

## **REGULAR MEETING OF JANUARY 17, 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:** Acting Manager Metzler, Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Kates.

### **COUNCIL COMMENTS:**

Mayor Etler stated that at the January 31, 2006 Council Meeting they will be swearing in two new Police Officers who have recently come from the Police Academy. That should bring our compliment to sixty-one officers. He said there has been an institution of a resident inquiry complaint form so that when a resident makes a complaint, it will be tracked and monitored. A policy has been adopted to call a resident who has made a complaint within forty-eight hours. The forms provide for observation and recommendation and tracks resident's satisfaction. Upon closing of the transaction, a letter or phone call will be made by the Manager's office to verify residents' satisfaction. He stated this may seem small but he thought that when a resident makes a complaint, it should be followed up and he thought this was a good step in the right direction.

### **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 hearing.

#### **Ordinance No. 2040-2006**

#### **"AN ORDINANCE TO AMEND CHAPTER 125 OF THE CODE BOROUGH OF FAIR LAWN, "LAND DEVELOPMENT", AND MORE SPECIFICALLY SECTION 125-57.A.(2)**

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

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, Resolution No. 56-2006 adopting Ordinance No. 2040-2006 was discussed.

Mayor Etlar stated that this ordinance will give the Council the authority to appoint two more members to the Zoning Board. Councilmember Trawinski stated this ordinance would ensure that the Zoning Board would have a quorum and enable the board to serve the residents better.

There being no further comments, Resolution No. 56-2006 was unanimously passed.

### **RESOLUTIONS BY CONSENT #3-2006**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, Consent Agenda 3-2006 containing the following items was unanimously passed.

- a. Resol. #57-2006 - Approval of Raffles and Bingos:  
Fair Lawn Lacrosse Club - off premises 50/50
- b. Resol. #58-2006 - Refund of Overpayment of Taxes
- c. Resol. #59-2006 - Award of Bid: Fire Co. #two Alterations
- d. Resol. #60-2006 - INTERLOCAL Services Agreement with Ridgewood -  
Health Officer
- e. Resol. #61-2006 - Authorizing Execution Grant Agreement - Berdan Grove  
Basketball Court Lighting
- f. Resol. #62-2006 - Approval of Grant - Cops in Shops
- g. Resol. #63-2006 - Opposing Change in N.J. Drug Free Zones
- h. Resol. #64-2006 - Appointment to Planning Board

### **RESOLUTION NO. 65-2006 - APPROVAL OF MINUTES: Regular Meeting 10/11/05, Work Session 10/11/05 and Closed Session 10/11/05**

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor McCarthy, Resolution No. 65-2006 was passed with Councilmember Baratta and Councilmember Trawinski abstaining.

### **RESOLUTION NO. 66-2006 PERSON TO PERSON TRANSFER OF LIQUOR LICENSE: TRACK SIDE GRILL INC. TO AROUND DA CORNER, LLC**

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

Fred Roughgarten, Attorney for the purchaser of Track Side Grill stated that his client proposes to run a similar business. Last week they were granted approval from the Planning Board. It will essentially be the same type of business located at 14-22 and 14-26

Roughgarten then presented.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 66-2006 was unanimously passed.

### **MISCELLANEOUS PUBLIC COMMENTS**

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

Donal Meyers, 8-22 Mayfair Terrace asked if the Borough would be using the services of the BCIA. Mayor Etler stated there will be no affiliation with them from now on. Mr. Meyers wondered why there was a change in policy since the prior Council told him that the Borough had saved money. He also wanted to know the useful years of a Police car. Acting Manager Metzler stated they get three years out of a patrol car. After that the cars get rotated to other departments in the Borough. He is looking into making the fleet smaller and getting more efficient cars. Right now they are doing a study, so until he gets the results, he will not recommend anything.

Don Oliver, 8-32 Mitchell Place asked what happened to the SUV's in the Police Department. Acting Manager Metzler stated they are all in service as well in Emergency Service and Fire Prevention.

Mr. Oliver congratulated Councilmember Trawinski and Councilmember Baratta for their victory in the election. He thanked everyone for going out to vote. He wished them all well. Councilmember Trawinski thanked him. Mr. Oliver stated he was disappointed of the rubber stamping that was done at the Reorganization meeting regarding the pay to play companies. There was a typical theme. Deputy Mayor Weinstein said the firms that were appointed had served the Borough well in the past. Mr. Oliver stated that no one questioned their service, what was questioned was how they got the job. He felt that the best candidate might not have been picked because they did not contribute.

Mr. Oliver asked if Councilmember Baratta and Councilmember Trawinski were planning to take the medical benefits. Councilmember Baratta said she was not taking them. Councilmember Trawinski said he was taking the prescription and dental plan. Mr. Oliver said that he saw in the newspaper that Oakland's Council was not taking the medical coverage. He felt it should be brought up and discussed. There could be major savings here. He hoped that the Mayor and Council did not run just for the perks.

Mr. Oliver stated last year he brought up paying Recycling over time for holidays when the holidays fall on a

Monday the make up day is Saturday. He sees no reason why a resident cannot make a trip to the Recycling Center if they had to. Acting Manager Metzler stated he has had a series of meeting with the employees to go over the projects and programs. Page Four

Regular Meeting  
January 17,  
2006

This is one item they are looking at. The Department Head is putting the numbers together. Mr. Oliver stated that was a good way to start since over time is big money.

Mr. Oliver discussed pedestrian safety. He felt there should be a way to slow down traffic. He said he felt bad for the people who have been killed but they shouldn't be walking in the dark in the street dressed in black. They should wear something reflective or hold a flashlight. Mr. Oliver also asked what was going on with the public address system in the Council Chambers. Acting Manager Metzler stated he just received an estimate to upgrade the system and adding additional microphones.

Mr. Oliver said he wanted to talk about the heartbeat of Fair Lawn, the new Recreation Center. He asked if anyone has determined what fees the Art Center will pay. Mayor Etler said there will be a charge to anyone that uses the building. Deputy Mayor McCarthy stated they are going to meet as a subcommittee to sit down and address the various issues that have come up. In the next few weeks they will be able to give more details. Mr. Oliver thought there was an Ordinance or Resolution adopted last year that would enable the Borough to charge \$100 to use the facility. Mayor Etler stated there will be no free ride in that place. Mr. Oliver stated he thought there should be an Ordinance in place so the fees could be charged and recoup the money.

Mr. Oliver stated at the last Work Session there was a discussion regarding renaming Berdan Grove. He does not want to see John Alaimo's name on the park. He felt it should be named after Mary Ann Collura. Mayor Etler stated there is a Post Office named after her and there will be a monument in front of Borough Hall remembering her. Mr. Alaimo has been a big benefactor to Recreation and sports. Mr. Oliver suggested naming the field at Warren Point in his name. He felt that Mary Anne gave the ultimate sacrifice to this town. And besides, the Post Office is a federal government building not the town's.

Mr. Oliver spoke about pay to play. He said he had brought this up several times in the past. He felt that Councilmember Trawinski and Councilmember Baratta would have to push this to get it through. Mr. Oliver said this was like the argument about grants. He felt that grant money is just our tax money given back to us. So with the pay to play, the firms contribute and get the jobs. He felt this matter cannot wait.

Harvey Rubinstein, 28 Rutgers Terrace, asked that the Council not bond microphones. He said that at a public meeting he questioned something on the Manager's Report. He received a letter from Joanne M. Kwasniewski, Manager at the time explaining that the vehicles hit and that JIF picks the auto body repair shop. He wanted to know if the money comes from JIF. Mayor Etler stated they would check with the CFO.

Mr. Rubinstein asked if the Borough signs the contract with Cablevision would that still allow Verizon to come in. Mayor Etler said the contract is non exclusive. If Verizon or any other company wants to come in, they can.

Mr. Rubinstein spoke about traffic and that any one could be a victim. He asked why they cannot do something to protect the citizens such as increasing the Police presence by

Page Five

Regular Meeting

January 17, 2006

adding signs, arrows, etc. He spoke about slow down strips at the George Washington Bridge that should be put on Fair Lawn Avenue. He suggested they speak to the Port Authority. He also said that the Borough will be seeing an increase in traffic if that big box store opens on Route 20.

Mr. Rubinstein spoke about the Recreation Center and asked where the sidewalk is. He also talked about a plan for circular driveways. Mayor Etler said this should be sent to the Planning Board. Councilmember Trawinski stated that the Zoning Ordinance prohibits circular driveways. There are a limited number of lots that would qualify. If the Zoning Board allows a variance that would be different but the Council cannot interfere with the Zoning Board. Attorney Kates stated it is the prerogative of the Zoning Board but the Council should review it.

Mr. Rubinstein stated the houses should not be put too close to the street. It should look aesthetically pleasing. He also felt that the Zoning Board should allow people to talk at meetings.

Mr. Rubinstein talked about the budget and the number of voters that came out to vote. He felt they were concerned about what is being spent.

Jim Frangione, 8-07 Mayfair Terrace stated that the pay to play ordinance will have to have teeth. He also spoke about eminent domain, private development for public use. The Borough should consider pay to play and do something locally regarding eminent domain. Howard Mark, 12-23 Ferry Heights asked about rezoning Naugle House. Mayor Etler stated that the Council thought it was a good place to put townhouses. Councilmember Trawinski stated that he and Councilmember Baratta did not decide to rezone that area. He thought they would wait to see where the Planning Board heads on this. Deputy Mayor Weinstein stated that Councilmember Trawinski does agree to get the Naugle House for \$1

and bring it up to code but not the historic preservation status. Councilmember Trawinski stated they were all on the same page with this. We have an agreement that the Naugle House would not be destroyed. Mr. Marks wondered about the land surrounding the house. Mayor Etler said the house is destroyed and the land is a mess. Mr. Marks felt it would look worse with townhouses on it. He also felt that the town is looking blighted.

JoMarie Sacchinelli, 23-17 Ellington Road asked about the \$50,000 grant that the Borough received for the A through E streets. She wanted to know if anything has been done with it. Mayor Etler said the Borough has received grants in the amount of \$890,000 for the flooding problem on Berkshire. Municipal Clerk Kwasniewski stated she had sent the Mayor and Council a memo about the information when Ms. Sacchinelli raised the question the first time. Councilmember Baratta stated she did not have the memo in hand. Municipal Clerk Kwasniewski said that Acting Manager Metzler can pull the memo.

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

Page Six

Regular Meeting

January 17, 2006

Councilmember Trawinski stated that he would like to take a moment to address several issues. Regarding health benefit, he felt that is something that should be looked into. He said that Councilmember Baratta and he will donate their salaries to organizations in town. He felt that the other Councilmembers should do it too.

He stated that he intends to raise the issue of over time in Recycling. He had suggestions like designating time periods for people regarding holidays and Saturdays.

In regard to the sound system, it has already been looked into.

Councilmember Trawinski said that in regard to crosswalks and raised tables, he would like to talk to the DPW in Morristown to see what they think of what they have.

He said that in regard to Police vehicles and the BCIA, they will do everything to dissuade them from using the BCIA in the future. He hopes that the rest of the Council is prepared to follow along.

Councilmember Trawinski stated that the seating arrangement has been changed and he did not like sitting on the end. He may start a mini revolution.

Regarding pay to play, they talked about their priorities for the first six months. It takes a while but right now it is not tough enough.

Regarding eminent domain, the Borough Attorney is looking at it right now. Councilmember Trawinski felt that no Councilmember would want to see that happen. It would have to be for a good public use.

Councilmember Trawinski talked about debt consolidation and how the CFO consolidates



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