

WORK SESSION OF APRIL 4, 2006

Mayor Etlar called the meeting to order at 7:30 p.m.

PRESENT: Mayor Etlar, Deputy Mayors McCarthy and Weinstein, Councilmembers Baratta and Trawinski.

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

REVIEW OF TENTATIVE AGENDA (4/11/06):

Municipal Clerk Kwasniewski asked to add the approval of minutes of January 10, 2006. Councilmember Trawinski inquired about the salary ordinances. Municipal Clerk Kwasniewski stated they were implementing the labor contracts.

FIRE COMPANY #1 LAND SWAP PRESENTATION:

Lieutenant Erik Reamy and Engineer Joe Wensel were present. Engineer Wensell stated that they want to upgrade their fire house which is almost 50 years old. They presented a diagram of the existing fire house showing their parking lots. They have considered several ways to fund this project. They thought the best way was to sell some property to a developer to build a house. Originally they thought they would sell the property by the well house. This property was deeded to them with a restriction that it could only be used for parking. The house would be between two parking lots. They are now proposing to swap the property which would allow them to sell one lot and allow the RRIC to have their parking lot.

Lt. Reamy stated that it is a 65 x100 foot lot. Whatever they can sell the lot for would be their budget for the addition. They would demolish the existing meeting room to increase parking. They would add the second floor over the truck bays. Under this plan they would be short 11 parking spaces. RRIC would use 40 feet of their property to increase parking. When there is a fire call, they have 15 cars. If they have some type of event, they can use the spaces that RRIC will have. The fire company will have 38 spaces. The RRIC parking lot will not be accessible to either George Street or the Fire House. They would have a training room but not a large room for catering.

Engineer Wensell stated that the truck they have prepared specifications for meets their needs. They are not getting something higher just because they could.

Lt. Reamy stated that they are only in the planning stage. The Fire Company has not yet voted on the plan.

The consensus was to do the land swap. Councilmember Trawinski stated that he was inclined to support the swap but he wanted the house to be built so that it will fit the neighborhood. Lt. Reamy stated that they will go to the Fire Board next.

CINGULAR PRESENTATION:

Declan O'Scanlon was present representing Cingular Wireless. He wanted to talk about two sites. Municipalities have realized the monetary benefits and the benefits of improved municipal communication by working with the industry.

Saddle River Road has an existing tower that has been built in the wrong location that has been the subject of ongoing discussions with the DEP and the carrier who built the tower. There are four carriers in the industry. There is enough room to allow temporary towers until that matter is resolved. It is a natural location for this equipment.

The existing tower on the Municipal Building is in need of replacement. Extra height will be a plus for the emergency communications.

Judy Babinsky, Esq., attorney for Cingular proposed a cell on wheels. She presented a picture. They would be able to install it immediately. They would pay rent immediately.

Mayor Etlar asked if the radio frequency met industry standards. Ms. Babinsky said they meet FCC standards and the NJ regulations. The initial output is 200 watts per channel which drops dramatically as you move away from the tower. The equipment is designed so it cannot generate more power than the FCC allows.

Councilmember Trawinski asked for an update on the status at the DEP. Acting Manager Metzler stated that tower is in the 100-year flood zone. Municipal Clerk Kwasniewski stated that although they bid the site, the carrier built just slightly off the location. Extensive negotiations have gone on for years. It was her understanding that originally DEP was going to allow them to leave the tower and make them move the equipment. Now there is a question if the DEP will even allow them to leave the tower. Councilmember Trawinski asked if T-mobile moves the tower will Cingular then be able to co-locate on that tower. Ms. Babinsky stated they wanted to use the cell on wheels until the matter is resolved with DEP. They would co-locate on that tower or on the new tower. Councilmember Trawinski did not want to see a proliferation of towers. Municipal Clerk Kwasniewski stated that when they went out bid they included co-locators. None of those co-location agreements were signed. Councilmember Trawinski did not want to end up with a second tower on that site.

Acting Manager Metzler stated that the Municipal Building is no longer a designated cellular antenna site. An ordinance would be required to make that change. Cingular's engineer explained that for four carriers a 50 x 50 space would be sufficient and it may be possible to do it with 25% less. Ms. Babinsky stated that most carriers use batteries for backup although Verizon has a generator. Acting Manager Metzler asked if there was an opportunity to have the carriers do something with the Borough's existing generator. Mr. Scanlon stated that a back up generator is not a very high dollar value. Deputy Mayor McCarthy wondered how often they would access the facility. Ms. Babinsky indicated that it is once every four to six weeks.

Acting Manager Metzler will come back to the Mayor and Council with a recommendation on April 19.

KNIGHTS OF PYTHIAS "HANDS OF FRIENDSHIP DAY":

Acting Manager Metzler stated that they received a request from the Knights of Pythias to use Memorial Park on May 21 from 8:00 a.m. to 4:00 p.m. for their Hands of Friendship Day.

They expect about 1,000 people. Municipal Clerk Kwasniewski added that there is a standard resolution they approve.

The consensus was to approve the request.

EXPLORER RIDE ALONG PROGRAM:

Acting Manager Metzler stated that the Police Department has requested permission for members of the Explorer Post to ride along with a Community Police Office to experience what it is like in a patrol car. There are detailed guidelines. Mayor Etlar suggested checking with the JIF. If the JIF has no problem with it, he would agree with it. The Council concurred.

DRY CLEANERS:

Acting Manager Metzler stated the Construction Department received a request for a Certificate of Occupancy at the former site of Amber Cycle. The application as submitted is an approved use on River Road. His concern is that this is not the usual storefront. The dry cleaning process is going to be taking place on that site which abuts a residential area.

Mayor Etlar stated that they opened a cleaners in the Radburn Building. He felt that if they have a DEP permit, he was not sure the Council could stop it. Attorney Kates stated that this is more of an industrial use since it will be taking in the product of other retail dry cleaners. It may be that the Zoning Officer treated it as a retail use but it may have been an industrial use. Deputy Mayor Weinstein questioned if that use is appropriate for that area. Councilmember Trawinski wanted Acting Manager Metzler to ask RIC, the BIC and the EDC if this is an appropriate use for any of the zones.

Municipal Clerk Kwasniewski stated that the ordinance does not provide any criteria for denying the application as long as the applicant has a DEP permit.

Councilmember Trawinski wondered if site plan approval was needed from the Planning Board. Deputy Mayor Weinstein asked if it is an industrial use, what is the Council's recourse. Attorney Kates stated he would find out what is going on.

REQUESTS FOR CONSTRUCTION ON EASEMENTS:

Mayor Etlar stated he visited the three sites: 42-01 DeBruin Drive, 8-07 Mayfair Terrace and 50 Kershner Place and he has no problem with any of them. They will have to make a declaration that if the Borough has to enter the easement, they are responsible for removing and replacing the fence and shed at their own expense.

Acting Manager Metzler stated that the Engineer has reviewed the surveys. He reviewed all three sites. The two fences were permissible. The request for the construction of a shed on the easement is unacceptable. It is within the drainage easement.

The consensus was not to approve the request for the shed in the easement.

The consensus was to approve the requests for the fences in the easement.

RESOLUTION "NO DUAL OFFICE HOLDERS":

Mayor Etler felt that there should be no dual office holders. Councilmember Trawinski agreed and stated they should support the resolution that Freeholder Randall is introducing that would place that question on the ballot in November for all the towns in the County. Mayor Etler stated that is not interested in the County. Councilmember Trawinski stated that the local resolution has no effect because the law has to be changed by the legislature. Attorney Kates stated that they cannot bar dual office holders. Mayor Etler stated this is only the sense of the Council. Councilmember Baratta wondered about the wording. She asked if it would include County Committee. Deputy Mayor Weinstein asked Councilmember Trawinski if he would resign if he was elected as a Freeholder. Councilmember Trawinski stated that he wanted to see the sentiment of the voters in the County. He noted that all the current freeholders with the exception of Freeholder Padilla who are dual office holders are democrats. He felt they were targeting him. He is willing to go further. He would like to see the Council ask the Freeholders to adopt the resolution to put it to a referendum. The legislature is the only one that can make this change.

Councilmember Trawinski continued that this is a topic the Council does not regulate. It is inconsistent with the position they took on the democracy in Radburn. If they want to address the problem, then do it by supporting the Freeholders and prohibiting it through the State legislators.

Deputy Mayor Weinstein stated that the issue is only Fair Lawn. He wanted to know if Councilmember Trawinski were to win as freeholder, if he would step down from the Council. Councilmember Trawinski stated that in all probability he would, but he might continue with no pay and no pension.

Mayor Etler proposed that the sense of the Counsel is that there will be no dual office holders. Deputy Mayor McCarthy stated that he agreed with the concept, but was concerned about the County Committee. He thought the possibility of an inherent conflict exists when someone is representing two bodies. He would like to see what the Borough Attorney can draft. Councilmember Baratta thought it was on the agenda so that the question could be asked of Councilmember Trawinski. It has no teeth. There are no details. She thought it was a political ploy so the questions could be asked of Councilmember Trawinski.

Councilmember Trawinski stated that they should consider that if someone is on the County Committee he or she should not serve on any municipal body. He is seeking input from the Borough Attorney.

Councilmember Trawinski proposed a resolution supporting Freeholder Randall's request to place the issue concerning dual office holders on the ballot for November 7. The people of Bergen County should be asked if they want the law changed. The Freeholders are the only ones that have the power to put it on the ballot. If they are going to ban dual office holding, they should do it throughout the State not just Fair Lawn.

AMBULANCE CORPS.:

Acting Manager Metzler stated that the Ambulance Corps. has requested permission to park the ambulance on Saturday and Sunday on the sidewalk in front of the Municipal Building with the

sign stating they are looking for volunteers.

The consensus was to approve the request.

MARATHON:

Acting Manager Metzler stated that the Marathon Committee has advised that Modern Bagel Café will donate 20% of the profits made between 6:00 p.m. and 10:00 p.m. to the Marathon Committee. They have requested permission to put their tables and chairs outside for that evening only. It is too early to do that under the Outdoor Café Ordinance.

The consensus was to permit it.

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Trawinski the meeting was recessed at 8:40 p.m.

Mayor Etlar reconvened the meeting at 8:45 p.m.

Public Comments:

Harvey Rubinstein, 28 Rutgers Terrace wanted to know if they were aware that Valley Hospital is putting an ambulance in service and how that will affect the Borough. Acting Manager Metzler stated that he was aware of that but Valley Hospital has not formally announced it. Two units covering the entire area would not assist us. He did not think it will impact the Borough.

Mr. Rubinstein asked if the Borough had contacted the company he had mentioned previously for a demonstration on how they protect metal. Acting Manager Metzler said he had not and advised him that all of the vehicles purchased after 1993 have been rust proofed with the exception of the big trucks. They do not spray the big trucks but there is a finish on them.

Mr. Rubinstein then asked how much money was needed to fix up the fire house. Acting Manager Metzler stated that the fire company is a private corporation and the fire house is owned by Fire Company No. 1. They do not know the total cost.

Craig Miller, 5 Ramapo Terraced asked when a lighted sign in the residential area must be turned off. Mayor Etlar replied that the Planning Board and the Zoning Board include limits in the resolutions.

Peter Kortright, 16-24 Ellis Avenue suggested that the Council might be able to make dry cleaners a special use so these types of uses have to meet certain criteria. The Council would have to establish criteria so it would trigger planning or zoning review.

Bob Gullack, 4 Bancroft Place, at the last meeting he requested that the Mayor and the Deputy Mayors encourage Don Morris to meet to discuss democratic reforms in Radburn. Mayor Etlar, Deputy Mayor Weinstein and Deputy Mayor McCarthy said they have not been able to do so. Mr. Gullack stated that the bill supported by Assemblyman Gordon is stalled in the Senate. The last chance for a resolution rests with them. He wanted the reforms adopted now. He wanted the Radburn community to be able to nominate trustees and have an open nomination process. If it is not resolved, it will have deleterious impact on Radburn. He asked them to make a phone call.

Upon motion by Deputy Mayor McCarthy and seconded by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 9:00 p.m.

WHEREAS, the Open Public Meetings act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel; and

WHEREAS, these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the upon formal action of the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Martin Etler

Councilmember Jeanne Baratta

Deputy Mayor Owen McCarthy

Councilmember Edward J. Trawinski

Deputy Mayor Steven Weinstein

