

## **REGULAR MEETING OF APRIL 25, 2006**

Mayor Etler called the meeting to order at 7:35 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, Councilmembers Baratta and Trawinski.

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

### **MANAGER'S REPORTS**

Mayor Etler stated that the Manager's Reports were on the table and there have been no changes or additions.

### **COUNCIL COMMENTS**

Councilmember Baratta stated that she attended the Bike Rodeo on Saturday. It was a wonderful event even though it was raining. They have been working on the Pay to Play ordinance since January and hopefully the Council will continue to discuss this further.

Councilmember Trawinski stated this was the first meeting since Mary Ann Collura's monument was dedicated. A lot of people came out to support this but they also reflected on what she did. They were there for all of the officers and volunteers who give so much to Fair Lawn.

Deputy Mayor Weinstein stated this weekend is Marathon weekend. The money that is collected will go to charity. He asked that the residents support this event. He also wanted to remind everyone that this weekend the Council would be dedicating a memorial to John Alaimo at Berdan Grove Park. He also mentioned that the bike path opened last Saturday.

### **ORDINANCES: 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. 2049-2006**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 180 ENTITLED "RIVER ROAD SPECIAL IMPROVEMENT DISTRICT", BY AMENDING "SCHEDULE A"**

Mayor Etlar stated this ordinance is adding assessable properties to the River Road Special Improvement District.

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 Councilmember Trawinski and a second by Deputy Mayor McCarthy, Resolution No. 169-2006 adopting Ordinance No. 2049-2006 was unanimously adopted.

Upon motion by Deputy Mayor Weinstein 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. 2050-2006**

**AN ORDINANCE OF THE BOROUGH OF FAIR LAWN REQUIRING CONTRIBUTION DISCLOSURE STATEMENTS FOR CERTAIN DEVELOPMENT APPLICATIONS, AND AMENDING AND SUPPLEMENTING ARTICLE VII, "DEVELOPMENT APPLICATION REVIEW PROCEDURES" OF CHAPTER 125, ENTITLED "LAND DEVELOPMENT", OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, MORE SPECIFICALLY SECTION 125-70, ENTITLED "CHECKLISTS".**

Attorney Kates referred to a section of the ordinance that stated "disclosure of political contributions by property owners, developers and professionals engaged in the land use application process will enhance the Borough's commitment to openness in government and provide further guarantees for fair and impartial approval processes, in the public interest." He advised that this pertains to Zoning and Planning Board applicants that must report campaign contributions. This is not intended to be a burden on the single family homeowners.

Councilmember Trawinski thanked the Council for supporting this ordinance as this is the first of three in terms of disclosure and pay to play. He said to the people who see the Council bickering, this is proof that they can reach a positive conclusion.

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

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Baratta, Resolution No. 170-2006 adopting Ordinance No. 2050-2006 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. 2051-2006**

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

Mayor Etler stated this ordinance pertains to salaries of certain employees hired before April 2006.

There being no further comments, upon motion by Deputy Mayor McCarthy and a second by Councilmember Baratta, 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. 171-2006 adopting Ordinance No. 2051-2006 was unanimously adopted.

Upon motion by Councilmember Baratta 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. 2052-2006**

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

Mayor Etler stated this salary ordinance is for employees hired after April 14, 2006 coinciding with the terms agreed to by the Blue and White Collar workers.

Councilmember Trawinski states this ordinance represents a significant effort of Manager Metzler and the Council in negotiating with the Blue and White Collar workers. This is also the employees helping with the budget. There was a major give back on behalf of the Blue and White workers that will eventually save millions of dollars for Fair Lawn.

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. 172-2006 adopting Ordinance No. 2052-2006 was unanimously adopted.

### **PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

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

Donal Meyers, 8-22 Mayfair Terrace, spoke about Resolution No. 178-2006, executing the vegetative yard waste contract. He suggested that the Mayor and Council take a closer look at whom this was being awarded to and discuss it further. Manager Metzler said New Jersey law does not require the Borough to go out to bid. The Borough went to three vendors, and now will award it to the lowest responsible vendor. Many things were calculated into the choice of a vendor along with being the lowest price such as how far away the vendor is located and how long the round trip would be. In his opinion this is the right bid at this time.

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

### **RESOLUTIONS BY CONSENT #13-2006**

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, Consent Agenda 13-2006 containing the following items was unanimously passed.

- a. Resol. #173-2006 - Interlocal Agreement for Use of Walsh Pool - Midland Park Camp
- b. Resol. #174-2006 - Approval of Minutes:
  - Regular Meeting 1/17/06
  - Closed Session 1/17/06
  - Special Meeting 1/24/06
  - Closed Session 1/24/06
  - Work Session 1/24/06
  - Closed Session 1/24/06
- c. Resol. #175-2006 - Award of Bid: Cleaning and Painting Westmoreland Water Storage Tank
- d. Resol. #176-2006 - Authorizing Tax Appeal Settlement - Health Resources Inc.
- e. Resol. #177-2006 - Releasing Funds From the Mary Ann Collura Trust Fund
- f. Resol. #178-2006 - Authorizing Execution of Vegetative Yard Waste Contract
- g. Resol. #179-2006 - Professional Services: Planner

## **RESOLUTION NO. 180-2006 - Use of Walsh Pool - Fair Lawn Community School**

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Baratta, Resolution No. 180-2006 was approved with Councilmember Trawinski recusing himself.

### **MISCELLANEOUS PUBLIC COMMENTS**

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

Harvey Rubinstein, 28 Rutgers Terrace, asked about the rules and regulations at Council meetings. He said he was disturbed to hear that the Borough is borrowing two million dollars when they have so much surplus. He asked that they don't tell the residents to bite the bullet because he felt it was unnecessary since it was not an election year. He asked if the Borough policed Route 208. Manager Metzler told him that the State Police patrol Route 208. They come in and do targeted areas.

Daniel Posey, 19-14 Hunter Place, stated he was not happy with McMansions. The builders come in and don't care about the neighbors. He spoke about taxes and the budget. He felt when they figured how the budget would affect the residents, they did not consider the school taxes. He congratulated Manager Metzler for becoming Manager. He had a problem with Manager Metzler living in Oak Ridge and driving a Borough vehicle back and forth. He suggested that he leave the car here.

Howard Mark, 12-23 Ferry Heights, spoke about residents abusing the Ambulance service. He felt it costs the taxpayers and the Borough should fine the people who abuse the system.

Mr. Mark had questions about the Naugle House and their agreement. He thought there basically was no agreement. He also asked why the Mayor and Council won't rezone it back to what it was. Mayor Etler stated there is an agreement and when and if the application is approved, it will be built according to code. It is before the Zoning Board and nothing has happened yet.

Mr. Mark questioned the five minute rule. He wanted to know why the time limit was started since they have freedom of speech.

Arlene Rubinstein, 28 Rutgers Terrace, as a means to recruit more members, she suggested forgiving property taxes to the members of the Ambulance Corps. She felt the residents would rather have fellow residents coming into their house. She also felt the Borough doesn't give the members anything for the hours they put in a week. Mayor Etler stated the members are in the LOSAP program plus they get uniforms. Manager Metzler said that Paramus pays a monthly stipend but has now entered into a contract for third party billing. Filling the day time slots is difficult. This Council has agreed for a year to a contract for paid ambulance service. Mrs. Rubinstein stated she would turn away a paid ambulance.

Manager Metzler stated this process began when a 43-year-old man had a stroke and could not get an ambulance. That is why the decision was made to fix this situation. Mrs. Rubinstein wondered if the Ambulance Corps was able to get 10 members on board, would this alleviate the situation. Manager Metzler said his best guess they would not become riding members until September. The contract gives the Borough the right to cancel in 90 days.

Susan Frankel, 32-10 Hillside Terrace, stated she has lived here for ten years. The taxes have risen to \$17,000 a year. This town is great but the taxes are out of control. She wanted them to know that the people of Fair Lawn are very angry about this. Mayor Etler explained that 62% of the taxes go to the school board. The voters just overwhelmingly passed the budget. Ms. Frankel said that the taxes have been going up more than \$1,200 a year. The school system is good but she does not know who sets their salaries. She felt it was getting very difficult to sell their houses. People, especially the seniors, cannot afford the taxes. Someone should take a good look at this and lower the taxes. Deputy Mayor Weinstein stated it is a tough issues. They have addressed longevity and health insurance with the employees. Now the Council is looking into shared services with the Board of Education. Ms. Frankel said this was going in the right direction but what happens when they do a reval and the taxes go up too high. Deputy Mayor McCarthy said there were procedures that the residents can do such as file a tax appeal with the County and they would get a hearing. Ms. Frankel asked if they can come up more ideas since it would be advisable to help the residents.

Craig Miller, 5 Ramapo Terrace, agreed that the taxes are high but felt they should thank the prior Council for doing that. He said that awhile ago he asked Manager Metzler about when they retire the Police cars. Manager Metzler said that based on some studies, he will recommend that they replace eight vehicles with five. He will also suggest replacing the cars with more energy efficient vehicles. Mr. Miller asked why the Manager's car has MG plates on it. Manager Metzler stated that all Borough cars have MG plates except for a few unmarked cars.

Don Oliver, 8-32 Mitchell Place, said he was not in favor of the cherry picker truck. He congratulated Tom Metzler being named Manager. Hopefully this job will be challenging to him. He thanked Detective Boone for getting the monument for Mary Ann Collura together. He did a great job and the monument is beautiful. He respects the Council for being behind the PBA on this matter.

Barbara Gremillot, 1 Bristol Place, stated the residents were denied voting on being stuck with a massive Recreation Center and the sale of Daly Field. She felt it was taxation without representation. Ms. Gremillot spoke about having a run in with Barry Winston and run in with a resident when he was shouting in the mans face. She felt the residents don't want to hear his ranting. She said they are not animals and will not be intimidated with the lack of democracy.

Donal Meyers, 8-222 Mayfair Terrace, stated that two weeks ago he raised the question about the two million dollars missing from the Manager's budget. He felt the bulk of the

difference is the difference of the property tax assessed and collected. He said he went back and reviewed the budgets for the last several years. The Councils should have taken a more prudent course. He wanted to know why the surplus has gone up so much. If it is a continuing stream of revenue, it should be used to lower the taxes. They should research this further.

Robert Gremillot, 1 Bristol Place, asked why the meetings are not shown on TV. Mayor Etler said there was a shortage of volunteers needed to record the meetings. Mr. Gremillot asked about the February 14, 2006 meeting that was missing. He thought that someone gave it to the Manager and it was shown a few times. The April 11 meeting was only shown a few times and there are two different versions. He said that Councilmember Trawinski and his wife's comments were cut out. He asked that in the future, they get volunteers to record the meetings and bring it back to the way it was. He also wanted to know if the Council decided if they were going to do anything with the five million dollar surplus.

Eugene Rotella, 14-08 River Road, asked how he can obtain a building permit for 14-08 River Road without spending \$30,000. He said it was a permitted use but cannot get a permit. Mayor Etler said the Construction Official has the final say. He advised him to go through the appropriate boards. Mr. Rotella said that he could not afford the cost since Boswell Engineering took most of the money. Mayor Etler suggested he hire an attorney. Manager Metzler said that his application had an issue with parking spaces. Mr. Rotella said that he wanted to get a permit without going before the Zoning or Planning Boards. Deputy Mayor Weinstein suggested that the Manager look into this and get the background information. Mayor Etler advised him that this was not the appropriate forum to discuss this. Manager Metzler stated he would meet with the Construction Official next week.

Howard Hyde, 13-07 Ellis Avenue, had a photo of his curb and what it looked like after the street cleaner went by. He questioned how much the town pays for this and what is the schedule. Manager Metzler said he would investigate this and follow up on it. Mr. Hyde said his street is a new street and has vegetation growing out of it. The street cleaner does not work and he is looking for a solution. He suggested getting rid of the two street cleaners and farm out the job so they do it between 2:00 a.m. and 5:00 a.m.. Manager Metzler stated that he does know that they do pick up a lot of debris and they do go out early every day but he will look into this.

David Schwartz, 34-15 Berdan Avenue, stated he has a problem parking. He commutes to NYC and his hours are flexible. This is an ongoing problem and realizes there isn't too much room for parking. He suggested relaxing the parking restriction on certain streets. Deputy Mayor Weinstein advised him that the EDC has been looking into offsite parking. There have been discussions with Elmwood Park and Radburn about the parking. Mr. Schwartz said he appreciated that. Mayor Etler stated they have tried to get New Jersey Transit to make a walk over on Broadway because they could gain 75 spots across the street. The Borough did put in for a grant that would open up all those spaces. Mr. Schwartz asked if they have resigned themselves to not open parking on the streets. Councilmember Trawinski said that over the years, the residents have come in with

petitions to restrict parking on their streets. He would not support relaxing those restrictions. He would also not support adding additional parking because this would bring in more commuter cars. A balance would have to be struck but not like what was suggested. Mr. Schwartz asked who owned the lot by Fair Lawn Avenue and Route 208. He wondered if there was any reason why it was not paved. Councilmember Trawinski stated it is loose gravel and if they striped the lot, they would lose several parking spaces. Deputy Mayor McCarthy stated that the Borough is leasing the lot from the State. There is also a restriction that they can take the space back whenever they want.

Charles Bosser, 0-91 Amsterdam Avenue, wondered about the five million dollar surplus. He said he understands there is a 2.5 million dollar surplus and the Council wants to add to it. Councilmember Trawinski explained how the Borough gets its income and how it pays its bills. He gave an example of how the Borough has to pay the Board of Education when they request it. Sometimes the Borough didn't even collect the money and it had to be paid to the Board of Education. He emphasized that not one of the Council is there to hoard money. The issue is that several items are coming online now. The prior Council's bonded police vehicles. This Council has agreed not to do that. Then there is the Recreation Center and they are absorbing the \$13,000,000 cost for it. It will cost the taxpayers \$22,000 a week for 30 years to pay for it. There is also the cost of the pensions and they have to absorb that cost too, The operating part of this budget is up one half of a percent. They are in effect biting the bullet. They hear the concerns of everyone. They are also mindful of the revaluation that will shift the tax burden more to the residents. He explained that the Council is concerned and that is why they have built a surplus. He said that 62% of the taxes go to the school board and just recently the residents have approved the budget. That was when they had a chance to say no. Councilmember Trawinski stated there is no quick fix. They are trying to shift the vehicle fleet to more energy efficient models. He asked that Mr. Bosser give them a few years to see what they can do and he thanked him for his comments.

Mr. Bosser said the residents cannot afford to live here anymore. If the Borough can't cut services, they will be forced to move out. Deputy Mayor Weinstein stated that several years ago when the Senior Center and the Library were built they did not go out to vote on it. He felt they cannot let things fall apart. The Recreation Center will be phenomenal. He, too, will be paying for it for it but people 30 to 50 years from now will be using the center and enjoying it. Mr. Bosser felt it didn't help the value of the town. Deputy Mayor Weinstein said he was talking about the quality of life.

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:**

Upon motion by Deputy Mayor Weinstein and second by Councilmember Trawinski, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Martin Etlar

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Councilmember Jeanne Baratta

Deputy Mayor Owen McCarthy

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Councilmember Ed Trawinski

Deputy Mayor Steven Weinstein