

REGULAR MEETING OF APRIL 28, 2009

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

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

ALSO PRESENT: Health Officer Wagner, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg

ABSENT: Councilmember Trawinski

MANAGER'S REPORT:

There were no additions to the Manager's Report.

PROCLAMATION: EMILY EHLER

Mayor Weinstein presented a proclamation to Emily Ehler, a resident of Fair Lawn for 55 years, who recently moved out of town. Mrs. Ehler was recognized for her many years of dedicated service to the community, including 30 years on the Holiday Celebrations Committee. Mrs. Ehler served on numerous Borough Committees and was also a volunteer at Valley Hospital's Kurth Cottage.

Elizabeth Boas, President of the Fair Lawn Republican Club, thanked Mrs. Ehler for her many contributions as a member of the Republican Club, noting that she served on the County Committee for many years. She was in charge of hospitality for the Club, providing them with prizes and her sage advice. She thanked Mrs. Ehler for all she has done for Fair Lawn.

PROCLAMATION: NICOLE SISCO – FAIR LAWN HIGH SCHOOL BASKETBALL

Mayor Weinstein presented a proclamation for Nicole Sisco in recognition of her many accomplishments as a member of the Fair Lawn High School Girls Varsity Basketball team. He noted that she scored a career total of 1,000 points on January 31, 2009 and was named First Team NBIAL, among other accomplishments.

RECOGNITION OF THE FAIR LAWN GIRLS BASKETBALL TEAM:

Mayor Weinstein presented proclamations to the coaches and members of the Fair Lawn High School Girls Varsity Basketball team, in recognition of their many accomplishments. The team had their best season in the history of Fair Lawn Girls Basketball and won the NBIAL League Championship for the second year in the row.

PRESENTATION BY ASSEMBLYWOMAN WAGNER RE ASSEMBLY BILL 3686:

Assemblywoman Wagner presented certificates of commendation to the Fair Lawn High School Girls' Varsity Team. She congratulated them on their hard work.

She stated that Assembly Bill 3686 takes the Governor's Council on Alcoholism and Drug Abuse (GCADA) from the Treasury Department and transfers it to the Department of Human Services. She has received emails from Municipal Alliances in Bergen County expressing concern. Although she is a sponsor of the bill, she is also a longtime, active member of the Paramus Municipal Alliance. She would not hurt the Alliances throughout New Jersey; their hard work is appreciated.

She supports the bill because a Municipal Alliance's work is awareness and prevention, which goes with the treatment of addiction, which falls under the Department of Human Services not the Treasury Department. There needs to be control and consistency. The Comptroller's report listed discrepancies, as some communities submitted bills without purchase orders. One community submitted a request for \$97,000 without submitting any bills or vouchers. There is to be a \$600,000 savings in administrative costs. They have been talking about streamlining services and making sure that every tax dollar is spent appropriately.

She acknowledged that municipal alliances were concerned because they would be competing for grants with non-profit organizations. Consequently, the bill was being amended to ensure that the grants remain with the Counties and municipalities. Towns have asked that the grant process be streamlined as they are becoming difficult to write. She brought that message back to the Governor. Many towns felt that Bergen County needed more representation on the Governor's Council. People have come forward to express that this is an urgent problem.

The bill did not come through Committee; there was a hearing. She noted that this is already listed under the Department of Human Services in the budget. If the Governor chooses to do so, he can make this change without legislation. Her purpose was to make tax dollars more accountable, ensuring they were spent wisely and efficiently. She has listened to the concerns and stressed that there was no ill intent. She understands and appreciates all the work that municipal alliances have done.

She addressed the issue of unfunded educational State mandates placed on municipalities. She noted that 60 – 65% of each taxpayer dollar is spent on education. It is difficult to be told to do something when they are not given the funds to do so. She has asked Superintendents to list the ten worst mandates.

Mayor Weinstein stated they are completing a list of unfunded State mandates forced on municipalities. Assemblywoman Wagner asked that they send the list to her.

Councilmember Baratta thanked Assemblywoman Wagner for coming this evening. She clarified that many of the problems in the Comptroller's Report came about because towns were not aware that the reports were going on. She did not want the public to think there was an issue with the Alliances throughout the State. Problems were found in only .4% of the municipalities, and most produced their receipts and necessary documentation.

She felt it was unfair to punish all the Alliances because a few had problems. She knows that GCADA is working on a program to streamline reporting so that all Counties will report the same way. The Alliance for Substance Abuse Prevention is comprised of volunteers. They do not want to have to compete with other towns in the grant process. Assemblywoman Wagner stated that in Bergen County nothing was wrong; she understood her concerns. It was public policy that awareness and prevention should go with addiction. There are some services in the Health Department, some in Human Services and some in the Treasury Department. They should all be together.

Councilmember Baratta expressed concern that funding will be doled out differently since Bergen County is more affluent. Since people using private clinics are not reported, their figures may be skewed as compared to other Counties. Assemblywoman Wagner assured her that all those details will be worked out. She felt changes will ensure that each tax dollar is held accountable. She wanted to cut back on administrative costs. Councilmember Baratta stated she was supportive as long as it did not hurt the Alliance's program. She wanted the public to know that the money received by the Alliances did not come from tax dollars. It comes from the Drug Enforcement Demand Reduction Fund, whose monies come from convicted drug offenders. Councilmember Baratta inquired if GCADA also had Veteran Administration Programs as well as a program for the deaf and disabled that are funded out of that account as well. Assemblywoman Wagner stated she did not know. She reiterated that the bill was going to be rewritten to ensure that the funding will continue for the municipal Alliances.

Mayor Weinstein stated that Assemblywoman Wagner will be attending next week's work session to speak with the Alliance for Substance Abuse Prevention.

COUNCIL COMMENTS:

Mayor Weinstein stated that currently there were 64 confirmed cases of Swine Flu in the United States and five probable cases in New Jersey. New Jersey has stepped up its statewide surveillance of influenza activity. So far, there are no confirmed cases in Fair Lawn. The Borough of Fair Lawn's Office of Emergency Management and Health Department has increased influenza surveillance activity and is in communication with the Fair Lawn Schools, other Health Departments and the New Jersey Department of Health and Human Services. Fair Lawn residents will be kept informed of updates. Information is posted on Channel 77.

Health Officer Wagner stated that their intent was to keep all residents in Fair Lawn safe. She asked parents to make sure that young children cover their noses and mouths when they sneeze, and wash their hands frequently. Residents and children are advised to stay home from work and school if they are sick, and see a doctor if they exhibit flu-like symptoms such as fever, cough, sore throat and/or difficulty breathing. Residents seeking medical care should advise their doctor if they recently traveled. She advised residents with questions to call the Health Department or visit the website at the Center for Disease Control at www.cdc.gov/swine flu.

Mayor Weinstein stated that the Economic Resource Symposium will take place on May 6th at the George Frey Center for Arts and Recreation, and will include speakers from the Bergen County Economic Development Corporation, Small Business Development Corporation, Bergen Community College and the Workforce Investment Board. The emcee will be Stephen Borg, president of North Jersey Media. The event starts at 3:30 p.m. There will also be information tables. Registration can be done online or by calling the Mayor's office. This event is co-sponsored by the Chamber of Commerce, Broadway Improvement Corporation, River Road Improvement Corporation and the Fair Lawn Economic Development.

He stated that they will be introducing the 2009 budget. In 2006, they had a healthy budget with a surplus of \$5.4 million dollars. Other towns used as much surplus as possible; they did not. The then Manager and CFO Eccleston proposed a tax increase of 21 points, which was reduced to 19 points by the time the budget was introduced. After careful review they were able to bring the budget in at a 14 point increase. Last year there was a one point increase and this year there will be a tax decrease of \$8.00 for the average home assessed at \$404,000, or a \$16.00 decrease for an \$800,000 home.

They are planning ahead for next year and have formed a Competivization Committee. They added a Police Officer through a three year grant. There was a plan in place for the Police cars that added three cars instead of the five or six that were usually added. They are maintaining services for the residents while they continuously plan ahead. The surplus will remain in place. He is proud to support the introduction of this budget. They are here to help the residents and will continue to present programs that offer support and resources for those who need help. They are looking outside the box to see what else they can do as they move forward.

Councilmember Baratta stated that she attended the opening game for women's softball. A bench was dedicated at Schmidt Field in memory of Robert "Scooter" Young's father, who was the number one fan of that league. There is a beautiful inscription on the bench. Last night also began the 25th season that Mr. Young has been coaching women's softball. Mayor Weinstein presented a plaque to Mr. Young to commemorate that achievement.

She stated that Mr. Paek, who owns Cliff Park Florist on Saddle River Road, loves Fair Lawn even though he isn't a resident; he wants to give back to the community. He would like every resident in Fair Lawn to have a free lilac tree to plant in their garden. The Garden Committee will be giving out the first batch of 300 – 400 trees on Saturday, May 9th between 10:00 a.m. and 3:00 p.m. in conjunction with the Bike Rodeo at Memorial Park. In the event of inclement weather they will be inside the gymnasium at Memorial Middle School. She hopes that residents will take advantage of this offer.

The Canoe Race is scheduled for June 6th. She encouraged everyone to participate.

Deputy Mayor Tedeschi stated that he was happy to vote on the introduction of the budget. He stated that there was an open house on Saturday, May 2nd at the Garretson Forge. There will be reenactments and food from the 1700's. There will be plants for sale. The open house is free but donations are appreciated.

Deputy Mayor Swain stated that she attended a Go Green Seminar at Bergen Community College. She brought back many concrete suggestions for the Green Team, which is being formed. She suggested residents save energy by lowering the temperature on the water heaters to 120 degrees or lower; always run the washer and dishwasher for full loads only and turn everything off. Even though your computer is off the power strip is still on and using electricity.

She stated that Governor Corzine has designated the week of April 27th to May 1st "Air Quality Awareness Week". She encouraged residents to do their part by walking to work or riding a bike instead of driving.

She congratulated Manan Naik, a former volunteer in the Police Auxiliary who has received numerous awards, on being assigned to the Port Authority Police Department. It is a tribute to the many good things that start in Fair Lawn.

ORDINANCE ON FIRST READING:

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

ORDINANCE NO. 2147-2009 (RESOLUTION NO. 154-2009)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED CHAPTER 125 ENTITLED " LAND DEVELOPMENT" TO EXEMPT CHARITABLE ENTITIES FROM THE NOTICE REQUIREMENTS OF N.J.S.A. 40:55D-12 FOR MINOR SITE PLAN APPROVAL REQUIRED FOR DONATION CLOTHING BINS.

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta, Resolution 154-2009 introducing Ordinance No. 2147-2009 was discussed.

Attorney Rosenberg stated that the ordinance will amend Chapter 125.65, making it easier for charitable organizations seeking minor site plan approval from the Planning Board to present their application, without going through full site plan application. This is consistent with the intent and purpose of both the ordinance as well as intent and purpose of the introducing minor site plan approval from the Planning Board as an administrative review rather than development site plan review.

Councilmember Baratta inquired if this took away the burden of notification. Attorney Rosenberg stated that was correct.

There being no further discussion, Resolution No. 154 -2009 introducing Ordinance No. 2147- 2009 was passed.

Mayor Weinstein stated that Attorney Rosenberg suggested that they not introduce Ordinance No. 2148-2009. Further discussion was needed regarding the cost of cooperative parking and whether the wording should be may” instead of “shall” install metered parking on River Road, as it was not the Council’s intent to install metered parking at this time.

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta, Ordinance No. 2148-2009 was not introduced.

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

**ORDINANCE NO. 2149-2009
(RESOLUTION NO. 156-2009)**

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2009 (N.J.S.A. 40A: 4-45.14)

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeschi, Resolution 156-2009 introducing Ordinance No. 2149-2009 was discussed.

There being no discussion, Resolution No. 156-2009 introducing Ordinance No. 2149 - 2009 was unanimously passed

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

**ORDINANCE NO. 2150-2009
(RESOLUTION NO. 157-2009)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 150 ENTITLED "NOISE" REGARDING HOURS OF OPERATION FOR CONSTRUCTION ACTIVITIES OCCURRING ON FAIR LAWN BOARD OF EDUCATION PROPERTY.

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeschi, Resolution 157-2009 introducing Ordinance No. 2150-2009 was discussed.

Mayor Weinstein stated that the ordinance will allow the Board of Education to work on school property for extended hours and Saturdays during the summer through August 31, 2009.

There being no further discussion, Resolution No. 157 -2009 introducing Ordinance No. 2150-2009 was passed, with Deputy Mayor Lisa Swain dissenting.

ORDINANCE ON SECOND READING:

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

**ORDINANCE NO. 2146-2009
(RESOLUTION NO. 158-2009)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 30 ENTITLED "PERSONNEL"
TO ADD ARTICLE IV ENTITLED "DEFINED CONTRIBUTION
RETIREMENT PROGRAM"**

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

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, Resolution No. 158-2009 adopting Ordinance No. 2146-2009 was discussed.

Attorney Rosenberg stated this was consistent with what was discussed on introduction.

There being no further discussion, Resolution No. 158-2009 adopting Ordinance 2146-2009 was unanimously adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

Harvey Rubenstein, 28 Rutgers Terrace inquired if Resolution No. 172-2009 authorizing signature of the Greenstar Agreement would have a sunset provision. Attorney Rosenberg explained that the agreement modifies the existing duration of the current agreement, and ensures that the Borough can avail itself of any increased commodity prices. The agreement also clarifies that the Borough will never have to pay to have recyclables taken away.

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

RESOLUTIONS BY CONSENT #11-2009

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, Consent Agenda 11-2009 containing the following items was unanimously passed.

- a. Resol. #159-2009 - Approval of Minutes:
Regular Meeting 1/27/09
Work Session 2/3/09
Closed Session 2/3/09
- b. Resol. #160-2009 - Refund of Overpayment of Taxes
- c. Resol. #161-2009 - Confirmation of Fire Board Actions
- d. Resol. #162-2009 - Authorizing Execution of Vegetative Waste Disposal Contract
- e. Resol. #163-2009 – Award of Bid: Bioxide Odor & Corrosion Control Chemical
- f. Resol. #164-2009 - Self Examination of the Budget
- g. Resol. #165-2009 – Confirming Endorsement of CDBG Application – Care Plus, New Jersey, Inc. for High Street Improvements
- h. Resol. #166-2009 - Confirming Endorsement of CDBG Application – Care Plus, New Jersey, Inc. for Fern Street Improvements
- i. Resol. #167-2009 - Authorizing Entering Into a Deferred Compensation Plan with AXA Equitable Life Insurance Co.
- j. Resol. #168-2009 - Professional Service – Health Services Physician
- k. Resol. #169-2009 - Approval of High School Marathon
- l. Resol. #170-2009 – Approval of Bylaw Amendment of the Bergen County Municipal Joint Insurance Fund
- m. Resol. #171-2009 – Approval of Knights of Pythias Circus
- n. Resol. #172-2009 - Authorizing Signature of Greenstar Agreement
- o. Resol. #173-2009 - Interlocal Agreement for the Use of Walsh Pool with the Borough of Prospect Park

Resolution No. 174-2009 – Introduction of Budget by Title Only

There being no discussion, upon motion by Deputy Mayor Swain and a second by Deputy Mayor Tedeschi, Resolution No. 174-2009 was unanimously passed.

**Resolution No. 175-2009– Introduction of River Road Improvement Corporation
Budget by Title Only**

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta, Resolution No. 175-2009 was discussed.

Mayor Weinstein stated that the River Road Improvement Corporation budget was self-funded in that the assessments were for the property owners in the River Road area only.

There being no further discussion, Resolution No. 175-2009 was unanimously passed.

**Resolution No. 176-2009 – Introduction of Broadway Improvement Corporation
Budget by Title Only**

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta, Resolution No. 176-2009 was discussed.

Mayor Weinstein stated that that budget for the Broadway Improvement Corporation was also self-funded as the assessments were from Broadway property owners.

There being no further discussion, Resolution No. 176-2009 was unanimously passed.

PUBLIC COMMENTS

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski it was unanimously agreed to open the time for public comments.

Ron Cole, 10 Ramapo Terrace stated that the Radburn Association circulated information about a clothing drive for Eva's Village in Paterson and the Interfaith Nutrition Network (INN) in Long Island. The response was excellent. The clothes go to people in need and are not sold for profit. He has worked with INN for over 20 years and has seen firsthand the positive results of these donations. He read a thank you letter sent by INN to the Radburn Citizen's Association.

Harvey Rubenstein, 28 Rutgers Terrace stated that the area near the Gulf Station and in front of the former site of Topps Cleaners were in need of repair.

He inquired if Ordinance No. 2149-2009 was being used as a borrowing procedure or had they just exceeded the budget. Deputy Mayor Tedeschi explained that there was a mandatory 2.5% cap, which can be increased to 3.5% by passing a resolution. This will enable them to spend more. Mr. Rubenstein asked if the additional funds would come from surplus or revenue. Mayor Weinstein verified that and confirmed that they would not be borrowing money.

Mr. Rosenberg stated that as a member of the National Safety and Security Team, he has seen information from the Center for Disease Control (CDC) regarding swine flu. He echoed Health Officer Wagner's comments. He suggested residents check the CDC's website, as well as the Borough's, for more information.

Bill Ruggles, 2-10 Saddle River Road stated what he would like to ask is a very short question about this document that he needs him to see. Mayor Weinstein asked what document. Mr. Ruggles stated that it would be hard for him to read from it without him seeing it. Mayor Weinstein asked if he wanted him to see it. Mr. Ruggles stated yes. Mayor Weinstein asked if he had enough copies for everybody. Mr. Ruggles stated yes, he had enough copies for people back here, too. Mayor Weinstein stated that he meant up here, not...Give it to down to the Clerk and then it will be passed down. Mr. Ruggles stated he would wait until everyone had a copy. Mayor Weinstein reminded Mr. Ruggles he did have five minutes. He asked Assistant Clerk Bojanowski if she had started the clock yet. Assistant Clerk Bojanowski replied no. Mayor Weinstein stated that by the way, he just wanted to introduce him to Mr. Tedeschi – he's sitting right over there. Deputy Mayor Tedeschi stated hi, I'm Joe Tedeschi. Mr. Ruggles stated we met. Deputy Mayor Tedeschi stated well, you hardly know me. Mr. Ruggles said true, but we've met.

Mr. Ruggles stated that the question he had was quite simply that this was a document representing a historic event that involved the Fair Lawn Democratic Organization. It very briefly summarizes an oral statement made at this meeting; in fact, he's told that both the other Democratic members of the Council were there present when this verbal statement was made. And that it made a commitment to that organization, by Joe Tedeschi, not to run again for the Council, as you can see here, after the election cycle beginning January 1, 2008. Now, we have been told that Mr. Tedeschi denied authoring this document and the FLDO denied receiving this document. And he wants to know right here now, in front of these witnesses assembled, is this not a true document and did this event not happen.

Mayor Weinstein stated that first of all, you're asking me...I personally don't – I'm not saying this is not a true document, but I don't remember ever seeing it. But my question is "what's the gist of this?" What's the... Mr. Ruggles stated it has to do with the organization he's representing right now, the Fair Lawn Committee to Recall Councilman Joe Tedeschi. We've been asked "why bother, he's coming up for election again in 2011". Well, according to this, he's already made a commitment not to do so. Is he going to stick by that commitment or not?

Mayor Weinstein stated that first of all people can't, based on circumstances, can't change their mind? I don't get it, I'm missing something. Mr. Ruggles stated well, let's just say what he was told by those who were present that this was a quid pro quo made so that he would receive enough votes by the FLDO delegates to be put on the slate along with Ms. Swain, replacing the former Councilmember Marty Etlar and that is was basically a deal; a quid pro quo political deal. Mayor Weinstein stated that he remembered the vote in the Club now and he didn't think it was a quit pro quo. It might

