

## **SPECIAL MEETING OF MAY 15, 2012**

Mayor Baratta called the meeting to order at 7:35 p.m.

In accordance with the Open Public Meetings Act, notice of this Special Meeting was published in "The Record" issue of May 11, 2012. 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 the Special Meeting.

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

**ALSO PRESENT:** Manager Metzler and Attorney Mondello

### **ORDINANCES ON FIRST READING**

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

#### **ORDINANCE NO. 2239-2012 (RESOLUTION NO. 149-2012)**

#### **AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "ADMINISTRATIVE CODE", SPECIFICALLY ARTICLE XIII, DEPARTMENT OF PUBLIC SAFETY, MORE SPECIFICALLY SECTION 2-77.**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 149-2012 introducing Ordinance No. 2239-2012 was discussed.

Deputy Mayor Trawinski stated that it was not clear to him if 1:52 was the Enforcement Code of Ethics or whether there was a separate code. Manager Metzler did not know the answer. Deputy Mayor Trawinski stated that he was prepared to move forward; however if it was the Enforcement Code of Ethics than 1:51 needed to be amended to say "by the following Law Enforcement Code of Ethics". If there is a separate code it needs to be cited. He thought 1:52 was more like an oath.

There being no further discussion, Resolution No. 149-2012 introducing Ordinance No. 2239 - 2012 was unanimously passed.

Upon motion by Deputy Mayor Cosgrove and a second by Deputy Mayor Trawinski, it was agreed to read the following ordinance by title, with Councilmember Peluso dissenting.

**ORDINANCE NO. 2240-2012  
(RESOLUTION NO. 149A-2012)**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP  
BANK (N.J.S.A. 40A: 4-45.14) CALENDAR YEAR 2012**

There being no discussion, upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 149A-2012 introducing Ordinance No. 2240 -2012 was passed with Councilmember Peluso and Councilmember Swain dissenting.

**ORDINANCES ON SECOND READING**

Upon motion by Councilmember Peluso 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. 2237-2012  
(RESOLUTION NO. 150-2012)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF  
FAIR LAWN, 2000, SPECIFICALLY CHAPTER 94, ENTITLED "FEES"  
MORE SPECIFICALLY SUBSECTION 94-12 "MISCELLANEOUS  
FEES"**

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

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, Resolution No. 150-2012 adopting Ordinance No. 2237-2012 was discussed.

Deputy Mayor Trawinski stated that there is Legislature moving forward that would limit a municipality's ability to make this kind of ordinance change. He felt they should consider taking a position of opposition and state that while the purpose of the legislation is noble it really needs to be thought through more. They could use their ordinance as an example of the kind of thing that should be carved out from the legislation.

Mayor Baratta asked if this would fall under that as this was a new category, not an existing fee. Deputy Mayor Trawinski explained that the League of Municipalities objects to the legislation because the legislation is not clear. He cannot believe the intent was not to be able to add anything. He asked Attorney Mondello to research the new legislation to see how it will limit them.

There being no further discussion, Resolution No. 150-2012 adopting Ordinance No. 2237- 2012 was unanimously passed.

Upon motion by Deputy Mayor Cosgrove 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. 2238-2012  
(RESOLUTION NO. 151-2012)**

**AN ORDINANCE TO AMEND THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY  
AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED  
VEHICLES AND TRAFFIC, ARTICLE III, TRAFFIC**

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

Upon motion by Councilmember Swain and a second by Deputy Mayor Cosgrove, Resolution No. 151-2012 adopting Ordinance No. 2238-2012 was discussed.

Deputy Mayor Trawinski stated that he is one of the two trustees of St. Anne's Parish. Subsection L is an addition that will affect parking for people at St. Anne's School. It is on a public street and did not feel it was a conflict but would recuse himself if need be. Attorney Mondello did not see a conflict.

There being no further discussion, Resolution No. 151-2012 adopting Ordinance No. 2238 – 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 Councilmember Swain and a second by Deputy Mayor Trawinski, the time for public comments was unanimously closed.

### **RESOLUTIONS BY CONSENT #10-2012**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, Consent Agenda No. 10-2012 containing the following items was unanimously passed.

- a. Resol. #152-012 – Approval of Minutes:
  - Budget Meeting 3/20/12
  - Work Session 3/27/12
  - Regular Meeting 3/27/12
  - Closed Session 3/27/12
- b. Resol. #153-2012 – Award of Bid: Pool Concession Stand
- c. Resol. #154-2012 - Authorizing Renewal of Massagist License:  
Larisa Remennik
- d. Resol. #155-2012 – Borough’s Civil Rights Policy
- e. Resol. # 156-2012 – Award of Bid: Radio Repair and  
Maintenance
- f. Resol. #157-2012 - Reject Bid: Chiller Installation
- g. Resol. #158-2012 - Cancel and Refund Property Taxes Due to a  
Veteran Exemption Block 5411, Lot 8
- h. Resol. #159-2012 - Authorizing Refund of Overpayment of  
Taxes
- i. Resol. #160-2012 - Inter-local Agreement with the Borough of  
Glen Rock for Use of the Police Firing  
Range

### **RESOLUTION NO. 161-2012 – Cancel & Refund Property Taxes Due to a Veterans Property Tax Exemption, Block 1606, Lot 5**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 161-2012 was passed with Councilmember Swain recused.

Deputy Mayor Trawinski thanked both veterans for their service.

### **ADJOURNMENT**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

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Mayor Jeanne Baratta

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Deputy Mayor John Cosgrove

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Councilmember Kurt Peluso

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Councilmember Lisa Swain

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Deputy Mayor Trawinski