

REGULAR MEETING OF OCTOBER 16, 2012

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

In accordance with the Open Public Meetings Act, annual notice of meetings from September through December 2012 was published in "The Record" issue of August 16, 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, Councilmembers Peluso and Swain.

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

PROCLAMATIONS: BREAST CANCER AWARENESS MONTH

Municipal Clerk Kwasniewski read a proclamation for Breast Cancer Awareness Month.

COUNCIL COMMENTS

Councilmember Swain stated that since it was Breast Cancer Awareness Month she wanted to encourage everyone to participate in some way. She participated in a bike ride benefitting breast cancer last weekend to raise money for people suffering with the disease. She wanted today to serve as a reminder for all women to schedule a mammogram each year.

The ADA Committee will be at the River Road Street Fair on Sunday, October 21st to launch their campaign to raise money for an inclusionary playground at Berdan Grove. The Committee will have a drawing of the playground and information available in case anyone wants to make a donation.

She reminded residents who bike ride or run at night to wear something reflective or use a flashing light so they can be seen by motorists.

Deputy Mayor Trawinski stated that there was a possible child luring incident near Pine Avenue. Incidents have occurred in Ridgewood, Hawthorne, Maywood and Hackensack. He asked residents with children or grandchildren to remind them not to speak to strangers and to immediately go in the opposite direction if they are approached. There is a suspect, but fortunately he has not been successful in getting a child into his car. He stressed the importance of children being mindful of this situation.

The Planning Board heard the continuation of Landmark's application. The applicant concluded its presentation as did the objectors' attorney, Mr. Rosen. The Board started with public comments which will continue at the November 19th meeting. The Board may render a decision at that time or continue on the December meeting.

The Board discussed the Subway on River Road and the issue of available parking. They imposed a condition that there will be a parking tally for each subsequent commercial applicant at that building so that available parking is not exhausted.

Councilmember Peluso stated that he and Deputy Mayor Cosgrove attended the Columbus Day Poster contest, sponsored by the Knights of Columbus, Cosmos Club and Recreation Department. It was a great event. It was wonderful to see the children learn about Christopher Columbus and the importance of that day. The students had a good understanding of the story of Christopher Columbus.

There was an article in The Record about the Fair Lawn High School Football Team playing against Don Bosco. It is difficult for a public school to play against a private school, but the coaches and athletes put forward a great attitude. He was very proud of the Cutters.

Deputy Mayor Cosgrove stated that as a former #78 Cutter football player, he was very proud of Coach Sadah and how the team played against Don Bosco. Even the Don Bosco coaches did not think it is fair to play against Fair Lawn. The New Jersey State Athletic Association needs to reexamine how games are scheduled. The Fair Lawn High School team held their heads high and he was very proud of them.

The Community Center 501(c)3 Committee is holding a dance on October 27th with the Cameos from 7:00 p.m. to 11:00 p.m. The buffet dinner will be supplied by Giovanni's. Tickets are \$60 per person and can be obtained from the Recreation Department at the Community Center or through the Cultural Office at Borough Hall.

He concluded by stating that the Chamber of Commerce Street Fair is Sunday, October 21st. He was hoping for great weather and a great turnout and looked forward to seeing all the residents there.

Mayor Baratta stated that she attended the Knights of Columbus Italian Night in recognition of their continued celebration of Columbus Day. It was a wonderful evening with the Knights doing the cooking and helping out.

She and Deputy Mayor Cosgrove attended the 10th Anniversary of the Family Support Organization of Bergen County, located on 29th Street in Fair Lawn. They

are a terrific organization that gives support to caregivers and parents of children with special needs. Senator Gordon also attended the event. Government cannot do everything for everybody so it is nice to have organizations in Fair Lawn that help those who need support.

Councilmember Swain reminded residents who obtained Vote by Mail applications to return them to the County. She encouraged all residents or college students who were going to be away on Election Day to obtain an application.

She reported that the ADA Committee was having a dance for adults with special needs at the Community Center on November 30th, which will be sponsored by the Veterans' Council.

Mayor Baratta stated that the Vote by Mail ballot does not mention that extra postage is required due to the weight of the ballots, which also contain Board of Education candidates. Ballots mailed with incorrect postage were being delivered by the Post Office, with the County Clerk's office paying the balance due. Councilmember Swain suggested they put this information on the website.

ORDINANCES 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. 2253-2012
(RESOLUTION NO. 297-2012)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN
2000, SPECIFICALLY CHAPTER 53, ENTITLED "ALARMS"**

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

There being no discussion, upon motion by Deputy Mayor Trawinski, and a second by Deputy Mayor Cosgrove, Resolution No. 297-2012 adopting Ordinance No. 2253-2012 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Deputy Mayor Cosgrove 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 Deputy Mayor Trawinski, the time for public comments was unanimously closed.

Councilmember Swain stated that she wanted to change the Work Session Minutes of September 18th regarding the Fair Distribution of State Aid for Education. Deputy Mayor Trawinski had stated that Asbury Park has a graduation rate of 23% when according to the New Jersey Department of Education the actual rate is 59.4%. Deputy Mayor Trawinski stated that he did not have a problem with the change, but the minutes should reflect what he actually said and then note the correction. Municipal Clerk Kwasniewski clarified that the minutes for tonight's meeting will reflect Councilmember Swain's comments so they will be on record.

RESOLUTIONS BY CONSENT #21-2012

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Consent Agenda No. 21-2012 containing the following items was unanimously passed.

- a. Resol. #290-2012 – Authorization to Install Telecommunications Facilities in the Right of Way – Light Tower Fiber Long Island, LLC
- b. Resol. #291-2012 - Authorization to Install Telecommunications Facilities in the Right of Way – Cross River Fiber, LLC
- c. Resol. #298-2012 – Approval of Minutes:
Regular Meeting 9/11/2012
Closed Session 9/18/12
Work Session 9/18/12
Closed Session 9/18/12
- d. Resol. #299-2012 – Award of Bid: Brookdale Park Playground Installation Project
- e. Resol. #300-2012 – Cancel Clean Community Grant
- f. Resol. #301-2012 – Sponsoring the Fair Lawn Community Center, Inc. for Quasi-Entity III Insurance Coverage through the Bergen County Municipal Joint Insurance Fund
- g. Resol. #302-2012 - Authorizing Insurance Design Administrators (IDA) to Secure Medicare Part D Replacement Coverage for Eligible Retirees Provided Prescription Benefit Coverage through the Borough's Health Benefits Program
- h. Resol. #303-2012 - Confirming Endorsement of CDBG Application for AAH of Bergen County, Inc.

PUBLIC COMMENTS

Upon motion by Councilmember Peluso and a second by Deputy Mayor Cosgrove, the time for Public Comments was opened.

Doug Blauschild, 2-16th 27th Street stated that he has used the Community Center for four years. The last couple of months he has seen it deteriorate at an unbelievable rate. There is poor maintenance and some exercise equipment has not been repaired in six to eight weeks. The televisions have not been working for two months because there is no cable box and he felt a simple solution would be to put up an antenna and provide free, basic television. He thought the Community Center was the highlight of Fair Lawn, but the condition of the exercise room was deplorable.

Deputy Mayor Cosgrove explained that Cablevision now requires a box for each television, instead of using one main box. They are getting boxes for each piece of equipment, but the boxes have to be displayed so that someone can see what channel they are watching. A smaller box will be coming after the first of the year.

Manager Metzler stated that in the past when a single piece of equipment broke down they called for repairs, but the cost was greater than if they bundled repairs together. The machines in the Game Room are serviced each fall and spring, rather than on an individual basis to reduce costs. He was not aware there were multiple machines broken in the exercise room and will look into this tomorrow. Mr. Blauschild stated that two machines have been broken for two months, including one of the two bicycles.

Deputy Mayor Cosgrove stated that the non-profit 501(c)3 Committee of the Community Center has been raising money for the past five years to pay for exercise equipment, arcade games and other items, but fundraising is down. The Borough has assumed some responsibility for equipment repairs and the 501(c)3 Committee hopes to bring in some money to keep the Community Center running at a high quality. Mayor Baratta thanked Mr. Blauschild for bringing this to their attention.

Nicholas Garrip, 12-42 Western Drive agreed with the comments about the Community Center. He felt the ideal solution was to put up an antenna at no cost to the Borough.

He expressed concern about the intersection at Fair Lawn Avenue and Orchard Street, particularly when making a left turn heading east to west. Another accident has occurred. He thought a left turn signal should be placed at the light to improve safety. Manager Metzler explained that the light at Fair Lawn Avenue and Orchard Street was a County light. The Council would have to get feedback from Traffic Safety Officer Franco, who will make a recommendation and then make a request to the County. The public sees the Council approve a project but then wonders why it is

a year later and nothing has happened. The project at River Road and Maple Avenue dates back to the 1990's, and the upgrades still have not been done. The County contacted the Engineering Department with a last minute change. It is a long process. He will pass along the information to the Traffic Safety Officer.

Mr. Garrip expressed concern about the condition of the Fair Lawn Avenue Bridge, which was under the jurisdiction of Passaic County. He thought the Governor should be contacted because the bridge was in terrible shape. Deputy Mayor Trawinski stated that the Passaic County Administrator advised him that the Fair Lawn Avenue Bridge was included in their Department of Public Works' budget for bridge repairs. He checked the State's bridge repair list and cannot understand why it is not listed as a priority one repair. Mayor Baratta suggested Mr. Garrip contact Congressman Pascrell and relay his concerns.

Manager Metzler stated that several residents expressed concern about the Fair Lawn Avenue Bridge on their Resident's Survey. He wanted the public to know that this is not a Fair Lawn or Bergen County bridge, although that doesn't mean they have forgotten about it. He attended meetings in Passaic County several years ago to discuss repairs to the bridge.

Mr. Garrip stated that many residential streets such as Western Drive and Fairclough Place are poorly illuminated due to insufficient street lamps. Manager Metzler stated that PSE&G is switching to an LED light to save energy and increase brightness, although he did not know when the project would be completed.

Pam Coles, 13-34 George Street stated that at last night's Planning Board meeting the Board discussed parking issues regarding the new Subway. They allowed the building to be built because there were seven cooperative parking spaces, with two additional spaces designated for Subway. The building will have the use of nine out of 55 allotted parking spaces and when the three other stores come in, they will be utilizing 30% of the parking. Deputy Mayor Trawinski stated that the Planning Board was very mindful that the other stores will be rented and that parking needs to be tracked. They are imposing the condition that each application clearly indicates the total number of available parking spaces and the existing uses occupying those spaces, and specifies the remaining parking left for the applicant.

Ms. Coles stated that the resolution passed by the Council granting seven spaces as cooperative spaces enabled the application for the housing complex with 17 units to be passed; otherwise there wouldn't have been enough parking. Deputy Mayor Trawinski stated that the resolution was used to get the variances, but the Council cannot be arbitrary, capricious or unreasonable in determining whether or not to allow the usage of the cooperative parking so seven cooperative parking spaces were allowed at this site. The Council would never, however, tell the Planning Board whether they could or could not grant the variance. Ms. Coles stated that the

Planning Board used that resolution to get the overdevelopment completed and pushed through.

Deputy Mayor Trawinski stated that he did not believe the Planning Board resolution reflected that as a reason, but rather reflected that the criteria required under the applicable statute had been met. They may have in their minds thought about the seven cooperative spaces but that did not go towards the propriety of granting the variance. Ms. Coles said that the spaces went towards the tenant's space, not the stores' spaces. The overflow is now on George Street and she cannot even park near her home when she comes home for lunch. Traffic has increased from motorists using it as cut through. Even though there is a two hour parking limit, cars are parked from 7:30 a.m. until 4:30 p.m. Deputy Mayor Trawinski stated that was an enforcement issue. Manager Metzler will make note of it.

Deputy Mayor Cosgrove asked if the Board discussed how deliveries will be made to Subway since there is no loading dock. Ms. Coles stated that the only way they can make deliveries is to double park on River Road and block traffic, as there is no access on the side of the building. Deputy Mayor Trawinski stated that he was not sure the loading dock requirement applied to the building but if it did, the Board probably surmised that it wasn't required because of the types of retail stores involved. He believed it was a permitted use.

Ms. Coles reiterated her concern about the traffic. Each tenant was supposed to be allotted two spaces behind the building, but there were not enough spaces until the seven cooperatives spaces came into play. No one is using the garages so all the parking is occurring under the overhang. Deputy Mayor Trawinski stressed that in order to get the Food Handler's License the applicant had to be fully compliant with the ordinance. Mayor Baratta assured Ms. Coles that the Borough will monitor the traffic.

Ms. Coles expressed concern about pedestrian safety at Daly Field, especially children crossing from the east side of Ramsey Terrace where there is a dangerous curve. She brought this to the attention of the Planning Board who suggested she discuss it with the Council. Deputy Mayor Trawinski explained that after a series of discussions focusing on the site line from Ramsey Terrace along the curve towards Berdan Avenue, the Planning Board asked the applicant to put in striping. They also requested the removal of foliage from several houses. Two houses did not remove the foliage because then homeowners will have no longer have protection from the visual impact of Plaza Road in their rear yards. Manager Metzler and Superintendent Conte decided not to remove the foliage from those homes. Ms. Coles was referred to the Council because they have the final say on whether the street should have striping. He suggested Manager Metzler ask Traffic Safety Officer Franco to look at the site to see if the striping made sense. Mayor Baratta stated that once they have Traffic Safety Officer Franco's recommendation they will discuss it at a Work Session.

Ms. Coles reminded the Council that several months ago she requested a resolution to protect the Naugle House. Green Acres would protect the land but the Naugle House is not protected. Attorney Mondello stated that he asked former Borough Attorney Rosenberg for his opinion, which should be received shortly.

Ms. Coles concluded by congratulating the Fair Lawn High School Football Team in their game against Don Bosco. Both teams were wonderful and respectful to each other. She noted that Coach Toll is a former football coach from Fair Lawn.

Craig Miller, 5 Ramapo Terrace suggested that instead of having five or six Cable boxes in the fitness room at the Community Center, they could get one box and play the Music Channel in the room. Mayor Baratta stated that it would be difficult to pick one station as there is Rap music, rock and roll, show tunes, etc. Mr. Miller stated that they could change the music station daily. He felt listening to music was better than nothing.

Mr. Miller felt the Council should give guidance to the Planning and Zoning Boards to minimize the overdevelopment of lots, especially on River Road. Deputy Mayor Trawinski stated that they received the report but decided to hold most of it pending the Master Plan re-examination report. It was directed to the Planning Board for its consideration. After hearing the Landmark application last night and reviewing the Food Handler's certification, the Planning Board recommended a Planner to the Council to do the Master Plan re-examination. Funds were appropriated in this year's budget to start the process. Cheryl Bergailo, from Taylor Design and Boswell Engineering submitted a joint application to do the Master Plan. The Master Plan sub-committee named their three choices and after discussion the Planning Board chose Boswell and Bergailo. He felt that combination exhibited a sense of creativity.

Mr. Miller concluded by asking if there was any update on the intersection of Morlot Avenue and River Road. Deputy Mayor Trawinski stated there was an issue with signalization. Manager Metzler stated that the Borough has requested but not received permission to run temporary overhead wiring, so they are at risk of knocking the light out until the road is excavated and the conduits are installed.

Deputy Mayor Trawinski disclosed that he represented Cablevision in New Jersey for several years. Cablevision and every other Cable provider in the nation received an FCC mandate that analog service ceases and digital service be provided. Only digital service had to make the change to the digital boxes.

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

ADJOURNMENT:

Upon motion by Councilmember Swain and second by Councilmember Peluso, the meeting was adjourned at 8:28 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