

REGULAR MEETING OF MARCH 28, 2006

Mayor Etler called the meeting to order at 7:30 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 and Attorney Kates.

SWEARING OF AUXILIARY POLICE CHIEF & PROMOTIONS TO SERGEANT

Acting Manager Metzler announced that Nick Magarelli was going to be promoted to the office of Chief and Adam Kurth and Qwen Walfish were being promoted to the rank of sergeant. Chief Magarelli will be assuming the role of chief from retiring chief Tom Kearny who volunteered for 40 years. The Auxiliary Police is a division of the Office of Emergency Management and they are charged with patrol, traffic and crowd control during times of emergency and provide court security during Municipal Court sessions. Chief Magarelli is currently a dispatcher with the Fair Lawn Police Department. He is a 10-year veteran with the Auxiliary Police and a veteran of the United States Air Force.

Acting Manager Metzler swore in Chief Magarelli.

Acting Manager Metzler announced that Adam will be assigned as a platoon supervisor and has been with the Auxiliary Police five years. Qwen has been a member for four years and will assume the responsibility of training new officers in court room procedures.

Mayor Etler swore in the officers.

COUNCIL COMMENTS

Councilmember Baratta announced that St. Anne's 5th and 6th graders held a mock trial in the Municipal Chambers last Wednesday. The judge also spoke to them after the trial. The PBA treated them to lunch at the Senior Center. She thanked Detective Boone and Karin Hodos for their efforts.

She continued that at last week's Council work session there was an extremely contentious discussion. She felt baited as the discussion become more political and at times personal.

At the end of the meeting she uttered a four-letter expletive under her breath. She offered her apologies to the Mayor and Deputy Mayor Weinstein and to the people of Fair Lawn and assured them that it would not happen again.

Mayor Etler stated that in the past few months the decorum of the meetings has deteriorated. The meetings are a place where the elected officials and the residents should be able to discuss the many things that are pertinent to the Borough. He asked that civility and respect be given to all.

Deputy Mayor Weinstein stated that the Traffic Safety Committee met. The orange cones will be back. They are experimental. There will be a bump out on River Road. The Council included \$400,000 in the capital budget in support of the Open Space application. Two weeks ago he attended the All Sports tryouts for the Majors which was very well organized. All Sports did an excellent job.

Councilmember Trawinski thanked Chief Kearney for his years of service as an Auxiliary Police Officer and Chief. He also congratulated the two new sergeants.

Deputy Mayor McCarthy also congratulated all three officers on their promotions. He thanked all of the members of the Auxiliary Policy for the service they provide. The spring sports season has started and he wished all the athletes a healthy and successful season.

Mayor Etler read a proclamation for the Days of Remembrance.

MANAGER'S REPORT

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

ORDINANCES ON FIRST READING:

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

Ordinance No. 2045-2006 (Resolution No. 135-2006)

“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.”

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, Resolution No. 135-2006 introducing Ordinance No. 2045-2006 was discussed.

Mayor Etler stated this ordinance will provide for improvements at the Senior Center. Councilmember Trawinski added that this is the result of the Community Development Block Grant that Mayor Etler and Deputy Mayor Weinstein were instrumental in obtaining for the Borough.

There being no further comment, Resolution No. 135-2006 introducing Ordinance No. 2045-2006 was passed.

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. 2046-2006
(Resolution No. 136-2006)**

“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.”

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, Resolution No. 136-2006 introducing Ordinance No. 2046-2006 was discussed .

Mayor Etler stated this ordinance is for road improvements.

There being no further comment, Resolution No. 136-2006 introducing Ordinance No. 2046-2006 was passed.

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

**Ordinance No. 2047-2006
(Resolution No. 137-2006)**

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, Resolution No. 136-2006 introducing Ordinance No. 2046-2006 was discussed .

Councilmember Trawinski explained that this ordinance does not necessarily mean that the Council is exceeding the 3 1/2 percent cap but it allows them to bank the cap for future years. The ordinance represents prudent fiscal planning. Acting Manager Metzler added that this is a bookkeeping item only.

There being no further comment, Resolution No. 137-2006 introducing Ordinance No. 2047-2006 was passed.

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

**Ordinance No. 2048-2006
(Resolution No. 138-2006)**

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, Resolution No. 138-2006 introducing Ordinance No. 2048-2006 was discussed .

Mayor Etler stated this ordinance will adjust the water rates.

There being no further comment, Resolution No. 138-2006 introducing Ordinance No. 2048-2006 was passed.

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

**Ordinance No. 2049-2006
(Resolution No. 139-2006)**

**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", BY AMENDING "SCHEDULE A"**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, Resolution No. 139-2006 introducing Ordinance No. 2049-2006 was discussed .

Mayor Etler stated this ordinance adds certain properties on River Road to the Special Improvement District.

There being no further comment, Resolution No. 139-2006 introducing Ordinance No. 2049-2006 was passed.

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

**Ordinance No. 2050-2006
(Resolution No. 140-2006)**

AN ORDINANCE OF THE BOROUGH OF FAIR LAWN REQUIRING CONTRIBUTION DISCLOSURE STATEMENTS IN APPLICATIONS 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"

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor McCarthy, Resolution No. 140-2006 introducing Ordinance No. 2050-2006 was discussed .

Councilmember Trawinski thanked the Councilmembers for supporting this ordinance. This ordinance does not prohibit anyone from doing business with the Planning Board or the Zoning Board but it does require disclosure of contributions by professionals who appear before the boards. It is a check list item so the application will not be deemed complete unless that is done. There is an exclusion of anything below the reportable amount of \$300.

Deputy Mayor Weinstein added that there is also an exclusion for single family residential development.

There being no further comment, Resolution No. 140-2006 introducing Ordinance No. 2050-2006 was passed.

RESOLUTION NO. 141-2006 INTRODUCTION OF 2006 BUDGET BY TITLE ONLY

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, Resolution No. 141-2006 introducing the 2006 budget by title only was discussed.

Mayor Etler stated that this is only the introduction of Manager's budget which will be reviewed.

There being no further comment, Resolution No. 141-2006 was unanimously adopted.

RESOLUTION NO. 142-2006 INTRODUCTION OF 2006 RRIC SID BUDGET BY TITLE ONLY

Councilmember Trawinski announced that he was going to recuse himself from this resolution pending an advisory opinion of the Local Government Ethics Advisory Board.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Baratta,

Resolution No. 142-2006 introducing the 2006 SID budget by title only was discussed.

Mayor Etler stated that RRIC's annual budget will be \$120,000 which they will raise by taxing the owners of the properties.

There being no further comment, Resolution No. 142-2006 was unanimously adopted, with Councilmember Trawinski recused.

RESOLUTION NO. 143-2006 INTRODUCTION OF 2006 BIC BUDGET BY TITLE ONLY

Councilmember Trawinski announced that he was recusing himself on this resolution as well.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Baratta, Resolution No. 143-2006 introducing the 2006 BIC budget by title only was discussed.

Deputy Mayor Weinstein stated that this is a special improvement district where there is a special assessment and the funds are used just for that district.

There being no further comment, Resolution No. 143-2006 was unanimously adopted, with Councilmember Trawinski recused.

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 recommended that Resolution No. 153-2006 be removed from the Consent Agenda and voted on separately. He thought it was a bad idea to exempt Borough Officials from strictures of State law regarding proper disclosure and openness in government. Mayor Etler did not think it was a bad idea because things happen that the Municipal Clerk is not responsible for and there should be protection for that. Deputy Mayor Weinstein stated that it was his idea to put this resolution on the agenda. The Municipal Clerk is exemplary in following the law and there are things that happen that are beyond a Municipal Clerk's control. He believed that the resolution should remain on the Consent Agenda. Councilmember Baratta stated this just removes the requirement that the Municipal Clerk is held personally liable. She did not think that was right when she was doing Borough business. Deputy Mayor McCarthy added that this resolution does not absolve them from any of their responsibilities. It just removes the personal and individual liability of the Municipal Clerk.

Diane Albarella, 3-45 Hartley Place stated that she was thrilled with the Council and the Mayor. She thanked Deputy Mayor Weinstein for the Broadway Improvement District.

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She hoped that Assemblyman Gordon will revise the laws regarding Homeowner's

Associations.

There being no further comment from the public, upon motion by Councilmember Baratta and a second by Deputy Mayor McCarthy, the time for public comments on agenda items only was unanimously closed.

RESOLUTIONS BY CONSENT #11-2006

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, Consent Agenda #11-2006 containing the following items was unanimously passed.

- a. Resol. #144-2006 - Award of Bid: Radio Repair and Maintenance
- b. Resol. #145-2006 - Extend Contract for SCADA System Maintenance
- c. Resol. #146-2006 - Approval of Grant - Division of Highway Safety: Click It or Ticket
- d. Resol. #147-2006 - Authorizing Execution of a Stipulation of Settlement in Meyers v. Fair Lawn
- e. Resol. #148-2006 - Transfer of Funds
- f. Resol. #149-2006 - Supporting Green Acres Application
- g. Resol. #150-2006 - Approval of Raffles & Bingo:
 - HSA Central School - on premises 50/50
 - HSA Central School - on premises merchandise
- h. Resol. #151-2006 - Dedication by Rider - Open Space
- i. Resol. #152-2006 - Save the Community Development Block Grant Program
- j. Resol. #153-2006 - Supporting A-4063 Exempting Municipal Clerks from Penalties for OPRA Violations

MISCELLANEOUS PUBLIC COMMENTS

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

David Merker, 13-11 Fair Haven Place expressed concern about the speed of traffic on Lyncrest Avenue. Councilmember Trawinski indicated that the problem has gotten worse since the installation of the traffic light. Acting Manager Metzler stated that he received an email from Chief Rose advising that this street has been placed on the target area list. He encouraged the residents to call the Police Department to identify the hours during which the problems are occurring.

Mr. Merker stated that the problem is constant although it is worse during the rush hours. He thought something should appear in the paper about this problem. He concluded that growth is healthy and important to a town.

Harvey Rubinstein, 28 Rutgers Terrace wondered what abandoned 911 calls means. Acing

Manager Metzler stated an abandoned 911 call is when the Communication Center receives a 911 call and the address comes up on the screen but the caller hangs up. If there is no answer when they call the number, they are required to send an officer to the house.

Mr. Rubinstein questioned several items on the list of bills. He also asked if anyone had contacted the Port Authority about the rumble strips in front of the toll booths. Acting Manager Metzler indicated that he had no but the Traffic Safety Officer has advised him that rumble strips are designed for high speed traffic awareness and therefore inappropriate for the areas in Fair Lawn. There has been some consideration given to conducting traffic surveys on Fair Lawn Avenue to slow speed down. If they find that 85% of the traffic is going 10 miles over the speed limit, the State could raise the speed limit.

Mr. Rubinstein continued that he felt there was a vacuum between the Council, the Zoning Board and the Planning Board. He suggested that there be a meeting of the Council, the Chairman of the Boards, the attorneys for the Boards and the Engineer to discuss the FAR.

Cathy Moore, 13-16 Plaza Road asked about the parking stickers at the train station. Acting Manager Metzler did not know the cost nor the breakdown between resident and nonresident stickers. He did know that they issue far more stickers than spaces available. He will find out that information for her.

Ms. Moore did not think nonresidents should be allowed to park there. She raised the issue of the Kodak property becoming a parking garage. Deputy Mayor McCarthy indicated that he did not believe that would happen because the Borough would lose a ratable. Acting Manager Metzler stated that a number of years ago the Borough tried a test program where NJ Transit supplied a minibus and the Borough ran a shuttle service from the Saddle River Road lot and the Radburn lot. It was not a successful program.

Ms. Moore asked who sets the cost for the parking stickers. Acting Manager Metzler stated that Fair Lawn does and they are looking at all the fees. Deputy Mayor McCarthy added that although Fair Lawn sets the fee, NJ Transit has oversight and must approve the fee.

Ms. Moore then asked when the tape of the February 14 meeting was going to be aired. Acting Manager Metzler stated that he delivered the tape to Channel 77 but when it is aired is out of his control.

Ms. Moore concluded that growth only adds traffic.

Suzanne DiGeronimo, 16 Beekman Place questioned the status of Landmark litigation. Attorney Kates stated that it is awaiting case management. The Council will be discussing this matter next week. No trial date has been set.

Ms. DiGeronimo stated that on March 14 she met with Governor Corzine's staff to discuss the issues of discrimination of women. Mayor Etler has discriminated against Councilmember Baratta by belittling her. She asked the male Councilmembers treat Councilmember Baratta as an equal.

Don Oliver, 8-32 Mitchell Place, stated that Mayor Etler and Deputy Mayor McCarthy are the most abusive. He objected to the five minute limit. He also did not think a plaque was necessary for the new Recreation Center. He asked if there was a violation of the Open Public Meetings Act because the meeting started right after the budget meeting instead of 7:30 p.m. Attorney Kates stated that it was not a violation. Municipal Clerk Kwasniewski stated that the sunshine notice indicated that the meeting was scheduled for 6:30 p.m. with no break before the work session. That was specifically done so that if the budget meeting took longer than an hour they could continue.

Mr. Oliver stated that the Councilmembers need to be more civil to the public. The residents want a pay to play ordinance and expressed concern that the Mayor and Council had not adopted one. Attorney Kates stated that they had one discussion and he is working on a draft. This matter will be on the agenda next week.

Mr. Oliver stated that the estimated tax increase for the school and municipality this year is going to be \$770 for the average house of \$183,000. He asked what the water rate will be. Acting Manager Metzler stated that it will be \$3.74 per gallon.

Deputy Mayor Weinstein explained that the reason for the five minute limit is that some people speak too long and do not allow others who also wish to speak. He continued that he never berated Councilmember Baratta. He asked her questions. At the end of the meeting without any kind of provocation, words came out her mouth not his.

Deputy Mayor McCarthy stated that since the beginning of the year the Council has been working on a pay to play ordinance. They have worked together to craft a law that is stricter than permitted under the current State law. The five minute rule is for an initial five minutes. The rule is simply to give everyone a chance to speak. If someone wanted to speak again after everyone is heard, that is permitted.

Councilmember Trawinski stated that the water increase is 10.98% increase. The rate was \$3.37 in 2005.

Arlene Rubinstein, 28 Rutgers Terrace does not like it when people do not take responsibility for their actions. Fair Lawn should be run for the best interest of the Fair Lawn resident.

Ron Cole, 10 Ramapo Terrace expressed concern that the people of Radburn have been waiting unsuccessfully for the trustees to speak to them. The

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Trustees has said that the voting system in Radburn is legal. In the 77-year history of Radburn no trustee has been denied the opportunity to obtain financial information except June Meyerson. Three Councilmembers have not voted for the ordinance for democracy in Radburn. Without the help of the Council the trustees are not going to make changes. Radburn cannot afford to sue the trustees.

Stu Golding, 14 Rutgers Terrace expressed concern that the increase in the budget is just too much for the residents to afford. Everything else is also increasing. He asked them to reconsider the increase. In private industry the overhead is reduced but that does not happen in Fair Lawn. While the Council's intentions are good, the residents cannot handle this increase.

Robert Gullack, 4 Bancroft Place stated that the residents expect civil discussions. It is important that the February 14 tape be played on Channel 77. He did not understand why it has not been played but suggested that there must be some political interference. The Radburn Citizens Association voted to form a committee to propose democratic reforms. The trustees were invited to join but they refused. At the last meeting the president said he might reconsider it. He asked the Council to reach out to the trustees to attend the meeting. The trustees should be willing to meet and reach a compromise. It is not possible to solve this problem if one side will not meet.

Acting Manager Metzler stated that it was not fair to even insinuate that there is any sort of censorship on the part of the Council. The tape was received and left with Channel 77. They do not dictate to them what is put on the air or when they air it. No one on the Council has ever had direct contact with Channel 77.

Mr. Gullack stated that he was not suggesting an act of political censorship by this Council. It was given to them some time again and it should be on the schedule. If it is not going to be put on the schedule, he wanted to know why.

Stuart Pace, 348 Plaza Road stated that this is run by volunteers. They put things on as they get to them. Fair Lawn TV has never been contacted by anyone on the Council. They are not political. He has lived in Fair Lawn for 45 years. All of this insinuation is ludicrous.

Craig Miller, 5 Ramapo Terrace noted that Fair Lawn police are out on Route 208 checking radar. They should be out on Fair Lawn Avenue. In February 24 summonses were issued for speeding which he thought was unacceptable. Acting Manager Metzler stated that 16 violations were issued for speeding but there were 1,192 summonses issued in February.

Approximately one-half of those were motor vehicle related. Working with the Division of Motor Vehicles, the Police Department set up a check point. It is considered particularly productive if 80 to 100 tickets are issued. Recently they inspected 35 vehicles generating 172 summonses. He wanted to assure them that they are taken steps to enhance what the Department does. The summonses that are being issued are not only motor vehicle summonses but quality of life summonses. The Police Department is doing an exceptional

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job. They have heard the public concerns and put in place programs to increase enforcement.

Mr. Miller wanted to know how late the reval company will be making inspections. Acting Manager Metzler stated they need to get into every home and there is a large segment of the population that is not home during the day. Mayor Etlar stated that residents can make an appointment.

Donal Meyers, 18-22 Mayfair Terrace stated that Ordinance 2047-2006 raises the budget cap and the budget resolution will raise taxes by 18%. Mayor Etlar corrected Mr. Meyers indicating that it is not 18%. It is 18 points.

Mr. Meyers continued that there is nothing in the budget that shows that the funds left over from the Fair Lawn Recreation/Community center to pay the debt. Deputy Mayor Weinstein stated that he discussed this issue with the Chief Financial Office who advised that he is not permitted to include any revenues in the budget that he is unsure of prior to the introduction of the budget. If by the end of the May he has received certification from the trustees, those numbers will be included in the budget.

Mr. Meyers then stated that the number of Borough employees is staying the same. The taxes are being raised but they are not consolidating the departments. He questioned the operating costs for the Recreation/Community Center. Councilmember Trawinski stated they are estimating \$350,000.

Acting Manager Metzler stated that they have repeatedly asked the contractor for the estimate of the utilities which they have not received. For budgeting purposes they are using the operating costs for the Municipal Building as a starting point for the new building. CFO Eccelston has been in touch with the bond counsel concerning the Recreation Center unspent funds. Once the letter certifying that the construction is finished is received, the

balance becomes frozen. They have budgeted \$128,000 for supplies. At this time, they will only have one additional custodian. Acting Manager Metzler stated that the Borough of Fair Lawn has the same number of employees as it had prior to the establishment of the Recycling Division. Over the years, employees have been moved around through attrition. That reduction of personnel has almost brought the Borough to the point of no longer being efficient. A number of the offices are now closed at lunch time because there is only one person in that office which is unacceptable. They are looking at numerous polices so that equipment is shared in the DPW. He believes that if this budget is adopted they will be able to have a five to seven-point increase in the next three to four years and having put extra in surplus to help offset the impact of the reval. If this increase is not enacted this year, it will be bad again next year and it will continue. No gimmicks were used this year. It is misleading to think that it will be possible to operate government with no increase.

Mr. Meyers thought it was distressing that there was no plan for the operating budget for the Recreation Center before the contracts were signed in 2004. He wanted to know what Norwood is doing that Fair Lawn cannot do since their budget is barely increasing.

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Councilmember Trawinski stated that he did not vote to spend anything yet. All they did was introduce the budget. He wanted to hear what people have to say. He thought Mr. Golding made some excellent points. The ordinance authorizes an increase in the cap so that they can take advantage of the provision of State law that allows them to bank funds that are not used when they are under the cap. In 2005 the budget was \$1.1 million under the cap. By adopting the ordinance they can bank it in case they need it. This budget is still under the authorized amount of the cap. There have been systemic changes in the labor contracts that have resulted in substantial give backs regarding longevity which over the next 10 to 20 years will have an enormous impact on labor costs.

Deputy Mayor Weinstein stated that when they started the process of building the Recreation Center the interest rates were very low. The BCIA rate at the time was the lowest. It is a phenomenal building. They did speak about the costs of operating the facility. The budget is only a tool. The CFO Eccelston has said that Fair Lawn is in fiscally good shape. Mr. Golding did make some very good points.

Barry Winston, 19-11 Greenwood Drive stated that the Mayor and Council have a policy for decorum and behavior in this chamber. He urged the Mayor to read that policy so everyone will know what is appropriate. There is a battle raging in Radburn which could spill over into Fair Lawn.

Ron Cole, 100 Ramapo Terrace stated that the Radburn trustees are afraid of democracy. They are afraid that they will not be elected in a democratic process. It has been six months since DCA sent them a letter saying that they were in violation of State law but they have done nothing. He appealed to the Council to pass the ordinance for democracy because it has provisions for enforcement.

Mayor Etlar disagreed and stated if Assemblyman Gordon proposal becomes law it will be enforceable.

Todd Newman, 10-07 Essex Street stated that the Street Hockey dinner was held this evening and when it was announced that the Recreation Department was moving to the new facility tomorrow the room broke out in thunderous applause. The children and parents of Fair Lawn are ready for the Community Center. Acting Manager Metzler stated that on April 1 the trustees will be turning over the keys to the Recreation Center and the operation of the building. Programs will be moved back and they expect to be in full operation by June 1.

Arlene Rubinstein, 28 Rutgers Terrace stated that she understood that the Community Center was for Fair Lawn residents only. She wanted to know how that was going to be enforced. Acting Manager Metzler replied that a number of the clubs that meet at the center have a large membership that does not live in Fair Lawn. The Recreation Department is developing a fee schedule concerning members who are not Fair Lawn residents. The security system has been designed so that they could issue cards if at some point they decided to do so.

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Louise Orlando, 12 Arlington Place, stated that the Department of Community Affairs and the Radburn Association had a meeting in September of last year. Radburn does not believe that PRFDA applies. However, they have been working toward several policies that they believe will make people in the community more comfortable such as alternate dispute resolution. They are close to having a policy that they will bring to the full board for adoption. They are working on an open meeting policy. They will continue to work until they get things right for the community. DCA has informed them that the election process is not illegal. It might not be what some people would like it to be, but it is not illegal. Change is difficult. For 77 years they have been a successful, stable community. They have been a community that has always helped each other. They also feel an obligation to the Borough of Fair Lawn.

Ms. Orlando concluded that the Borough needs more employees. There are many departments with a staff of one. There are not enough inspectors or secretaries in the Building Department so that delays the process of obtaining permits which does not serve the community.

Councilmember Trawinski asked if the Radburn trustees would be willing to sell Daly Field to the Borough. His understanding is that DCA has said that Section 47 of PRFDA has not been violated. The DCA has not ruled on Section 45 which relates to free elections, He expects that the DCA will say Section 45 does not apply due to the political interference of Assemblyman Gordon so his bill is passed. He does not care how democracy comes to Radburn just as long as it does. The DCA ordered Radburn to implement open meetings and ADR. He does not understand why it is difficult to implement open meetings. He has been disturbed by the assertion that only one trustee has been denied the financial information.

June Meyerson, 15 Ballard Place, pointed out that if it was 77 years of contentment Councilmember Trawinski would not be here. The DCA has told the Radburn Association it has to comply with ADR, open meetings and financial disclosure to the community. DCA

did say that the election process was all right, but since the Twin Rivers decision the issue of open elections has changed.

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

CLOSED SESSION RESOLUTION - Attorney Client Privilege

Upon motion by Deputy Mayor McCarthy, and seconded by Councilmember Trawinski, the following Closed Session Resolution was passed.

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

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WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss Attorney Client Privilege, 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 conclusion of the matter with the exception of legal strategy within a time frame not yet determined;

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 TO CLOSED SESSION:

Upon motion by Councilmember Trawinski and second by Deputy Mayor Weinstein, the meeting was adjourned at 10:00 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 Ed Trawinski

Deputy Mayor Steven Weinstein