

REGULAR MEETING OF NOVEMBER 27, 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, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

MANAGER'S REPORT:

Manager Metzler said the report was on the table and there were no changes.

COUNCIL COMMENTS:

Mayor Weinstein stated the Health Officer had given them a notice that parents with children without health care insurance can visit the Craft Center in Paramus on Saturday, December 1 from 10:00 a.m. to 2:00 p.m. for possible enrollment. Visit the Health Department or call them for more information.

Mayor Weinstein spoke about the 7th Annual Thanksgiving show. He thanked Deputy Mayor Tedeschi, John Geresi, and the Master of Ceremony, Art Murray who did a great job. It was a wonderful event. The food was great and the talent was tremendous.

He stated in December they will be honoring the high school girls' volleyball team since they won the State championship. They will also be honoring the band which has become the routine this time of year. There will be some children coming from Radburn School to give a presentation about the Naugle House.

Councilmember Baratta hoped that everyone had a very nice Thanksgiving. She mentioned that next Monday, December 3, at the Borough Hall there will be the tree lighting and caroling and Santa will arrive on the Fire truck. She invited everyone to come and share in the celebration. There will be breakfast with Santa, sponsored by the Recreation Department on Saturday, December 15 at the Fair Lawn Athletic Club. Registration forms are available from the Recreation Department on 20th Street. Also, at their next Work Session they will be discussing appointments for 2008 so if anybody is interested in serving on any of the Borough committees or on any boards, please send a resume into the Municipal Clerk at Borough Hall. She asked that it be done quickly

because it will be discussed next Monday. She thanked everyone for the letters she received about Ordinance No. 2094-2007 on garage sales. She appreciated all the input because she is not familiar with garage sales since she has never frequented one. There may be some problems with the ordinance as it is written. She hoped the Council could discuss it and tweak the ordinance.

Mayor Weinstein stated that Ordinance is scheduled for second reading. He agreed with Councilmember Baratta. He had received many letters and felt they should discuss garage sales further. In the next few months he presumed there would not be too many garage sales. He intended to ask the Council to table the ordinance.

Deputy Mayor Etlar stated they had received notice from Rutgers's University for the 46th Annual Public Information contest submitted by Manager Metzler. The Borough received an honorable mention award in recognition of the outstanding efforts made to keep the community informed.

Councilmember Trawinski thanked the residents of Fair Lawn who expressed their condolences on behalf of his late mother, Mary Trawinski, and the Trawinski family. They are very much appreciated by him and his family. He thanked the Councilmembers who attended the wake.

The issue of broadcasting Fair Lawn meetings and events had been raised. Now Verizon's channel 37 will be the equivalent of Cablevision's channel 77 for broadcasting Council meetings and other Fair Lawn events.

Councilmember Trawinski thanked the Reserved Police Officers Association from Yonkers's New York for donating a variety of equipment including three body armor ballistic vests to the Fair Lawn Auxiliary Police. It was a great example of how the Auxiliary Police units, not only within the State but across State lines, help each other out.

He mentioned a memo the Manager had given the Council about two Police Officers. On September 20, 2007, Police Officer Mecionis and Police Officer Check spent the entire day making repairs to the Pistol Range, not on over-time, but had volunteered their own time. He felt it showed the dedication of these officers in their personal commitment ensuring the range training is effective and safe. He thanked them for doing that.

Councilmember Trawinski stated he received a letter he received on November 2 from a resident regarding a contractor bouncing a check. The resident did not have success in tracking down the contractor. They contacted Lt. Kneer and Officer Buskiewicz who located the contractor and persuaded him to give back the money he inadvertently taken from these people. He felt it was another example of the fine work the Fair Lawn Police Department continues to do for us.

Deputy Mayor Tedeschi felt the 7th Annual Thanksgiving Concert would not have gone nearly as well as it did without the help of the organizations that went out and sold the

tickets, such as the American Legion, the VFW, the Cosmos Club, the Jewish Federation of Women, Jersey Hills Organization, the Filipino American Association and the Knights of Pythias. As a result of the concert there will be \$5,000 distributed within the community for use by these organizations and local charities. Fair Lawn is blessed to have a large number of volunteers and should constantly be recognized, not only financially but also for the contributions they make. It is what makes Fair Lawn a little different.

He congratulated Wyckoff for winning first place in the Annual Public Information contest. Fair Lawn's goal should not be an honorable mention but should be number one.

ORDINANCES ON FIRST READING:

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

ORDINANCE NO. 2099-2007

“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 FROM THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION THEREFORE.”

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 337-2007 introducing Ordinance No. 2099-2007 was discussed.

Mayor Weinstein explained that this ordinance is for accepting funds from a Community Development Block Grant for barrier free improvements in the amount of \$10,000.

There being no further discussion, Resolution No. 337-2007 was unanimously adopted.

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

ORDINANCE NO. 2100-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED “ADMINISTRATION, DEPARTMENT AND BUDGET AND FISCAL PROCEDURES” MORE SPECIFICALLY SECTION 2-89 ENTITLED “DIVISION OF ELECTRICAL SERVICES”

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etlar, Resolution No. 338-2007 introducing Ordinance No. 2100-2007 was discussed.

Manager Metzler explained that this ordinance will eliminate the responsibility for design of any new electrical installations from the Division of Electrical Services.

There being no further discussion, Resolution No. 338-2007 was unanimously adopted.

ORDINANCES ON SECOND READING:

Upon motion by Deputy Mayor Etler 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. 2094-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SO AS TO ESTABLISH A NEW CHAPTER 112, ENTITLED "GARAGE SALES"

Jim Storozuk, 27-15 Urban Place said he was glad to hear that the ordinance would be tabled. He noticed a trend where senior citizens go to the garage sales and buy used shoes. This ordinance would curtail the sales which would not be good for many people. He felt there should be control of the signs. He thought it was a good idea for the ordinance to be tabled and to be discussed further over the winter.

Anna Dinardo, 15-06 2nd Street, felt the cost for the permit was excessive and the average citizen would balk at it. She agreed that signs should be monitored. The idea of garage sales are to reduce, reuse and recycle. She thought the ordinance should deal with estate sales and stop the habitual sales. She called several towns to see what they charge.

Councilmember Trawinski stated the Council had received a memo from Municipal Clerk Kwasniewski regarding the fees which ranged anywhere from \$1 - \$25. Deputy Mayor Etler asked if she thought there should be some regulation. Ms. Dinardo said it should be for the habitual sales. Deputy Mayor Etler explained that he had seen people selling new items that could be bought in a store.

Jim Storozuk stated the \$10 fee was not excessive but it adds up after putting ads in the paper it can cost up to \$60. The cost to have the garage sale would be a lot to overcome. In regard to selling new items, it is tough to control it. He has not seen new items.

Mayor Weinstein felt they should table this ordinance so they could spend more time going over it and tweaking it.

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

Upon motion by Mayor Weinstein and a second by Deputy Mayor Tedeschi, Resolution No. 339-2007 adopting Ordinance No. 2094-2007 was tabled with Deputy Mayor Etlar dissenting.

Mayor Weinstein asked that it be placed on the December 18 Work Session.

Upon motion by Councilmember Baratta 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. 2096-2007

AN ORDINANCE TO AMEND SECTION 125-45 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED "TREES"

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

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 340-2007 adopting Ordinance No. 2096-2007 was discussed.

Mayor Weinstein complimented the Tree Committee, Councilmember Baratta, Jane Spindel, Jim Vanderbeck, Howard Mark, Wendy Dabney and Walter Neill from the Shade Tree Department and the Borough Attorney for a job well done.

Attorney Rosenberg stated the ordinance will amend Section 125-45 which will establish enhanced regulation with respect to preservation of all public trees within the Borough. It will establish a permitting mechanism for the removal of trees from the Borough and limits the removal of trees to no more than three trees within a 12-month period. It would require notice to the Borough before said trees were removed and it would also require mitigation for the removal of trees by replanting consistent with Section 125-45.

Councilmember Trawinski stated he recalled in 1998 there was a fair amount of controversy when the Council unanimously passed the first tree removal ordinance. At that time they recognized that it was just a start and at some point in the future it would require modification. He was pleased that this tweaking has come about having lived with the first ordinance for the last decade. He thought there was another step they need to take and he intends to place it on the next available work session agenda. In 1998 the Borough had received a State grant that was matched by the Borough funds that enabled them to conduct an inventory of all specimen trees in the Borough. He does not know what happened to that inventory and whether it has been maintained or updated. He knows they are serious about this ordinance and enforcing it. They should check to see if there are any grants available and move forward.

Councilmember Baratta stated the Committee is not done there needs to be some education and the Committee will decide how to get the word out about the trees. They are going to try to catalog the historical trees in the Borough. There are a lot of beautiful trees in the parks and want to keep track of them.

There being no further discussion, Resolution No. 339-2007 adopting Ordinance No. 2096-2007 was unanimously passed.

Upon motion by Councilmember Trawinski 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. 2098-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 SPECIFICALLY CHAPTER 2 ENTITLED "ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES" MORE SPECIFICALLY SECTION 2-56 ENTITLED " HEALTH ADVISORY BOARD"

There being no comments by the public, upon motion by Deputy Mayor Etler 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 Etler, Resolution No. 341-2007 adopting Ordinance No. 2098-2007 was discussed.

Manager Metzler explained that this ordinance amends the Health Advisory Board which will consist of five members to be appointed by the Council, with two alternate members. Each alternate member will serve for a term of two years.

There being no further discussion, Resolution No. 341-2007 adopting Ordinance No. 2098-2007 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

Harvey Rubinstein, 28 Rutgers Terrace, wondered about Resolution No. 352-2007 regarding the renewal of Bond Anticipation Notes. Manager Metzler explained that the Borough had adopted 11 capital bond ordinances to finance part of the costs of the construction and acquisition of various capital improvements. The Borough issued Bond Anticipation Notes of 2006, Series A dated December 20, 2006 in the principal amount of \$11,749,000 which mature on December 19, 2007. CFO Eccleston requested to renew the prior notes permitted by the Local Bond law. The Borough will combine these notes into

one issue in an amount not more than \$14,350,600. Mayor Weinstein explained these were existing bonds.

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

RESOLUTIONS BY CONSENT # 26-2007

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etler, Consent Agenda 26-2007 containing the following items with the exception of Resolution No. 342-2007 was unanimously passed.

- a. Resol. #342-2007 - Removed
- b. Resol. #343-2007 - Refund of Overpayment of Taxes
- c. Resol. #344-2007 - Transfer of Funds
- d. Resol. #345-2007 - Cancel & Refund 2007 & 2008 Property Taxes Due Veteran 100% Tax Exemption - Halperin
- e. Resol. #346-2007 - Corrective Action Plan
- f. Resol. #347-2007 - Cancel A Delinquent Water Charge - Kopf
- g. Resol. #348-2007 - Interlocal Agreement Ho-Ho-Kus - Health Officer Services
- h. Resol. #349-2007 - Cancel Taxes on Property Assessed in Error for the Year 2007/ 2008 by Realty Appraisal Company - Saddle River Park Est. Homeowners Assn.
- i. Resol #350-2007 - Cancel Taxes on Property Assessed in Error for the Year 2007/2008 by Realty Appraisal Company - Dutzar
- j. Resol. #351-2007 - Emergency Appropriation - Water Utility
- k. Resol. #352-2007 - Authorizing Issuance and Renewal of Bond Anticipation Notes
- l. Resol. #353-2007 - Award of Bid: Uniforms - Police, Auxiliary Police and School Guards
- m. Resol. #354-2007 - Authorizing Tax Settlement - Bridgebrook Associates
- n. Resol. #355-2007 - Authorizing Tax Settlement - Alfa Realty, LLC

RESOLUTION NO. 342-2007 - APPROVAL OF MINUTES

Work Session 10/2/07
Special Meeting 10/2/07
Closed Session 10/2/07
Regular Meeting 10/9/07
Closed Session 10/16/07
Work Session 10/16/07
Closed Session 10/16/07

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 342-2007 was passed with Mayor Weinstein abstaining.

RESOLUTION NO. 356-2007 - PERSON TO PERSON TRANSFER OF LIQUOR LICENSE: QUO NON ASCENDET TO GOTHAM BEVERAGE INC.

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

Harvey Rubinstein, 28 Rutgers Terrace asked who the principals were in this transfer. Municipal Clerk Kwasniewski explained it was a person to person transfer from Quo Non Ascendet trading as Good Times on Broadway to Gotham Beverage Inc.

Councilmember Trawinski asked if all the paperwork was in order. Municipal Clerk Kwasniewski stated everything was in order.

There being no further comments, upon motion by Councilmember Trawinski and Deputy Mayor Etlar the time for public comments was closed.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etlar, Resolution No. 356-2007 was unanimously approved.

MISCELLANEOUS PUBLIC COMMENTS

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

Deputy Mayor Etlar stated that the historical plaque has been installed at the Old Library Theater on the third column.

Claude Beinstock, 39-11B Broadway congratulated Mayor Weinstein, Deputy Mayor Tedeschi and Councilmember-elect Swain on their victory in the election.

Scott Easton, Paterson on behalf of Larouche spoke about mortgages and the amount of foreclosures and the Homeowners Act of 2007 and requested that the Mayor and Council support it.

Konstantin Salnikov, 25-38 Berdan Avenue, questioned the flooding situation at Berdan Avenue and Maynard Place. It has been flooding for the last 20 years and the area is not in a flood zone or near the river.

Attorney Rosenberg advised that this gentleman has sued the Borough and the Council should not respond.

Mr. Salnikov stated that he had filed a lawsuit that reserved his right to sue the Borough but is not actively pursuing it. He wanted to go on record that the Borough should fix the problem. He continued that the Borough should repair the infrastructure by putting additional drain pipes in.

The Mayor and Council should also adopt an Ordinance prohibiting dumping water onto the street. He suggested the Council spend money on the infrastructure. Mr. Salnikov stated he
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had spoken to the Engineering Department who told him it was an old problem and new drains were installed. However, it still flooded. He felt the property values were going down because of this flooding problem. Manager Metzler said he would discuss this with Engineer Garrison. Mr. Salnikov stated he had told his attorney not to pursue the lawsuit any further. He will drop all the claims. He just wants the problem corrected.

Sheryl Cashin, 1 Glenfair Road, thought this was proof of what is going on with the infrastructure in the Borough. It is getting worse and worse. People cannot live like this. A few weeks ago Manager Metzler said an outside engineer was not necessary at this time. She felt this town was getting old and should replace their aging sewer systems like some of the surrounding towns have done.

Mayor Weinstein stated the Council has been taking care of problems. The Manager will talk to the Engineer and DPW. Manager Metzler stated the study will cost between \$125,000 - \$150,000 which was not in the 2007 budget but will be in the 2008 budget. Currently Engineering is looking into it. They are all aware that a study needs to be done, but it is a funding issue.

Ms. Cashin said it was a health issue with sewerage in her home and it is toxic. It is their home and there is water and mold inside which is not good. There was a report from 2000 that made it clear to her that there are major problems. Manager Metzler said they regularly make improvements to the infrastructure by repairing and replacing and what needs to be fixed. Ms. Cashin stated that in the last 12 years they have had four major backups. It is a major problem. The taxes that Glenfair Road and Jasper Road pay could fund the cost of the study.

Harvey Rubinstein, 28 Rutgers Terrace stated the election was over but it was not a sweep. He wondered since the Route 208 study was complete could it be seen on the website. He spoke about preserving open space. He suggested giving Attorney Lustgarten a check from the Borough to purchase the Naugle House. Mr. Rubinstein felt they should make sure that sewerage does not back up into people's houses. He also felt that the lights don't need to be lit through the night in the parks. That could save the Borough some money.

Konstantin Salnikov stated that people should not be allowed to put water in the streets and suggested the Mayor and Council draft an ordinance against it.

Anna Dinardo, 13-06 2nd Street, stated she has sympathy for the people whose homes have been flooded. She felt they have been very patient. The flooding problem needs the Borough's attention and the money should be found somewhere.

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

ADJOURNMENT

Upon motion by Councilmember Trawinski and second by Councilmember Baratta, the meeting was adjourned at 8:45 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 Martin Etler

Deputy Mayor Joseph Tedeschi

Councilmember Edward Trawinski