

REGULAR MEETING OF NOVEMBER 24, 2009

Deputy Mayor Swain 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 issue 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: Deputy Mayors Swain and Tedeschi and Councilmembers Baratta and Trawinski. Mayor Weinstein was absent this evening.

ALSO PRESENT: Acting Manager Kwasniewski and Attorney Rosenberg.

PRESENTATION BY ASSEMBLYWOMAN WAGNER –RECYCLING GRANT

Deputy Mayor Swain introduced Assemblywoman Wagner who congratulated Councilmembers Trawinski and Baratta on their re-election. Assemblywoman Wagner stated that on November 16th the DEP announced that Fair Lawn would be the recipient of a \$91,496.41 grant for recycling. She recognized Ron Lotterman who is the Recycling Coordinator, along with the citizens of Fair Lawn for their efforts in this area.

PROCLAMATION – DAY OF THANKSGIVING

The proclamation was read by Deputy Mayor Swain.

MANAGER’S REPORT

There were no changes or additions to the Managers Report. Acting Manager Kwasniewski reminded everyone that Borough offices are closed on Thursday and Friday of this week for the Thanksgiving Day Holiday. She added that the Holiday lighting will take place on Tuesday, December 1st on the steps of the Municipal Building.

COUNCIL COMMENTS

Councilwoman Baratta thanked everyone who sent cards and emails and made phone calls regarding her election victory. She wished everyone a happy and safe Thanksgiving and she asked everyone to take a moment and remember those serving in the Armed Forces who cannot be with their families this Thanksgiving.

Deputy Mayor Tedeschi referred to those Thanksgivings during the American Revolution and the Civil War and said that although times are difficult at the moment, with the economic crisis and two wars going on, everyone has a lot to be thankful for.

Councilmember Trawinski stated that he had received a complimentary letter from a resident acknowledging William Hickey of the Fair Lawn Police Department. He said that Angelo Castronova, who is a Fire Inspector in Fair Lawn, has been named Fire Inspector of the Year by the Bergen County Fire Prevention Association. Carol Wagner of the Board of Health was selected as the recipient of the 2009 Leadership Award from the New Jersey Association of Local Boards of Health. Ms. Wagner and Mr. Castronova stand with many other Borough employees who have either been selected by their peers or recognized by other organizations for going the extra mile.

Councilmember Trawinski wished everyone a Happy Thanksgiving and agreed that everyone should take a moment to reflect on all the blessings and positive things that Americans are privileged to enjoy.

Councilmember Trawinski thanked the residents for believing in himself as well as Councilwoman Baratta and re-electing them to the Borough Council. He also thanked the people in New Jersey for making a change in the State House in Trenton which expresses optimism and hope for the future.

Deputy Mayor Swain referred to greening efforts and stated that CVS has a tag to put on reusable bags to discourage the use of plastic bags. The Recycling Department has some reusable bags and anyone interested can contact that department. She said that there was an article in the Bergen Record for people wanting help winterizing their homes and she encouraged people to contact PSE&G. She added that there are job opportunities at the State Department of Community Affairs which oversees weatherization in New Jersey. A program has been started in the department to train weatherization inspectors. Studies have shown that every dollar spent on weatherization translates into \$4 of reduced energy costs.

ORDINANCES ON SECOND READING:

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

ORDINANCE NO. 2168-2009

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED LAND DEVELOPMENT, MORE SPECIFICALLY SECTIONS 1125-66.B, 125-67.B, AND 125-68.B, IN ORDER TO INCLUDE ADDITIONAL ENTITIES AND INDIVIDUALS IN THE REVIEW AND COMMENT PROCESS OF CERTAIN DEVELOPMENT APPLICATIONS

Acting Manager Kwasniewski explained that this ordinance will require that certain entities, including the Special Improvement Districts, Shade Tree, the Fire Department

Liaison, the EDC and the Traffic Division of the Police Department receive information regarding Planning Board and Zoning Board applications when appropriate.

Upon motion by Deputy Mayor Tedeschi, and a second by Councilmember Trawinski the time for public comments was closed.

Councilmember Trawinski stated that a memo was received from the Planning Board dated November 16, 2009, indicating that they recommend adoption of the Ordinance. He asked that this issue be placed back on the agenda for the purposes of tracking compliance because it has come to his attention that neither the Zoning Board or the Planning Board have complied with ordinances that have been recently passed. Going forward, he asked to see how many applications are going to each Board.

There being no further discussion, Resolution 361-2009 introducing Ordinance No. 2168-2009 was adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT #31-2009

Upon motion by Deputy Mayor Tedeschi and a second by Councilmember Baratta, Consent Agenda #31-2009 containing the following items was unanimously passed.

- a. Resol. #362-2009 - Approval of Minutes
 - Special Meeting – 7/21/09
 - Closed Session – 7/21/09
 - Regular Meeting – 7/21/09
 - Work Session – 7/21/09
 - Closed Session – 7/21/09
 - Special Meeting – 8/5/09
 - Work Session – 8/11/09
 - Closed Session – 8/11/09
 - Special Meeting – 8/11/09
 - Closed Session – 8/11/09

- b. Resol. #363-2009 - Refund of Overpayment of Taxes
- c. Resol. #364-2009 - Authorizing Issuance and Renewal of Bond Anticipation Notes
- d. Resol. #365-2009 - Transfer of Funds
- e. Resol. #366-2009 - Award of Bid: Tree Trimming
- f. Resol. #367-2009 - Award of Bid: Tree and Stump Removal
- g. Resol. #368-2009 - Rescinding Resolution No. 360-2009
- h. Resol. #369-2009 - Appointment of the Negotiating Committee
- i. Resol. #370-2009 - Authorizing Execution of the Pedestrian/Flashing Signal Agreement
- j. Resol. #371-2009 - Authorizing Cancellation of year 2009 Sewer User Charges Block 5834, Lot 6
- k. Resol. #372-2009 - Application for the Community Forestry Grant
- l. Resol. #373-2009 - Authorizing Cancellation of Unexpended Balance

PUBLIC COMMENTS

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

Pam Coles, 13-34 George Street, asked who determines whether or not a tree is dead. Acting Manager Kwasniewski explained that the Supervisor of the Shade Tree Department will inspect a tree to determine whether it is dead, dying, diseased or healthy. Ms. Coles asked about the criteria and Acting Manager Kwasniewski said that Mr. O'Neill would have to answer that question. Ms. Coles referred to a previous Council meeting when she advised that trees on an adjacent lot had been removed that were not dead. She added that her neighbor's tree was recently chopped down when the neighbor had only requested that a few limbs be trimmed. Acting Manager Kwasniewski said she would have the Shade Tree Department look into this matter.

David Merker, 13-11 Fairhaven Place, congratulated Councilmembers Baratta and Trawinski on their re-election. He was concerned that the residents of Fair Lawn do not select the Mayor. He complained that there are too many Mayors and he said that the real Mayor should be elected by the people. He asked that consideration be given to changing the form of government to ensure that the citizens of Fair Lawn can elect the Mayor.

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

CLOSED SESSION – CONTRACT NEGOTIATIONS

Upon motion by Councilmember Baratta and a second by Councilwoman Trawinski, the following closed session resolution was unanimously adopted at 8:01 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 Contract Negotiations

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

ADJOURNMENT

Upon motion by Deputy Mayor Swain and second by Councilmember Baratta, the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski