

Regular Meeting of February 24, 2009

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

PRESENT: Deputy Mayor Swain, Deputy Mayor Tedeschi, Councilmember Baratta and Councilmember Trawinski

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

MANAGER'S REPORT:

Acting Manager Kwasniewski stated that there was an article in The Record about the Senior Center, which highlighted the great job done by the staff and volunteers.

PRESENTATION BY DAN JOHNSON, BUSINESS DEVELOPMENT OFFICER FOR THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY.

Mr. Johnson stated that the New Jersey Economic Development Authority (NJEDA) provides assistance to New Jersey businesses by offering low interest financing, guaranteeing bank loans and offering incentives and grant packages. He discussed Invest New Jersey, a business grant program which has no fees. There is a job creation grant available to businesses that have been in New Jersey for the last two years and have at least five fulltime employees. Businesses planning to hire new employees in the next two years would receive a \$3,000 cash grant per new employee hired. There is a cap of \$500,000.

The capital investment portion provides a 7% cash grant for the purchase of equipment or renovations. The grant is open to all businesses that have been in existence for at least two years. The application is available online. Copies of paid invoices are required upon completion of the project. Tax exempt manufacturers are not eligible.

Mayor Weinstein inquired if this applied to not-for-profit groups. Mr. Johnson stated that the grants were available to all entities. This is an extremely simple and streamlined program. There is a fund of \$120 million dollars that was set aside by Governor Corzine. Interested parties could call his cell at 609-203-3696 or his office 973-648-4712. Additional information can be obtained at www.njeda.com.

Deputy Mayor Swain suggested placing a link on the Borough's website to the NJEDA's site.

PROCLAMATION - WOMEN'S HISTORY MONTH:

Acting Manager Kwasniewski read the proclamation, which was presented to the League of Women Voters by Mayor Weinstein.

Deputy Mayor Swain stated that the League of Women Voters has made many contributions to Fair Lawn. She acknowledged their "Get out the Vote" campaign, which

featured life-sized silhouettes that carried individual stories about people who came to this country to have the freedom to vote. The League also sponsors the Candidates Forum and publishes an information sheet in the Community News for both the Borough Council and Board of Education elections. They publish a quarterly bulletin which is mailed town wide by the Board of Education.

The League's influence has always been felt in the community. They have studied, advocated and supported the establishment of the Mental Health Center, the new Library building, the high school and the middle schools. The League has studied the possibility of development throughout the Borough and their recommendations have been incorporated in many Borough ordinances. The use of voting machines in Fair Lawn was the result of the League's efforts. The Fair Lawn League was the first in the County to hold out-of-office voter registration drives. The League is non-partisan. It is only after a comprehensive study that they announce a position on issues.

Councilmember Trawinski stated that League of Women Voters often think outside the box. He acknowledged Dr. Elaine Winchell, who was concerned about the disposal of fluorescent lights as they contained mercury. He suggested they add this topic to the next work session agenda.

Councilmember Baratta thanked the League of Women Voters.

Deputy Mayor Tedeschi congratulated the League of Women Voters. The League started working with the Community School nine years ago in an effort to get families to register to vote as part of new student registration.

PROCLAMATION - READ ACROSS AMERICA DAY:

Acting Manager Kwasniewski read the proclamation declaring April 2, 2009 as Read Across America Day.

COUNCIL COMMENTS:

Mayor Weinstein expressed his condolences on behalf of his family and the Council on the passing of Robert Hajinlian. Mr. Hajinlian served on the Rent Leveling Board for 26 years, many of them as Chairman. Mayor Weinstein served with him in the 1990's and found him to be hardworking and very professional.

Mayor Weinstein stated that former Mayor Martin Etlar had health issues over the weekend. He is recovering from surgery and doing well. He encouraged residents to send get well wishes.

He stated that the Roni Deutch Tax Center was offering a special fundraising promotion to benefit the Rescue Squad. They have also helped the High School.

Councilmember Baratta expressed condolences to the Hajinlian family. She wished Mr. Etlar a speedy recovery and stated that he was in her thoughts and prayers.

She attended the opening ceremony for the Morlot Avenue Bridge with Mayor Weinstein and Councilmember Trawinski. The bridge looks terrific.

She attended the graduation for the Citizens' Police Academy earlier in the evening. She encouraged residents to join the next class, which will be starting soon.

Deputy Mayor Tedeschi commended Police Officer Paul Donahue and Sgt. Michael Messina for apprehending a suspect earlier in the day.

He was concerned about open areas on the Morlot Avenue Bridge, which might entice children to explore and walk on the sewer pipes. He asked Acting Manager Kwasniewski to discuss this with the Borough Engineer.

Councilmember Trawinski also expressed condolences on the passing of Robert Hajinlian. He echoed the best wishes and prayers for Marty Etler and his wife, Vi.

He congratulated the graduates from the Citizens' Police Academy. He stated that Officers Rypkema and Eleshewich were commended by Chief Rose for recovering 20 bags of a controlled dangerous substance and a loaded revolver from a suspect. He complimented them for their fine Police work.

Deputy Mayor Swain congratulated the League of Women Voters. She encouraged everyone to find an important woman in their life and thank her for her contributions.

She noted that there were many great programs in the new Community School booklet. She stated a free bankruptcy and foreclosure seminar will be held on Monday, March 9th from 6:00 to 8:00 p.m. at the Citibank Financial Center in Hackensack.

She congratulated the graduates from the Police Academy. It is a wonderful program.

She sent her best wishes to Marty and Vi Etler. She stated that last Tuesday her father-in-law needed the services of the Ambulance Corps. She thanked Officers Muscatello and Graziano for their quick response and for keeping their spirits up during a very difficult and stressful time.

ORDINANCE ON FIRST READING:

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

ORDINANCE NO. 2142-2009 (Resolution No. 96-2009)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 24 ENTITLED "LENGTH OF SERVICE AWARDS PROGRAM" MORE SPECIFICALLY SCHEDULE "A"

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain Resolution No. 2142-2009 introducing Ordinance No. 96 -2009 was discussed.

Acting Manager Kwasniewski explained that this ordinance amends the LOSAP Ordinance by changing some of the points. They added a Deputy Chief and Battalion Chief for the Fire Department and points were added to reflect this. The organizations had asked to have the officers meet 30% of their calls in order to receive points.

There being no further discussion, Resolution No. 96-2009 was unanimously adopted.

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

**ORDINANCE NO. 2143-2009
(Resolution No. 97-2009)**

AN ORDINANCE TO AMEND CHAPTER 59 ENTITLED "AMUSEMENT DEVICES" OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, MORE SPECIFICALLY SECTION 59-2 ENTITLED "LICENSE FEE; TERM OF LICENSE" AND SECTION 59-3 ENTITLED "APPLICATION FOR LICENSE"

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta Resolution No. 97-2009 introducing Ordinance No. 2143-2009 was discussed.

Acting Manager Kwasniewski stated that this ordinance introduces a new fee of \$50.00 per machine, as the previous ordinance mentioned a fee but did not state a specific amount.

There being no further discussion, Resolution No. 97-2009 was unanimously adopted.

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

**ORDINANCE NO. 2144-2009
(Resolution No. 98-2009)**

AN ORDINANCE TO AMEND CHAPTER 204 ENTITLED "SOLID WASTE" OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, MORE SPECIFICALLY SECTION 204-15 ENTITLED "DEFINITIONS" AND SECTION 204-18 ENTITLED "MANDATED SEPARATION OF RECYCLABLE MATERIALS"

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain Resolution No. 98-2009 introducing Ordinance No. 2144-2009 was discussed.

Acting Manager Kwasniewski stated the State has mandated that asphalt, blocks, bricks, concrete and stone be removed from the garbage stream and placed in recycling.

Councilmember Trawinski stated that this was another example of the State forcing a mandate on municipalities without providing the needed funding.

Councilmember Baratta asked how residents could dispose of these materials. Acting Manager Kwasniewski stated they cannot bring it to the Recycling Center and must make arrangements with their contractor. Councilmember Trawinski stated they were forced to push this extra burden on the residents.

There being no further discussion, Resolution No. 97-2009 was unanimously adopted.

ORDINANCE ON SECOND READING:

Upon motion by Councilmember Trawinski 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. 2139-2009 (Resolution No. 99-2009)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 223 ENTITLED "TOWING" TO REVISE THE MINIMUM RADIUS REQUIREMENTS FOR ALL TOWING OPERATORS DOING BUSINESS IN THE BOROUGH OF FAIR LAWN

Tom Losiscero, owner of All Points Towing thanked the Mayor and Council on behalf of his company, Citywide Towing and Arrow Towing for stopping problems before they occurred. He felt the amended ordinance would help the owner of McDonald's and will allow the Police towers to provide good service.

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 Trawinski and a second by Deputy Mayor Swain, Resolution No. 99-2009 adopting Ordinance No. 2139-2009 was discussed.

Councilmember Trawinski thanked Mr. Losiscero for bringing this matter to their attention. He thanked the attorney for McDonald's for his patience in allowing them to do the ordinance the right way, at the same time enabling them to resolve the litigation. He also thanked the residents for their patience.

There being no further discussion, Resolution No. 99-2009 adopting Ordinance No. 2139-2009 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY:

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

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

RESOLUTIONS BY CONSENT #6-2009

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeschi Consent Agenda 6-2009 containing the following items was unanimously passed.

- a. Resol. #100-2009 - Inter-local Agreement with Ho-Ho-Kus: Health Officer
- b. Resol. #101-2009 - Approval of Minutes:
 - Work Session – 11/25/08
 - Regular Meeting – 11/25/08
 - Closed Session – 11/25/08
- c. Resol. #102-2009 - Inter-local Agreement with Ridgewood: Maintenance and Repair of Traffic Signals
- d. Resol. #103-2009 – Cancel Year 2009 Property Taxes Due to Property Classification Change from Ratable to Tax Exempt (8-26 Plymouth Drive)
- e. Resol. #104-2009 - Cancel Year 2009 Property Taxes Due to Property Classification Change from Ratable to Tax Exempt (5 Madelyne Place)
- f. Resol. #105-2009 - Cancel & Refund Property Taxes Due to a Veteran Property Tax Exemption (0-38 Saddle River Road)
- g. Resol. #106-2009 – Confirmation of Fire Board Actions
- h. Resol. #107-2009 - Approving Knights of Pythias Hand of Friendship Outdoor Fair
- i. Resol. #108-2009 – Appointments to the Rent Leveling Board
- j. Resol. #109-2009 – Authorizing Tax Appeal Settlement – BRE/Amerisuites Properties, LLC
- k. Resol. #110-2009 – Authorizing Tax Appeal Settlement – Hurwitz
- l. Resol. #111-2009 – Authorizing Tax Appeal Settlement – Knollcroft Gardens Assoc. FLP
- m. Resol. #112-2009 – Authorizing Tax Appeal Settlement – CVS, Inc.
- n. Resol. #113-2009 – Authorizing Tax Appeal Settlement – Brizzolara
- o. Resol. #114-2009 - Cancel & Refund Property Taxes Due to an Incorrect Added Assessment - Swoboda

Deputy Mayor Swain noted a typographical error on Resolution #105-2005 should be corrected to read 100%.

PUBLIC COMMENTS:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the time for public comments was opened.

Pam Coles, 13-34 George Street stated that friends who are business owners near River Road received a letter regarding the River Road condo development with the four stores and 17 units. She heard that the developer did not want to provide the COAH units that were required. Attorney Rosenberg stated he did not have any information regarding this. He will look into it. Ms. Coles asked that his findings be distributed to the residents on George Street who live within 200 feet.

Sergey Shevchuk, 15 Gurney Terrace thanked the Council for giving so much of their personal time to the Borough, for trying to solve problems and for working together for better or for worse. He felt that the amount of time they spend away from their families was tremendous and he wanted to thank them on behalf of all Fair Lawn residents for all they do.

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

CLOSED SESSION RESOLUTION

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, 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 – Fire Company #1.

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 Councilmember Baratta the meeting was adjourned at 8:40 p.m.

