested that the people that live in that area be on a constant vigil.

Mrs. Rubinstein thanked everyone for having the Emergency Sirens tested last Monday. She informed the Council that she called Public Service and asked their procedure on turning on the power. Their response was that Public Service does not turn on the power until these Emergency Sirens were tested and a certain number of Borough employees sign off and say that the equipment was installed correctly. Only then can they turn on the power. She suggested the Council call Public Service to find out their procedure. She felt it could have been tested in June or in September.

Charles Tregdigo, 0-100 28th Street, Chairman of the Broadway Advisory Committee indicated that they have asked for a Council liaison. Mayor Ganz informed him that no appointment was made. Mr. Tregdigo asked if there will be a person appointed. Mayor Ganz stated yes. Mr. Tregdigo stated there was a blank space on the resolution and wanted to know if that was intentional. Mayor Ganz stated they have not be able to meet in the Work Session to discuss it. Attorney Lustgarten stated very frankly that when the Council finalized their instructions to him the issue of Council liaison was over looked. When he drafted the resolution using prior formats for these committees he left the blank space.

Leon Wender, 7-22 Manor Avenue, spoke about the number of indigent households living under poverty level some receive \$250 in tax relief and feels it should be more. He felt that a lot of money is being spent on roller hockey, uniforms and such but the first priority should be to ease the burden on the less fortunate people.

Mr. Wender said he had nothing but accolades for the Senior Citizens Olympics and the people who ran it. He also congratulated the DPW for removing tons of flood damaged items. He asked why the Borough needed to contract for outside help when they did an excellent job.

Phil Blotch, 17 Bancroft Road, Chairman of the Pedestrian Bicycle Task Force submitted their short term recommendations for Fair Lawn Avenue. He advised the Council they are working on the long term and will get it to them as soon as possible.

Raina Valenzuela, 2 Katherine Avenue, spoke about the telephone not working during Tropical Storm Floyd. Mayor Ganz explained she should have been able to reach other people within the Borough and that it was Bell Atlantic's problem. Deputy Mayor Ahearn explained the problem with the switches and flooding.

Ms. Valenzuela spoke about the great job the Shade Tree Department did during and after the storm. She mentioned that the drainage system at Lakeland Storage did its job and was a good system. She thanked the Council for the Proclamation on the Spanish Heritage month which was put up in the Library. She said she was notified by the High

School about the Task Force to follow up on drug concerns and she wondered if the Council appointed a liaison. Mayor Ganz informed her it was himself and Deputy Mayor Ahearn.

Ms. Valenzuela asked what was happening with the basketball courts. Manager Sacks stated it was staked out and the property was marked that would be taken by the basketball courts. The Engineer will be contacting several of the residents in the area who had participated on that task

force to take a look at the footprint which involved taking some trees. Ms. Valenzuela asked about going out to bid. She also asked about the bike path and if it went out to bid. Manager Sacks said it will be designed this winter and would go out to bid in early spring which is within the parameters of the grant. She suggested Ms. Valenzuela speak to the Borough Engineer.

Ms. Valenzuela spoke about the Fair Lawn Citizen published by the Mayor and Council which informed everyone that October 31, 1999, was the last day to remove roots and wondered if the time frame could be extended. Mayor Ganz asked if there was a legal reason for that deadline. Attorney Lustgarten stated there was none. It was administrative because of manpower needed to collect the leaves. Mayor Ganz stated the Council will deal with it at the next Work Session.

Councilmember Trawinski stated that what he and Councilmember Dobrow spoke about was if it could not be extended they should ask the Manager in the springtime to provide another window. Mayor Ganz asked that it be put on a Work Session to see what it is that has to be done.

Ms. Valenzuela asked if there was any progress with Walgreen's sidewalk. She took pictures. Mayor Ganz stated it is one of about 120 items on a punch list for that particular development. Progress is being made but they are still waiting to get back from the Borough Engineer the actual boundaries and placement of the various items that are there. She asked if they have a certificate of occupancy. Mayor Ganz informed her they only had a temporary certificate of occupancy. She felt they could have fixed this during the summer so that the kids could walk on it on the way to school.

Councilmember Trawinski said that Attorney Lustgarten was asked to get the information from Borough Engineer Garrison as to where the building was placed. They did discuss asking about some sort of barrier through the Manager that they get a temporary resolution to accommodate the school kids walking in the streets. He assumed the Manager is working on it and they will hear something at their next Work Session. Attorney Lustgarten stated he would like to see this deferred for two weeks because the Council had authorized him to be in touch with the appropriate people and he is in the process of doing that. Not only has he sent memos out he has spoken to Engineer Garrison who is getting him the material. The Borough is asking the owner's architect, the general contractor, names of the subcontractors and the site engineer because he is sure they all have insurance carriers and they have some ideas of how they can address those issues perhaps at the expense of Walgreens. He suggested she send him photocopies of the photos she took.

Ms. Valenzuela asked if there is any news on the open space agreement. Manager Sacks stated they have not done anything yet. Ms. Valenzuela spoke about her biggest problem which is Lakeland Storage and the landscaping that was promised and not completed. She said she had attended several meetings about this and felt the resolution did not reflect what she has said all along. She felt that she should not have to go to these meeting and beg them to put in behind her house. She is supposed to be getting eight white pines.

Deputy Mayor Ahearn said she has to realize how important landscapers plans are and it is not easy to enforce conditions. Her vocalization has helped the Planning Board realize it is a widespread problem. When dealing with the conflict between the residential and commercial

properties, every level of the government from the Planning Board, the Zoning and Enforcement Inspectors has to be educated on how crucial landscaping is when the Borough is so crowded and over developed. The problem is how to enforce those conditions. The last time this was discussed he was told about the eight pine trees and he said he was left with the impression that she got what she was supposed to get. He further stated that like Walgreens and Shop Rite, if it is not in the resolution and has not been enforced, the Borough Manager should look into enforcement.

Manager Sacks stated the Borough Engineer informed her that Lackland was scheduled to do the planting of eight evergreens on Thursday. This was never in the resolution and the Borough Engineer did enforce what was in the resolution which said shrubs. The Borough Engineer is bound by the contents of the resolution and cannot go beyond that. Ms. Valenzuela felt the only reason she is getting eight pine trees behind her house is because she is pestering everyone but that is not the procedure they should follow.

Councilmember Trawinski stated he was pleased that Deputy Mayor Ahearn has come around to the position that as a Council they should look at the enforcement aspect of it. Last Tuesday at the Work Session they were told by the Borough Manager that she was satisfied. He asked about the report they should get back from Engineer Garrison based on a memo he wrote regarding her concerns. He said they were given the same story that the resolution did not cover what she wanted. He had pointed out that the resolution was very thorough. He had asked if a landscaping plan was submitted as required by the resolution and for a copy of the same. Contrary to what Deputy Mayor Ahearn said there was a landscaping plan originally submitted. The issue arises out of a revised landscaping plan. There was extensive discussion on landscaping before the neighbors raised their concerns. After the neighbors raised their concerns there were further requests for landscaping by the Planning Board based on that and a request for a revised landscape plan. After Ms. Valenzuela presented her concerns to them the Council did its work too. They placed it on a Work Session. He wrote a memo asking the Council to refer it to the Borough Manager to get a report from the Engineering Department for review and comment. If that report bore out what they were being told it could then be sent to the Planning Board and the Planning Board under its power could consider rescinding the site plan.

Councilmember Trawinski felt the process broke down between the Borough Manager and the Council. They did not get a report back and he raised it a Work Session a week ago. He said he wrote a letter to Ms. Valenzuela on July 29th telling her what had transpired. They were told last week that the revised landscaping plan was submitted. They were also told that they would receive the report they requested from the Borough Engineer. They were also told all of the items were done. They were also told that Mr. Lackland was doing this out of the goodness of his heart and that is not the case based upon this resolution. He read the resolution in regard to lighting. He is astounded the lighting was not down-shielded. The Planning Board made Lackland produce a certified landscape architect. There were two concerns, one on Wagaraw Road and one around the perimeter of the property. He read from the resolution that upright growing evergreens would be planted along the Valenzuela property and such plantings would be planted on the outside of the fence in order to provide maximum screening of this property. No where in this resolution is the word shrubs used.

After reading the Planning Board resolution further, Councilmember Trawinski stated if the process broke down and someone was not sure what the Planning Board's intent was, reading subparagraph "O" would make it crystal clear. He said he shared her frustration because he sat on the Board and he know what they heard, he knows what they were told and what was intended. If anyone doubted it they should have come back to the Board. He feels there is enough enforcement authority there. The Deputy Mayor touched on Shop Rite and he believes the same circumstances exist with some exceptions. He felt this resolution was strong enough to cover this municipality taking all the action it needs to enforce what the Board intended. He is not blasting any individual because the way the Planning Board works it could have been the outside Engineer that was charged with this responsibility. He agrees with Deputy Mayor Ahearn that they need to find a better way to handle these things.

Ms. Valenzuela spoke about the lighting. Deputy Mayor Ahearn felt that since the footprints of the lighting cannot be seen during the day there should be nighttime inspection. Ms. Valenzuela said the second building was due to begin construction in the spring and then she would not be seeing the lights. Deputy Mayor Ahearn said they would be in violation of the ordinance. She said she was happy with the trees but is not happy with the process. Neighbors should not have to go through this much trouble.

Manager Sacks left the meeting at 9:30 p.m.

Harvey Rubenstein, 28 Rutgers Terrace, said he wished the Borough Manager would stay because he had something to say to her. He spoke about insulation and shielding the lights. He appealed to Deputy Mayor Ahearn and Councilmember Tedeschi to put the pavers on the Work Session Agenda so that in the future they would be done correctly to ensure good sidewalks. He also spoke about the alarm system and wondered if there was a generator

incorporated into this alarm. Councilmember Trawinski stated there was a battery back up that lasted 48 - 72 hours for each site and headquarters.

Mr. Rubinstein mentioned the \$55,000 that the Council went out to Bond and wondered how much the Borough is in debt. Mayor Ganz stated it was a relatively small portion of the overall amount the Borough is allowed. Councilmember Trawinski explained the percentage of the debt service. The Borough is well below what the State will allow and that there has been a close watch of the borrowing. The Chief Financial Officer has done a remarkable job holding the line. Mr. Rubinstein said they cannot look to the State because the State will allow the Borough to get into debt and then will send in their team as they have done in other municipalities and take over the government.

Mr. Rubinstein wondered how long a Councilmember has to wait for a report. Councilmember Trawinski stated it was far too long. The Council continually has people coming up to the podium saying they talk to this person or that person. These people believe in the Council and they believe in government.

Attorney Lustgarten stated that he thought the Borough has about 30,000 people in town and he thinks that there are ten or eleven thousand line items of which are nine to ten thousand homeowners. It is true that in Ms. Valenzuela's case that obviously something slipped through the cracks but to make a blanket statement as an indictment against the Borough when you look at the total population and you look at the total number of projects year after year and you look at the many activities that go on there are relatively few people who are dissatisfied. Nothing against Ms. Valenzuela, but he felt it was a disservice again when Mr. Rubinstein makes such universal generalized statements of condemnation when two or three instances are being picked out and he doesn't look at all the other instances where everything worked the way it was supposed to. He felt it was a very unfair comment.

Arlene Rubinstein, 28 Rutgers Terrace, good evening and I still didn't move, her husband did not make any blanket statements condemning any department head, he simply asked the question why the Council has to wait for a report. In all the years that she was on the Board of Education, and all the years that she has followed Council meetings, department heads have met with the Council. Doesn't this Council meet with the department heads when they request information? Is there any answer, Mr. Mayor? Yes or a no.

Mayor Ganz stated please feel free to make any statement that you would like. Ms. Rubinstein stated I am not making any statements, I am asking you a yes or a no question. Mayor Ganz stated this was time for Public Comment. Deputy Mayor Ahearn stated it has to be the entire Council. That is the way the Faulkner Act calls for it.

Ms. Rubinstein stated not in the years that she followed the government, this is the way this Council operates. The Faulkner Act was in place long before you got on the Council, Mr. Ahearn. She did not believe that Councilmembers were precluded from, one Councilmember has to make a request that they want information. She does not understand what is going on with this Council. Mayor Ganz said thank you Mrs. Rubinstein. She said she had heard of dictatorships before, in fact, she majored in Russian history and political theory and in her opinion this is the optimy of the government that had been overthrown in Russia, in the Soviet Union. She had never, in all her life, seen a Borough Council operate the way this Borough Council operates. Excuse me, I would like a legal opinion, Mr. Lustgarten. Is this Council precluded from having a department head explain his report to the Council? She was asking him as the Attorney, she wanted a legal opinion. Ok, she would like to ask the Borough Attorney.

Attorney Lustgarten stated, again, a blanket statement that she made was incorrect. Just last week we had an administrative person come to the Council Meeting and give a report to the Council. They had the Tax Assessor. So when she makes these blanket attacks as a prelude to your question, he had to take exception to that so that she doesn't think his answer is accepting her premise. The answer is, generally speaking on the Faulkner, the matter, materials and personnel move through the Manager. It is his opinion that if the Council reaches a conclusion that it is not getting the appropriate information, and he is not saying that is a conclusion of the Council and he is not saying it is his conclusion, he is saying hypothetically if that is the case, it is his opinion that the Council under its oversight responsibility, can in exceptional circumstances bypass the Manager and get the information directly.

Ms. Rubinstein stated she got the picture. She thanked him and said she now got the picture. It takes three votes to get the Department Manager to appear before the Council and since there are only two Republicans.

Attorney Lustgarten stated he did not say that and if she was trying to interpret it is her words not his, so please don't do that. Mrs. Rubenstein stated she was interpreting what he said because she is not a stupid person and she does have the ability to interpret what is being said in an accurate manner. And since, again she will say, since there are only two Republican members of the Council, their votes don't count, not in this Council anyway. She remembered.

Attorney Lustgarten stated that is exactly why Mrs. Rubinstein when you ask these questions you have a political motivation. Mrs. Rubinstein said no this is not political. Attorney Lustgarten continued that is why he is very reticent in responding to her but he will tell her that he did not recall any member of the Council of taking a vote to consensus. He did recall certain requests of certain Councilmembers for information. But now that she wanted to put it into the political realm, Mayor, he does not want to respond. Mrs. Rubinstein stated she was not putting it into the political realm. Attorney Lustgarten said that she was the one who said Republican. Mrs. Rubinstein said she simply said it could have been two members of the green party.

Mayor Ganz stated Mrs. Rubinstein, the way that it works is we have one person at a time. When Attorney Lustgarten is speaking you will be quiet. When you are speaking, Mr. Lustgarten will be quiet. That is how it works.

Mrs. Rubinstein said she knew how it works, Mr. Ganz and he did not have to reprimand her, she is speaking now so she is the one speaking and he will listen. Mayor Ganz stated actually, Mrs. Rubinstein the chair is speaking right now. That is the procedure that they are going to follow. Mrs. Rubinstein stated he finished speaking and she was speaking so therefore she is the one who is speaking and he can't curtail her because that is an infringement of her civil rights and what she will continue to say and what she will continue to say, Mr. Ganz is that she does not care if Mr. Tedeschi and Mr. Trawinski were members of the green party or the purple party, what she is saying is that since they don't belong to the majority party on this Council, their votes don't count and their requests don't count. Mayor Ganz said that was not true. Mrs. Rubinstein said that she as one citizen and taxpayer in Fair Lawn is thoroughly disgusted with the dictatorial manner of this Council, of the majority of this Council. Mayor Ganz said thank you Mrs. Rubinstein. Mrs. Rubinstein stated you are very welcome Mr. Ganz.

Deputy Mayor Ahearn said she was disgusted with the dictatorial manner of the Council, it is America. He suggested she study American theory also. Mrs. Rubinstein said she studied that too, Mr. Ahearn.

Mayor Ganz stated Mrs. Rubinstein, we speak one at a time and from the podium, we do not speak from the back of the chambers. Thank you. He asked that this be stated in record in its entirety, all of the remarks.

Frank Brennisen, 23-34 Ellington Road, said he cannot believe Shop Rite was granted a temporary Certificate of Occupancy. There is a mess over there and there is no enforcement in this town. He has gone through three or four Mayor and all they get there is drips and drabs. He is still waiting for a memo from the Borough Engineer. He asked why it takes forever to get anything done. Mr. Brennisen stated that Councilmember Trawinski has spent a lot of time but nothing is getting done and wants to know what is it going to take to get something done.

Mayor Ganz said the Council talked about this at their last Work Session. They talked about moving the trucks to the proper truck route. He spoke about enforcement where cars were visible. He also said that five

Councilmember's were intent on solving this issue.

Deputy Mayor Ahearn asked Mr. Brenneisen if he ever asked anyone about a signal to shift the traffic.

Mr. Brenneisen talked about the width of the street and how it took three years to get a slow down kids sign. Only two little white lines were put down. He has sent photos to the Manager and DPW and nothing happens. At one time the Police presence made a difference. He said the ex-director of the Police Department had a plan but he is gone now. He asked about the Columbia Bank Annex and the rumors he heard that the Police Department wants to make an annex there. He said there is no Police presence in that side of town. He said the Police Chief does not live in town and that is really dumb because in an emergency they would want him in Fair Lawn not West Milford. He would like to see the Police Chief as part of this town.

Councilmember Trawinski stated they were told they would be getting information but have not. He has asked, as a Council, to move toward physical changes on Ellington but nothing has happened. He just wanted to be told when the Engineer would be ready with a report. He did not feel confident that the Engineer was even asked to do the assignment. He wondered if he did not put it on the Work Session Agenda where would it have been. He is sure some of these items have fallen through the cracks. Somebody is going to get hurt.

Mr. Brennisen said that is not what he wanted to hear.

Deputy Mayor Ahearn said he did not understand why nothing was being done. Mr. Brennisen stressed that nothing is getting done. The residents on the street have had it. Deputy Mayor Ahearn asked about doing physical changes without County approval.

Mr. Brennisen said he saw this as a long term problem. The residents are calling the Police so much they are told to stop calling and harassing the Police. He also said they are taking pictures. He is glad that there are senior citizens on his block that are interested.

Attorney Lustgarten asked Mr. Brennisen to send the pictures to him and he will make sure the Police enforce the laws. He also said he would get them to the Prosecutor. He will sit down with the Chief of Police and get the enforcement.

Mayor Ganz asked when he would have get to Attorney Lustgarten Mr. Brenneisen informed them he had to get them from his neighbors. This will be a new chain of command, send it to Mr. Lustgarten, to the Prosecutor and then to the Chief of Police. Attorney Lustgarten stated he would need it within thirty days. He promised him action.

Councilmember Trawinski stated they asked the Manager to speak to the Traffic Officer, the Borough Engineer and to research the history of how those streets became one way. He felt if it were two way it would reduce the speed. He suggested they look at other options. He lived on a street where a two-way becomes a one-way and there is excessive speeding. He felt that one-way tends to exacerbate the speed. They cannot solve all of his problems but they can if they work together and get cooperation and solve some of the problems.

Raina Valenzuela, 2 Katherine Avenue, wanted to make sure the striping on the corner of Maple Avenue and River Road and Wagaraw Road was done. Mayor Ganz asked the Clerk to make a note of this to give to the Manager.

Charles Tregdigo, 0-100 28th Street, Chairman of the Broadway Advisory Committee asked if the Pedestrian Task Force study could be given to the members of his committee. Mayor Ganz asked the Municipal Clerk's office to make sure his committee gets it. Councilmember Trawinski suggested they also receive the other parts of the study.

Charles Coviello, 5-07 Fifth Street, said he heard the Fire Department had equipment damaged in the flood. Mayor Ganz explained the engine took water in while trying to get to something in the flood. Councilmember Trawinski said the initial repair was \$34,000.

Mr. Coviello spoke about Walgreens and the Recycling Center the situation with the leaves and Mr. Bleeker. Attorney Lustgarten stated his contract expires in 2002. The ordinance they passed will eliminate commercial landscapers from dumping their leaves but that the residents will still be able to bring their leaves to the site.

Councilmember Trawinski stated that there has been no final decision where to build the ice hockey rink but it could be a possibility to build the rink at the location. That may be the way to get out of the contract if they need that site for Borough use.

Mr. Coviello asked about Walsh Pool being open after the season ended. Mayor Ganz explained that the Borough could not get the permit from the State.

Mr. Coviello asked about the Park's Department building and the damage it received from the flood. Mayor Ganz said the building is fine however some vehicles were damaged. Attorney Lustgarten stated he wants to find out who was

the architect of the original building. Mayor Ganz felt that it was FEMA's issue. Mr. Coviello said because of the flooding will the Borough be charged an additional charge for the tonnage at the BCUA.

Mr. Coviello spoke about taking Broadway back from the State and asked about who would be maintaining the road. Mayor Ganz said it was 1/40 of the roadway in town.

Councilmember Trawinski explained that there were seventeen state owned roads within the Borough. The Council has not gotten to the point of knowing what they would do with it. The ability to control the destiny of Broadway would be beneficiary. He said there are good reasons why the median is there and why the State has not reduced the speed. According to Susan Gruel's report, the DOT is receptive to municipalities taking back a state highway. From what he has been told by the State, Routes 4 & 17 have to be completed and the interchange of Routes 4 and 208 must also be completed before they would consider doing anything.

Al Placa, 38-12 Pellington Drive, asked about satellite phone. Deputy Mayor Ahearn explained that the Borough does have satellite capability. Mr. Placa wanted to know if the Borough had a satellite phone. Deputy Mayor Ahearn explained how extremely expensive they were and that the other person you want to talk to has to have the a satellite phone also.

Mr. Placa spoke about the Park's Department losing a rack truck. He asked why couldn't the Fire Department get the cars out of the Saddle River complex. Mayor Ganz stated that all will be recovered from FEMA. Mr.

Placa asked about residents getting grants from FEMA. Mayor Ganz informed him to check with Tom Metzler.

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

Adjournment

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, the meeting was unanimously adjourned at 10:35 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC
Assistant Municipal Clerk