

REGULAR MEETING OF APRIL 11, 2006

Mayor Etler called the meeting to order at 7:36 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 14, 2005. 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 Etler, Deputy Mayors Weinstein and McCarthy, Councilmember Trawinski.

ABSENT: Councilmember Baratta

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

COUNCIL COMMENTS

Acting Manager Metzler stated there was to be no food allowed in the Council Chambers and asked that no one eats in the Council Chambers.

Mayor Etler extended the Mayor and Council's deepest sympathy to Councilmember Baratta and her family on the loss of her father.

Deputy Mayor McCarthy offered condolences to Councilmember Baratta and her family at this most difficult time. He reminded everyone that this Saturday at 3:00 p.m. there will be a dedication of the memorial for Mary Ann Collura in front of the Municipal Building.

Councilmember Trawinski offered condolences to Councilmember Baratta and her family for the loss of her Dad. He said they just finished an Open Space Committee meeting and there will be a hearing on May 1, 2006 at 7:30 p.m. with the Planning Board. The Manager will submit an application for the grant. He felt the Fair Lawn residents should be commended for approving this at the last election. He thanked Deputy Mayor Weinstein for his support.

Deputy Mayor Weinstein also offered his condolences to the Baratta family for their loss. He stated that the Open Space Committee has put in long hours on this project and their first deadline is April 14. The public will get to hear about it and to have input into it at a Special Meeting of the Planning Board.

Mayor Etler read citations from the Police Department. On March 24, 2006, an armed gunman entered Valley National Bank and pulled a 9mm handgun out and demanded

money and jammed the pistol into the female bank employee. Due to the quick response from the Patrol Officers, they were able to take control of the scene. As a result of their ground work, the members of the Fair Lawn Detective Bureau, working with the FBI, Jersey City Police Department, the Sheriffs Department, the Bergen County Prosecutor's office and the Bergen County Police Department, they were able to arrest the perpetrator later that evening. The response to major crimes of this description requires the effort of all law enforcement agencies, all of which are equally important. The members of the Fair Lawn Police Department were as follows: Officer Edward Egan, Officer Peter Yuskaitis, Officer Stephen Wassel under the command of Patrol Sergeant Brian Metzler. Fair Lawn Police Detective Bureau also participated which included, Detective James Corcoran, Detective John Ietto, Detective Stephen Cannici, Detective Anthony Ferreira, Detective Sergeant John Annazone, Detective Sergeant Michael Messina and Detective Lieutenant Yirce, under the command of Captain Anthony Serrao. This was not the first bank robbery for this perpetrator and without the efforts of the Fair Lawn Police Department, he would have done more.

On March 25, 2006. At 7:30 a.m., Officer Edward Egan, Officer Sean Macys and Auxiliary Police Officer Matthew Clark responded to a home on 2nd Street, on the report of a woman in childbirth. On arrival they determined that the situation was too far along. These officers helped in calming the expectant mother and delivering the baby. As a result of their quick and professional response, the mother and child were both in good health and were able to be transported to the hospital by Fair Lawn Ambulance. These officers are to be commended for a fine job.

ORDINANCES: FIRST READING

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

Ordinance No. 2051-2006

AN ORDINANCE FIXING THE SALARIES OF EXISTING CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, Resolution No. 154-2006 introducing Ordinance No. 2051-2006 was discussed.

Councilmember Trawinski stated there is a slight difference between the two salary ordinances. Ordinance No. 2051-2006 pertains to employees hired before April 15, 2006 and Ordinance No. 2052-2006 pertains to employees hired after April 15, 2006. The Blue and White Collar Association gave back to the Borough by changing the way longevity is calculated. Over the next few decades it will make a difference. He thanked Acting Manager Metzler and the Blue and White workers for making this happen.

Deputy Mayor Weinstein stated this applied to prior union discussions where in the past the unions had agreed to deal with the rising cost of health benefits.

There being no further discussion, Resolution No. 154-2006 was unanimously passed.

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

Ordinance No. 2052-2006

AN ORDINANCE FIXING THE SALARIES OF CERTAIN NEW EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, Resolution No. 155-2006 introducing Ordinance No. 2052-2006 was passed .

ORDINANCES ON SECOND READING:

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

Ordinance No. 2045-2006

“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.”

Mayor Etlar explained this Ordinance is for a grant for Senior Center Improvements in the amount of \$49,879.00 to be paid through the County of Bergen.

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, Resolution No. 156-2006 adopting Ordinance No. 2045-2006 was unanimously adopted.

Upon motion by Deputy Mayor Weinstein 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. 2046-2006

“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.”

Mayor Etler stated this was another grant from the County of Bergen in the amount of \$108,000 for Roadway Improvements within the Borough.

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, Resolution No. 157-2006 adopting Ordinance No. 2046-2006 was unanimously adopted.

Upon motion by Deputy Mayor Weinstein 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. 2047-2006

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

Acting Manager Metzler stated the law allows the municipality, when authorized by ordinance, to appropriate the difference in the amount of its final appropriation and the 3.5 percentage rate. In effect, this allows the Borough to take 1% of that and apply it to a budget over the next two years. It is a process that allows the Borough to utilize money in future budgets as a result of their anticipation of being under the cap this year. This will make these funds be available to them in the next two years.

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

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Trawinski, Resolution No. 158-2006 adopting Ordinance No. 2047-2006 was unanimously adopted.

Upon motion by Deputy Mayor Weinstein 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. 2048-2006

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, BY AMENDING CHAPTER XII, ENTITLED "WATER", SUBSECTION 12-4.2, "WATER RATES"

Mayor Etler stated this ordinance will increase the water rates to \$3.74 per thousand gallons.

Councilmember Trawinski stated he was in a quandary. Over the last few years, the water rate had dropped and now they will have to pay for the decline. He is sure the opposition will write to the editor stating that he had increased water rates when in fact it is a result of poor planning.

Mayor Etler stated that electricity and parts have increased.

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

Upon motion by Deputy Mayor McCarthy and a second by Deputy Mayor Weinstein, Resolution No. 159-2006 adopting Ordinance No. 2048-2006 was unanimously adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

Barry Winston, 19-11 Greenwood Drive, wanted to make a comment about a personal attack made on himself by Councilmember Trawinski. Deputy Mayor McCarthy felt it should be heard in the Public Comment portion of the meeting.

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

RESOLUTIONS BY CONSENT #12-2006

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, Consent Agenda 12-2006 containing the following items was unanimously passed.

- a. Resol. #160-2006 - Refund of Overpayment of Taxes
- b. Resol. #161-2006 - Professional Services Planner COAH Objection
- c. Resol. #162-2006 - Interlocal Agreement for Use of Walsh Pool - Prospect Park

- d. Resol. #163-2006 - Approval of Minutes:
 - Reorganization Meeting 1/3/06
 - Work Session 1/10/06
 - Closed Session 1/10/06
- e. Resol. #164-2006 - Appointment of COAH Mediation Representatives
- f. Resol. #165-2006 - Approving Knights of Pythias' Hand of Friendship Outdoor Fair
- g. Resol. #166-2006 - License Agreement 42-01 DeBruin Drive
- h. Resol. #167-2006 - License Agreement 8-07 Mayfair Terrace
- e. Resol. #168-2006 - Appointment of Borough Manager

MISCELLANEOUS PUBLIC COMMENTS

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

Harvey Rubinstein, 28 Rutgers Terrace, said that at the last public meeting he asked about payments made to two vendors. He wondered if Manager Metzler had an answer about Caputo's and the singer. Municipal Clerk Kwasniewski stated that these expenses were incurred while she was Manager and explained that the amount for Caputo's was for the retiree's luncheon and the singer was for the Senior Center. He raised several other questions from items he read in the Manager's Report and also raised questions about a new garbage truck. Mayor Etlar asked him to give the Manager the information and he will get back to him.

Stan Hayden, 12 Beekman Place, asked for an explanation of Resolution Nos. 161-2006 and 164-2006. Deputy Mayor McCarthy explained that Resolution No. 164-2006 was because an objection had been filed to their third round certification. They are required to have a mediation group. The mediation group will include himself, Councilmember Trawinski, Attorney Kates, as well as Peter Kortright of the Planning Board

Mr. Hayden said so this was in relationship to the Landmark suit. Deputy Mayor McCarthy said it is part of the lawsuit. In addition to the remedies they are seeking at law, they are also filed a challenge to the third round certification. Mr. Hayden asked for an explanation. Attorney Kates said the Borough had submitted to COAH, a request to be certified by identifying properties the Borough feels can meet the COAH obligation in Fair Lawn. That blue print is being challenged by Landmark in that it identifies property that they own and are interested in. COAH appoints a mediator, the Borough participates, Landmark participates and in that process the Council has the need to bring back the Planner that did the original plan to see whether any of the objections make sense and whether the plan can or should be modified. Mr. Hayden thanked him for the information and said he hoped that all of them could work in harmony and dispense with the attacks.

Rita Golding, 14 Rutgers Terrace, stated she read an article in The Record about the percentage of towns that have filled their obligation to COAH. She did not see Fair Lawn listed. Attorney Kates advised that the Borough knows there is an obligation but has not received certification that they have met it yet.

Mrs. Golding said she had received a letter from the appraisal company and wondered if she was supposed to just let them in. She did not understand why they had to be let in since they should have all of the information from the Borough. Attorney Kates stated there are a lot of homes that have been improved without the Borough knowing. Mrs. Golding said she didn't want anyone in her house.

Donal Meyers, 8-22 Mayfair Terrace, stated he was puzzled by how the surplus went up two million dollars since last year. He did not believe that former Mayor Ganz overlooked a stream of revenue that was not accounted for. Deputy Mayor Weinstein stated that they had explained the budget process to him two weeks ago. The budget is a tool they use to operate. Mr. Meyers said there is a two million-dollar difference from what the Manager said was collected and what was reported. This is a serious problem. He felt if there was a revenue stream, it should be taken into account.

Stewart Golding, 14 Rutgers Terrace, suggested they reduce overhead and it can be done in many ways, such as lowering the increases in wages and benefits and cut back on health care. He said he had received a solicitation from United Water that they would fix a leak between the house and the street. He suggested that Fair Lawn do that service and charge for it.

Phyllis Weglein, 18 Ramsey Terrace, asked about the status of the Landmark lawsuit. Attorney Kates advised that it is Richard Lustgarten's case and it is still before Judge Harris. He said he did not see the end of the tunnel yet. There is no jury for this but hopefully the Court will limit it to the zoning, etc. Ms. Weglein asked if they still stand by their position that it should be 10,000 square feet.

Pam Coles, 13-34 George Street, stated she was coming before them as Secretary of the Fair Lawn Historical Association. She came across an application for the Radburn Building and with the help of Joel Ives the application was completed. The Bergen County Historical Association Board recognized the building for how it was rebuilt after the fire. She thanked the Mayor and Council for their input into this. She was thankful to all who were involved for restoring it back to its original status.

Robert Gremillot, 1 Bristol Place, talked about taxes, and how Fair Lawn and the State were asked to fund the pension. He was glad to see in the new budget that the Borough will be funding the pensions. The Manager did tell him that the number of employees has been steady. He spoke about the three new police officers that were hired and then there is the cost of the Recreation Center. He felt it was good that there was a surplus to cover the costs of this. He suggested using five million dollars in the next budget to keep taxes down.

Barry Winston, 19-11 Greenwood Drive, stated that Councilmember Trawinski made comments out in left field. He read something that appeared in The Community News. Councilmember Trawinski said he could be sued for his comments. Words were exchanged between Mr. Winston and Councilmember Trawinski. Mr. Winston questioned the amount of focus he could put on Fair Lawn if he won the election as Freeholder. He also spoke about the water rates. He also wanted to focus on his attendance at a political

function instead of being at a Council Work Session. Councilmember Trawinski said this was just sour grapes between themselves. He suggested they move forward on this. He intends to put the five minute rule and the water rates on the next agenda. He will always put Fair Lawn first. He believes that entering into the Freehold race has everything to do with Fair Lawn. Former Mayor Ganz was a significant advantage for Fair Lawn. He has waived his salary as has Councilmember Baratta. He asked other Councilmembers to give up their pay. He also explained that his attendance in the past was missed for several reasons. Everyone commits their time at great sacrifice. Councilmember Trawinski said that each Councilmember has treated each other with civility. He does not like it when Mayor Etler raises his voice to the public.

Barbara Gremillot, 1 Bristol Place, said the Recreation Center is beautiful but the reality is the residents have to pay for this for 30 years. She found it puzzling that the question of building the Recreation Center was never put on the ballot for the residents to vote on. Mrs. Gremillot stated that it started out as a \$690,000 project to revamp the old Recreation Center but never got on the ballot. She said the taxpayers will be saddled with the eleven million dollar debt for 30 years.

Craig Miller, 5 Ramapo Terrace, wonder if the five minute rule applies to the Councilmembers when they cut in on his time. He felt that some people have been allowed to talk more than five minutes. Deputy Mayor McCarthy said they are doing this so that everyone can be heard. There are certain individuals that can talk for 30 minutes. They are not trying to silence anyone.

Louise Orlando, 12 Arlington Place, stated she was tired of everyone going over the same topic. It was the Radburn Association's architectural guidelines which forced the owner of the Radburn Building to rebuild it as it originally was. She was astonished that no credit was given to the Architectural committee.

Ms. Orlando was curious about when Councilmember Baratta and Councilmember Trawinski donate their salaries, will it count toward pension or health benefits. Councilmember Trawinski said it does count toward the pension. He did decline the health benefits except for the dental coverage.

Deputy Mayor Weinstein said the water rates have gone up because Passaic Valley's rates have gone up. In regard to the comments between Councilmember Trawinski and Mr. Winston, Councilmember Trawinski accused him of scheduling meetings without discussing it. At one time, Councilmember Trawinski had made a comment about dual office holding but now is saying that David Ganz did a good job. Deputy Mayor Weinstein said he did not believe in dual office holdings.

Larry Ames, 17-04 Elliot Terrace, said that at 1-09 34th Street, north of Broadway, there is a no parking sign anytime. Since it only effects part of the street he would like a written explanation about the no parking. He

spoke about the Fair Lawn exit on Route 208 where cars can make a right on red. This makes it very difficult to exit Elmary Place. He would appreciate investigating it. Mr. Ames mentioned the GS POPS plan and that it has expired. A lot of people have been surprised by that. GS POPS said a letter has been sent out. Page Nine

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He suggested putting a notice on the Borough website that the plan has an expiration date. Manager Metzler said the Borough was not made aware that there was an expiration date. He will confirm it with the company and put it on the website if need be. Mr. Ames said that a number of people have not been able to take advantage of this program. He thanked Mayor Etlar, Deputy Mayor McCarthy and Deputy Mayor Weinstein for their leadership, it is greatly appreciated.

Charles Bosser, 0-91 W. Amsterdam Avenue, thought the budget was excessive and needed to be cut back. He suggested they run the Borough as a business. He had suggestions about Recycling collecting on holidays and how they should collect it on Saturdays on overtime. He also mentioned the SUV's that the Police Department have. He said the Police Officers that were added, which the Borough cannot afford. Mr. Bosser continued with his suggestions such as the ratables have not increased but have stayed stagnant, the road repaving program paves roads that do not need it. Mayor Etlar said there is a 7-year program to repave the roads. Manager Metzler said in regard to the terms of the Recycling program and overtime, this is one of the programs he is looking into to make cuts. He said that Fair Lawn is one of the few towns that offer snaking of the sewer line. It is a service that may be on the chopping block. In regard to the SUV's, they are great in a snowstorm. Manager Metzler said that if they look at the services that the Borough offers, such as Recycling, they did not provide that 25 years ago. In regard to the budget, they all are prepared to answer any questions residents may have. The Mayor and Council and he approached the budget process with the new costs that included the Recreation Center and rising fuel costs, etc. They are going to try to hold the budget at 5 - 7 points. If they reduce the surplus too much and have the revaluation hanging over their heads, it will not be good. He believed that over the next several months, there will be program cuts. He plans on looking into shared services and doing an honest analysis of

how they can cut costs. Mr. Bosser asked about the turn around time for vehicles. Manager Metzler said there was no clear cut plan but the Borough does have mechanisms in place to track this.

Councilmember Trawinski stated that planned overtime is an issue. He also wondered if they can hire an employee to come in at noon to cover the meetings, etc. He said that he wants a report of the amount of overtime since this is a management tool. In regard to the Police Department adding two new police officers, Chief Rose asked for them and in the short time he has been back on the Council, traffic has been an issue. The Borough has been policed the same way as it was in the 1960's. He appreciates the residents comments and he will take a good look at this next year. Councilmember Trawinski said that he would have never supported buying an SUV. Instead of paying for police cars, they borrowed the money. The SUV's only have a life span of three years. The Manager is looking at the motor pool to see where more efficient vehicles will fit in.

Diane Alberella, 3-45 Hartley Place, asked if they planned on increasing property maintenance coverage because what she had seen has annoyed her. She also mentioned drivers using cellphones. Manager Metzler said that the State law will become a law that they can stop the person as a primary law. Mrs. Alberella thought they should add more people to the property maintenance section. There is a lot of industry in Fair Lawn. Manager Metzler said that the property owner was instructed to clean his property.

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Rita Golding, 14 Rutgers Terrace, told them to keep in mind that Radburn pays an added assessment. She suggested that they look at making another industrial park to bring industry back to Fair Lawn. She also said she was appalled at the dissension within the Council. She did not like the way they were working. People vote for the best person regardless of the party. Mayor Etlar stated that dissension goes both ways.

Deputy Mayor Weinstein stated that in regard to Pay to Play that was directed at the Council. He read a proposed ordinance that will be discussed at the next work session. He felt this will put and end to this. It would be up to the candidate to end this.

There being no additional comments from the public, upon motion by Deputy Mayor McCarthy and second by Deputy Mayor Weinstein, the time for public comments was unanimously closed.

ADJOURNMENT TO WORK SESSION:

Upon motion by Deputy Mayor Weinstein and second by Councilmember Trawinski, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Martin Etlar

Absent

Councilmember Jeanne Baratta

Deputy Mayor Owen McCarthy

Councilmember Ed Trawinski

Deputy Mayor Steven Weinstein