

REGULAR MEETING OF JUNE 26, 2007

Mayor Weinstein called the meeting to order at 7:31 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

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 15, 2006. 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 Etlar and Tedeschi and Councilmembers Baratta and Trawinski.

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

MANAGER'S REPORT

Manager Metzler stated there were no changes on the report.

COUNCIL COMMENTS

Mayor Weinstein stated that State legislator Byron Baer passed away this week. He was responsible for the Open Public Meetings Act. He was a staunch supporter of civil rights and had marched with Martin Luther King 30 years ago.

Mayor Weinstein congratulated the cast of The Grand Hotel for winning a number of Helen Hays Awards. He invited everyone to the fireworks in the Park on July 2. He extended congratulations Deputy Mayor Tedeschi for bringing the fireworks back to Fair Lawn 12 years ago.

Councilmember Baratta congratulated the Class of 2007 graduates. She wished them well and noted that many of them will come back to Fair Lawn.

Deputy Mayor Tedeschi offered his congratulations to Officers Donahue and Wycka.

Councilmember Trawinski expressed condolences to Senator Baer's family. He related a story about Senator Baer who was arrested and sent to jail as a freedom rider. He may be the only Senator who went to jail before being elected. He has made a difference in bring transparency to government. He continued that the Open Space Committee met last night. They had good ideas. The people of Fair Lawn will start to see the actual preservation of open space and an historic site in Fair Lawn. He commended those who serve on that Committee. He had the privilege on behalf of the Council to attend the homecoming of Captain Ross Berkoff who had returned from his second tour of duty. He received two bronze stars. He is a graduate of Fair Lawn High School. Councilmember Trawinski concluded that he was present at his Eagle Scout invocation when he was Mayor the last time.

Deputy Mayor Etler reported that a historic plaque will be placed at the old Fair Lawn Arts Center stating that it was the home of Fire Company #1 from 1922 to 1960. Charles Vogel was the first Fire Chief. It will be done with a proper unveiling.

ORDINANCES: FIRST READING

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

Ordinance No. 2083-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" TO PROVIDE FOR A FLOOR AREA RATIO FOR RESIDENTIAL DWELLINGS.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Resolution No. 211-2007 introducing Ordinance No. 2083-2007 was considered.

Mayor Weinstein stated that this ordinance is the result of input from the Planning Board subcommittee of Deputy Mayor Etler, Phil Cassidy and Todd Malkin. The Council will continue to talk about some other ideas to further improve the ordinance. Councilmember Trawinski added that the ordinance represents the fulfillment of a portion of a campaign platform for himself and Councilmember Baratta to do something about McMansions. It is the first step.

There being no further discussion, Resolution No. 211-2007 was unanimously passed.

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

Ordinance No. 2084-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 49, ENTITLED "AFFORDABLE HOUSING" TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING FAIR LAWN'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 212-2007 introducing Ordinance No. 2084-2007 was considered.

Councilmember Trawinski indicated that he will support the ordinance because they have no choice. It is an unfunded mandate. State aid in Bergen County has stayed flat and the State is imposing another mandate without giving any financial help. State mandate State pay should become a reality because it is a burden on the taxpayers.

There being no further discussion, Resolution 212-2007 was unanimously passed.

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Etlar 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. 2081-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" TO LIMIT THE HOURS OF OPERATION OF RETAIL ESTABLISHMENTS LOCATED IN THE B-4 RIVER ROAD BUSINESS ZONE AND B-5 RIVER ROAD BUSINESS ZONE

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

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, Resolution No. 213-2007 adopting Ordinance No. 2081-2007 was considered.

Mayor Weinstein stated this ordinance restricts hours of business for those retail establishments that are under residential units. The Mayor and Council want to help businesses but not to the detriment of the residents. Councilmember Trawinski added that various members of the RRIC may have differing opinion on the time period, but the RRIC does support this ordinance.

There being no further comments, Resolution No. 213-2007 was unanimously adopted.

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

Ordinance No. 2082-2007

"AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE."

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etlar, Resolution No. 214-2007 adopting Ordinance No. 2082-2007 was considered.

Mayor Weinstein explained that this ordinance allows the Borough to received funds to install the bump outs by the Post Office on River Road. It is a good traffic calming device.

There being no further comments, Resolution No. 214-2007 was unanimously adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Deputy Mayor Tedeschi 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 17-2007

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etler, Consent Agenda 17-2007 containing the following items was unanimously passed.

- a. Resol. #215-2007 - Approval of Minutes
Work Session 5/15/07
Closed Session 5/15/07
Regular Meeting 5/22/07
Work Session 5/22/07
Closed Session 5/22/07
- b. Resol. #216-2007 - Renewal of Liquor Licenses 2007 - 2008
- c. Resol. #217-2007 - Extend Contract for Industrial Supplies
- d. Resol. #218-2007 - Award of Bid: Maintenance & Cleaning Services
- e. Resol. #219-2007 - Award of Bid: Hydrants and Hydrant Parts
- f. Resol. #220-2007 - Extending Protection Under N.J.S.A. 40:14-55 to Police Captain
- g. Resol. #221-2007 - License Agreement - 3 Maywood Court
- h. Resol. #222-2007 - Appointment of Community Development Representatives
- i. Resol. #223-2007 - Providing for the Appointment of Municipal Housing Liaison

MISCELLANEOUS PUBLIC COMMENTS

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

Harvey Rubinstein, 28 Rutgers Terrace stated he reviewed the floor area ratio ordinance and suggested that since there is no legal definition of McMansion it should be taken out of the ordinance. He wondered why the present location of the cell tower behind the Municipal Building

is not acceptable. He mentioned the WIFI system of Sprint which throws out a signal for five miles. He continued that the real estate section on June 13, 2007 indicated that the Kodak property on Route 208 was a prime location. He did not think that there was any excuse for the sewer backup.

The system may be working satisfactorily for Page Five

Regular

Meeting

June

26, 2007

most of the Borough but not those affected. He thought the Mayor should demand action from the Federal government.

Mayor Weinstein stated that he and Manager Metzler met with the Boroughs of Elmwood Park and Saddle Brook. He has also spoken to Congressman Rothman.

Sheryl Cashin, 1 Glenfair Road asked if the report on the recent sewer backups was finished and if it was not, when could she expect it to be available. Manager Metzler stated that it was not finished. After he received the report from all the Departments, the Departments will have to meet. He thought it would be a couple of weeks.

Ms. Cashin then wanted to know when the pipe was scoped. Manager Metzler explained that the pipe from her home to the street is her responsibility. The main lines are scoped on a schedule. Superintendent Conte reviewed with him a list of some of the potential problem areas where they have a random back up or two back ups a year which they are scheduling for scoping. Ms. Cashin wanted to know when her area was done. Manager Metzler suggested that she contact Superintendent Conte in the Sewer Department or that she call his office and he will get the information for her.

Ms. Cashin also wanted to know if they know that the pumps are adequate since there are more residents since Fair Lawn Commons was built. Manager Metzler stated that they know that they are not pumping anywhere near capacity. Ms. Cashin stated that there is a sewer treatment area on Saddle River Road. The system is gravity fed. She felt that all of the pipes are angled toward her home so the sewage is pumped out to her area of the Borough. Manager Metzler stated that her question was a technical one and he did not have the answer. Mayor Weinstein suggested that she meet with Superintendent Conte and

the Manager to answer her questions. He concluded that the Council would like to know the answers as well.

David Merker, 13-11 Fairhaven Place asked that the form of government be changed so that he could vote for the Mayor directly. He suggested that they have six councilmembers and a Mayor who would only vote in the case of a tie. He felt Fair Lawn was a little archaic.

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

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Trawinski and second by Councilmember Baratta, the meeting was adjourned to Work Session at 8:20 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC, CMC, MMC
Municipal Clerk

Page Six

Regular Meeting

June 26, 2007

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etler

Deputy Mayor Joseph Tedeschi

Councilmember Edward Trawinski