

REGULAR MEETING OF APRIL 8, 2008

Mayor Weinstein called the meeting to order at 7:31 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 14, 2007. 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, Councilmembers Baratta and Trawinski and Deputy Mayors Swain and Tedeschi.

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

COUNCIL COMMENTS

Mayor Weinstein congratulated the Naugle Kids and the Historic Preservation Commission because they have been selected to receive the 2008 Historic Preservation Commendation Award from Bergen County Historic Preservation Advisory Board which will be presented on May 8 at 7:30 p.m. at Hackensack's Historic Church on the Green. It is a tremendous accomplishment for all of Fair Lawn.

Mayor Weinstein invited Bob and Zachery Stein to talk about the March of Dimes and the Walk America which raises funds to help provide assistance to premature babies. Zack has raised over \$2,000 in 2005 and over \$3,000 in 2006. Mr. Stein noted that this is Zack's 10th year working with the cause. They will be appearing on CBS talking about the March of Dimes and working with other volunteers. Originally they wanted to raised \$2,126 which represents the number of babies born in an average year in New Jersey. He surpassed that amount. He mentioned the March of Dimes website and noted that they have their own website if anyone wishes to support Zach.

Mayor Weinstein stated that April is autism awareness month. The United Nations declared April 2 World Autism Day. Autism speaks is sponsoring a walk at Bergen Community College on June 1 at 9:00 a.m. to raise awareness and funds for research.

Mayor Weinstein stated that they will be introducing the budget this evening. The Council worked diligently on this budget. The State cut \$443,000 in municipal aid, but they have still been able to present a budget with a one point increase. They expect to adopt the budget on May 13.

The Mayor and Council pledged to support Zack.

Councilmember Baratta commended Zack for being an inspiration to them all. She advised that they will be planting trees along the County roads. She hoped that once the trees are planted residents will take care of them.

Councilmember Baratta reminded everyone that on Monday, May 14 at 7:00 p.m. the founder of Operation Goodie Bag will be speaking at the George Frey Center for Arts and Recreation. The Goodie Bags are sent to the men and women overseas and first responders to show that people care.

Deputy Mayor Swain reminded everyone that Tuesday April 15 is the School Board Election and she urged everyone to exercise their right to vote. April 22 is Earth Day. She urged everyone to do something nice for the earth that day.

ORDINANCES ON FIRST READING:

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

ORDINANCE NO. 2112-2008

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2008 (N.J.S.A. 40A: 4-45.14)

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 124-2008 introducing Ordinance No. 2112-2008 was discussed.

Mayor Weinstein indicated that the budget is under the cap this year so they were able to bank it for the future. Manager Metzler added that by law the municipality is limited to increasing the budget by 2.5 percent unless by ordinance they increase it to 3.5 percent which is what this ordinance does. The funds that are not used in the current budget year can be used to offset expenditures for the two following years.

Councilmember Trawinski assured the public that the Council is not spending beyond the 2.5 percent cap this year.

There being no further discussion, Resolution No. 124-2008 introducing Ordinance No. 2112-2008 was unanimously adopted.

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

ORDINANCE NO. 2113-2008

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED AVEHICLES AND TRAFFIC@, ARTICLE II, APARKING@, SUBSECTION 232-9, NO PARKING AT ALL TIMES ON CERTAIN STREETS

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Resolution No. 125-2008 introducing Ordinance No. 2113-2008 was discussed.

Manager Metzler explained that this ordinance will restrict parking on the north side of Kipp Street between Cadmus and 20th Street.

There being no further discussion, Resolution No. 125-2008 introducing Ordinance No. 2113-2008 was unanimously adopted.

ORDINANCES 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. 2111-2008

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED AVEHICLES AND TRAFFIC@, ARTICLE II, APARKING@, SUBSECTION 232-11, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

There being no comments by the public, upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, 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. 126-2008 adopting Ordinance No. 2108-2008 was discussed.

Manager Metzler explained that this ordinance will prohibit parking on Hillary Street from Jasper Road to Halsey Road and on Hartley Place from Rosalie Street to Watkins Avenue between 8:00 a.m. and 10:00 a.m. Monday through Friday, except holidays and on the west side of Hartley Place from a point 100 feet north of Route 4 to Rosalie Street between 10:00 a.m. and 12 noon Monday through Friday, except holidays.

There being no further discussion, Resolution No. 126-2008 adopting Ordinance No. 2111-2008 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion Deputy Mayor Swain and a second by Councilmember Trawinski, 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 # 8-2008

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda 8-2008 containing the following items was unanimously passed.

- a. Resol. #127-2008 - Approval of Minutes:
Work Session 2/19/08
Closed Session 2/19/08
- b. Resol. #128-2008 - Professional Services: Special Counsel (William J. Hunt, Esq.)
- c. Resol. #129-2008 - Extension of Contract: Soft Drink & Food Concession - Memorial Pool
- d. Resol. #130-2008 - Graduated Driver License Enforcement and Education Grant
- e. Resol. #131-2008 – Refund of Overpayment of Taxes
- f. Resol. #132-2008 - Requesting Approval for Special Item of Revenue – Additional Water Rents
- g. Resol. #133-2008 - Requesting Approval for Special Item of Revenue – Fair Lawn Community Center, Inc.
- h. Resol. #134-2008 - Professional Services – Capital Alternatives
- i. Resol. #135-2008 - Approval of High School Marathon
- j. Resol. #136-2008 – Condemning Actions of the City Council of Berkeley, California Demanding the US Marine Corps Recruiting Station Be Vacated
- k. Resol. #137-2008 – Award of Bid: Lease of Real Property Owned by the Borough of Fair Lawn at the Public Works Yard, 20-05 Saddle River Road, Fair Lawn, New Jersey, Also Know as Block 1802, Lots 8,9, and 10, For Placement and Maintenance of Temporary and Permanent Wireless Telecommunications Equipment
- l. Resol. #138-2008 – Appointment to Cable Television Board

Resolution No. 139-2008 – Introduction of Budget by Title Only

Upon motion by Deputy Mayor Tedeschi and a second by Deputy Mayor Swain, Resolution 139-2008 was discussed.

Mayor Weinstein stated that the budget is a one point increase over last year which on an average house assessed at \$406,000 is \$40.40 per year. The public hearing will be on May 13.

There being no further discussion, Resolution No. 139-2008 Introduction of Budget by Title Only was unanimously passed.

**Resolution No. 140-2008 – Introduction of River Road Improvement Corporation
Budget by Title Only**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution 140-2008 was discussed.

Mayor Weinstein stated that this is the introduction of the River Road Improvement

Corporation budget which is funded only by the commercial property owners in the River Road corridor.

There being no further discussion, Resolution No. 140-2008 Introduction of River Road Improvement Corporation Budget by Title Only was passed with Councilmember Trawinski abstaining.

Resolution No. 141-2008 – Introduction of Broadway Improvement Corporation Budget by Title Only

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution 141-2008 was discussed.

Mayor Weinstein stated that this is the introduction of the Broadway Road Improvement Corporation budget which is funded only by the commercial property owners in the Broadway corridor.

There being no further discussion, Resolution No. 141-2008 Introduction of Broadway Improvement Corporation Budget by Title Only was unanimously passed.

PUBLIC COMMENTS

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

Pamela Coles, 13-34 George Street expressed her appreciation for the Council's efforts to plant trees. She inquired if there was a buffer zone between the residential properties on George Street and the River Road business district. Councilmember Trawinski advised that the ordinances provide that wherever a residential zone abuts a commercial or non residential zone that there is a 10 foot wide buffer strip consisting of densely planted evergreens. Ms. Coles stated her property abuts the Chase Bank. She has no buffer zone except her fence. Councilmember Trawinski explained that most of those properties predate the ordinance. Ms. Coles pointed out that the dumpster in the parking lot is being used by everyone. The entire area is a mess. She added that there is no fencing between the George Street Firehouse and the commercial properties. She asked that the fence be restored. Mayor Weinstein asked Manager Metzler to find out why the fence was removed. He added that the Borough is in the process of negotiating the lease for the parking lot with Chase. He asked Manager Metzler to mention the dumpster and a buffer to Chase.

Ms. Coles continued that an application for 17 units and a retail/commercial area at 13-29 River Road will be presented to the Planning Board. She thought it was much too dense. They are requesting many variances. She is concerned about the noise and traffic.

Evelyn McCue, 15-21 Raymond Street expressed concern that presentations are made during the work sessions which are not televised. Mayor Weinstein advised her that it is appropriate to have the presentations at work sessions.

Harvey Rubinstein, 28 Rutgers Terrace reminded them he has requested that they adopt an ordinance that would keep the area between the street and the curb green with grass. He also thought circular driveways should be prohibited since no standards exist for a lawn and buffering. He asked Councilmember Baratta or Councilmember Trawinski to put it on the next work session agenda.

Mr. Rubenstein also spoke about the EDC request. He stated that if they have 17 years of success, they should go to the business community that they want to take care of and present the proposal to them. They should not be coming to the Borough for funding. They have been funded for three years and it is time for them to be self sufficient.

Mr. Rubenstein stated that although the budget was held down to one point, the Borough has borrowed two million dollars every year consistently which they must pay interest on. He thought they should not borrow.

Anna DiNardo, 13-06 2nd Street, wondered why the ordinance that prohibits residents from keeping their garbage cans in the front of the residence is not being enforced.

Mayor Weinstein stated that if the garbage cans are supposed to be behind the house and if not there, at least on the side of the house. The Mayor asked the Borough Manager to ask the inspector to highlight that in his travels around town.

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

ADJOURNMENT

Upon motion by Councilmember Baratta and seconded by Deputy Mayor Swain, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
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