

REGULAR MEETING OF FEBRUARY 28, 2012

Mayor Baratta called the meeting to order at 7:39 p.m.

In accordance with the Open Public Meetings Act, annual notice of all meetings was published in "The Record" issue of December 16, 2011. Notices were also posted on the bulletin board located on the first floor of the Municipal Building; copies were mailed to The Community News and posted on the Borough of Fair Lawn website. The annual notice identified the meeting location and the time of Council Meetings and Work Sessions.

PRESENT: Mayor Baratta, Deputy Mayors Cosgrove and Trawinski, Councilmembers Peluso and Swain.

ALSO PRESENT: Acting Manager Metzler, Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

FLAG SALUTE BY THE CUB SCOUTS

RECOGNITION OF JUVENILE CONFERENCE COMMITTEE (JCC) OF FAIR LAWN BY FAIR LAWN PBA

Detective David Boone, President of the PBA, was present and thanked the Council for recognizing some very special people. The Juvenile Conference Committee is an arm of the Juvenile Court in Hackensack. Their job, after being trained, is to come out and adjudicate juvenile cases so that they do not have to go into Hackensack and be tried. It is another step to turn them back in the right direction. They do a great job.

Volunteers are the backbone of Fair Lawn and they have a lot of volunteers in town. The volunteers on the JCC are very dedicated and know that volunteering is doing the time without the crime. It is an important job and they do it well.

He explained that the JCC has nine adult members and one juvenile member, so after going to school all day or working all day, they come out and spend hours once a month in a Court session spending time with the juveniles to help them.

Detective Boone presented the following Juvenile Conference Committee members with a Certificate of Appreciation: Rabbi Selig Salkowitz 38 years, Angela Graff – 23 years, Ann Lustgarten – 17 years, Joan Fragala – 15 years and Catherine Ax – 19 years.

**PROCLAMATION: READ ACROSS AMERICA
PYTHON FOUNDER'S MONTH**

Municipal Clerk Kwasniewski read the proclamations.

COUNCIL COMMENTS:

Councilmember Swain acknowledged the volunteers in the Juvenile Conference Committee. She was amazed that Rabbi Salkowitz served thirty-eight years. Obviously what makes Fair Lawn so special are the residents willing to volunteer year after year to serve the community.

She attended the Knights of Pythias event at the Community Center where they gave out thousands of dollars to volunteer groups here in Fair Lawn as well as nonprofit organizations that are raising money to find cures to help people with disabilities. It was a wonderful evening. She is very proud of that organization.

Councilmember Swain advised that the ADA Committee was hosting another dance this Friday night at the Community Center. It has become a wonderful event for young adults with disabilities to gather, socialize, have fun and listen to music.

In honor of Read across America, she encouraged the parents to take the time to read to their children. In this age of technology people are on their phones, computers, iPads, even kids have something similar to an iPad. She misses that time with her kids now that they are older.

Deputy Mayor Trawinski expressed his condolences to the families of Russell King, Demetrius Hewlin and Daniel Parmertor, the three high school students from Chardon High School in Ohio who were murdered yesterday and today. He cannot imagine the pain those families are feeling. According to press accounts, it was not drug related, it was not vindictive related or bullying related. The thought of sending teenagers and children to school only to hear they have been murdered as a result of a random act of violence is just unspeakable. His prayers go out to their families.

He thanked the North Jersey Transportation Authority for agreeing with the County's application to provide a half million dollar grant to Fair Lawn for the improvements on Fair Lawn Avenue. He alerted the people of Fair Lawn that on March 26th the hearings before the Planning Board will begin on the Landmark Development on Plaza Road at the Heyward/Daly Field area. Residents are entitled to participate in those hearings and voice their views. Sadly, this is a Court Ordered decision. He was confident that the Planning Board would do its job in protecting the interest of the people of Fair Lawn.

Finally, he thanked the Cub Scouts for leading the Council in the Flag Salute. He hoped to see them become Eagle Scouts one day. He also thanked the Fair Lawn PBA for recognizing the Juvenile Conference Committee. He knows firsthand the asset it is to the judges in the County. He knows the successes and how youths have been able to avoid either juvenile detention or criminal charges. The volunteers are the heroes that make that system work. He offered his congratulations to each and every one of them.

Councilmember Peluso said in regard to Councilmember Swain's comments, he still reads to his children every night.

He thanked Sgt. Shultz for reactivating the Interfaith Committee. It was a great program with a lot of Fair Lawn's religious leaders. Unfortunately in this day and age, they all have to come together because when one of them gets attacked it is all of them.

Councilmember Peluso thanked Sgt. Bastinick who is the President of the Substance Abuse Prevention Committee. They had a meeting last week to try to educate the parents of teenagers, that if they host party, the fines are very steep against them. They should watch what their children are doing.

He congratulated the new officers of Co. #4. He attended their swearing in ceremony. He also congratulated the Cub Scouts for coming and also the JCC members. It is great to see the volunteers young and old.

Deputy Mayor Cosgrove stated he attended two meet and greets for the Fair Lawn Rotary Clubs. He explained that Fair Lawn has two great Rotary groups, the Fair Lawn Sunrise Rotary Club and the Fair Lawn Afternoon Club. The Sunrise Rotary meets at 7:30 a.m. on Tuesdays at Panera Bread and the Afternoon Rotary meets at the Fair Lawn Athletic Club at 12:15 p.m. on Thursdays. The organization's model is Service above Self. They have been the benefactor of great programs and a lot of donations from the Rotary Club. He encouraged anyone if they wanted to join since they are looking for members and it is a great organization.

The Fire Department has sworn in two new members who are third generation fire fighters, Kyle Tanis and Kyle Greco. He is thankful to these two young guys.

Mayor Baratta stated that she echoed everyone else's comments tonight and couldn't agree more about Reading across America because she misses those days of reading to her children.

She mentioned the Blue Valor Run, a motorcycle ride from Ground Zero to the National Law Enforcement Memorial in Washington, D.C. in honor of the 72 law enforcement officers who gave their lives on September 11, 2001. There are Fair Lawn residents that are participating they would like to get sponsors.

About a month ago she received a flag from Governor Christie's office that flew at Ground Zero on the 10th Anniversary of 9-11. It was flown for the Borough of Fair Lawn. It is now hung on the wall in the Council Chambers with a letter from the Governor below it along with a certificate from the Port Authority authenticating it. She thanked the Governor for giving it to her.

MANAGER'S REPORT

Acting Manager Metzler stated that a copy of the Manager's Report was on the table and had been distributed to the Council with no changes.

ORDINANCE ON SECOND READING

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2233-2012

"AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE"

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

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 104-2012 adopting Ordinance No. 2233-2012 was unanimously passed.

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2234-2012

"AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 241 "WATER" MORE SPECIFICALLY SUBSECTION 241.52 TO REVISE RATES AND CHARGES"

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

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 105-2012 adopting Ordinance No. 2234-2012 was passed with Councilmember Peluso and Councilmember Swain dissenting.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Councilmember Peluso and a second by Councilmember Swain, the time for public comments on Agenda items only was opened.

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

RESOLUTIONS BY CONSENT #5-2012

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Consent Agenda 5-2012 containing the following items was unanimously passed.

- a. Resol. #106-2012 –Approval of Minutes:
 - Work Session 1/24/12
 - Closed Session 1/24/12
 - Regular Meeting 1/24/12
- b. Resol. # 107-2012 – Confirmation of Fire Board Actions
- c. Resol. # 108-2012 – Authorizing Issuance of Requests for Proposals for Private Collection Agency of Municipal Court Debt
- d. Resol. # 109-2012 – Refund of Overpayment of Taxes
- e. Resol. # 110-2012 – Authorizing Submission of Recycling Tonnage Grant

PUBLIC COMMENTS

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

Jane Young, 38 Pomona Avenue, commented about the proposed skate park at Walsh Pool. She thought it was a scary idea to put the skate park there. They have seen that it is a failed experiment from where it was before since there was a lot of rowdiness, rough housing and swearing going on. The neighbors had a lot of problems with it. She and her neighbors do not feel good about this coming to their neighborhood. She wondered about a flip chart on the site.

Mayor Baratta explained they do have one during the Planning and Zoning meetings. Ms. Young thought that adding impervious coverage to a wetland is a dangerous idea. She said that Walsh Pool was a natural pond when she was a kid. There was drainage underground to Diamond Brook. Under Walsh Pool there was a pipe there that took the excess water into the brook. Without the drainage it gets dry and stagnant during the summer. It is important to feed that brook.

Ms. Young stated the skate park would be obvious from a County road and also from Route 208. It would be drawing a lot of people. Right now it is very peaceful, next to the children's park. It works well the way it is. She would hate to see it threatened by these kids with a lot of adrenaline.

She mentioned a program she saw about skateboarding. There are a lot of injuries and sometimes people die from it. She wondered about the liability issues with the Borough. Even if the Borough wasn't liable, she wondered why they would want to invite this into the town.

Ms. Young said she heard there might be an idea for a small pool for the disabled which may be a good idea because there is not much going on for the disabled. She thought that would create value for all of them.

A lot of people do not get the Community News in their part of town and did not know about this. She knows they are not happy about this. She asked them to be really considerate of the neighborhood because they would like to keep their park beautiful and happy as they are now. Mayor Baratta said they would consider that and before the meeting she had a long conversation with Wendy Dabney. They will listen to everyone. They are at the discussion stage.

Deputy Mayor Trawinski stated it was important that the people of Fair Lawn know that the Council did not initiate the idea of a skate park. A young man, Phil Kerzhner and his father came to the Council. The young man had been warned by the property owners on Fair Lawn Avenue that they needed to find some other place to skate. They also skated on the Library steps. The young man brought out a few of his friends. The Council was reluctant to even explore the idea but they felt they had an obligation to listen to the residents young and

old. The first question they explored was the insurance. Years ago when street hockey was being considered a skate park was also considered. In those days the JIF did not insure a skate park. However, now if they met the JIF's requirements for a skate park, then insurance was available and would be provided.

Deputy Mayor Trawinski stated they looked at the type of skate parks and the number of alternatives and some of that was dictated by the requirements of the JIF. Some was suggested by the young people that brought the recommendation to the Council. They thought they had the solution in location at the Warren Point Tennis Courts.

While he appreciated the concerns of the residents, something that was said was troubling. The statement was "they have kids playing in the park", where else should the kids be. The parks are there for all to enjoy. The Dobrow Complex is probably the most used park in the Borough of Fair Lawn. By placing it there, it is an area that is worth exploring and certainly listening to the concerns of the residents on Pomona. He agreed with Mrs. Young about covering wetlands not being a good idea but he looked at it and saw no evidence of freshwater there. What it is has become is a manmade pond. There is nothing to indicate freshwater there. He checked the DEP's threatened and endangered list and there is nothing in or around the complex. He also did not think a letter of interpretation is required but they will rely upon the Engineer's determination. In terms of drainage they will provide the proper drainage and other environmental issues will be taken into account by the Borough.

Deputy Mayor Trawinski invited Mrs. Young or any other resident to share with the Council, if not there, then where should they put this skate park. He asked for their thoughts. The Council is open to listen.

Deputy Mayor Cosgrove commented that on the Work Session Agenda an ADA Park will be discussed for that location. He, Councilmember Swain, Steve Weinstein and Marianne Pettineo will meet with an Architect who is doing pro bono work to come up with a concept of an ADA Park with possibly the skate park incorporated into that. The ADA Committee stepped forward and said they would be interested in Walsh Pool.

There are other suggestions that have been sent to the Council such as a sports bubble in its place. Right now they are pursuing the ADA Park.

Larry Metzger, 18-18 Hunter Place, stated he was the Chancellor Commander of the Knights of Pythias Benjamin Cardozza Lodge in Fair Lawn. He thanked the Mayor and Council for the proclamation. It is certainly appreciated by all the

brothers in Fair Lawn as well as all of the brothers throughout the domain of New Jersey. Mayor Baratta thanked them for all the good work they do.

Rich Seibel, 33-07 Halsey Road, stated Lance Corporal Osbrany Montes De Oca from North Arlington made the ultimate sacrifice and was killed in Afghanistan. Fair Lawn made everyone aware of it by flying the flags at half staff. The Bergen County Board of Chosen Freeholders has resolved that they honor Osbrany Montes De Oca by requesting every resident to display an American flag on March 1, 2012 in remembrance of this local hero. He asked that the message board on the front lawn of the Municipal Building have a message to everyone that drives by to let them know this is going on.

There was a unanimous consensus to post that information on the message board outside the Municipal Building.

Deputy Mayor Cosgrove stated he had spoken to the Borough Manager about the flags at half staff. When they get the Executive Order from the Governor, they will form an e-mail list that will go out to all the different organizations to give them the opportunity to know that one of the servicemen or women were killed in action.

Municipal Clerk Kwasniewski said that the Manager's office checks the website where they have been posting that. Acting Manager Metzler said they do check every morning and will send out an e-mail.

Mr. Seibel spoke about other soldier's deaths and said the war is not over.

Deputy Mayor Trawinski stated they get Executive Orders from the Governor and the President in the County. The County Executive's staff sends the emails to the municipalities. Mayor Baratta said the towns also get them. Municipal Clerk Kwasniewski stated it does not come to the Clerk's office.

Councilmember Peluso thanked Mr. Seibel for constantly bringing this to their attention. It is unfortunate that it does come up and it is also unfortunate that they keep bringing soldiers back home in body bags.

He thanked the Borough of North Arlington for the funeral procession – it was unbelievable. It was an outstanding show of support for the family.

Howard Mark, 12-23 Ferry Heights stated he received a letter from the Governor. The purpose of his letter was to make sure abuse of power never takes place again. The Mayor and Council should not make big decisions without asking the voters whether or not they want it. He also suggested that the New Jersey

Hospital website have a link to the doctor list. Mayor Baratta said she was glad to see the elected officials are listening to the constituents.

There being no further comments, upon motion by Councilmember Swain and a second by Deputy Mayor Cosgrove the time for public comments was unanimously closed.

ADJOURNMENT TO WORK SESSION:

Upon motion by Councilmember Peluso and second by Councilmember Swain the meeting was adjourned to Work Session at 8:25 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC, CMC, MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Jeanne Baratta

Deputy Mayor John Cosgrove

Councilmember Kurt Peluso

Councilmember Lisa Swain

Deputy Mayor Trawinski