

## **REGULAR MEETING OF MAY 11, 2010**

Mayor Tedeschi called the meeting to order at 7:40 p.m.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in the Record issues of December 18, 2009. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and work sessions.

**PRESENT:** Mayor Tedeschi, Deputy Mayors Swain and Weinstein, Councilmembers Baratta and Trawinski.

**ALSO PRESENT:** Acting Manager Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg

Mayor Tedeschi introduced Josephine Harrington, a longtime Borough Employee who was retiring on Monday. He thanked Ms. Harrington for her years of service to the Borough and wished her a happy retirement.

### **SWEARING IN / PROMOTIONS – AUXILIARY POLICE**

Chief Magarelli announced the promotions of Andrew Flax to Captain, James Magarelli to Lieutenant and Tom Spear to Sergeant. Mayor Tedeschi administered the Oath of Office to the officers and congratulated them on their promotions.

Mayor Tedeschi swore in two new Auxiliary Police Officers: Nicholas Magarelli and Benito Maffei. The organization was formed in 1954 and, unlike some towns who had difficulty getting one Auxiliary officer, Fair Lawn was blessed with 26. Their volunteerism was consistent with Fair Lawn's theme of being involved. They deserved a round of applause.

### **COUNCIL COMMENTS**

Councilmember Baratta congratulated the Auxiliary Officers. Their efforts were appreciated as the town relied on them for many services.

The third annual Canoe Race and Eco-Friendly Fair will be held on Saturday, June 5<sup>th</sup> at Memorial Park from 10:00 a.m. to 3:00 p.m. Participants must be over 12 years old; those 14 and younger must be accompanied by an adult. The cost was \$15.00 per paddler, two paddlers per canoe. Breakfast, lunch and tee shirt will be provided to all participants. Trophies will be awarded. Residents needing more

information should contact Jim Van Kuiningen in the Manager's Office. It's a fun filled day.

The Garden Committee will be holding a Plant Swap & Sale on Sunday, May 23<sup>rd</sup> at the Fair Lawn Recycling Center from 9:00 a.m. to 12:00 p.m. Residents can swap their perennials or purchase plants for \$2.00.

She concluded by saying that when the economy is bad, crime goes up. She asked residents to be aware of their surroundings when they return home. The Police Blotter often reports thefts of GPS devices, cell phones and IPODs from unlocked cars.

Deputy Mayor Swain stated she attended the grand opening of the new 7-Eleven on Broadway. The store is beautiful and clean.

The Borough held a successful "Shredding Day" at the Recycling Center. Another day will be scheduled in the future. It is a safe way to get rid of confidential papers.

This week is National Nurses Week. May 12<sup>th</sup> is the birthday of Florence Nightingale, who was the founder of modern nursing. She thanked nurses everywhere for their service.

Councilmember Trawinski extended his prayers and best wishes to the family of the Wayne Police Officer that was shot and seriously wounded in an armed robbery. It is believed that this is the same perpetrator who committed an armed robbery last week in Fair Lawn. It is upsetting to see crimes against the Police because they are our last line of defense. The Fair Lawn Police Department was working with a special Task Force to help find the perpetrator.

They are in the midst of a difficult budget process. They participate in several Shared Services groups to try to keep down costs and spending. There is a meeting Thursday night with the Board of Education Shared Services Committee that he and Deputy Mayor Weinstein will attend. He encouraged residents to email them any cost saving ideas or suggestions.

He thanked the members of the Open Space Committee and their consultant, Michael Hakim for their hard work. The Borough received a grant for \$509,000 regarding the possible acquisition of the Naugle House. He is proud of their effort and proud to serve as co-chair of the Committee with Deputy Mayor Weinstein. This was quite an achievement.

Deputy Mayor Weinstein stated that the \$509,000 was not just for the Naugle House but included the surrounding property, which he hoped they can acquire in the near future.

He noted that the school year was winding down and there were a number of exciting events coming up, such as the Canoe Race on June 5<sup>th</sup>. It's a wonderful day and he enjoys the event each year. He encouraged residents to come out and participate.

This upcoming weekend the High School was holding its annual Marathon in which the senior class fundraises for various charities in town. A special event was being held that evening at Ness Pizza.

May 31<sup>st</sup> is the annual Memorial Day Parade followed by the Fireworks on June 30<sup>th</sup>. He welcomed 7-Eleven to town; they have done a great job in refurbishing their store. He thanked them for pledging \$711 towards the Fireworks. They have received \$17,000 in pledges so far for the fireworks.

Mayor Tedeschi stated that the Filipino-American Association pledged \$250 for the Fireworks.

Last week he attended a meeting with the Mayors from Saddle Brook and Elmwood Park, representatives from the Mosquito Commission and Birdsall Engineering and the County Engineer to discuss Arcadia Road, which is subject to flooding in high rain volume. Several years ago the flooding occurred on Berkshire Road. The Borough bonded the funds, fixed the problem and brought the pipe around to Arcadia Road to tie into the County pipe. The pipe has not yet been connected. The problem is money. The estimated cost to continue the line across Midland Avenue down into Fleischer's Brook will cost nearly \$9 million. They are investigating three options and their findings will be discussed at a separate meeting in about six weeks. One option will be selected and the individual town Engineers will make the decision about proceeding.

They will need to send letters and make phone calls to Congressman Rothman to ask his help in obtaining Federal funding for this project. The Engineering Company advised them that there are numerous underground facilities on Midland Avenue that would need to be moved. It will cost \$1 million to move two high power lines buried in the road and the oil system that keeps them cool.

He reminded them that there are 32,000 residents who must be treated equally and fairly. They are looking at a possible tax increase, between the municipality, school and County of \$600. They are working hard on the budget during difficult times.

#### **ORDINANCE ON FIRST READING:**

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

**ORDINANCE NO. 2183-2010  
(RESOLUTION NO. 174-2010)**

**AN ORDINANCE AUTHORIZING AND APPROPRIATING \$88,270.00 FOR THE COUNTY ROAD PROGRAM, COUNTY-WIDE ADA RAMPS, CURBS AND SIDEWALK CONSTRUCTION CO-OPERATIVE FUNDED FROM THE BERGEN COUNTY DEPARTMENT OF PUBLIC WORKS.**

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, Resolution No. 174 -2010 introducing Ordinance No. 2183-2010 was discussed. Acting Manager Kwasniewski stated that this ordinance was necessary for them to be reimbursed.

There being no further discussion, Resolution No. 174 -2010 introducing Ordinance No. 2183 - 2010 was unanimously passed.

**ORDINANCES ON SECOND READING:**

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

**ORDINANCE NO. 2180-2010  
(RESOLUTION NO. 175-2010)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES AND PENALTIES**

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

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 175-2010 adopting Ordinance No. 2180-2010 was discussed. Acting Manager Kwasniewski stated that the ordinance amended the fees charged for family memberships at Memorial Pool and added a fee when more than one sound tech was used at the Community Center. A fee was also added for a replacement Recycling Container.

There being no further discussion, Resolution No. 175-2010 adopting Ordinance No. 2180-2010 was unanimously passed

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

**ORDINANCE NO. 2181-2010  
(RESOLUTION NO. 176-2010)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN 2000, SPECIFICALLY CHATER 125, ENTITLED "LAND  
DEVELOPMENT" TO INCLUDE THE BOROUGH OF FAIR LAWN  
MUNICIPAL BUILDING COMPLEX LOT 1, BLOCK 5712 IN THE CA  
COMMERCIAL ANTENNA ZONE**

Pam Coles, 13-34 George Street thanked the Council for amending the CA Zone to include the Municipal Building parking lot, which will allow a multi-use antenna to be installed. The antenna will be helpful for the Police Department and the income will benefit the town. The area was less visually obstructive than other areas.

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

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, Resolution No. 176-2010 adopting Ordinance No. 2181-2010 was discussed.

Councilmember Trawinski asked the Minutes reflect the fact that they received a memo from the Planning Board Secretary confirming that the Planning Board conducted its statutory review of the Ordinance under the Municipal Land Use Law and found it to be consistent with the Master Plan and Housing element.

There being no further discussion, Resolution No. 176-2010 adopting Ordinance No. 2181- 2010 was unanimously passed

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

**ORDINANCE NO. 2182-2010  
(RESOLUTION NO. 177-2010)**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF  
EQUIPMENT FOR USE BY THE POLICE DEPARTMENT OF THE  
BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW**

**JERSEY, APPROPRIATING \$80,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$43,300 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

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

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 177-2010 adopting Ordinance No. 2182-2010 was discussed.

Acting Manager Kwasniewski stated that the Ordinance allowed them to purchase bullet proof vests for the Police Department, as the current vests are reaching the end of their warranty. They will use a State grant in the amount of \$14,000, a Federal Grant for \$20,000 and finance the balance.

There being no further discussion, Resolution No. 177-2010 adopting Ordinance No. 2182-2010 was unanimously passed

**PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

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

Barbara Bender, 9-17 Campbell Road wondered if rezoning the Municipal Building parking lot would open up the area to other commercial antennae. Mayor Tedeschi stated that the intent was to install a single antenna with several users. The antenna is critical to the Police. The revenue will pay for the tower and excess revenue will be placed in surplus.

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

**RESOLUTIONS BY CONSENT #11-2010**

- a. Resol. #178-2010 - Approval of Minutes:  
Closed Session 1/26/10  
Work Session 2/2/10  
Closed Session 2/2/10  
Regular Meeting 2/9/10
- b. Resol. #179-2010 - Participating in the Bergen County Cooperative Pricing System

- c. Resol. #180-2010 - Participating in the State of New Jersey Cooperative Purchasing Program
- d. Resol. #181-2010 - Refund of Overpayment of Tax Payments
- e. Resol. #182-2010 - Temporary Capital Budget
- f. Resol. #183-2010 - Authorizing Cancellation of Property Taxes, Block 1301, Lot 11
- g. Resol. #184-2010 - Authorizing Forgiveness of Interest on Block 1301, Lot 11
- h. Resol. #185-2010 - Refund of Bail Monies

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Consent Agenda 11-2010 containing the following items was unanimously passed.

### **PUBLIC COMMENTS**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, it was unanimously agreed to open the time for Public Comments.

Harry Poster, 13-10 Second Street thanked the Council for looking into the eco-village and the clearing of trees near Memorial Park. Acting Manager Kwasniewski stated that she inspected the area. She spoke to the Board of Education and the arborist from Passaic Valley. They cleared a large area of underbrush. The composting pods are three sealed containers. The decomposed organic material will be collected on Tuesdays and the decomposed material will be placed in the garden. She was assured that there would be no dairy or meat items that would attract animals; only items that break down. She met with the advisor for Memorial's Environmental Club and members of the Board of Education, who are very aware of the neighbors' concerns.

Mr. Poster questioned what would happen if trees were removed on a weekend when school is closed. Acting Manager Kwasniewski advised him to call the Police Department, even though it was Board of Education property.

Anna Dinardo, 13-06 Second Street inquired about the status of the arboretum. Councilmember Baratta stated that the Tree Committee was working on this. Their first step will be a garden filled with lilac plants donated by Mr. Paek. They are looking into fundraising opportunities as they do not have any funding. Jane Spindel has been working on a plan to landscape an area near Fair Lawn Avenue, which will contain 25 – 30 different specimens of lilacs.

Ms. Dinardo asked if the Committee was accepting donations. Councilmember Baratta stated that the Committee has not yet accepted donations, but they were working on a plan. Ms. Dinardo stated that she has several transplanted trees that would be good for the arboretum. Councilmember Baratta reminded her that she could also bring them to the plant swap.

Pam Coles, 13-34 George Street thanked the Council for their work on the Naugle House. She wondered if there were any updates. Attorney Rosenberg stated that he will apprise the Council as to the status of discussions with the owner of the Naugle House at the Closed Session following this meeting.

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

### **CLOSED SESSION RESOLUTION**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 8:25 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 – PBA/SOA; Personnel – Borough Manager; Attorney/Client Privilege – Naugle House; 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 Councilmember Trawinski and second by Deputy Mayor Swain the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

\_\_\_\_\_  
Mayor Joseph Tedeschi

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Deputy Mayor Lisa Swain

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Deputy Mayor Weinstein

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Councilmember Jeanne Baratta

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Councilmember Ed Trawinski