

## REGULAR MEETING OF DECEMBER 14, 1999

Mayor Ganz opened the meeting at 7:35 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 (late), Councilmembers Dobrow, Tedeschi and Trawinski.

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

PRESENTATIONS: MARK SEDAKA AND LEWIS SPRECHMAN

Mayor Ganz remarked there were a couple of presentations that would be made this evening. He stated he took some time to make some remarks and left them at home and would do them from memory.

It is directed to two remarkable men, Lewis Sprechman and Mark Sedaka, who he has had the privilege to work with. Mark as a member and Chairman of the Zoning Board of Adjustment and Lew as a former Mayor, member of the Council and as Chairman and member of the Planning Board. Each of you gentlemen are remarkable for the dedication and for the service and for the time you have given to our community. It is something that all of us are grateful for. Any of us that have served on any of these boards and all of us on the Council have at one time or another know the incredible amount of time and incredible amount of dedication and the amount of time it takes you away from your families in order to do this for no purpose other than to give something back to the community and that is something all of us appreciate. And as your term as Chairman as your membership moves on and as you move on to other things in life and as somebody starts to look forward to Florida and other people look to the balance of the community and the golden years and things like that we want you to know that we, as a community, appreciate all the fine effort and good work and good service that you did. This isn't about politics, this is about friendship, this is about your dedication and that is something all of us appreciate.

He had on behalf of the Council, a plaque with a gavel, that he would like to ask Mark and Lew to accept. At this time he presented and read the plaques to them. He thanked them again.

Mark Sedaka thanked everyone for allowing him to read a letter that was sent to the Mayor and Council. He said he considered himself very fortunate to be receiving presentations from the Mayor, former Mayor and future Mayor.

RECOGNIZING SERVICE OF COUNCILMEMBERS

Mayor Ganz presented plaques to Councilmembers Tedeschi and Trawinski and stated he will hold Deputy Mayor Ahearn's until the next meeting.

RESOLUTION NO. 337-99 IN RECOGNITION OF SERVICE: JAY BENDER

Upon motion by Councilmember Dobrow and a second by Councilmember Trawinski, Resolution No. 337-99 was unanimously adopted. Mayor Ganz stated that he and the Council were very proud of the fine work Jay Bender has done and presented him with the citation.

RESOLUTION NO. 338-99 IN RECOGNITION OF SERVICE: WILLIAM DAVIDSON

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 338-99 was unanimously adopted.

Deputy Mayor Ahearn arrived at 7:45 p.m.

Mayor Ganz presented William Davidson with his citation and remarked that he was very proud of everything that he had done for the Borough and delighted to see the peer recognition.

Councilmember Trawinski stated he always thought of him as Mr. D.P.W. and he cannot believe the Borough will be starting the new millennium without him. He knows he is leaving the department in tremendous shape. He stated it had been a pleasure and a privilege for what he has done on behalf of the people of Fair Lawn to have worked with him.

Councilmember Tedeschi thanked Mr. Davidson for the last eight years and for answering the countless questions he asked him. Contrary to public belief Councilmember's are allowed to ask questions because that is how they find out information.

Councilmember Dobrow stated they grew up together and she considers him a wonderful friend.

Attorney Lustgarten stated he never thought he would give kudos to the guy who taught him everything about the sewers. He thanked him.

William Davidson stated it was ironic that his parents moved to Fair Lawn in 1949 and that was the first year the Borough had a DPW. Now some fifty years later he is retiring from a town that has a lot to offer. He said that things change and that people should take an active participation in the town. He thanked the Mayor and Council for letting him serve this wonderful community for all those years.

MAYOR GANZ PRESENTED THE PLAQUE TO DEPUTY MAYOR AHEARN.

Mayor Ganz thanked Deputy Mayor Ahearn for all that he has done.

PROCLAMATION: FIFTY DAYS OF EDUCATION

Municipal Clerk Kwasniewski read the Proclamation

RESOLUTIONS BY CONSENT #22-99

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Consent Agenda #22-99 containing the following items were unanimously adopted.

a. Resol. #339-99 Approval of Minutes:

Work Session 10/19/99

Regular Meeting 10/26/99

Work Session 10/26/99

Work Session 11/3/99

Special Meeting 11/3/99

Closed Session 11/3/99

b. Resol. #340-99 Refund of Overpayment of Taxes

c. Resol. #341-99 Approval of Raffles & Bingo

Temple Beth Shalom off premise mdse.

Fair Lawn High School PTA off premises mdse.

Fair Lawn Lions Club off premise 50/50

d. Resol. #342-99 Cancellation of Unexpended Balances (Grants Fund)

e. Resol. #343-99 Cancellation of Unexpended Balances (Purchase Orders)

- f. Resol. #344-99 Cancellation of Unexpended Balances (Capital Ordinances)
- g. Resol. #345-99 Cancellation of Unexpended Balances (Current Fund)
- h. Resol. #346-99 Change Order - Vehicle Exhaust System
- I. Resol. #347-99 Award of Bid - Truck Chassis
- j. Resol. #348-99 Award of Bid - Vehicle Exhaust System - Rescue Squad
- k. Resol. #349-99 Urging Reprogramming CD Funds - ERIC

## RESOLUTION NO. 350-99 PROFESSIONAL SERVICES - BROKER OF RECORD HEALTH CARE MATTERS

Upon advice from Attorney Lustgarten, Resolution No. 350-99 was pulled from the Agenda.

## REMARKS OF COUNCILMEMBER TRAWINSKI

As I complete over a decade of government service to the Borough of Fair Lawn, seven years as Fair Lawn Planning Board Attorney and four years on the Borough Council with two of them as Mayor, one as Deputy Mayor, and numerous assignments on various municipal committees, and as we approach the new millennium which will be upon us in less than three weeks, I thought it an appropriate time to reflect on the work of our bi-partisan Council over the last 4 years, not only as to the accomplishments that I have seen take place, but also on the continuing needs in Fair Lawn with the hope that at least some of what I have to say will be of benefit to the new Borough Council.

At the outset, let me say that it is all too easy to lose sight of progress and improvements that have been made over time, particularly as the Council focuses on day-to-day problems, issues and future needs. As a history student myself, I believe that it is altogether appropriate and fitting to reflect on what has been achieved, especially if we are to truly understand what remains unfinished. Particularly, over the last four years, I see the following achievements:

### 1. Stabilization of Municipal Taxes Without Reducing Services and Even, In Some Cases, While Increasing Municipal Services

Over the last four years, municipal taxes have increased at less than the rate of inflation. There have been two years with zero tax increase, one with just over one-half a point tax increase and only one with a 5 point increase. Of course, as we all have come to learn of that 5 points, 4½ were utilized to pay off debt service that had been incurred over the past decade. Thus, in the truest sense of the word, municipal taxes have been stabilized with no reduction in municipal services. In fact, some municipal services have been expanded or increased such as: (1) extended hours of operation on Saturdays two years ago and Sundays this year at the seniors' complex; (2) implementation of the first Borough Website over three years ago; (3) over 2 years ago, at long last providing a place for construction debris to be disposed of by our citizens. Of course, much more remains to be done in this area, but we have begun.

### 2. Renovation Of and Ongoing Planning for Improvements of Municipal Facilities

- (1) Completion of the addition and renovation at the Senior Citizens Center with a CDBG grant.
- (2) Completion of the renovations to the library terrace and provision for handicapped parking for library users with a CDBG grant.
- (3) Commencement of the long-awaited renovation and upgrade to the municipal parking lot.
- (4) Construction of the commuter parking lot at Saddle River Road with a grant from NEW JERSEY Transit.
- (5) Construction of the new recycling area in the DPW recycling facility.
- (6) Planning and implementation for phase 2 of DPW complex.
- (7) Installation of a new state of the art emergency warning system.
- (8) Relocation of the auxiliary police HQ to the old Rescue Squad building in Columbia Heights.

### 3. New Development/Revitalization

- (1) New Shop Rite & Walgreens finally concluded.
- (2) Columbia Savings Bank headquarters
- (3) Next year's development of the McBride tract into Fair Lawn Commons after decades of dispute and providing the

first actual construction of low and moderate income housing in the Borough of Fair Lawn, as well as the first designated senior citizen housing in the Borough of Fair Lawn.

(4) Implementation of the River Road Special Improvement District.

(5) Elimination of the old Suburban Motel which was a constant source of crime and problems for all of us, especially our police department and replacement with a modern, new Amerisuites Hotel.

(6) Many new medical offices, restaurants, stores and other business establishments, all of which have resulted in a 36% increase in the ratable base in the River Road SID between 1996 & 1999.

(7) Major aesthetic improvements to River Road. One only need drive down River Road after this meeting to marvel at the beauty and recall the deterioration that had set in over the past two decades.

#### 4. Improvements in Many Areas of Borough Management

(1) Resolution of problems in the Engineering Department which resulted in new management and realignment of the engineering and Health and Human Services Departments.

(2) Placement of infrastructure management on a systematic basis.

(3) A new tenured Borough Clerk which was a tremendous improvement from the situation eight years ago.

(4) A complete revamping and improvement to the recycling dept.

(5) An ongoing improvement relationship with the Board of Education.

(6) Continued ongoing lowering of insurance costs through the JIFF and the MEL.

(7) Finally, and perhaps, most importantly, was resolution of the long and pervasive difficulties that existed in the Fair Lawn Police Department and resolution of the difficulties that existed for over 5 years between the Borough Council, the PBA and senior management in the Fair Lawn Police Department. Of course, as bad as those difficulties were, we should all recall that, for the most part, the Police Department did its job well - protecting the public. Nevertheless, the department is long on the mend and the individual men and women in the Fair Lawn Police Department deserve the bulk of the credit. It is absolutely astounding that the very police officers who were characterized by the Council in 1993-94 and 95 as troublemakers, malcontents and rebel rousers are the very same officers who today are the superior officers leading our department who have not only garnered accolades from this Mayor and Council, but also the Bergen County Prosecutor and the US Attorneys Office. Finally we were able to negotiate and settle a contract in Dec 1996 without going to arbitration for the first time in over 10 years - a contract that was not only fair to the Police Dept, but also was fair to the taxpayers because it effected real long term savings being realized in this year's budget and in future budgets.

#### 5. Significant Improvements of Basic Infrastructure

(1) Continued headway in reducing the tree removal backlog, planting more trees than in the previous four years. In 1997 we finally began the long overdue process of trimming trees which was in essence, pardon the expression the "root" of why many trees were coming down.

(2) More roads repaved in the last four years than in the previous decade with paving placed on an organized scheduled basis.

(3) Intersection improvements finally and definitively planned and approved for Morlot Avenue and Plaza Road and Route 208 and Broadway.

(4) Intersection improvements completed at Fair Lawn Avenue and River Road and Berdan Avenue and River Road.

(5) Replacement of the main sewer trunk line servicing Radburn, as well as many long delayed sewer replacements and pumping station improvements.

(6) Virtual completion of installation of new hydrants throughout the town.

(7) Continued upgrade and replacement of new fire engines, mini bus, Hazmat and rescue vehicles, recycling trucks, snow plows and other strategic vehicles and equipment.

(8) Complete replacement for the first time in the history of the Borough of the 75 year old water line on Maple Avenue.

(9) Major renovation of the one million gallon water tower on Morlot Avenue for the first time in over two decades, and placement of that facility on a regular maintenance program.

(10) Resolution of the difficulties with Borough owned property that had been allowed to deteriorate, affecting the residents in the vicinity of Well Drive, and transfer of those properties to the adjoining residents.

- (11) Submission of grant application that will finally solve the long standing flooding problem in the Arcadia, Berkshire area of town with permission to connect to the County drainage facilities.
- (12) Undertook the appropriate planning for disposing of unutilized Borough owned property fronting on Campbell.

## 6. New/Upgraded Recreational Facilities

- (1) Continued upgrading and maintenance of all playgrounds and parks.
- (2) Until this past year, continued upgrade to all tennis courts.
- (3) Construction of roller hockey rink and implementation of a roller hockey program.
- (4) Installation of the All Sports building at the Columbia Heights sports complex.
- (5) All athletic fields renovated and placed on a regular maintenance program in cooperation with the Board of Education.
- (6) Installation of underground sprinkler system at Center Rec and Dobrow Complex.
- (7) Upgrade of bike ways and roller skating paths in many areas of town with planned improvements funded for Radburn pathways and Columbia Heights Park bike way through grants.
- (8) Provided partial funding for the ice hockey program.
- (9) Provided funding for the new street hockey program trailer.

## 7. Miscellaneous

- (1) With respect to our pools, we conducted the necessary and appropriate studies, applied for and received NJDEP approval to continue to allow use of Chlorine in our pools so that the people now have a complete range of choices.
- (2) Aggressively pursued applications for and obtaining grants, with the help of our grants firm, Capital Alternatives.
- (3) Under Tom Metzler's direction and guidance substantially increased our planning and preparedness for emergencies to a state of readiness unparalleled in our history.

(4) Obtained the first ever grant from the NJDOT to study Pedestrian/Bicycle safety on Fair Lawn Ave and established the Pedestrian/Bicycle Safety Committee to undertake the first steps in the process. In my opinion, it is particularly noteworthy that virtually all of this has been accomplished with a politically divided Borough Council. With the glaring and unfortunate exception of 1999, all of this was also accomplished with a collegial, open, participatory coalition government in which the solution to the problem was far more important than the political affiliation of the originator of the idea.

In fact, like John Keith, I would like to think that my role in the Council and as a Planning Board Attorney has been less of one of creating ideas (although I certainly have contributed a good number) than of providing the leadership where ideas from citizens and Councilmembers alike could be put forth with the knowledge that the Council would listen and act where appropriate.

For the first three years that I was on the Council, I believe that I served an important role as a fair minded, open consensus building leader - I feel a deep sense of satisfaction in knowing that I have contributed in a significant way to improving our town.

Of course, I do not for an instant take sole credit for what has happened. I really don't care very much for politicians and leaders who always seek to take credit for all the good things and disavow the bad ones. All of the above good things were the result of the joint efforts of all Councilmembers, particularly John Keith, Flossie Dobrow, Bonnie Taplits, Joe Tedeschi, Ron Mondello (and even for one year, David Ganz) working together in a collegial environmental of mutual respect and honesty with most of our Council staff, Joanne, Richard, Kathy, Barry Eccleston, Tom McCullum, Manager Bert Kendall and Acting Manager Garrison, as well as the other department heads, and even to a greater extent with Borough employees, citizens, and our wonderful, numerous dedicated and hard-working volunteers. Both Indira Ghanda and Harry Truman are quoted as having said "Imagine what could be accomplished if you do not care who gets the credit." Certainly, I acknowledge that politicians like to get re-elected and to do so take credit for as much as possible. A Borough Department head recently said to me and I take it as one of the highest complements that I have ever received, "Perhaps, you weren't re-elected, Ed, because you were too busy doing your job instead of worrying about keeping it." I, for one, would like to think that is true. After all if we are not here to do

our job and serve the people, then what business does any of us on this Council have being here.

I was taught by my father, a former Councilman in Elmwood Park, and I believe with all my heart, that an elected official holds a sacred public trust. I also believe that serving the public is among the most noble things that one can do in his or her life. My prayer for the next Council is that its members remain public servants first, remembering to care more about making Fair Lawn a better place in which to live and work for all of our citizens, and remembering to set aside their egos, ambitions, animosities and, yes, even their partisanship tendencies. On my part, my biggest regret has been that I have been part of and subjected to the partisan rancor and bickering that the majority of this Council and the Borough Manager felt so compelled to bring to Room 201 and into the Council Chambers. The long-standing tradition of collegiality and mutual respect of this Council was, unfortunately, in my opinion, shattered in our 75th Anniversary year. In many respects, we have unfortunately become like so many towns in New Jersey that are lead by politicians who are interested in personal ambition and partisan politics for their own sake. I implore, I encourage the next Council to abandon this unproductive path and return to a road where the only guide post is "What is in the best interests of the people of Fair Lawn?"

I caution you to be on guard for those who would punish or divide our citizens because of their role in the past election. Not in Fair Lawn, you say? Unfortunately, yes most unfortunately, the early signs are already there - we are hearing that there are no leaf odors at the compost facility, that there is no traffic problem on Ellington, letters to the editor indicate how a particular district or districts voted in the last election - hopefully, the newly elected Council members will rise to the occasion, forsake retribution, forget about blame and work with the people to solve their very real problems. Yes, there is an odor problem from leaves at the compost facility. Yes, there is a traffic problem on Ellington Road. And yes, the South Broadway residents were concerned about the impact that carpetbaggers coming into Fair Lawn would have on their neighborhood.

Of course, there are many others issues facing the Council. They have been discussed by all of us at one time or another in the course of this past year and the past three years. They include such items as:

- Keeping a line on taxes and spending
  - Finishing Phase II of DPW complex
  - Finding a permanent home for the arts center
  - Broadway revitalization
  - Route 208 noise/sound barriers
  - Excessive speeding and ignoring of traffic enforcement on all of our streets, particularly in areas such as Ellington, Morlot, Prospect, Plaza Road, Fair Lawn Avenue and one and on.
  - Resolution of the leaf odor and recycling problems at the recycling facility
  - Finding a suitable alternative acceptable to the young people where they can play and recreate, especially those who are now perceived as problems at the Radburn commercial facilities.
  - Continuing to build additional senior citizen housing. Our first effort provided 13 senior units in Fair Lawn Commons. It was a start, but it was a drop in the bucket.
  - Continuing to balance the ongoing tension between responsible development/revitalization without undue burden on our citizens.
  - Conducting the unanimously promised Memorial pool referendum.
- Continuing our ongoing capital maintenance and improvement programs so that they never again fall behind the curve and become the subject of benign neglect.

· Making our streets pedestrian and bicycle friendly by implementing the short and long term recommendations of the Pedestrian/Bicycle Safety Committee while balancing the needs to move traffic safely and efficiently.

· Implementing live cable broadcast of all Council meeting and expanding same to Planning, Zoning, Rent Leveling Board meeting and the like.

· Solving the difficulties that have developed with the lack of meaningful and open information flow from the Manager's office to the Council.

· Being up front, open and honest with the people who have entrusted you to represent them.

But, as you work on these problems, never lose sight of the bigger picture. Unfortunately, this past year the Council never established its vision. I encourage you to do so. Establish your vision, our vision, the people's vision of who we are and what we want Fair Lawn to be. Take a Council meeting to establish your goals and priorities to implement that vision. From my perspective, I believe that we all see Fair Lawn in pretty much the same manner - we are a relatively quiet, somewhat green (but not green enough) urban-suburban community with excellent government services and convenience to jobs, stores, and transportation, outstanding schools, loyal hardworking employees and police officers, population diversity - in fact, many in America would consider this mix ideal. We value our unbridled volunteerism and our historical roots from the earliest Dutch settlers to the Radburn District and, yes, even to General Light Horse Harry Lee . We are accessible to everyone. We deplore racism, bigotry and discrimination. We celebrate our diversity. As a Council, as leaders of our government, never let the vision slip away. For if you do, and even if you solve all the issues detailed above, and all those that will emerge in the coming years, Fair Lawn will nevertheless be a failure and this must never happen! Work hard to continue to maintain and improve our quality of life for our citizens consistent with their, yours and our vision of Fair Lawn.

Having been both in the majority and in the minority on this Council let me share with you my belief that it is much easier to be in the minority than the majority. You have an awesome responsibility which you asked for and received. Handle that responsibility with the dignity and the respect it deserves. If you do, I know you will serve the people of Fair Lawn. I wish you godspeed and every success.

On a most personal note, I thank my wife and my family for their sacrifices and for allowing me the time to do this. To the people of Fair Lawn, it has been an honor to serve you. From the bottom of my heart thank you for the opportunity and the privilege.

Councilmember Dobrow said she thought that was a wonderful commentary. As we go through the year we only think of the problems. When we hear at the end of the year all that has been accomplished it is very impressive. It gives us strength to go on and tackle the next problem. She felt the whole Council deserves credit.

Councilmember Tedeschi stated he had been there for eight years and it has been eight years of privilege and eight years of responsibility. He thanked the people of Fair Lawn and he thanked his fellow Councilmembers. A long time ago he read something that he carries in his wallet, and it talks about what government is. And we can talk about accomplishments and he certainly doesn't mean to demean them or belittle them but he carries it for a very specific reason because there is a message in it. It was written in 1789 by Thomas Jefferson and it said, "I am for a government vigorously frugal and simple applying all of the possible savings of the public revenue to the discharge of the public debt and not for the multiplication of officers and salaries merely to make partisans". He said he thought that said it all. They are not here to make partisans they are there to make a better way of life for the people. He said if he could just close with a quick story. In 1996, when they were the majority, they received calls from the County that they had three wonderful people, one of whom was going to be our Borough Attorney, he made a very hard decision and he lost a lot of friends at the County when he did that, he said they have a very good Borough Attorney, and Richard from the bottom of his heart, thank you. Because this man has become the glue that has kept this Council together and keeps this thing moving along. And when they said we know who we want to appoint, you are not going to tell us who to appoint, when the majority said appointments are made in Fair Lawn not down in Hackensack, they lost friends. But what they did was a great service to the community and he urged all incoming Councilmembers to do what is good for Fair Lawn and do it in Fair Lawn.

Deputy Mayor Ahearn stated he did not even expect to make it here tonight and is glad he was able to. He did want to say thank you to the people of Fair Lawn, for the record, he guessed because they don't get nearly enough of them here at any time. He said he felt like he was in Congress being covered by CSPAN sitting there at 8:30 at night talking to a near empty audience except for the good people that do come here and many of them do come here frequently and often and stay involved. He thanked them and they know who they are. He knows that Mr. Coviello was not there but would like to thank him also for being here constantly keeping his constituency informed and that is what local politics is all about. He did not have a speech prepared. Fortunately and thankfully he is no longer a politician and never will be again. He is not into speeches. He thanked all of the Borough employees, particularly the Manager, Barbara Sacks, who, he has been amazed in the past fourteen months has had the privilege of serving the people to see how things

really work and quite frankly if there was no Council and none of them up there, the town would keep function and no one would miss a beat until the money ran out at the end of the year. That is something that people forget far too often that it is the Manager, the Supervisors and the full-time people that really run the town and they deserve the thanks for everything that happens. He wasn't going to say anything but after he won his election last year he was on a bus trip to a Yankee game and someone who was an Attorney from another town and involved in the County politicians on the Democratic side who said it was great that he won and now you are in the majority and boy do we have an attorney for you. So, Richard, so that you know you get it from both sides, you better watch it. As long as Joe shared that he just wanted to let Richard know that he is just so honest and so serving of this town that the politicians on both sides of the aisle outside of this town are in for your head. Keep up the good work for the people of Fair Lawn and again he thanked everyone and it had been a great, great year.

#### MISCELLANEOUS PUBLIC COMMENTS

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

Alice Weisman, 347 Owen Avenue, read into the record the League of Women Voter's recommendations for changes concerning the granting of variances by the Zoning Board of Adjustment.

Joan Heck, 12-20 12th Street, read into the record the League of Women Voter's study along with their suggestions and recommendations on Memorial Pool.

Frank Brenneisen, 23-34 Ellington Road, thanked Councilmember Trawinski for all his assistance. He said he received a package with memos from the Borough Manager, Police Department and Attorney Lustgarten. He said it was hard to believe that the Borough had spent large amounts of money trying to solve the problems on Ellington Road. He referred to memos from the Police Chief to the Borough Manager and from Captain Rose to Lt. Serrao which were a slap in the face. He said he has not heard from anyone in the Police Department. He said he gave pictures to the Police and they said it was not their job. He felt it was now up to the Council to make changes.

Mr. Brenneisen asked if it was possible to reverse the one-way on Ellington Road. Manager Sacks stated it was part of the States jug handle but could be looked into.

Reina Valenzuela, 2 Katherine Avenue, stated she does not know how many times she has heard about the Ellington Road problem and that every solution should be considered.

Ms. Valenzuela said she just wanted to say thank you. The sidewalk has been completed, the parking lot looks good. She said it was good that Councilmember Trawinski, Tedeschi and Deputy Mayor Ahearn were there to awaken them and get it completed. She thanked then for all their time they put into the Borough and to Attorney Lustgarten for keeping everyone in place.

Seymour Karas, 11 Lamring Drive spoke about the Walgreens sidewalk having been installed and is very pleased with it. He talked about the temporary certificate of occupancy regarding Shop Rite and Walgreens. He feels that a permanent certificate of occupancy should not be given to Walgreens until their sign is in compliance. He stated that the lamp posts on River Road in front of the Shop Rite and Walgreens have not been lit yet and wondered if it was the Borough's responsibility. Mr. Karas addressed several other issues regarding the Shop Rite site which included landscaping on Richard Street, a sidewalk that was broken by the contractors has not been repaired, the wall was left unfinished and vent noise from underground garage that goes onto Richard Street. He felt that if a permanent certificate of occupancy is granted without Shop Rite taking care of those issues the Borough will lose its power.

Mr. Karas stated he had other items he wanted to discuss such as street signs that were installed at Fair Lawn Avenue and Grove Street that they were an aid to motorists and should be installed throughout the town.

Mr. Karas talked about the Pedestrian Safety report which concentrated on Fair Lawn Avenue but feels there is a need for a study on River Road and other areas. He would like to see the next Council study pedestrian safety.

Mr. Karas extended his best wishes to Deputy Mayor Ahearn, Councilmember Tedeschi and Councilmember Trawinski who have always displayed courtesy to him. He wished them well and looks forward to seeing them in town and on other committees.

Councilmember Trawinski stated that virtually everything he mention in regard to Shop Rite and Walgreens had been covered in Planning Board resolutions. The legal authority exists in those resolutions. He said the issue of the wall, the signs and the fan were all in the resolutions. There is an obligation with the strip mall to provide the landscaping. He encouraged Mr. Karas to defer to Attorney Lustgarten with respect to the Planning Board resolutions. He thanked Mr. Karas for staying on top of these items.

Leon Wender, 7-22 Manor Avenue read a wish list for the new millennium which included the garbage/recycling ordinance being enforced, flags should be secured on the fire hydrants, motorists should observe the law, inconsiderate people should not park in the handicap parking spaces, curtail unnecessary noise, get pedestrian crosswalks properly marked, get the judge to do his job, find better places for the juveniles to eat besides River Road, punish those who destroy public property, fix what is broken, help households who are under poverty level, fix Memorial Pool anyway they can and get the Police into their new uniforms.

Al Placa, 38-12 Pellington Drive complimented the Borough on the beautiful leaf removal and stated this season was the best he has seen. He asked if the Borough had anything to do with what was on the Cable Channels. Mayor Ganz said yes on either Channel 1 or 58. He asked what was the cost of the Fire Engine that was damaged during Tropical Storm Floyd and if it was back in service. Manager Sacks said she did not have the amount and that it was not back in service as FEMA did not get back to them.

Mr. Placa asked if the sidewalks were now the Borough's responsibility. Attorney Lustgarten stated the Borough has to have maintenance and control and then the defense is under the tort claims act will be applicable. The Borough certainly has responsibility for all the sidewalks that are on public owned land. Sidewalks in front of residential areas, it depends if the notice of a condition and whether the Borough has maintenance and control over the sidewalks. Mr. Placa asked what the Supreme Courts decision was. Attorney Lustgarten explained that common law immunity which effectively was virtually absolute that unless the Borough had taken some affirmative action over sidewalks it had absolutely no responsibility. What the Supreme Court decided in Norris was that now whether the actions of the municipality were unreasonable relating to a specific sidewalk on a specific set of facts would be the standard. It is virtually on a case by case basis with notice to the Borough and whether the Borough acted palpably unreasonable towards that sidewalk after notice.

Mr. Placa stated that if he reported his bad sidewalk to the Borough of Fair Lawn the Borough is now responsible. Attorney Lustgarten stated it depended on what he defined as bad. Mr. Placa said it is raised up by a Borough tree that is planted on Borough property. Attorney Lustgarten said it certainly is a question of how much of a lip they were talking about and obviously the greater the lip the greater the responsibility. He said if the Borough is put on notice and they have ownership of the control of the condition.

Mark Sedaka, 13-11 Ellis Avenue thanked Deputy Mayor Ahearn for his service along with Councilmembers Tedeschi and Trawinski. He also thanked Attorney Lustgarten for the article in the newspaper. He wished all of the Council the best of luck.

Councilmember Tedeschi stated that for the record this has been eight years of fun. The gray hair came from his son and not from being on the Council.

Councilmember Dobrow stated that Councilmember Tedeschi has given the Council a lot of fun. Mayor Ganz seconded that.

Barry Winston, 19-11 Greenwood Drive extended best wishes this Holiday season. He thanked the departing members of the Council for giving so much of their lives to the Borough.

Sheri Adler, 4-20 4th Street thanked the three Councilmember's departing. She said that after listening to them speak it made her realize the job ahead of her. She wished them good luck and thanked them for all they have done.

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.

Attorney Lustgarten said he would be remiss if he did not put some comments into the record. He said, Ed, Joe and Matt, he said this to you privately and he means it and if it sounds sappy he can be accused of being sappy. We sit here as participants in democratic government, we hold the legacy of the Jefferson's, the Washington's, the Lincoln's and everyone who came before and perhaps people don't view municipal government as important as national government or county government or state government but he has always viewed municipal government as the grass roots government because this is the specific area where elected officials come out of the community, their own community, to go back and solve particular problems. It may not be the national debt, it may not be health care but when Mrs. Jones comes to them with a traffic problem, a street problem, a sewer problem, a tree problem or one of the myriad problems that you get in municipal government, this is where Mrs. Jones and the citizens come and the sense of accomplishment that every member of the Council can take away with them is that by and large those problems are addressed and solved. Some problems, Mr. Brenneisen's problems, I think there eventually will be a solution - it takes time, but that is really the essence of local government. To all three of you who have given your time, your effort, unless you do it, no one knows the sacrifices and you do it voluntarily but you make a sacrifice, there is some family life to give up, there is a personal life you give up and certainly as a professional there is time that intrudes on it and he thought they all wouldn't do that in their respective roles, if number one they did not like it and number two they didn't bring something to the table. Each of them in their own distinctive ways have brought something to the table. People can disagree with some of the discussions and positions that they have taken but no one should ever doubt the integrity that each one of you brought to every discussion at the Council level. He said thank you as a resident of Fair Lawn and certainly in his relationship as Borough Attorney and as a friend I have appreciated all of the service over the last eight years, four years and fourteen months, so thank you very much.

Mayor Ganz spoke about the possible transportation strike at midnight in New York City which will put a substantial burden on the residents of the Borough of Fair Lawn and its residents and the transportation services. He wondered if it would be appropriate to have the Borough Manager suspend during the duration of the emergent situation the enforcement of parking regulations at or near the buses and trains.

Attorney Lustgarten advised him to take a consensus to direct the Manager to use discretion in speaking with the Police Chief in terms of the enforcement of the parking regulations because we have an emergency situation if people now have to make alternative arrangements. As he understands people cannot drive into New York City below 96th Street after 6 a.m.. He also understood the New Jersey State Police were going to help New York enforce it that at the bridges and tunnels. The suspension would have to be reasonable and short duration and only to meet the immediate emergency.

There was consensus to direct the Borough Manager to use discretion in speaking with the police Chief in terms of the enforcement of the parking regulation, all in favor.

Councilmember Trawinski stated the Pedestrian Safety Committee did a phenomenal job. He spoke about breakaway signs and the medium success with it. He said there is a request from the Council to get a list of all possible traffic calming devices for Ellington Road. They did ask before about the radius curb. The Department of Transportation would not let them change the direction of the one way but if the Borough gets Route 4 back it will no longer be the DOT's responsibility. He said the Borough needs to look for a physical fit like speed humps.

#### ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Trawinski and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 9:35 p.m.

Respectfully submitted,

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Marilyn B. Dugan, RMC  
Assistant Municipal Clerk

### **WORK SESSION OF DECEMBER 14, 1999**

Mayor Ganz reconvened the meeting at 9:50 p.m..

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

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

Walgreen's/Shop Rite - Manager Sacks circulated an update on Walgreen's and Shop Rite. Walgreen's temporary certificate of occupancy expires on December 23, 1999. Construction Official Van Hook wants extend it to February or March. Walgreen's is in compliance with the building but not the site. If everything is in compliance on the site and the Construction Board of Appeals approves the people mover, then he would consider the permanent certificate of occupancy.

The consensus was that the Manager will recommend to the Construction Official that the Certificate of Occupancy not be issued until the punch list is resolved including anything the Planning Board required and has not been addressed.

Mayor Ganz noted that they will have to do something with the fan. Councilmember-elect Etlar pointed out that it is an air exchanger. The only way to reduce the noise is to make the duct bigger and to slow the fan. Mayor Ganz asked the Manager to find out the decibel level of that fan now. Councilmember Trawinski thought it could be baffled with a vent that would take it below the roof level.

Ellington Road - Mayor Ganz wondered if the Borough could legally put stop signs in the middle of the block. Councilmember Trawinski advised that the Council could do it under their emergency powers for ninety days and then extend it. A study has to be conducted and sent to the DOT. Mayor Ganz asked the Manger to ask the traffic officer for his opinion on the installation of two stop signs on Ellington Road. Attorney Lustgarten wondered if it were possible to impound the truck while it is waiting to be weighed.

The consensus was to refer this matter to traffic officer for his opinion for December 21.

The consensus was to ask Attorney Lustgarten for a legal opinion on impounding trucks and Manager Sacks if there were any practical problems of implementing such a plan for the December 21 meeting.

Zoning Changes - Councilmember Dobrow suggested thanking the League of Women Voters for their studies. Councilmember Trawinski noted that the Council considered the suggestion on the zoning change last year and made some compromises. He wondered if the League of Women Voters had the report from the Zoning Board on the variances and if they had that information would their report be different. Municipal Clerk Kwasniewski was asked to recirculate that information to the Council.

Recodification of Borough Ordinances - Attorney Lustgarten advised he and Municipal Clerk Kwasniewski will finish their review of the manuscript this month. There are policy calls that the Council needs to make. The Council will need at least one special meeting possibly more. Municipal Clerk Kwasniewski will submit the policy calls to the Council when possible. She noted that half the policy calls relate to the amount of the fines and how the Council looks at fines. Some Department Heads had recommendations that went beyond the suggestions of General Code. While some of them looked good to her and the Borough Attorney, some represent a shift in the way things have been done. Some

simply reflect reality.

Closed Session Resolution - Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, the following closed session resolution was unanimously adopted at 10:00 p.m.

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the governing body; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss labor negotiations and appointments; and

WHEREAS, this matter permits the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn by the execution of labor agreement within 30 to 45 days and on appointments on January 2, 2000 or within 60 to 90 days by public announcement or resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth is one which permits the exclusion of the public.

ADJOURNMENT - Upon motion of Deputy Mayor Ahearn and a second by Councilmember Dobrow the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

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