

## REGULAR MEETING OF AUGUST 21, 2012

Mayor Baratta called the meeting to order at 7:30 p.m.

In accordance with the Open Public Meetings Act, annual notice of meetings from April through August 2012 was published in "The Record" issue of March 23, 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 Council Meetings and Work Sessions.

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

**ABSENT:** Councilmember Swain

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

### **COUNCIL COMMENTS:**

Councilmember Peluso thanked the Police and Recreation Department for a successful National Night Out. There were numerous vendors, events for children and great hot dogs.

As there has been an increase of garbage in the parks, he reminded residents to pick up after themselves and remind their children to do so as well. The Parks Department works hard at keeping the parks clean and it would be helpful to have residents do their share.

At the last Council Meeting when comments were made regarding funding for the Library, he gave the incorrect date for the Council Minutes that referenced the funding. The correct minutes are March 1, 2011 pages two through five. Minutes can be found online at [www.fairlawn.org](http://www.fairlawn.org). There is additional discussion about the Library during the 2010 Budget Meetings. He encouraged residents who were concerned about Library funding to review the minutes.

Deputy Mayor Cosgrove announced that the Fair Lawn Athletic Club's Women's Auxiliary will be holding a garage sale on September 27<sup>th</sup> from 9:00 a.m. to 3:00 p.m. at the Club. Proceeds will support local charities and the Make-a-Wish Foundation.

The Cameos will be playing in Memorial Park tomorrow night at 7:00 p.m. This event had been rescheduled due to rain.

He reminded residents that they will not be billed for ambulance services through the third party ambulance billing unless they have insurance. He urged residents not to hesitate to call if ambulance services were required. The volunteer Ambulance Corps was ready to help.

Deputy Mayor Trawinski stated that both the County and municipal food banks were under constant pressure during these tough economic times. He encouraged residents to make a donation to either food bank, as there were many families who needed help.

Since the start of a new school year is right around the corner, he reminded residents to be careful and observe the school crossing guards. He encouraged parents to be careful for the sake of all children.

He concluded by wishing residents a happy end-of-summer.

Mayor Baratta reminded residents that food banks were also collecting school supplies such as notebooks and pens. Donations can be dropped off at the Health Department.

She thanked Traffic Safety Officer Franco, who helped her over the weekend by serving as a witness at a wedding she performed.

## **MANAGER'S REPORT**

Manager Metzler stated that there was no change to the Manager's Report, which was on the table.

## **ORDINANCES ON FIRST READING**

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

### **ORDINANCE NO. 2243-2012 (RESOLUTION NO. 230-2012)**

**BOND ORDINANCE APPROPRIATING \$1,688,000, AND  
AUTHORIZING THE ISSUANCE OF \$1,607,000 BONDS OR  
NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY  
AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES  
AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF  
FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY.**

There being no discussion, upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 230-2012 introducing Ordinance No. 2243-2012 was unanimously passed.

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

**ORDINANCE NO. 2244-2012  
(RESOLUTION NO. 231-2012)**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$525,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

There being no discussion, upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, Resolution No. 231-2012 introducing Ordinance No. 2244-2012 was unanimously passed.

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

**ORDINANCE NO. 2245-2012  
(RESOLUTION NO. 232-2012)**

**BOND ORDINANCE APPROPRIATING \$2,781,000, AND AUTHORIZING THE ISSUANCE OF \$2,648,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY.**

Upon motion by Councilmember Peluso and a second by Deputy Mayor Trawinski, Resolution No. 232-2012 introducing Ordinance No. 2245-2012 was discussed.

Deputy Mayor Trawinski stated that this ordinance and the two prior ordinances were appropriating \$4.9 million for various capital improvements. In his ten years on the Council, this was the smallest amount of bonding that had to be done while maintaining their infrastructure. The Council takes their responsibility seriously when it comes to borrowing money because the debt will most likely be paid off during their children's or grandchildren's time.

When he first joined the Council in 1995, he was advised by Councilman Tedeschi that previous Councils had ignored the capital infrastructure needs of the Borough and they always had to play catch up. There has been no catching up since that time. It is a privilege to serve with people who recognize the necessary things they must do to keep the residents of Fair Lawn safe and secure and infrastructure well maintained.

There being no further discussion, Resolution No. 232-2012 introducing Ordinance No. 2245 - 2012 was unanimously passed.

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

**ORDINANCE NO. 2246-2012  
(RESOLUTION NO. 233-2012)**

**"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 (BARRIER FREE HANDICAP ACCESSIBLE CURB CUTS)"**

Upon motion by Deputy Mayor Cosgrove and a second by Councilmember Peluso, Resolution No. 233-2012 introducing Ordinance No. 2246-2012 was discussed.

Deputy Mayor Trawinski stated that he did not believe he had a conflict on this ordinance and the next two ordinances. In his capacity as County Administrator he has nothing to do with the determination of the various sub-groups that award Community Development funds. Fair Lawn is not receiving anything additional over what other municipalities receive. Attorney Mondello stated that he did not believe there was a conflict. This was addressed in a memo he previously sent to the Council.

There being no further discussion, Resolution No. 233-2012 introducing Ordinance No. 2246 - 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.

**ORDINANCE NO. 2247-2012  
(RESOLUTION NO. 234-2012)**

**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 (NJDOT BROADWAY CORRIDOR  
PEDESTRIAN SAFETY IMPROVEMENTS PHASE 2)**

There being no discussion, upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, Resolution No. 234-2012 introducing Ordinance No. 2247-2012 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.

**ORDINANCE NO. 2248-2012  
(RESOLUTION NO. 235-2012)**

**"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 (SENIOR CENTER IMPROVEMENTS  
2012)"**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, Resolution No. 235-2012 introducing Ordinance No. 2248-2012 was discussed.

Deputy Mayor Trawinski stated that he was told by Councilmember Tedeschi in 1995 that previous Councils had not applied for any grants because they did not think the Borough would qualify. Tonight the Council approved three ordinances that will allow them to accept close to \$200,000 in grant funding. Throughout the years the Borough has applied for various grants and has received several million dollars in funding. He hoped that the Council would continue the practice since their grant writer, Capital Alternatives, does not get paid unless they are successful. Engineer Garrison has become very good at applying for grants, as has Manager Metzler. Mayor Baratta noted that there was no Borough match on these grants.

There being no further discussion, Resolution No. 235-2012 introducing Ordinance No. 2248 - 2012 was unanimously passed.

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

**ORDINANCE NO. 2249-2012  
(RESOLUTION NO. 236-2012)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, LAND DEVELOPMENT, ARTICLE V. SITE PLAN AND SUBDIVISION STANDARDS BY MODIFYING THE PARKING STANDARDS APPLICABLE TO CERTAIN USES IN THE PORTION OF THE B-2 ZONE ALONG BROADWAY.**

Upon motion by Councilmember Peluso and a second by Deputy Mayor Trawinski, Resolution No. 236-2012 introducing Ordinance No. 2249-2012 was discussed.

Deputy Mayor Trawinski applauded his fellow Councilmembers for joining together and trying something new based on the recommendation of the Broadway Improvement Corp (BIC). They think they have a good planning solution for some of the parking issues but there is a sunset provision that will enable them to reconsider these changes. He encouraged residents who use the restaurants and shops on Broadway to express their opinion on the new parking plan. He thanked Don Smartt of the BIC for his hard work in making this ordinance an opportunity for the businesses in Fair Lawn. He hoped the word gets out the Fair Lawn is business friendly.

There being no further discussion, Resolution No. -2012 introducing Ordinance No. 2249 - 2012 was unanimously passed.

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

**ORDINANCE NO. 2250-2012  
(RESOLUTION NO. 237-2012)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, LAND DEVELOPMENT, ARTICLE VII, SECTION 125-65 CONCERNING DEVELOPMENT APPLICATION REVIEW PROCEDURES BY EXEMPTING IN THE B-2 ZONE ALONG BROADWAY CERTAIN USES REQUIRED TO OBTAIN A BEVERAGE OR FOOD HANDLER'S CERTIFICATE OR MODIFICATIONS TO SUCH USES FROM PLANNING BOARD REVIEW**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, Resolution No. 237-2012 introducing Ordinance No. 2250-2012 was discussed.

Deputy Mayor Trawinski stated that in other towns, applicants going from one permitted use to another permitted use without changing parking are required to submit a full application and have a hearing to obtain a Certificate of Occupancy. This ordinance makes sense when businesses are hurting because applicants requiring a Food Handler's certificate who are not changing parking or increasing a variance do not have to go to a Planning Board hearing as long as they meet the administrative requirements determined by the Planning Board Secretary. They are attempting to meet the necessary regulatory needs and ordinance compliance, while at the same being business friendly. He applauds the Councilmembers and the BIC for having the foresight to support this change.

There being no further discussion, Resolution No. 237-2012 introducing Ordinance No. 2250 - 2012 was unanimously passed.

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

**ORDINANCE NO. 2251-2012  
(RESOLUTION NO. 238-2012)**

**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", BY AMENDING ARTICLE II "PARKING" AND ARTICLE XI "PEDESTRIAN CROSSING RIGHT-OF-WAY SIGNS"**

There being no discussion, upon motion by Councilmember Peluso and a second by Deputy Mayor Cosgrove, Resolution No. 238-2012 introducing Ordinance No. 2250 -2012 was unanimously passed.

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

**ORDINANCE NO. 2252-2012  
(RESOLUTION NO. 239-2012)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT"**

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 239-2012 introducing Ordinance No. 2250 -2012 was discussed.

Deputy Mayor Cosgrove stated that the Fire Department's Ordinance Committee had met and the changes were approved by the Fire Board. One change was that any probationary firefighters 18 years old who were still attending high school could not leave school to attend fires. They also changed the night of the Chief's election and there were some changes to the qualifications regarding nominations for Fire Chief.

There being no further discussion, Resolution No. 239-2012 introducing Ordinance No. 2250 - 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 Trawinski and a second by Councilmember Peluso, the time for public comments was unanimously closed.

#### **RESOLUTIONS BY CONSENT #17-2012**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, Consent Agenda 17-2012 containing the following items was unanimously passed.

- a. Resol. #240-2012 – Approval of Minutes:
  - Regular Meeting 6/26/12
  - Closed Session 6/26/12
  - Work Session 7/10/12
  - Closed Session 7/10/12
  - Special Meeting 7/10/12
  - Closed Session 7/10/12
  - Regular Meeting 7/17/12
- b. Resol. #241-2012 – Cancel Grant Receivables and Appropriated Grant Receivables
- c. Resol. #242-2012 - Cancel DOT Grant – Pellack Drive
- d. Resol. #243 -2012– Council Meeting Dates and Times
- e. Resol. #244-2012 – Refund of Overpayment of Taxes
- f. Resol. #245-2012 – Confirmation of Fire Board Actions

- g. Resol. #246-2012 – Authorizing Approval of Massage Establishment: Pure Nails & Spa
- h. Resol. #247-2012 – Award of Bid: HVAC Repair and Maintenance
- i. Resol. #248-2012 - Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee
- j. Resol. #249-2012 - Authorizing Application for the Municipal Alliance Grant
- k. Resol. #250-2012 – DOT Grant Application: Berdan Avenue (Section 5)
- l. Resol. #251-2012 - Opposing PSE&G Rate Increase Solar Program
- m. Resol. #252-2012 - Opposing S96/A2217 Unlawful Conduct

**RESOLUTION NO. 253-2012 – AUTHORIZING THE EXECUTION OF THE OPEN SPACE TRUST FUND GRANT EXTENSION AGREEMENT: WARREN POINT SKATE PARK**

Deputy Mayor Trawinski stated that he was recusing himself on this resolution and also No. 255-2012 and 256-2012. The County Executive was out of the State for several weeks and he might have to sign these forms in her absence.

Deputy Mayor Cosgrove stated that he was supporting this resolution even though he opposed the skate park because they have an agreement with the County for a \$30,000 grant and the majority of the Council has voted to proceed with the skate park.

Upon motion by Councilmember Peluso and a second by Deputy Mayor Cosgrove, Resolution No. 253-2012 was passed with Deputy Mayor Trawinski recused.

**RESOLUTION NO. 254-2012 – AUTHORIZING THE EXECUTION OF OPEN SPACE TRUST FUND GRANT AGREEMENT: FIRE CHIEF CHARLES C. VOGEL PASSIVE PARK**

Upon motion by Councilmember Peluso and a second by Deputy Mayor Cosgrove, Resolution No. 254-2012 was passed, with Deputy Mayor Trawinski recused.

**RESOLUTION NO. 255-2012 – AUTHORIZING APPLICATION TO THE OPEN SPACE TRUST FUND GRANT AGREEMENT: BERDAN GROVE INCLUSIONARY PLAYGROUND**

Upon motion by Deputy Mayor Cosgrove and a second by Councilmember Peluso, Resolution No. 255-2012 was passed with Deputy Mayor Trawinski recused.

**RESOLUTION NO. 256-2012 – AUTHORIZING APPLICATION TO THE OPEN SPACE TRUST FUND GRANT AGREEMENT: WALSH PARK PHASE I**

Upon motion by Councilmember Peluso and a second by Deputy Mayor Cosgrove, Resolution No. 256-2012 was discussed.

Deputy Mayor Cosgrove stated that he would not be supporting the resolution because the town would have to match the \$50,000 grant, in addition to the previous grant of \$35,000. He did not think it was viable to spend over \$100,000 for a skate park.

Upon motion by Councilmember Peluso and a second by Deputy Mayor Cosgrove, Resolution No. 256-2012 was passed with Deputy Mayor Cosgrove dissenting and Deputy Mayor Trawinski recused.

**PUBLIC COMMENTS**

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

Cathy Aliotta, 23-05 High Street, Apartment D thanked the Council for suggesting she join the Pedestrian Safety Committee. She hoped she would be appointed.

She thanked the Council for working hard on the resident survey. She felt the cost of doing the survey was money well spent, as it gives residents an opportunity to have their say in the future of Fair Lawn. She hoped the survey would be well promoted to ensure a better response. Mayor Baratta confirmed that the survey will be publicized in the Community News, online and on the Borough website.

She stated that she called the Police numerous times because of noise issues with an upstairs neighbor who watches TV all night long. The current ordinance only requires that the volume be lowered. She wondered if it could be changed to prohibit usage during the hours of 11:00 p.m. to 6:00 a.m. Attorney Mondello stated that the Borough cannot and does not want to regulate when residents are able to watch TV. This is a civil matter. She may be able to convince a judge that the upstairs tenant is making her dwelling uninhabitable.

Howard Mark, 12-23 Ferry Heights asked about the Vander Plaat property. Attorney Mondello stated that they were still waiting to hear from the property owners.

Mr. Mark stated that he was making improvements to his home. He asked where he could get information on a Home Improvement Loan from the County. Deputy Mayor Trawinski suggested that he contact Noreen Best at Community Development, as there is a program that involves both State and Federal funds for residents that meet certain criteria, such as low income.

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

**ADJOURNMENT:**

Upon motion by Deputy Mayor Trawinski and second by Deputy Mayor Cosgrove, the meeting was adjourned at 8:20 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

\_\_\_\_\_  
*Absent*  
Councilmember Lisa Swain

\_\_\_\_\_  
Deputy Mayor Trawinski