

WORK SESSION OF FEBRUARY 3, 2009

Mayor Weinstein called the meeting to order at 7:30 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 16, 2008. 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 Weinstein, Deputy Mayors Swain and Tedeschi and Councilmembers Baratta and Trawinski.

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

Mayor Weinstein expressed his condolences to the Lane family on the passing of the Vice Principal of Fair Lawn High School, Tina Lane.

Review of Tentative Agenda

Acting Manager Kwasniewski stated that approval of the Minutes of the Special Meeting of 11/13/08 and the Closed Session Minutes of 11/13/08 will be added to the agenda. A proclamation for Black History month will be added.

Pension Deferral Outline

Mayor Weinstein said that there are many questions regarding the impact of the pension deferral on the Borough. Barry Eccleston, the Borough CFO, explained that in 2008 the Police and Fire pension bill was approximately \$634,000. This year cost is anticipated at \$874,000 which is \$239,000 more than last year. After analyzing their budget the State has found itself to be in a very severe situation and is looking for a way to reduce costs on a temporary basis by targeting the pension system. They are considering reducing their matching contribution for a short period of time to see if it creates major savings for the pension system. They are offering municipalities the

option of deferring half of the increased pension costs this year; in 2010 it would be 60%; then 80%; and then back to 100%. Mr. Eccleston said that almost everyone did not think that this was a good idea since the last time pension payments were deferred it resulted in payments that were much higher than anticipated.

Mr. Eccleston stated that if a municipality was in good shape and had the ability to budget the full pension amount with no impact on the 4% tax rate they could do that and then turn over the money in 2012. The bill is scheduled to be voted on by the Assembly on February 5th and the Senate on February 23rd. If the bill is adopted in its present form, the item will be outside the Cap which means it will have no impact on the Cap. If the legislation is not passed, it will go back into the Cap base as an add on and the impact to the Borough would be that another \$85,000 will have to be cut from the budget in order for it to balance out and to be at Cap.

Mr. Eccleston stated that Fair Lawn is in good financial shape and he would recommend putting this money in a reserve which would guarantee interest. The State has offered to invest the money, however, Mayor Weinstein said he would not recommend that option. Mr. Eccleston suggested waiting for the vote on February 23rd and he will get the budget to the Mayor and Council five or six days later.

Councilmember Trawinski said he supports Mr. Eccleston's suggestion and this legislation is nothing more than a long term headache. He commented that they may still owe the pension fund interest even if they do what they are supposed to do but the State does not offer the option of making full payments in a year when the Borough is able to do it. He recommended a resolution to Senator Gordon for the next meeting to let him know how they feel. Acting Manager Kwasniewski said she spoke with Senator Gordon last night and he indicated that he is one of the few who is not in favor of this legislation which he thinks will ultimately pass. Senator Gordon pointed out that in the beginning there wasn't the option of the Borough investing the money themselves.

Deputy Mayor Tedeschi stated that the Borough is continuing to pay for former Governor Whitman's charade. Mr. Eccleston stated that next year will be the last of the five year payment for the Public Employees Retirement Program. The police and fire portion was paid last year. Deputy Mayor Tedeschi stated that he anticipates a reduction in the amount of municipal aid which will force municipalities to take the half pension route and this is not a solution. Councilmember Trawinski stated that the people need to understand that the reduction in municipal aid is another form of a tax increase. Deputy Mayor Swain said that she is in complete agreement with the CFO and the other comments.

Mr. Eccleston said that they will have to look at this next year to see whether they can put in the whole contribution or a portion of it. He thinks they will be OK for next year and he said that a drop in CD rates resulting in a loss of \$500,000 in investments hurt

them this year. Councilmembers agreed to move forward with the recommendations of the CFO.

Councilmember Trawinski asked that Consent Agenda item Award of Bid: GMC Model TC10753 Extend Cab Sierra 2 WD be removed from the agenda.

Budget Procedures - Dates

Acting Manager Kwasniewski asked Councilmembers to schedule dates for meetings on the budget because it needs to be introduced on March 17th. Mr. Eccleston expects that there will be some flexibility until the end of March to present a budget. The budget report should be available during the first week of March and Acting Manager Kwasniewski asked if Councilmembers would prefer meetings on Saturdays, Tuesdays or a combination of both. Deputy Mayor Tedeschi said he would prefer discussing the budget on Saturdays. Mayor Weinstein indicated that Saturdays could be a problem for him later in the month. Mr. Eccleston said he anticipates introducing a budget on March 24th and meetings would have to be finished about five days prior to that. Everyone agreed that it is necessary to meet with the heads of the larger departments. Mayor Weinstein suggested devoting the meeting to the budget on March 3rd and 10th starting at 6:30 P.M. Mr. Eccleston said he would distribute the Capital Budget next week so that they can begin the review process.

Water Penalty

Regarding the water bill, Mayor Weinstein said that the manager has the discretion to waive the \$5 penalty fee but some resident felt they had no warning at all. He suggested that a stamp or something similar be put on the bill that stating that if the payment is late there is a \$5 fee.

Acting Manager Kwasniewski said that there is already a warning stamped on the bill. She thought that the problem is that the bill is the size of a postcard which mean that it can be easily caught up in other mail. She explained that if someone has never missed a payment in two years and asks for relief from the penalty she will waive it. If this is an every other month occurrence she does not issue a waiver. She said that this is not a big problem and Councilmembers agreed with her system.

Flag Protocol

Acting Manager Kwasniewski said that this issue about when the flag should and should not be lowered dates back to 1999. Jim Slorzuk had approached the Council at that time and recommended a Flag Protocol Committee to resolve some of these issues. Acting Manager Kwasniewski contacted the Governor's office who indicated that the

Mayor had the ultimate say regarding municipal functions and flags. She explained this to Mr. Slorzuk who suggested they review this again.

Mr. Slorzuk said that in 1998 and 1999 when going to the Library he would see the flag at various heights on the pole for no reason. He questioned this and found that the Head of the DPW was raising and lowering the flag once for the death of a fireman and another time for the death of someone else who had been a volunteer in the town but who had lived in Florida for the last 20 years.

Mr. Slorzuk wrote to Councilmember Trawinski, the Mayor at the time, who put him in charge of the Flag Protocol Committee. This Committee came up with guidelines based on the American Legion booklet and Council Members were given a copy of the guidelines. He has recently reviewed the 1999 guidelines that cover public and private properties and he has concluded that they are still relevant, however, with a few changes. These changes include notification on Channel 77 with information about the person the flag is being lowered for, the duration, etc. This information should also be posted on the Borough website along with a notice on the bulletin board.

Mr. Slorzuk stated that the Governor has been contacting schools throughout the County ordering the flag on school properties to be flown at half staff in the entire state for varying lengths of time. This is being done to recognize firemen who pass away throughout the State and Mr. Slorzuk stated that this is not right. He said that for Veterans Groups lowering the flag is the highest honor that can be bestowed to honor someone. Mr. Slorzuk wrote to the Governor's office about his concerns but has not received a reply and he now plans to write directly to the Governor himself in hopes of resolving the situation.

Mr. Slorzuk mentioned that Mel Kaplan the JVV Commander just returned from a State Convention and nothing was mentioned about the Governor's orders. He also disagreed with the Governor office's statement that the Mayor would decide when the flag would be lowered. He recalled that in 1999 these guidelines were put into place to protect the Mayor.

Acting Manager Kwasniewski stated that she has a notice from the Governor stating that the Mayor and Council have the authority to decide when the flag should be raised and lowered. Councilmember Baratta stated that flag protocol doesn't go out of style and it should be kept the same as it has always been. Mr. Slorzuk had copies of the American Legion flag protocol handbook for the members who were not on the Council in 1999.

Tim Franco, of the Fair Lawn Fire Department Company 3, stated that there is information regarding the flag in the department handbook. Mr. Slorzuk said that fire

fighters were invited to be part of the Flag Protocol Committee ten years ago but they refused to join. He said he would be happy to meet with the Fire Department.

Mayor Weinstein said he would like to find out the criteria from the Governor's Office to determine whether the municipality can make the decision on the lowering of the flag. Mr. Slorzuk said that the Governor's office should share guidelines regarding flag protocol for all circumstances to municipalities in the State. Mayor Weinstein reiterated that he would also be in contact with the Governor's office regarding this issue.

Competivization Committee

Mayor Weinstein said he had distributed a memo and other information and he said that this is the kick off for the Competivization Committee. Committee members will decide on meeting dates and times and topics for discussion. The resolution states that the committee must meet once a month and if they meet this month a report is needed by the Council by the fifteenth of the next month. The Committee will work through the Manager and CFO.

Mayor Weinstein stated that the Committee might want to get involved with Recycling which is a hot topic in the Borough at the moment. The committee will be given resources including the 2008 budget and the budget for 2009, when it becomes available, for comparison purposes.

Deputy Mayor Tedeschi said that the Borough is facing debt that has increased three times faster than the GNP. Society is over leveraged at the moment and he anticipates de-leveraging in the future that will cause a lot of pain. There is no single solution but Deputy Mayor Tedeschi feels that the people on this committee will work on savings for the Borough. The purpose is not to put employees out of work but to find a more efficient and economical way of delivering services. This was done as a five year plan at the BCUA and over \$50 million was saved. He noted that it is easy for people to focus on specific things when they are not involved in the daily operations of the Borough. Questions such as the out sourcing of recycling and other services as well as in house garbage collection and better management are things that need to be looked at by the Competivization Committee.

Mayor Weinstein also suggested researching alternative energy sources which he had discussed recently with the Board of Education. He thanked the members of the committee for coming out tonight and asked if there were any questions.

John Man said that the mission of the committee is fairly narrow when looking at expenses. Deputy Mayor Tedeschi mentioned looking at ways to increase revenues and Ray Voncino suggested changing the mission statement. Councilmember Trawinski agreed that the resolution should be changed as soon as possible to include

revenues. He said that the Council regularly looks to see whether the fees charged for services are in keeping with those of other municipalities. They are limited to a 4% annual increase in taxes and perhaps the committee will recommend that the Cap law be changed on issues such as environmentally friendly vehicles that would save tax payer's money in the long run.

Councilmember Trawinski said that if this committee delivers cost savings such that the municipal budget decreases and revenues increase, the people of Fair Lawn still will not see the relief in property tax bills because it is the cost of public school education, funded by municipal taxes, that is the real issue. Approximately 65% of the tax bill is attributable to school taxes and county taxes but he agreed that bringing in people who think outside the box is the right thing to do.

Councilmember Baratta said that all the committee members need to exchange phone numbers and e-mail addresses to get started immediately. She said that they should consider going to Trenton with a list of items to lobby for since the politicians are not listening. Mayor Weinstein stated that the property tax issue needs to be fought on many fronts and he thanked the Committee members again.

Parking Around the High School

Acting Manager Kwasniewski stated that Traffic Manager Tim Franco's is responding to phone calls and petitions he had received regarding parking in the vicinity of the High School. The Mayor and Council like the suggestions offered by Mr. Franco, however, there were some concerns about Orchard Street and they didn't want to make any decisions without giving the public the opportunity to speak. Copies of the proposal were sent from the Acting Manager's Office to the residents on the affected streets. Acting Manager Kwasniewski stated that she received phone calls and emails from residents on Lexington Street who didn't want to come out tonight because of the bad weather but who indicated that that they want parking on their street left alone. Their only concern was the mess and litter left by the High School students. They were also concerned that the parking times are not enforced, however, she assured these residents that the police do write tickets because she receives complaints from parents of the children who get the tickets.

Officer Franco said that he has done a study and the issue is that there are no restrictions on one side of the street and cars are restricted to parking there all day long. He referred to the streets, other than Orchard Street, and stated that residents on that one side of the street bear the brunt of the cars being there all day. The other sides of the streets have timed parking. Parking is not allowed on Orchard Street from 8 A.M. to 2 P.M. on either side and from 2 P.M. to 10 P.M. alternate side parking is in effect which means that the residents on Orchard Street cannot park in front of their houses on certain days of the week. This causes a lot of confusion and his proposal is to allow

parking on the street every other day on one side of the street. This would also allow for easy access by the street cleaner and for leaf pick up. This was tried on Norma Avenue and it worked. Officer Franco has included Orchard Street because it will open up more parking in the area. He said that most streets in Fair Lawn are 30' wide with parking on both sides and this slows traffic and if a street appears busy people tend to avoid it. He concluded stating that more parking is being created in the area and the burden is being reduced on the other streets from one side to the other.

Deputy Mayor Swain agreed and noted that alternate side of the street parking offers consistency. Officer Franco said that parking would be allowed on the same side of every street on those specific days. This will also be easier for enforcement.

Councilmember Trawinski said that this has been studied before and he asked what is provoking a change this time. Officer Franco said that people on Orchard Street who have cars in front of their houses every day are complaining because they can't park their cars in front of their houses and can't get their leaves picked up. Councilmember Trawinski said he spoke to residents on Orchard Street who were now used to the situation and they were concerned because there are a number of things that aren't being enforced such as the blocking of hydrants and parking during school events. He wondered if they are trying to fix something on Orchard Street that is not broken instead of addressing concerns by the people on Lexington Street.

Mayor Weinstein opened the meeting for public comment.

Steve Rickett, 14-13 Berdan Avenue stated that all of the residents on Orchard Street committed to the parking in the past which was a result of a long study by the Council. He said that 90% of the cars coming up Berdan Avenue turn onto Orchard Street to cut through to drop off children at school. The residents had asked for a prohibition on parking between 8 A.M. and 2 P.M. because kids were all over the street eating lunch and littering pizza boxes and cigarette butts. The residents on Orchard Street are now happy because the street is now clean and he knows of no complaints. He noted that cars are parked on the sides of the street and blocking driveways almost every weekend which makes it difficult to get in and out of the house. Mr. Rickett said he hasn't talked to everyone on the street but those he has talked to want parking on the street to stay the way it is.

Mr. Rickett suggested paving over one of the high school fields for parking. On the weekends, he said that the police get called regarding parking violations but they don't do anything. The High School opens the front doors and this is the reason for parking in this area and the parking lot is empty in the back. He said the only complaint he has is that the signs are so confusing. He added that police need to give tickets, not warnings, to discourage parking. The ability of emergency vehicles to navigate through the street

is compromised due to the dropping off and picking up of people in this area. Mr. Franco said he supports the parking proposal for other streets in the area.

John Campbell, 1251 Burbank Street, stated that the high school students throw garbage all over and use his street as a flight deck doing 40 mph in a 25 mph zone. He has complained several times and hasn't seen much done. He said that this is the responsibility of the school and not the police. He suggested building a parking lot or allowing students with the best grades park in the parking lot. He said that the residents of these streets bear this burden and he hopes that the Mayor and Council do the right thing and deal with this parking problem. Mr. Campbell said that when the addition was built at the High School they should have considered the parking problem.

Mayor Weinstein stated that they did think about parking and had a resolution in mind but there are neighbors who don't support this resolution. Mayor Weinstein asked if Mr. Campbell supports alternate side of the street parking or would he prefer no parking at all on his street. Mr. Campbell said he wants to be able to park his car in front of his house which he doesn't think is unreasonable considering the amount of taxes that he pays. Mayor Weinstein again asked if Mr. Campbell thought alternate side parking would help the situation. Mr. Campbell said that he doesn't favor this and it shouldn't be the resident's responsibility to have these students parking all over the streets.

Deputy Mayor Swain asked if Mr. Campbell would prefer no parking on the street. Mr. Campbell said he didn't mind residents parking on the street, however, it is not fair to have a visitor park a distance from his house because all of the parking is taken by high school students. He said it is not fair that he should have to deal with the litter and he added that safety is being compromised due to speeding in the area.

Officer Franco said that taking cars off the street makes it appear wider and he added that only a handful of kids are breaking the law. Mr. Campbell said he sees the same kid in the same car speeding up and down the street every day. Officer Franco said he had spoken to Mr. Campbell about this and they are trying to find this person. He added that the school has a process of warnings, in school suspensions and the police write tickets when they catch the students. Mr. Campbell said that his major concern is speeding because it will kill people and he suggested speed humps.

Councilmember Trawinski said he had been advocating speed humps for a while and he asked about a resident only sticker program. Officer Franco said that this won't help because it is residents of the Borough of Fair Lawn who are parking. Councilmember Trawinski said that there are 60 to 120 parking spaces available along the railroad tracks that are owned by the Borough. This option was discussed with the Board of Education who indicated that High School students wouldn't walk the distance from this area to the High School. He asked if this would address or replace the quantity of parking spaces for the residents of Lexington and Burbank. Officer Franco said he

wasn't aware of the traffic count but he thinks the Engineer has it. Councilmember Trawinski said that they need to take another look at this because the parking restrictions will just put this problem somewhere else. Mayor Weinstein said that the Board of Education said that making this property into a parking lot would mean the removal of a significant amount of property, trees and the shade.

Ann Lustgarten, Burbank Street, said that speeding is a problem and she once took a life size doll and put it in the street to see if it would slow anyone down but it did not. She said that in the past she had approached the students about moving their cars slightly forward or back so that two cars would be able to park in front of a house and she found the students to be cooperative. She said she is happy with the parking the way it is and she added that this parking proposal would mean that a number of signs would have to go up explaining it and the street wouldn't look as pretty as it does now. There are signs now on one side of the street and she suggested more enforcement because there are cars parked in front of her house for more than two hours. Officer Franco pointed out that the homes on the other side of the street have cars parked in front all day long. Ms. Lustgarten said that she is positive that cars park on one side of the street for more than two hours and Officer Franco said he is sure that students just come out and move their cars to the other side of the street after two hours. He is trying to give people on one side of the street on Orchard Street relief by pushing the cars to the other side of the street and he explained his proposal again.

Deputy Mayor Tedeschi said that his office is on the corner of Norma and Burbank Street where there is two hour parking on the opposite side of Burbank St. He has been there for six months and he recalled a week where there was ticketing going on and no one parked there for a long time and now they are coming back again. He said that the police department is charged with enforcing the law and not selectively enforcing the law.

Michael Ryan, 1250 Burbank Street, said that the parking problem has worsened since the addition was built at the High School. He said that there is a parking lot at the community center and the students should be forced to park there. He stated that he was angry when he got this letter because it is bad enough that he has to put up with the students in front of the house but now he has to deal with making sure cars are parked on the correct side of the street. He wants enforcement of a rule that the students can't park on these residential streets at all.

Deputy Mayor Tedeschi noted that the same commuter parks in front of his house daily, however, it is a public street and he can park there. If students are banned from parking on these streets then everyone has to be banned. Mr. Ryan said that if the school can enforce a dress code and they can enforce a parking code. Officer Franco asked what type of punishment there would be for parking on the street. Mr. Ryan said that a student could be sent home or suspended for parking on the street. Officer Franco said

that the only way to stop someone from parking is to prohibit parking from 8 A.M. to 3 P.M. and it must apply to everyone.

Mayor Weinstein stated that there have been a number of meetings since he has been on the Council regarding Orchard Street which had nothing to do with the expansion of the High School. There is an issue of speeding throughout the town but the issue here is litter. He reminded everyone that these students are residents like everyone else in the town and they have a right to drive their cars and find a place to park. It is an issue if they don't park properly, litter or speed. He said that Officer Franco is trying to give parking relief to residents on Orchard Street. Mr. Ryan said he would rather have things stay the same on his street and he doesn't understand why the school can't give up some of their property for parking purposes.

Thomas , 12-66 Burbank Street, said he is totally against this alternate side of the street parking proposal. He parks his car on the street in front of his house every day and he said it is difficult crossing the street with a young child with all of the speeding because you can barely see who is coming down the street. He agreed that the Board of Education should provide parking for the students.

Tad Stockman, Alexander Avenue, asked if Alexander Avenue was included as part of Officer Franco's study. Officer Franco said that Alexander Avenue was not included. Mr. Stockman stated that he would support the alternate side of the street parking because being at the end of this cul-de-sac is like being in a long jam with both sides of the street being blocked by students who can walk through the end of the street right into the High School. This parking would give the residents three days a week to be able to exit their driveways.

Stuart Kramer, Berdan Avenue, said that he had inquired about parking on the north side of Berdan Avenue. He was told that parking is allowed from 8 P.M. to 6 P.M. except Sundays, however, he has never seen this enforced and he has lived in this house since 1963. Officer Franco said the sign noting the parking guidelines would be put back up, however, Mr. Kramer commented that the sign has been missing for nearly 50 years.

Honey Morgenstern, 1255 Lexington Street, said that she lives on the side of the street where parking is allowed all day and she once swept up garbage and gave it to the High School principal. She requested that a no parking sign be installed in the area between 1243 and 1255 Lexington Street because she can't maneuver out of her driveway if cars are parked on the street.

John Campbell, 1251 Burbank Street, said that the Council could introduce an ordinance to enact a program with permit stickers for parking in a specific area.

Attorney Rosenberg said he would have to research this and the Council asked him to do this.

Steve stated that the police department is supposed to enforce the law and if the law isn't enforced no one will ever learn.

Craig Miller, 5 Ramapo Terrace said that the problem is that parents today give a car to their son or daughter instead of making them walk to school. He said that the best way to tackle speeding is to get a license number and follow up with a citizen's complaint. When students realize that their license plates are being reported they will stop speeding.

Deputy Mayor Swain thanked everyone for coming out. She said that Officer Franco's proposal should be given a try because it was based on a lot of research and input from residents of the different streets. She liked that fact that there was consistency throughout the areas involved. The issue is really the litter and if this could be resolved everyone wouldn't be so concerned about the parking. The school system should address this issue and Deputy Mayor Swain suggested utilizing a safety patrol made up of students who are in the Junior Police Academy. Mayor Weinstein said that this would have to be discussed with the Board of Education. Deputy Mayor Swain also suggested car pooling to use less parking.

Doreen Stockman, Alexander Avenue, asked if this issue was going to be voted on tonight. She said that they came out tonight in support of Officer Franco's plan provided that Alexander Avenue was included. Mayor Weinstein said that action will not take place tonight.

Acting Mayor Kwasniewski reiterated that she had received phone calls and emails from five residents on Lexington Avenue. They do not want any changes made, however, they noted that litter was their main concern. Officer Franco said that the five people who don't want any changes live on the opposite side of the street from where the cars are parked all day.

Honey Morgenstern commented that most of the students are too lazy to walk from a parking lot at Sasso Field to the High School. She added that unless there is a video camera present there is no way to prove that anyone is leaving garbage all over the street and rearranging the parking from one side of the street to another doesn't address the litter problem.

Andrea Rickett, 1413 Berdan Avenue, said that she has lived at this address since 1973 and they really had no problems until 1999 when the smoking ban at the High School took effect. She said there is major disrespect from the students in general, as well as the parents.

Ann 73-99 said that the only a small portion of the students are disrespectful, litter crazy and fast drivers. She said most of them are nice kids and when she has offered them a garbage can they put their litter into it.

Mike Reiner, said that he live on the portion of Burbank Street between Hopper and Berdan. He asked about the wording of the ordinance and Officer Franco said that he would have to measure the street to be more specific and he wants to have as little impact on everyone as possible.

Steve Rickett again said that he doesn't want the parking altered on Orchard Street because everyone is very happy with it.

Council Members agreed to reconsider this proposal at the next work session. Mayor Weinstein asked everyone to look at the area in the morning, at lunch time and at 3 P.M., if possible, and also to read the signs.

Councilwoman Baratta stated that she lives on Fair Lawn Avenue and travels this area daily to take her daughter to school. She said that people are constantly throwing their Dunkin Donuts garbage on her property and she knows how upsetting this is. She asked if anyone had approached the Board of Education about this problem.

Councilmember Trawinski commented that he didn't hear anything tonight that favors a change on Orchard Street and he would recommend removing this from the discussion. Mayor Weinstein advised against that. Councilmember Trawinski referred to the people on Alexander Avenue and said that this parking proposal needs the support of a substantial number of residents on the block. Mayor Weinstein said that this will be discussed at the meeting in two weeks.

Symposium – Economic Survival 2009 – May 6, 2009

Mayor Weinstein asked for approval by the Council of a symposium he has assembled called the Fair Lawn Economic Resource Symposium for Wednesday, May 6, 2009. The program would run in the theater from 3 P.M. to 6 P.M. At 3 P.M. the various speakers would set up tables and distribute brochures for their particular organizations. Registration would begin at 3:30 P.M. with speakers beginning at 4 P.M. The five organizations who would be speaking are as follows:

1. Bergen County Economic Development Corp would explain details of grants that the County is offering to small businesses.
2. Small Business Development Center – Vince Delia would speak about improving FICA scores and improving your position when going to banks for loans.

3. Joe Rulch would speak on foreclosures and the loans that are available from the County.
4. Bergen Community College – Susan Johnson, Vice President would speak on the vocational program available at the school.
5. Charles Gonzalez of the Work Force Investment Board would offer assistance with resumes and training

Mayor Weinstein will also speak with the incoming President of the Rotary to see if they would like to help sponsor the event as well as the Fair Lawn Chamber of Commerce and the River Road Improvement District.

Mayor Weinstein said that he has been involved in programs of this type before and they are usually quite successful in helping people deal with being downsized. There is no cost involved and the Fair Lawn Chamber said they would pay for coffee and donuts.

Councilmember Trawinski said that this program has his support but he pointed out that in Morris County they are far more progressive in an annual summit sponsored by the Morris County Development Corporation. The event is open to all towns in Morris County and they also have State speakers which he suggested should be considered. Mayor Weinstein said that he found that there hasn't been one community in Bergen County that has done this and he would like to invite the neighboring communities. There was a consensus of support among Council Members.

Mayor Weinstein stated that he invited the woman from the EDA to speak to the Council on February 24th regarding the economic programs that are offered.

Discussion Regarding the Five Minute Rule

Mayor Weinstein stated that he wants to formalize the five minute rule. A resident would have the opportunity either to ask as many questions as they would like within the five minutes or they could ask a question and wait for an answer but that would have to take place within the five minutes. He stressed the importance of sticking to the five minute rule in order to keep the meeting moving.

Councilmember Trawinski said that he understands the Mayor but he disagrees because one of the most frustrating things he found when he was not on the Council was watching Mayor Ganz run his meetings. There was no dialog between the Council and the residents and people are entitled to that.

Deputy Mayor Tedeschi said that dialog within the five minutes is fine. He pointed out that the resolution states that this is the "time to open the meeting for public comment". Councilmember Trawinski said that a resident should be able to speak for five minutes

or ask questions and Council Members should have the opportunity of saying that they will take the question under advisement if they don't know the answer.

Acting Manager Kwasniewski stated that when an answer is given to a person's question the timer is stopped. The timer starts again when the person resumes talking. Councilmember Baratta said that the resident is getting a net five minutes and Mayor Weinstein stated that the problem is that this grows to 15 minutes if they ask 15 questions and get 15 responses. To be fair to the public, everyone should be limited to five minutes in which to make a comment or ask a question.

Deputy Mayor Tedeschi asked if it would be all right if a resident over a period of five minutes asked 10 questions and at the end of that time asks for an answer. Mayor Weinstein said this would be fine, however, Councilmember Trawinski said that in reality there is often a give and take discussion and sometimes they learn from the public. Mayor Weinstein felt that it is only fair to the audience and people watching on TV to keep the meeting moving and have some kind of measuring device but Councilmember Trawinski disagreed.

Deputy Mayor Swain stated that people should be encouraged to use their five minutes and Council Members should not interrupt. Councilmember Trawinski said he doesn't disagree with the net five minutes, however, he has a problem with the time for response. Deputy Mayor Swain agreed and added that if there is something to be said after five minutes, the Councilmember should be able to continue.

Mayor Weinstein concluded stating that they will have to think about this some more and Councilmember Baratta said that one of the problems is that they are not consistent with the rule. Councilmember Trawinski indicated that he is in favor of the net five minutes and he realizes that at times people will be cut off.

Mayor Weinstein asked that Ms. Bojanowski not stop the timer so that everyone can get an idea of what is really happening. If the person has additional questions or questions they can continue at the discretion of the Council. Councilmember Trawinski said that if there are a number of people who want to speak the Mayor has the discretion to limit the time for speakers.

Deputy Mayor Tedeschi disagreed with the five minute rule because there are speakers at times who make very good points and it would be wrong to tell them they need to stop talking. Attorney Rosenberg stated that the Mayor and Council have the right to enforce the five minute rule at any time.

Acting Manager Kwasniewski asked how they should handle people who come up to speak three and four times. Councilmember Trawinski said that this should be based on the hour and this is the way it is handled at this time. Councilmember Trawinski said

that some municipalities ask for a show of hands of how many people want to speak at the beginning of the meeting.

Council Liaison Reports

Deputy Mayor Swain reported that she attended a meeting on the Joint Insurance Fund (JIF) with the Mayor in Mahwah. They obtained a lot of interesting information regarding medical exams that would pertain to the volunteers. Mayor Weinstein stated that he learned that having a volunteer Fire Department saves \$150 per resident or \$4.5 million in Fair Lawn annually. They are receiving good response from the volunteers and she added that the volunteers do not have the option of choosing a hospital. They must use Valley Hospital. Councilmember Baratta commented that the biggest hurdle was that the volunteers felt that they had been left out of the loop and once they were part of the process it was no longer an issue.

Mayor Weinstein stated that Ron Conte had some input into a film that they watched. Fair Lawn was also recognized for being ahead of the curve in the use of safety cones. Other towns are interested in implementing a similar program. Deputy Mayor Swain said they also learned that the job of crossing guard is the most dangerous municipal job. Acting Manager Kwasniewski stated that \$250 each was saved on this program.

Mayor Weinstein reported on the Open Space meeting last night. The Acting Manager and Borough Attorney have discussed the issues and Acting Manager Kwasniewski said that they are trying to expedite the situation with the Fire Department. Attorney Rosenberg has put a contract together which she hopes will be signed soon and forwarded to Green Acres. The Engineer for the Fire Department is working on the subdivision line. Councilmember Trawinski recommended that the contract contain a "but for" clause for the Green Acres purposes. Mayor Weinstein stated that it has been recommended to put out a "gentle letter" to reach out to the property owners of these open space areas indicating that the Borough would be interested in a right of first refusal if these properties go on the market. He asked for a consensus from the Council to proceed and the Council indicated that this should go forward. Acting Manager Kwasniewski said she would email a draft of the letter for review by Attorney Rosenberg first and then get the Council to sign it.

Mayor Weinstein stated that Acting Manager Kwasniewski brought up the possibility of grant from the County for the Skate Park which will be done in the spring. Councilmember Trawinski said that the Lackland property would show as property that has been acquired by the Open Space Committee even though it is a donation.

Councilmember Baratta stated that the Alliance had a turn out of between 15 and 20 parents for the parenting workshop at the Community Center. The workshop is scheduled for the next two Tuesdays when a larger turn out is expected. Robin

Shamock, from the Borough, was approached by the Animal Rights Club and Operation HART at the High School who are sponsoring service dogs for men and women returning from Iraq. They will be raising funds to train the dogs through a Battle of the Bands. At the last meeting, the Alliance agreed to sponsor the event and 10% of the presale revenue and 50% of the concession revenue will be donated. There will be Alliance related information at the event and the main goal is to get kids into the Community Center to see these shows which will take place later this year.

Councilmember Baratta reported that she, Deputy Mayor Tedeschi and Acting Manager Kwasniewski attended the 501C meeting and everything has been worked out with the Beefsteak and the Rotary Beefsteak. The date is Saturday April 4th at the Community Center and the cost is \$40 per person. She said that March is Women's History Month and she has a sample resolution that could be put on the agenda.

Councilmember Trawinski reported that the ADA Committee met and elected Dianne Albarella as the Chairperson. He said a number of things will be coming to the Council on behalf of the Committee and there were reports concerning entrance accessibility to the Municipal Building. The Engineer was looking into the automatic door opener which Councilmember Trawinski did not think was a big expense and he suggested pursuing CDBG money for this.

Councilmember Trawinski said that they have a very significant contributing member, Dave Jordon, who has a brother confined to a wheelchair. He had a number of excellent suggestions regarding a brochure they are working on.

Regarding the Open Space Committee, Councilmember Trawinski stated that because the pedestrian bike path was done with State funding they would be eligible for State funding on the DOT's program for bicycle paths. They also discussed authorizing Attorney Rosenberg to ask the Zoning Board Chairman to expedite the application when it is submitted by the Fire Department. Attorney Rosenberg asked for permission to attend this Zoning Board meeting on behalf of the Borough.

Deputy Mayor Tedeschi said that he attended the 501C3 meeting and was impressed because they are challenging bills. He stated that he is attending the River Road Improvement Committee meeting on Thursday and he is also attending the CD meeting on Thursday night. NOT SURE IF THIS IS CORRECT

Councilmember Trawinski asked about attending the Board of Education meeting at Edison School on Thursday. The meeting begins at 7:30 P.M. and there will be an architect present discussing solar panel farms.

Change Pay to Play Ordinance and Request for Further Research by Borough Attorney

Attorney Rosenberg stated that amending the Borough's Pay to Play ordinance had been discussed at a previous meeting. He had e-mailed Council Members a March 10, 2006 memo which outlines the scope of the Pay to Play ordinance. He also distributed 19:284A 2025 and highlighted and reviewed the applicable sections. He wanted to establish the statutory base requirement for prohibition which establishes the nexus between contribution and the municipality. This is the State prohibition but there is nothing that prohibits a particular municipality from extending that particular limited prohibition to a municipal party in the municipality itself.

Attorney Rosenberg stated that he had conducted a survey of other towns that have adopted Pay to Play ordinances. He presented excerpts of specific language contained in ordinances from Englewood, Hasbrouck Heights, Franklin Lakes, Emerson, Hillsdale, Ho-Ho-Kus, Riverdale, Westwood and Jersey City. He pointed out that the Franklin Lakes ordinance is similar to Fair Lawn's, however, it provides an anti-circumvention provision that might be something that the Council would want to look at and he pointed out other differences in the various ordinances. Attorney Rosenberg stated that the Fair Lawn ordinance meets the minimum requirement with the current ordinance.

Councilmember Trawinski said that he had asked Attorney Rosenberg to look at Section 1A in the context of the memo. He asked if the Council could take the advice in the memo and have it applied to Fair Lawn's ordinance. He indicated that he is satisfied with the present ordinance which had been presented twice by Acting Manager Kwasniewski, however, if the Council thinks the ordinance should be clarified he would recommend amending the ordinance to make it crystal clear. He said that campaign contributions that are made to an alter ego of the County Democratic Organization that become a vehicle for contributions to be wheeled throughout the County should not be tolerated. These alter ego accounts were used when the BCDO accounts were maxed out. There were loans back and forth between the Victory Account and the BCDO in the hundreds of thousands that were filtered down in any given year.

Mayor Weinstein stated that people are people and in this recent campaign both Democrats and Republicans did not receive any contributions like those received in the 2005 campaigns. He said that this issue has been closed and the issues that need to be discussed are the budget and helping the people in Fair Lawn.

Councilmember Baratta said that she would like to end this also but they don't pass these ordinances only for the people sitting around the table now. Mayor Weinstein stated that ordinances do not need to be passed if people are following the rules and in this case the rules were being followed. Councilmember Trawinski said that you can't stop people from breaking the law you can only do the best you can. He doesn't agree with the Borough Attorney's opinion but if there is a loop hole it should be closed.

Acting Manager Kwasniewski pointed out that the ordinance refers to loop holes but the Victory accounts are not mentioned. Councilmember Trawinski said that they have to give the information if they know it but he did not believe anyone knew about the Victory accounts at the time. He stated that he would like to see the interpretation question closed. Attorney Rosenberg said that in order to do what Council Members Baratta and Trawinski have raised the ordinance would have to be amended to specifically say joint County Candidate Committees are also prohibited. He explained that Victory 2006 was a joint County candidate Committee for two county freeholder candidates as was Victory 2007 and when the Borough Auditor made contributions to that entity for the purpose of supporting that entity, that entity then, as permitted by law, made contributions or loans to the BCDO which is a prohibited entity under the Borough ordinance.

Councilmember Baratta asked why the BCDO is excluded and she noted that the Victory accounts and the BCDO are one and the same and the money goes back and forth between the two. Mayor Weinstein said that when the ordinance was done they were getting money from the BCDO and the Council is now saying to the professionals that they cannot contribute to us but they should not be contributing to County candidates either. He stated that they have succeeded in doing what they set out to do because they didn't get any money from the Victory Campaign. He didn't think they should step over the line by telling them they can't contribute to the County and candidates if they want to do work in Fair Lawn. Councilmember Trawinski said that the County organizations use the same treasurer, the same bank and the same County Chairman for the Victory accounts as the BCDO and Attorney Rosenberg said that this is allowed legally. Councilwoman Baratta said that the proof is that the auditor's check written to the Victory Account that went to the BCDO account.

Councilmember Trawinski said that this focuses on one series of professionals that got the majority of the contracts during Ferriero's time period and they are saying that they don't want this to happen any longer. Councilmember Trawinski asked that Attorney Rosenberg draft an amended ordinance.

Manager's Search Procedure

Acting Manager Kwasniewski reported that she has advertised for the Manager's position on the League of Municipalities website and it was also included in the Municipal Manager's bulletin. She has received 18 resumes. Two candidates have had past experience as administrators, however, the other candidates have no municipal experience. She asked if the Council wanted her to run the advertisement again. Mayor Weinstein and Council Members indicated that they would like to see the resumes. Council Members agreed that the advertisements should continue to be run.

Proposed LOSAP Ordinance Changes

Acting Manager Kwasniewski discussed LOSAP changes. They are recommending a change the point structures which would give all Chiefs 100 points instead of 50 points. The Chiefs go to the scenes and they don't sign in. They also put in a tremendous amount of time which is another justification for the 100 points.

Deputy Mayor Tedeschi questioned the financial impact of changing the point system and Acting Manager Kwasniewski said it is not great. Only 30% of the volunteers are making LOSAP contributions, therefore allowing four people to be guaranteed would be an insignificant amount of money. She said that Attorney Rosenberg could do an analysis on the effect of changing all the points. Acting Manager Kwasniewski will bring this back to the Council in mid March.

Public Comments

Craig Miller, 5 Ramapo Terrace, referred to the Competivization Committee and asked if savings could be realized if the Board of Education were included. Mayor Weinstein said that Mr. Mantavelli is on the committee and the idea is that he would bring some of the ideas to the Board of Education.

Regarding the five minute rule, Mr. Miller said he agreed with Councilmember Trawinski. He said when a resident asks 15 questions in five minutes it will take the Council 15 to 20 minutes to answer them. This will not move the meeting along and he recommended leaving the procedure as it is.

Mr. Miller spoke about the dead end sign on the street where the Ambulance Corps building is located. He said that the sign is not visible when turning from either side of Plaza Road. He added that trees have either been trimmed or removed in the area of the cell tower and there is enough room here for a car to fit through. He suggested some type of barrier to narrow the space.

Acting Manager Kwasniewski said that there will be another dead end sign put on the other side of the street. They will keep an eye on the area of the cell phone tower.

Mr. Shevchuk - Sergey Shevchuk, 15 Gurney Terrace. If you enforce the public time limits you should also force time limits for the agenda items. Currently, I don't see you doing that.

Mayor Weinstein - This is an estimate of time because we don't know what the discussion is going to be. It's a work session.

Mr. Shevchuk – What are you trying to do.

Mayor Weinstein - In the past some people would speak for half an hour and repeat themselves, therefore, a decision was made to impose a five minute rule to keep the meeting moving along.

Mr. Shevchuk – Did you create an explanation of how this five minute rule

Mayor Weinstein - When the rule was initially implemented there was an explanation.

Mr. Shevchuk – Do the people who come up to the microphone know this.

Mayor Weinstein said that the rule is always repeated at the beginning of the meeting.

Mr. Shevchuk – What if I showed up today at 9 or 8.

Mayor Weinstein said that he wouldn't have heard it unless you watched it on TV first.

Mr. Shevchuk – There should be an option to put it somehow but at the same time respect Council's time and be efficient and concise.

Mayor Weinstein indicated that this is a point to consider.

Mr. Shevchuk – I would like to say that Fair Lawn has a tendency to create difficulties for people asking public official's questions and having conversations.

Mayor Weinstein – I don't think that's the case. Any time you have had a question we have responded whether it was an email, phone call or visiting my driveway at 11 p.m. Even visiting me at 11 p.m. at night following me home from a Council meeting, waiting for me on Greenwood Drive and then following me to my house and standing in my driveway. It's not something I will ever forget.

Mr. Shevchuk – I couldn't get time for the Superintendent for Recreation for 1 ½ years.

Mayor Weinstein – I don't think that is so

Mr. Shevchuk - ??? provided to you by tomorrow morning. I asked you to interfere and say

Mayor Weinstein – Interfere.

Mr. Shevchuk – Yes absolutely. I sent emails to you asking you to look into that.

Mayor Weinstein – I did.

Mr. Shevchuk – Why ?? from Recreation Superintendent but you did not help me

Mayor Weinstein – Of course I did

Mr. Shevchuk – No you did not. So having said that I think public comment time is a very important time for Fair Lawn residents to communicate important points and possibly get quick answers and promise to get back with an answer by a certain time. Public comments can be a very useful time for the Council itself because from people's comments you might get fresh ideas and you might get resolutions for the issues you are discussing.

Now if we ask the question why people talk so much. They start asking questions and discussion starts. What is the difference between asking questions to the Council at a Council Meeting or a written question. If you say that those situations are equal and Council would respond in writing then people wouldn't come here and ask any questions. Say if you have a question just write us and we will respond to you. This way you will ??.....the possibility of your discussion. I support basically the notion that public comment is a comment and not a discussion so if you say asking questions to the Council if anything is equal to writing an email or sending an email or faxing and you will give the answer in writing and there will be no discussion at the meeting. How much more time do I have.

Mayor Weinstein – The 5 minutes are up. If you want to wrap it up you can.

Mr. Shevchuk – I need another 3 minutes. In general five minutes rule I think you should communicate with the people who come write down the names and say that this is a great opportunity to communicate important but please respect time and you can sign.

On the Manager's search I would like to ask if it is possible to see the official requirements of this position.

Mayor Weinstein – It's been advertised.

Acting Manager Kwasniewski – It is on the League of Municipalities website and it is in the Municipal Manager's bulletin.

Mr. Shevchuk – Can I see.....

Deputy Mayor Tedeschi – It's open.

Mr. Shevchuk – The resolution by consent when Council is awarding bids for example. Council needs to put all of the relevant important information for the people who come

to the meetings to see for example if you award a bid you have to say how many bids altogether and what were the amounts of the other bids. You don't need to go into the company or the address. There were five bids received this was the amount of the bid. I would like to see this information.

On the Competitization Committee is there a chance to get a copy of dates and how the Committee will operate.

Mayor Weinstein – They are operating on their own and will be deciding on how they are going to operate. They are not going to meet in the evenings. They are going to meet as they can by email and there is no set schedule.

Mr. Shevchuk – OK so the answer is its still in the works, right.

Councilmember Trawinski – That's in the Resolution.

Mr. Shevchuk – Do you have a set rule how any kind of Committee should be created.

Mayor Weinstein – No.

Mr. Shevchuk – Why not.

Mayor Weinstein – Because different committees are formed differently.

Deputy Mayor Tedeschi – They serve different purposes.

Mayor Weinstein – Some are by statute some are not, like the Garden Committee. If people want to join they are able to.

Mr. Shevchuk - I want an answer.

Mayor Weinstein – I gave you the answer.

Councilmember Baratta – Are you talking about procedures and how people are chosen for committee.

Mr. Shevchuk - That is one of the points. How people are chosen etc, etc.

Maureen Moriarity, 14 Burnham Place, spoke regarding Pay to Play and said that what is more important is no bid contracts. In Fair Lawn, contracts cannot be given to people who donate to the BCDO or the BCRO. She asked if the Nagle House property would be assessed as property for a townhouse development She said she was aware that \$1 million was paid for this property. Councilmember Trawinski said this is a question

for the Tax Assessor and it may be assessed based upon the rezoning or there may be a vacant land unit that is applied.

Closed Session:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 10:40 P.M.

WHEREAS; the Open Public Meetings 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 Personnel – Board of Ethics, County Tax Board Attorney; Attorney/Client Privilege – Borough Sponsored Events;

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 for 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 matter as set forth above are ones which permit the exclusion of the public from such discussions.

Upon motion by Councilmember Trawinski, seconded by Councilmember Baratta, the Mayor and Council returned to Open Session.

Acting Manager Kwasniewski stated that the Council will be considering the overlay zone next week. She has invited Cheryl Bergailo who has indicated she will be at this meeting.

Deputy Mayor Tedeschi said that he read the Executive Minutes for the River Road where the purpose of the overlay zone was clearly explained and Mr. Lanzelli was there. Councilmember Trawinski said that the underlying zoning is still there and this only speaks to the possibility of something else on top of it.

Acting Manager Kwasniewski asked if everyone had their NIMS training. This is the National Incident Management Systems and Deputy Mayor Swain indicated that she has not had the training. Acting Manager Kwasniewski said that everyone needs to be certified in order for a municipality to apply for a grant for the command center.

Acting Manager Kwasniewski announced that Marilyn Bojanowski will be out for two weeks for surgery. The office will be short handed and she asked for the Council's indulgence.

ADJOURNMENT

Upon motion by Deputy Mayor Swain and second by Deputy Mayor Tedeschi Trawinski, the meeting was adjourned at 11:02 P.M.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski