

REGULAR MEETING OF MARCH 27, 2012

Mayor Baratta called the meeting to order at 7:55 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, Assistant Municipal Clerk Bojanowski, Clerk/Typist Pettineo and Attorney Mondello.

PROCLAMATION: PARENTS WHO HOST LOSE THE MOST LIMB LOSS AWARENESS MONTH

Assistant Municipal Clerk read the proclamation for Parents Who Host Lose The Most. Mayor Baratta stated that in 2006 or 2007, the Council passed the Underage Drinking ordinance. They held many town hall style meetings where people were able to speak for it or against it. The majority of people were in favor of it. Signs will be going up all over town. She asked the members of the Alliance for Substance Abuse to come up to the dais to receive the proclamation.

Health Officer Wagner, a member of the Alliance for Substance Abuse, thanked the Mayor and Council for making this program very noticeable around this community. The signs will be placed all over the town. She hoped to have one in each neighborhood. There is a problem in town that they would like to address and want to make sure the teenagers are safeguarded and get them to adulthood safely. Mayor Baratta asked how someone could get a sign. Health Officer Wagner said they could contact the Health Department or they can call the Center for Alcohol and Drug Resources 201-488-8680.

Lt. Derek Bastinck thanked the Council also for recognizing this program. They have been trying to raise awareness and hopefully parents as well as young people take note. Hopefully parents will get the point and think twice before letting this take place in their homes. Mayor Baratta said that Councilmember Peluso is now the Alliance for Substance Abuse Council Liaison and wanted everyone to know that this committee holds a lot of information sessions including anti-smoking, anti-drinking programs in the High School and Grammar

Schools. They help with the Canoe Regatta and at the street fairs. They give out information to help keep the kids safe. She congratulated all of them and thanked them for their time.

Councilmember Peluso seconded what Mayor Baratta said. They also reach out to the High School do Substance Abuse Prevention along with the Middle School. They sponsor all of their dances instead of taking part of things that are not in the best interest for themselves. He commended the Alliance for what they are doing. He informed everyone that the meetings take place the last Wednesday of every month. He invited people to attend these meetings.

Clerk Typist Pettineo read the Limb Loss Awareness Month proclamation. Mayor Baratta explained this was a proclamation the Council has never done before. She thanked Mr. O'Neill for bringing it to their attention. The Mayor and Council presented the proclamation to Jack O'Neill.

Jack O'Neill thanked the Mayor and Council for issuing this proclamation which dovetails with Fair Lawn's ADA Committee and their mission in helping all disabled in the Borough of Fair Lawn. The proclamation will be on display at Kessler Rehab Center throughout the month of April which will let everyone that goes through their lobby know that Fair Lawn is at the forefront for this particular recognition. Mayor Baratta thanked him for bringing this to their attention.

COUNCIL COMMENTS:

Councilmember Peluso commended the Fair Lawn Substance Abuse Prevention Committee for the work they do. He also thanked the Volunteer Fire Company. There was a fire on Westmoreland Avenue and again it was another reminder of how great our volunteers are and how they come to the need of the citizens at a time when we need them. He thanked the volunteers for interrupting their day to come to the residents' needs.

Deputy Mayor Cosgrove spoke about the Westmoreland Avenue fire by thanking the Police, Fire, Rescue and Ambulance for a great job they did there. All units came together, the house was saved and no one got hurt. He also thanked Elmwood Park for their assistance.

Tonight before this meeting in a Work Session the Mayor and Council met with some of the flood victims from the storms last fall. They are still recovering. If anyone knows anyone in that 2nd Street area or over on Saddle River Road area please reach out to them and give them a hand.

Councilmember Swain stated that since Mr. O'Neill was here for the proclamation it dovetails nicely into what she wanted to discuss. The New

Jersey Council on Developmental Disabilities is going to be honoring Marianne Pettineo at the Community Buildings Awards luncheon on Wednesday, April 18th. She is currently the co-chair of the Advisory Committee with former Mayor Steve Weinstein. Thanks to Marianne and her hard work the ADA is doing great things. She is looking forward to April 18th where she can honor Marianne.

Councilmember Swain attended Congregation Shomei Torah's 37th annual dinner where a number of people were honored. She was there particularly for Arlene Glassman. Many people know Arlene. She has been a volunteer for many years in Fair Lawn. She has been a very active member of the Democratic organization in Fair Lawn. She thanked her for everything she has done.

The Library will be showing green movies. She mentioned the movies and when they will be held. The movies are free but snacks will be sold. It is being held by the FLHS Environmental Club. They have been very active with the Green Team.

There will be holding a Green Fair on May 22, 2012, in Fair Lawn High School D Cafeteria.

She thanked the Police Officers that responded to a call about someone falling. The person resisted help from the Police. The Police Department stood by the resident.

She ended by saying Happy Passover and Happy Easter to everyone.

Deputy Mayor Trawinski extended his congratulations to Marianne Pettineo and also to her daughter Danielle, who Marianne tirelessly helps, assists and cares for and who has grown into a productive member of the Borough's workforce over the last few years. Marianne and Danielle are his favorite Disneycrats because they often share stories of Disney World.

Last night was the first Planning Board meeting on the application for Plaza Road, Archery Plaza and Daly Field, known as Landmark. The meeting was well attended. His guess is that these meetings will continue for quite some time. To the members of the public that could not attend last night's meeting, the next Planning Board meeting is April 9th.

He echoed everyone's comments on the Westmoreland Avenue fire. Seeing the pictures in the paper, it was overwhelming to realize how critical it is to grab the people you are with and make sure everyone gets out. He offered special thanks to all of the volunteers and all of the first responders for all that they did.

On the Alliance for Substance Abuse, today they talk about the ordinance as if it was second nature but in 2006 that proposed ordinance generated a tremendous amount of controversy in Fair Lawn. There were concerns about invasion of first amendments rights, violations of people's property rights but they proved to be unfounded. His hat was off to all of the people at that time that voted to adopt the ordinance and also to the Alliance for Substance Abuse for bringing it to the Council's attention and for pursuing it so diligently.

Finally, he thanked Jack O'Neill for his service.

Mayor Baratta commented that this week she was privileged to attend a few events. This past weekend she attended a dinner for the Killer Bees which are a special group of kids that play basketball. She thanked them for inviting her and letting her be part of their ceremony. She thanked the coaches that give up their time and participate in that special basketball league.

The Shop Rite in Rochelle Park honored some Fair Lawn residents this past week. Shop Rite partnered with Cheerios and General Mills and did a food drive. One of the employees was a Fair Lawn resident, Trish. In honor of her support, her picture was on the cereal box. All of the Shop Rites on the East Coast show a picture of her. She congratulated them for their hard work. That Shop Rite also donated \$500 for the Center for Food Action.

Mayor Baratta said she received a letter from Governor Christie with good news – Fair Lawn has been awarded \$146,000 in money for Pedestrian Safety improvements on Broadway. They are very pleased that they received this money. The Council sent their thanks to Governor Christie for giving the Borough \$146,000 that they did not have.

MANAGER'S REPORT:

Acting Manager Metzler stated that a copy of the report is printed and on the table in the front with no changes.

ORDINANCE ON SECOND READING:

ORDINANCE NO. 2235-2012

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 (NAUGLE HOUSE PRESERVATION PLAN)

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

Pam Coles, 13-34 George Street, acknowledged the Council for this ordinance. Back in 2003/2004, the Borough had this rezoned as a development. This is a site worth saving. They can now proceed with the restoration of the historic plan through the historic preservation architect. She hoped that eventually they have ordinances that would keep all of the Borough's historic houses safe. She thanked them for moving this along so quickly. She suggested that someone reach out to Felice Koplik to let her know about this ordinance.

There being no further comments by the public, upon motion by Councilmember Swain 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. 123-2012 adopting Ordinance No. 2235-2012 was discussed.

Deputy Mayor Trawinski thought the thanks go to the people of Fair Lawn who voted to tax themselves through the Open Space Trust Fund tax. If it were not for the existence of that tax they would not have been able to acquire the Green Acres funding that enabled them to provide the matching dollars to acquire this property. Secondly, the CCRF was the champion of the Open Space Tax, CCRF was the champion of the creating the Open Space Committee, CCRF was instrumental in persuading the Council to save the Naugle House and stop the proposed development that was going to take place there. Finally, what made a huge difference were the Naugle kids, those 5th and 6th graders who came to the Council and presented their rationale and their arguments as the youngest citizens at the time who ever appeared before the Mayor and Council to persuade them to save the Naugle House, they deserve the credit as well. He was proud to vote for this ordinance because it was another step in preserving where George Washington's Quarter Master resided during the Revolutionary War and the retreat of 1776. It is also another step in preserving a location that was a stop in the underground railway during the times of slavery when they were escaping from the south to the north.

Mayor Baratta stated that a couple of weeks ago she went to Milnes School for the Dr. Suess reading to the kids. She had a terrific group of 4th graders and they wanted to know how they could get involved because they were just kids. She told them about the Naugle kids and to the teacher's credit, after she left, they actually went online and Googled it to find out where it was and then studied

about it. They sent her letters telling her how that inspired them to research the Naugle House. Kids like that and the Naugle kids can really make a difference.

There being no further discussion, Resolution No. 123-2012 adopting Ordinance No. 2235 – 2012 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT #7-2012

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Consent Agenda #7-2012 containing the following items was unanimously passed.

- a. Resol. #124-2012 – Approval of Minutes:
 - Work Session 2/28/12
 - Regular Meeting 2/28/12
 - Closed Session 2/28/12
- b. Resol. #125-2012 - Transfer of Funds
- c. Resol. #126-2012 – Emergency Temporary Budget
- d. Resol. #127-2012 – Reduction of Performance Guaranty -18-35 River Road LLC.
- e. Resol. #128-2012 – Confirmation of Fire Board Actions
- f. Resol. #129-2012 – Rescinding Resolution No. 114-2012
- g. Resol. #130-2012 - Authorizing Multi Year Contract for Copiers
- h. Resol. #131-2012 - Council Meeting Dates and Times
- i. Resol. #132-2012 – Authorizing the Procurement of the Concession Stand at Memorial Pool by Informal Quotes
- j. Resol. #133-2012 - Authorizing Renewal of Massage Establishment License and Massagist License - CW Bodyworks

RESOLUTION NO. 122-2012 – AUTHORIZING PAYMENT TO THE MEL

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, Resolution No. 122-2012 was unanimously adjourned until next Special Meeting on March 30th at 9:00 a.m.

RESOLUTION NO. 134-2012 – AUTHORIZING PAYMENT TO THE MEL

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, Resolution No. 134-2012 was unanimously adjourned until next Special Meeting on March 30th at 9:00 a.m.

PUBLIC COMMENTS

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

Pam Coles, 13-34 George Street, wondered if the Council was planning on bringing back the DARE program and if there was any room in the budget to coincide with the Proclamation that was just read. Mayor Baratta at this time she did not believe it was in the budget. Acting Manager Metzler explained that the Manager's budget as submitted to the Council has Police manned at 55 officers and he has been told with that manpower number they would not be able to run the DARE program. Ms. Coles wondered if there were any other options they could look at to support the youth.

Acting Manager Metzler said from the Manager's point of view, the way the budget was prepared and the way it was presented to the Council was to determine what amenities this community was going to be offered. He has a responsibility to present a budget that tries to fund those amenities which is a constant balancing act. On one hand the residents want to keep their taxes low and the other hand there are residents that do not see the need for the services. In this instance, the Council actually questioned the Chief of Police if he felt comfortable with the manpower and obviously he would like more officers. Acting Manager Metzler said they have a plan in place where down the road they may be able to add some officers. For 2012 he did not see, short of adding money to the budget, where the funding will come from to fund more officers to do the DARE program.

Ms. Coles thanked him for that explanation. She wondered if there were other options such as volunteering or people that are certified. She said she was certified in Counseling and Substance Awareness. Mayor Baratta said what they did tonight was not just to give them a proclamation and pat them on the back. They do a lot of work. She agrees with Ms. Coles that she would love to have the DARE program back as they all do. They bring programs in with funds from the County and the State. They give out a lot of information. Fair Lawn is a

terrific town for offering the youth so many opportunities. Many times they want to empower them with information on drug abuse and the harms of it and they get that in their Health class. They want to bring the DARE program back but a lot of times all they need to give them is alternatives and to give them options. The Alliance is very active in getting this information out to the community with funding to bring speakers into the school and different programs. They are trying to start this at a lower level, such as the elementary level. While everyone misses DARE and looks forward to the day when it can be restored but rest assured that there are other programs that is going on right now.

Ms. Coles said to thank Governor Christie for the extra \$146,000 for the pedestrian walkways. She passes everyday by the Warren Point School where parents have to park in the CVS parking lot across the street and walk their children across Broadway. She knows that corner is in dire need for safety improvements.

Ms. Coles asked about the requirements to remove a tree. Mayor Baratta said it goes by the diameter of the tree.

Deputy Mayor Trawinski noted the Broadway Improvement Corporation prioritized the Broadway intersection based upon the master plan report they received from the planner. The number one priority was the Warren Point School intersection at that traffic light. Ms. Coles thought it was dangerous to have parents navigate their children across four lanes of traffic on Broadway.

Claude Bienstock, 39-11 B Broadway, offered thanks for the proclamation on substance abuse. He wondered about Memorial Pool and whether it was going to be ready for the pool season. Mayor Baratta said she would let Acting Manager Metzler explain but it was a priority of this Council to open the pool. Acting Manager Metzler explained that a trailer's purchase order has been cut for the rental of the trailers, and tonight by resolution authorized them to move forward to get prices on a temporary concession stand. He felt they were going to have a normal pool season. He knows there were some questions about the quality of the sand. The sand and the grounds around the pool were tested and all was found to be clean. He anticipates a successful pool season.

Deputy Mayor Cosgrove wondered if there would be any new sand brought into the pool. Acting Manager Metzler said that they would be bringing in some new sand to replace what was eroded away. The sand has been deemed to be contaminant free. Deputy Mayor Cosgrove asked what percentage of the sand would be replaced. Acting Manager Metzler said he would look at the FEMA claim and let him know.

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

Mayor Baratta explained that the Council had wanted to try out a new schedule this year where they started meetings at 6:30 p.m. with a Work Session then going into the Public Meeting. They tried it for the first quarter but starting on April 3rd that Work Session will go back to 7:30 p.m. The next Council meeting will be on April 10th at 7:30 p.m.

CLOSED SESSION RESOLUTION: CONTRACT NEGOTIATIONS SOA

Upon motion by Councilmember Swain and a second by Deputy Mayor Cosgrove, the following closed session resolution was unanimously adopted at 8:40 p.m.

WHEREAS; the Open Public Meeting 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 Contract Negotiations SOA; and

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS; minutes will be taken during this closed session and once the need the confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT:

Upon motion by Mayor Baratta and second by Councilmember Swain the meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant 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