

REGULAR MEETING OF JUNE 27, 2006

Mayor Etler called the meeting to order at 7:34 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 (late), Councilmembers Baratta and Trawinski (late).

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

MANAGER'S REPORT

Mayor Etler stated the reports were on the table and there were no additions or changes to it.

COUNCIL COMMENTS

Deputy Mayor Weinstein congratulated Goodman's Hardware in moving their store to a new location further down the strip toward CVS. Panera Bread will be moving into the corner location and he thought it was a tribute to the Economic Development Corp. and the businesses working together to revitalize the Radburn business district.

Councilmember Baratta stated the July 4th Firework Celebration will be on July 2nd. Tickets can be purchased at a lot of businesses around town.

Mayor Etler said he would save his comments until after the Points of Light presentation.

PRESENTATION: Points of Light Stars of Character Award Memorial School

Mayor Etler introduced Greg Pepe and Laurianne Brunetti from Memorial School who will be doing the presentation.

Ms. Brunetti thanked the Mayor and Council for allowing them to give the presentation. She said she was thrilled that the room is filled because this is living proof of the energy and enthusiasm that has become part of celebrating character in Memorial Middle School.

Deputy Mayor McCarthy arrived at 7:39 p.m.

Ms. Brunetti said this program was started nine years ago. It started by taking one small act of charity and one small act of education seeing what would happen. They wanted to see what would happen if they brought the level of education to not just information but inspiration. They took what the kids needed to know, such as reading, writing, math and science and make them realize there are things that they can do with their mind, heart and spirit and made the world a

better place. They had received a Point of Life award that they would like to dedicate to Officer Collura, a person that had been living proof of what character was and what character does and what it can become if you put your heart and soul into it. It was their hope that this program will allow that to continue and that it would give inspiration to their students to go forward into their future. They gave a power point presentation.

Councilmember Trawinski arrived at 7:48 p.m.

Mayor Etler gave the group a proclamation.

ORDINANCES: SECOND READING

Upon motion by Councilmember Baratta 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. 2056-2006

“AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF FAIR LAWN 2000, BY ADDING TO CHAPTER 2 ENTITLED “ADMINISTRATION, DEPARTMENTS AND BUDGET AND FISCAL PROCEDURES” NEW ARTICLE XXI ENTITLED “WITHHOLDING NO BID PUBLIC CONTRACTS FROM POLITICAL CONTRIBUTORS”

Mayor Etler stated the Council was finally passing the pay-to-play ordinance which he believed to be the strongest in the state.

Deputy Mayor Weinstein stated that when they first sat down in January, they only had a boiler plate ordinance with arbitrary numbers of \$300, \$2,500 and they said if they were going to do something, lets do it right, lets make the contribution zero. He thought that would bring trust back to the Council, which is important. He is happy with this ordinance and that is was a good effort by the entire Council.

Alex Adler, 300 Winston Drive, Cliffside Park, New Jersey said he was from Citizens Campaign. He wanted to thank the Council for doing a fantastic job coming up with probably one of the toughest pay to play ordinances in the State. He felt they were setting the bar high because his group is trying to get these passed in other municipalities and at the County level. They have had some difficulty in doing so.

Arlene Rubinstein, 28 Rutgers Terrace, said she would like to thank Councilmember Trawinski and Councilmember Baratta for fighting so hard for this ordinance. Mayor Etler said there were five people on this Council and it took all of them to adopt it.

Councilmember Trawinski said that he appreciated the comments but was glad that the other Councilmembers heard loud and clear what the voters wanted. This ordinance was a boiler plate that had been worked on. This is just the start to clean things up in town. At the next work session, he is going to recommend to the Freeholders and the legislators that they do the same thing that Fair Lawn has done. He thanked the Councilmembers and also Attorney Kates for giving

great guidance. This is one of three ordinances that he will initiate which will be campaign contributions and ethics reform.

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 Councilmember Trawinski and a second by Deputy Mayor McCarthy, Resolution No. 228-2006 adopting Ordinance No. 2056-2006 was unanimously adopted.

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. 2057-2006

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

Manager Metzler explained previously the Manager was also the Municipal Clerk so a salary ordinance needed to be adopted to reflect what the current Manager's salary would be. They have also added two new titles - Electrical Sub-Code Official and Building Inspector - part time.

There being no further comments, upon motion by Deputy Mayor McCarthy and a second by Deputy Mayor Weinstein, 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. 229-2006 adopting Ordinance No. 2057-2006 was unanimously adopted.

PUBLIC HEARING ON AMENDMENTS TO THE 2006 BUDGET

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, the time for public hearing on amendments to the 2006 budget was open.

No one wished to be heard.

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

RESOLUTION NO. 230-2006 Adoption of 2006 Budget

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor McCarthy, Resolution No. 230-2006 was discussed.

Deputy Mayor Weinstein asked why their fellow colleagues were voting no on this budget. He thought the residents of Fair Lawn should know.

Councilmember Trawinski stated this budget represents what he will refer to as the ghost of Ganz. This is David Ganz's legacy to Fair Lawn. Unfortunately, my brother members on the Council that still remain, participated in that legacy. They sat silently as this Borough plunged deeper and

deeper into debt. They sat silently as this Borough borrowed 12.7 million dollars without asking the people of Fair Lawn. They sat silently as this Borough squandered money and wasted money with the Bergen County Improvement Authority by doing irresponsible fiscal planning such as bonding police cars. The residents of Fair Lawn are still paying for police cars that are out of service as police cars but the debt is not yet paid off. Any one of his colleagues on the Council could have and in his opinion, should have spoken up and failed to do so.

Councilmember Trawinski said to the people of Fair Lawn, there were other issues here. The surplus did not grow with annual budget increases as the Manager pointed out in his letter dated January 20, 2006. They inherited a deficit in the worker's compensation and liability account that should have never been allowed to occur. The second debt payment on the Recreation Center is due. The 501(c)3 is making much ado about a gift that they are giving Fair Lawn, but all they are doing is giving back to the people of Fair Lawn, a half of a million dollars that the people of Fair Lawn borrowed and will pay for the next 30 years. He would not call that a gift. The operating expenses for the new Recreation Center were never taken into consideration by the prior Council as they planned this facility. In fact, they will face, it is the Manager and the CFO's best guess, \$125,000 to \$250,000 this year. Their annual projected cost is \$250,000 to \$300,000. He thought the reality was that it would be closer to \$500,000. One only takes a look at that Recreation Center and the configuration of it to realize that eventually this Borough will be asking someone to give them land, most probably the school board for additional parking because that facility is grossly undermanned with respect to proposed parking.

The Borough faced an emergency utility appropriation in the amount of \$100,000 which meant six days after the last year's Election, this Council had to declare an emergency and borrow funds in effect from this year's budget. They also face rising energy costs and they were not taken into account in last year's budget.

Over the last six years items that should have been current expenses were shifted to the current budget and now had to be brought back to the Capital Budget. These are not his analysis, but these are the analysis of the Borough Manager in his budget memo to the Council.

He believed what Deputy Mayor Weinstein was doing by asking the question to him and to Councilmember Baratta, was playing politics with this budget as this Borough played for the last six years. And the game he wants to play is, why aren't you supporting this budget that gives the people a great piece of surplus. Well, the truth is, it does not give a greater piece of surplus. What it does give is a guarantee that your taxes next year will go up next year somewhere in the range of five to nine points, if not higher. There is no provision in this budget to allow a safety net for what will take place with respect to revaluation that will allow the shift from commercial properties to residential. He takes no quarrel in this budget with the effort that the Manager and CFO took in attempting to fashion a good budget. They have made lemonade out of lemons. The fact is this Council inherited lemons. To Mayor Etler, Deputy Mayor Weinstein and Deputy Mayor McCarthy, you were here, you allowed it to happen and now let the people of Fair Lawn see what the real price tag is for the Ganz years. He hopes that after tonight they can move forward.

Councilmember Baratta stated she will not reiterate what Councilmember Trawinski said, although she agrees with what he is saying. She wanted to speak about some positive things

because this is a new year and a new Council. She thought they were heading in the right direction by looking into shared services which will save the Borough a lot of money. The Council has stopped bonding with the BCIA which turned out to be not such a good deal for the residents of Fair Lawn. Page Five

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She sees a good future for the people of Fair Lawn but she cannot go back in time and fix these things from the previous administration. She would not have bonded police cars or library books. She would have put the Recreation Center up for a referendum. She takes this personally and cannot ignore it when people say they cannot afford to live here anymore. These people have lived here their whole life. She cannot put a fifteen-point increase on the people of Fair Lawn and that is why she is voting no.

Deputy Mayor Weinstein stated in any one year they tried to reduce the taxes as far as they could. The Manger and CFO along with the Mayor and Council did the best they could. As far as the Community Center goes, it is only two percent of the overall budget. The Community Center was partly his idea as well as Deputy Mayor McCarthy and he is glad it is there. It is important to him to invest in the future and in the community. He grew up in Brooklyn and he did not see that happen and now he cannot go back to where he grew up. When you invest in the community, people come back to live in it.

Deputy Mayor Weinstein stated that as far as the bonding of vehicles, the vehicles were bonded over the useful life of the police cars. The vehicles are still in use. Under Councilmember Trawinski the policy was not to buy police cars. Councilmember Trawinski objected to that statement. Deputy Mayor Weinstein stated as far as the surplus, it is the third or fourth largest surplus in the County and based on that and where they are today, overall there may have been some mistakes as happened in prior administration. He felt they were in very good shape. At the last budget meeting he had a chart that he showed again. He explained what was on the chart. Fair Lawn has the fourth largest population in a group of ten communities. It is eighth in the municipal taxes.

Deputy Mayor Weinstein stated that regarding the 501(c)3 and paying over a thirty-year period. That too is debatable. They thought it was a good idea to spread the cost over that period because it was such a large amount to spend.

Deputy Mayor Weinstein said that in regard to the parking issue, he would never recommend taking any more property away especially being open space minded.

Deputy Mayor Weinstein spoke about movement of capital to operational that too, was an idea to try and save taxes in that current year. Some worked and some didn't. As far as playing politics, he thought that as a leader of a community it is time to work on seeing what else can be cut. Back in March when they discussed 21.8 points, Councilmember Trawinski stated he would support a 19.8 increase and a lot has happened since. His fellow Democrats brought it down to 14 points. Based on the recommendation of the professionals, this is the prudent number to move forward to meet various uncontrollable costs. Of the 14 point increase, 12.27 are uncontrollable meaning salaries, employee benefits, pension, health care, utilities and the revaluation. He thought what was in this budget would be the buffer regarding the revaluation. He will definitely support this budget. If Councilmember Trawinski felt it should be lower, he would listen and he would ask the CFO and the Manager to give their input on it. He has never played politics and will never play politics with the residents of Fair Lawn.

Councilmember Trawinski stated the topic of police cars is a lie that you and the people that have run against me keep perpetuating. The CFO is sitting here, each and every year that he was on the Council, they purchased the number of police cars recommended by then Borough Manager Burt Kendall. It is simply not true. Deputy Mayor Weinstein said that was his understanding.

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Councilmember Trawinski stated he views himself as a leader of this community. He has tried to lead by example. Councilmember Baratta and himself voluntarily forebear from receiving their compensation. They also voluntarily forebear from participating in the pension. He asked the other Councilmembers to follow their lead. It is a small amount of money but it is a symbolic amount of money. They are asking the people of Fair Lawn to take a 14-point tax increase, and they should give back those few dollars to them. He suggested adopting an amendment to the budget and eliminate compensation for the Borough Council and take themselves out of the pension system. He suggested they should look at abolishing health insurance for part time workers.

Councilmember Trawinski said the Fair Lawn Community Center is a white elephant. He suggested they sell it. He also suggested that the people of Fair Lawn should be asked if they want to continue to pay \$22,000 a week for the next 30 years or whether they would rather have them sell it. They can make that proposal and structure the sale so they could lease it back. They should join together and go to Assemblyman Gordon, Assemblywoman Voss or Senator Coniglio and ask them to find the \$350,000 that was the Gordon grant last year. He is sure that Assemblyman Gordon and Governor Corzine will not help them get that amount because their State aid has gone down.

Deputy Mayor Weinstein stated the Community Center is built and is being used by the kids. It is easier to make attacks than lead. Councilmember Trawinski stated there was no attack on Assemblyman Gordon. Deputy Mayor McCarthy stated they will ask Assemblyman Gordon for whatever amount they can give. Councilmember Trawinski stated watch what happens next year because he did not see anyone give up their salary. Deputy Mayor McCarthy said they receive a stipend of \$2,500 and health benefits. He wondered if Councilmember Trawinski thought the benefits were more than the stipend. Councilmember Trawinski stated he was willing to forego the benefits. Deputy Mayor Weinstein stated it was symbolic that he was passing the blame and attacking personally. Councilmember Trawinski stated it was not personal.

convenient to any one person. This is bigger than any one sitting on the Council. He felt when they start changing the minutes they are moving in a dangerous direction. Councilmember Trawinski and Councilmember Baratta ran on a spirit of open government. It is true that he asked that comment be in the minutes just like every Councilmember has the right to put things in the minutes and then if they are inaccurate or whatever else is wrong, they can be removed. In this case, the tenor of the meeting was not good and yes the remarks were inappropriate and offensive and he would not repeat them. They should be left in the minutes.

Councilmember Trawinski stated they are not talking about adopted minutes, these are proposed minutes. He agrees with Deputy Mayor Weinstein that once minutes are adopted, to go back and change them would be a dangerous precedent. Many times when minutes are presented, additions, corrections or changes are considered. He found the comments that Councilmember Baratta made were impertinent and inappropriate and she has even apologized and he did not think leaving them in the minutes at this juncture does anything other than make the minutes political fodder for someone's campaign in the future. They do not serve the people of Fair Lawn one bit. He does disagree that any Councilman has the right to add something to the minutes. Any Councilman under our Administrative Code has the right to add a statement through the consent of the chair. They do not have the right to add into the minutes someone else's

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comments.

Councilmember Baratta stated that she was sorry to the people of Fair Lawn that have to listen to this. To her this is petty and not really a Fair Lawn business issue. She murmured an inappropriate comment at the end of a Work Session meeting, which she has apologized for. She wished that Deputy Mayor Weinstein would accept her apology for that. She did request that it be taken out on the advice of the Manager and discussed in Closed Session.

Councilmember Baratta stated that this was at the end of the meeting, and it wasn't a pleasant meeting, where she felt baited throughout the meeting, the meeting was in the process of being adjourned, she muttered something inappropriate under her breath, it wasn't meant for Deputy Mayor Weinstein to hear it, it was not in the Clerk's notes of the meeting. She listened to the tape of the meeting and you have to listen to the tape over and over again to pick this out. She wanted the people of Fair Lawn to understand why they are wasting their time with this right now. The tape of the meeting is useless. She felt that Deputy Mayor Weinstein wanted it in writing. He requested the Clerk to add it to the minutes, he did not ask the rest of them if they wanted it added in. Municipal Clerk Kwasniewski stated the minutes were not done when Deputy Mayor Weinstein asked that it be included. What is correct is that he asked that it be included. Nothing has been added to the minutes. Councilmember Baratta stated was she correct that they were not in the Clerk's notes of the minutes. Assistant Municipal Clerk Bojanowski said they were not. Councilmember Baratta said this was just a way to get in the minutes. She is sorry this happened.

March was a long time ago and they were a different Council. She believed that they have been working very well together. The meetings have been much better. She wished that they could get over with this and not waste everyone's time with this.

Deputy Mayor McCarthy felt they do not need to put verbatim what was in there. It will not serve any purpose. The minutes could say that an inappropriate statement was made and at the next meeting an apology was given that would be fine. Deputy Mayor Weinstein stated he would agree with that.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, it was

unanimously agreed to revise the minutes to include the change that Deputy Mayor McCarthy suggested.

Municipal Clerk Kwasniewski asked Attorney Kates if they can adopt the March 21 minutes before the change is made. Attorney Kates stated they could approve it based on the motion and then they will need a resolution to adopt them. Municipal Clerk Kwasniewski said she had a resolution for all of them. Attorney Kates said to include them as amended.

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Trawinski, Resolution No. 233-2006 was unanimously passed.

RESOLUTION NO. 245-2006 - Open Space Trust Fund Municipal Park Improvement and Land Acquisition Program

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, Resolution No. 245-2006 was discussed.

Councilmember Trawinski said that this resolution is in regard to the Open Space Trust Fund and Page Ten Regular Meeting June 27, 2006

the recommendation to the Mayor and Council to ask Bergen County to purchase the Naugle House. The committee has contemplated other tracts, such as the Heyward tract, but they did not meet the criteria. He felt this puts the Borough of Fair Lawn in the driver's seat. The Council will talk more about this at another time. This will ask the County to make it part of their park system.

Deputy Mayor Weinstein stated that in a short time, this committee has done a lot. They have looked at playgrounds, the Naugle House, green acres and Warren Point and Milnes Schools.

There being no further comment, Resolution No. 245-2006 was unanimously passed.

RESOLUTION NO. 246-2006 - Municipal Representative of Open Space Committee

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Trawinski, Resolution No. 245-2006 was unanimously passed.

MISCELLANEOUS PUBLIC COMMENTS

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

Arlene Rubinstein, 28 Rutgers Terrace said she had questions for the Manager. She asked what the amount of the house was on Mandon Place. She said the house on Romaine is thirty-four feet high and thought that Fair Lawn should stop work on this house.

Mrs. Rubinstein said that Deputy Mayor Weinstein had a short fuse with Donal Meyers and by baiting strong intelligent women. They all know this is a set up for the next political campaign.

Manager Metzler responded to her questions about the house on Mandon Place. He informed her that it was in compliance. He has been assured that the house on Romaine is in compliance with the height. He explained that in regard to stop orders there has been a problem where the builder did fail to meet the codes. A time line is given to his office and a meeting would be set up if they

cars. She felt it would be fabulous to have single family houses. Ms. Coles stated that the Borough had not been following the Master Plan. She suggested it could be a multi faceted committee where it will build a better Fair Lawn rather than rezone the pocket areas they can save the neighborhoods.

Matt Meyer, 4-23 28th Street, asked about parking restrictions. He understands that he has a temporary pass but has gotten many tickets. He is new here and feels it would be difficult to ask his neighbors for parking. Mayor Etler said he is not in favor of overnight parking. Mr. Meyer only has room for two cars and they have three cars. Councilmember Trawinski asked if he was a tenant or a homeowner. He asked if he had considered expanding the driveway. Mayor Etler explained that their driveway could be expanded up to twenty feet. Deputy Mayor McCarthy asked if he had a garage. Mr. Meyer stated he did but this was only a temporary situation for two to three months. Deputy Mayor McCarthy stated he will get a reprieve over the holiday.

George Frey, 28-06 Madison Terrace, stated he was the current President of the Board of Education. This issue about land has never come before the Board of Education. Councilmember Trawinski stated that parking is not adequate for the center and sooner or later

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the Council will have to go to the school board for a ballfield. He said that Chief Rose said they should open the paper street for parking. Mr. Frey stated he wanted to clarify that it did not go before the Board of Education.

Suzanne DiGeronimo, 16 Beekman Place, said the Council should sell the Community Center. It is an example of poor planning and gave examples such as the practice field facing the front of the center, there was no pool, the kitchen facilities are inadequate, the center was built at the same time the High School was having an addition put on. She knows that Superintendent Frey is doing his best to rent the facility out. Mayor Etler stated they are in the process of hiring a full time coordinator. Ms. DiGeronimo stated it was never put before the resident if they even wanted it. Deputy Mayor McCarthy stated that the Library and the Senior Center were never put before the voters. Deputy Mayor Weinstein stated that a lot of planning went in to the Center. His son and friends have used the center already. He believed that it will be a good center. Regarding the parking they can park somewhere else and be taken to the center by the minibus. The building is built and has to be used. He is proud of it and felt it is a wonderful asset to town. He suggested they make it work.

Stewart Shaw, 19-32 Chandler Drive, spoke about the Clariant property. He attended a COAH meeting, and has looked at files in the Manager's office and the Municipal Clerk's office. He said other towns have found other ways to meet their COAH obligation. Mr. Shaw said he found no evidence that this town has done that. Deputy Mayor McCarthy stated he thought the rental units were part of the plan. He told Mr. Shaw that if he brought this to the Work Session, Attorney Kates could explain to him. Councilmember Trawinski informed him that the Borough's housing element includes all of these elements. Attorney Kates advised that the third round submissions include all of these aspects. The Borough is waiting for mediation. Councilmember Trawinski said the Borough had hired a planner to see if anything was missed. Attorney Kates stated he would forward his comments to the planner. Mr. Shaw asked if Attorney Kates was responsible for legal matters. Councilmember Trawinski said the plan is at COAH.

Harvey Rubinstein, 28 Rutgers Terrace, stated that parking could be used at the High School. In regard to COAH, it is the bureaucrats in Trenton.

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

ADJOURNMENT

Upon motion by Deputy Mayor McCarthy and second by Deputy Mayor Weinstein, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

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The undersigned have read and approve the foregoing minutes.

Mayor Martin Etlar

Councilmember Jeanne Baratta

Deputy Mayor Owen McCarthy

Councilmember Ed Trawinski

Deputy Mayor Steven Weinstein