

WORK SESSION OF MAY 16, 2006

Mayor Etler called the meeting to order at 7:31 p.m.

PRESENT: Mayor Etler, Deputy Mayors McCarthy and Weinstein (late), Councilmembers Baratta and Trawinski.

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

REVIEW OF TENTATIVE AGENDA:

Deputy Mayor McCarthy said that he would like to add a resolution that they will discuss later opposing the flight pattern over Fair Lawn. Mayor Etler suggested it be added to the Consent Agenda at next week's meeting. Deputy Mayor McCarthy said they have two weeks from today to send a resolution of opposition to the FAA.

CABLEVISION RENEWAL:

Councilmember Trawinski had called earlier in the day advising that he was recusing himself from the Cablevision renewal discussion and would be at the meeting by 8:00 p.m.

Gary Shaw, Government Affairs Manager for Cablevision was present. He said he was there to spur their renewal talks again. He had sent a proposal to the former Attorney, Richard Lustgarten and Joanne Kwasniewski, who at the time was Borough Manager. It was a ten year and fifteen year proposal. There was a letter submitted to Ms. Kwasniewski on May 27, 2005 listing the needs the Borough had presented to Cablevision and the cost of addressing those needs and what could be addressed by the company as part of the renewal. Some of the needs were the wiring of every classroom in every school, which came to a \$76,000 project, the company cannot address that in the span of the renewal. Some of the other needs were cable casting equipment at one of the middle schools so they can produce programming, optimum online service for the schools, the library, as well as the municipal building, talk of donating a van for FLTV Productions, that would be something the company could do once they had a van retiring on their fleet. There was also equipment for the Fair Lawn production crew.

Mr. Shaw said that Cablevision has submitted two renewal proposals, one for ten and one for fifteen years. Those were sent on August 30, 2005 and they have been waiting since then to hear back from the Borough. Verizon is going to be competing with them in the near future and they are lobbying for a State wide franchise. He felt it was in the best interest for the Borough and the company to try to get an agreement before the laws are changed. He was here tonight to see how he could get things moving on the renewal.

Mayor Etler said the last time they had voted on this, the Cable TV Committee suggested a five-year agreement and the Council agreed to a ten-year contract. That was the prior Council. He asked what Cablevision was going to give the Borough. He had correspondence from the League of Municipalities regarding Verizon which stated that

Verizon will be offering a lot more than Cablevision. Mr. Shaw stated he would like to see that letter. Mayor Etler stated the municipal franchise fee would be 3.5%, which is closer to the national average. He asked what Cablevision was giving. Mr. Shaw said that State law right now is 2%. This bill would change the franchise fee to 4%, with 3.5% going to the municipality. Granted that would be more revenue for the Borough but what is important to keep in mind is by Federal law, the franchise fee is a pass through fee. The fee is not being paid by Cablevision, it is being paid by the residents of Fair Lawn. He said that when the law changes, their fees will change. Mayor Etler felt they were not giving enough. He read parts of the proposed legislation and what the companies would have to provide. Mr. Shaw said that some of those items are in the proposed legislation which is not final. It did come out of both committees. He said that Verizon has been negotiating with Park Ridge since December and all they have been willing to offer is no senior discount, \$5,000 for a 15-year agreement, they propose to offer much more than that. He felt the League was premature in sending out that letter. He suggested calling other towns such as Park Ridge, Closter, and Washington Township who have been in discussions with Verizon.

Deputy Mayor McCarthy asked if he could give them in writing what Cablevision is offering since there are new members of the Council so they can sit down and review it. There was an extensive seminar at the League Conference in November about where the legislation was going. He felt the fees could be adjusted since either Cablevision or Verizon will be making more money from the residents. Mr. Shaw said he would send the last proposal that was made which included a 10-year agreement a \$30,000 public education access grant, as well as \$5,000 to address equipment that has become obsolete. He felt that Cablevision will give more benefits than Verizon can.

Deputy Mayor Weinstein said in regard to the possibility of the new legislation, if the Borough signed a contract today, if any changes occur, could they incorporate that into the agreement. Mr. Shaw says the legislation that passed in Texas stated that existing cable operators had to abide by the existing agreements until they expire and at that time, they would be given an opportunity to apply for a statewide franchise. Although the bills are not finalized, the language does exist in both the Senate and Assembly version. After that, they would live with the same terms and benefits that are prescribed in that legislation once it is finalized.

Councilmember Baratta asked if it would be fair to say if this legislation passes, cable rates for the residents will be going up. Mr. Shaw said he cannot predict it. His company's opinion is that Verizon will compete with them but whether it will lower rates drastically, he cannot attest to it. Some of their rates are higher than Cablevision's rates. Verizon will be charging for converter boxes and Cablevision has an expanded plan. Councilmember Baratta asked if the seniors were getting the discount now. Mr. Shaw said yes, an eligible senior can get it. It is set by the State of New Jersey that they have to meet the financial eligibility requirements of the pharmaceuticals act for the aged and disabled. Anyone that meets that requirement is eligible.

Manager Metzler asked if the contract continues to dedicate a channel for Fair Lawn. Mr. Shaw said absolutely. They have made it a 24-hour channel for the exclusive use of Fair Lawn.

Mr. Shaw said there is a whole process written by the State of New Jersey regarding the change. If they were not able to reach an amicable agreement with the Borough, the company has a right to petition the State directly to issue the franchise agreement and then it would be up to the Borough to prove that the cable operator has done a poor job meeting the residents needs or lived up the terms of the contract. They have never gone down that road. Attorney Kates asked if the legislation goes through, does the Borough have the option of franchising two companies. Mr. Shaw said absolutely. Attorney Kates asked how their rights of way would relate to Verizon's rights of way. Mr. Shaw said they would both be using the public right of way. Either Verizon or PSE&G own the poles and Cablevision is basically a tenant. They are building a network over the existing network by taking out their copper-based network and replacing it with fiber optics. Attorney Kates asked if they were starting over, would they put the network under ground. Mr. Shaw said a lot of new development requires it to be underground.

Deputy Mayor McCarthy asked if they would they include high speed internet connect for the Borough buildings. Mr. Shaw said they would include free internet service to all of the schools, the library, and the Borough Hall. They provide a modem and a router which would network up to 25 computers. In Borough Hall, they would provide a router and a modem and it would be up to the Borough's computer people to do the rest.

Mayor Etler asked Mr. Shaw to send a five-year and a ten-year proposal so they could discuss it further at the next work session. Deputy Mayor McCarthy said the next work session is June 7 and asked if they could get the information prior to that.

Manager Metzler asked what would be required to be able to have live broadcasting from the new Recreation / Community Center. Mr. Shaw said they would need a fiber return feed installed at that location which would enable them to get a signal out into the air. They would also need production equipment there. The fiber connections are about \$15,000 to put in each building. They have one at the studio on River Road and one at Borough Hall.

37TH STREET PETITION:

Manager Metzler said that he had sent home the petition from the residents. There were some residents present from 37th Street as well as some representatives from the Police Department in regard to their request to make 37th Street a dead end. He felt they should allow the residents to address the Council with their concerns, then have the Police Department give their recommendations.

Mike Obsuth, 1-21 37th Street, right next door to McDonald's, felt the problems have gone down hill in the recent months since the people have been towed. The traffic on his block has increased and they are concerned about the safety for the children. People knock on his door asking how to get to IHOP. He felt people were speeding. There is verbal abuse from McDonald's. When he asked them to put the chain back up they told him to get back in his house and mind his own business. Mr. Obsuth said he sent a letter to the Mayor and Council asking what to do. He was told to have a petition signed by his neighbors, he spoke to Chief Rose and he said the same thing. He said he appreciated all the help everyone has given them.

Chief Rose said there is no dispute that there is a problem there and it is tied to McDonald's. He had discussed this at length since McDonald's has been the topic of the month. Mr. Obsuth's request is to dead end 37th Street. He felt doing that would dump whatever problems they are having onto 36th Street and they would have the same problems. His department has come up with several ideas, one of which is to eliminate the driveway. Traffic Safety Officer Franco and the Engineering Department have come up with a prior resolution from the Zoning Board who has the ability to revoke the driveway. He felt that would be step one, eliminating the driveway would cut out people coming out and going to 37th Street, coupled with making 37th Street a one-way out to Broadway.

Councilmember Trawinski arrived at 7:55 p.m.

Traffic Safety Officer Franco drew a diagram explaining what they were suggesting. He said the driveway is a problem. It has been a growing concern. The Zoning Board passed a resolution in 1983 that said the Borough could revoke the driveway. Rather than land lock everyone in here, they suggested making it a one-way going out. It would not land lock anyone and would afford the emergency service access to that portion of the land, and also access to Route 4 west bound. Doing this would eliminate traffic going into that neighborhood from Route 4. The other possibility was if they make it a one-way, they could create parking along one side of the road, so that if any patrons are forced onto the road could use that area or employees can park there. He reminded them that no matter what they do, it will not stop people from parking on their street. Traffic Safety Officer Franco felt this was the simplest way to try to correct the problem. They could put temporary barriers at the entrance of the street.

Councilmember Baratta asked aren't the majority of the problems not Fair Lawn residents. She thought anyone parking in that area would be Fair Lawn residents. She asked if the residents had a problem with the tow trucks parking there. Mr. Obsuth said no. Traffic Safety Officer Franco said it is minimal cost and they can try it, and it does not affect any other neighborhood. Mayor Etlar asked if the driveway was in the Borough's right of way. Traffic Safety Officer Franco said the drive access was given to them back in 1983. They would need to go to the Zoning Board to ask them to remove it. As a firefighter, the driveway does not give an emergency vehicle access to the lot especially since they added the drive-through. Chief Rose said in an emergency, they would close part of Broadway down. Councilmember Trawinski asked if they make a street one-way, does it make it a raceway. Traffic Safety Officer Franco not in this case since it is only a one block area.

Lou Silvestri, 1-33 37th Street, said he was told by McDonald's that they use different size delivery trucks. Mayor Etlar reminded him that the Council can have the driveway rescinded and that would alleviate the trucks using the driveway. Councilmember Trawinski said they should take a look at the Zoning Board's resolution to see if there are any conditions that would stop them from doing this. The Zoning Board reserves the right to rescind it. He is not sure the Council can take the condition back.

Attorney Kates stated he received a notice recently that there is a third party complaint bringing the Borough into this litigation that is existing between McDonald's and IHOP. Councilmember Trawinski felt the neighbors might want to intervene during the

proceedings because Judge Harris may say there is some merit to this. Part of the problem is the drive-through that was rammed down the Borough's throat.

Traffic Safety Officer Franco said automatically every road is a truck route. The Borough of Fair Lawn has a system of truck routes on their roads. The trucks would have access to McDonald's from Route 4. Chief Rose said if they are talking about trucks every two or three days, yes it is inconvenient but there is a trade off if they can get the traffic off their street. Traffic Safety Officer Franco said there are a lot of rules regarding trucks. He was sure if the residents had a concern about the trucks and they voiced it to McDonald's, it would be acknowledged by them.

Craig Minto, 1-25 36th Street, said he did a quick poll of the neighborhood yesterday, getting in touch with 15 out of 25 houses and one of the proposals was a one-way like was proposed. A majority of them were in favor of closing off the whole block. He felt if he had to put up with a truck once in a while, as opposed to the traffic, he could live with it. Everyone on his street was opposed to closing off 37th Street.

Mayor Etler said they should fast track this for the next Work Session. The Council can act on removing the driveway, move along to make it a one-way street and have it done as soon as possible.

Mr. Silvestri asked about the employees parking on the street. He suggested they didn't allow it and for the Police to make it a timed parking area. Traffic Safety Officer Franco said if they did that, the employees may park in front of their houses. Mr. Silvestri said they never said they can stop people from parking in front of their houses. Chief Rose said they can scale it up, do the one-way, cut off the driveway and leave it with parking there and if it turns out to be that it becomes an issue, they can always add limited time parking. He felt if cars were parked there, the trucks cannot unload. They can always make an adjustment. Councilmember Trawinski asked what time the deliveries are made. Mr. Obsuth said between 6:00 a.m. and 10:00 p.m. Councilmember Trawinski said the Zoning Board resolution from 1983 stated no deliveries before 7:00 a.m. He thought Attorney Kates should look at this since it may help them. He felt putting parking on the street may address some of the truck's ability to unload.

There was a unanimous consensus to block the driveway, make the configuration of 36th & 37th Street one-way and allow for parking on that section of the street and to get a confirming opinion from Attorney Kates.

Manager Metzler said they are looking for a draft ordinance for June 7th.

McDONALD'S:

Mayor Etler said he put this on the agenda because they are reaching a critical stage at McDonald's. He would like a meeting with the Manager and Attorney to see if there is anything further they can do. Deputy Mayor McCarthy suggested adding litigation to the Closed Session tonight since Attorney Kates said the Borough will be a third party defendant. Attorney Kates said he planned to circulate it this week. There is another piece

to it that he and the Chief had a discussion about which was disciplining the tow truck operator if they over charge. He has been researching this and the concept is to remain on the police towing list, they cannot charge more on a private tow than a police tow. He believed there is precedence for it. They can reasonably relate the crisis that has been going on and what it is doing to the citizens.

Chief Rose gave a synopsis of what is going on there. They have a towing company, Bennett and Kay, as a contractor to stay there and do towing. The owner frequently sits in his vehicle and points out who is not a McDonald's customer. What they are doing is legal. He has contacted the Prosecutor, the Attorney General's office and to Consumer Affairs explaining how they tow the cars quickly and what the tow truck company charges. They tow the cars to their lot in Paramus. Paramus Police have received numerous complaints about this. Mayor Etler asked how much is a police tow. Chief Rose said it is between \$40 and \$75, which they feel is low and are thinking about raising it to \$100. Mayor Etler felt it was more disturbing that they take the cars and store them on 37th Street. They are essentially using the street as a storage area and that should not be allowed. Chief Rose said there was no violation of taking a car and leaving it on the street. Mayor Etler asked the Manager to set up a meeting with Attorney Kates and himself to talk about this.

Councilmember Trawinski felt they should take a look at the towing ordinance where there may be other requirements that the tow truck operators must meet. He would also like a list of towers and who was approved and what the requirements are. Can't they as a matter of Zoning define towing. Maybe they could define a towing business as having a location in Fair Lawn and if they use streets in Fair Lawn they would not be allowed to tow. He felt they should try to get at it any way they can. He also wanted to know why the meeting would just be between the Mayor and Attorney. Mayor Etler said the two of them can meet quicker. Councilmember Trawinski said they were a body of five and it should be scheduled with all of them. Deputy Mayor Weinstein felt the storing the vehicles on the street is important. Deputy Mayor McCarthy felt the Zoning ordinance should be changed to whether it is a Police tow or private, they should have a lot in Fair Lawn.

Mr. Obsuth asked if the two trucks are allowed to sit and wait with a car attached. Chief Rose said they can't harass the tow trucks since it is a private lot. He suggested that if he sees a problem to call the Police. Councilmember Trawinski felt this was a site plan issue. The Borough should be enforcing it. Councilmember Baratta asked if there were any sign violations. Deputy Mayor McCarthy said they should look at both locations to see if there are any violations.

TREE ORDINANCE:

Jane Spindel, Chairperson of the Garden Club felt the tree ordinance was poorly written. A recent problem came up where a homeowner cut down seven trees. She did research on other town's ordinances and found two that are very substantial and address many issues. She felt that both ordinances were useful for this community.

Ms. Spindel supplied a diagram of trees and their drip line. She said Shade Tree installs

the trees but there is nothing in place to water them and save them. She suggested gator bags which they can get on a grant. There are also coiled tree guards that can be used to protect the trees.

Ms. Spindel said that the Borough falls short in their ordinance. The Borough does not belong to a Shade Tree Confederation. It is only \$83 a year and she felt the Borough should consider joining it. She also felt the Borough should have an arborist.

Mayor Etler said there were two issues, the ordinance and the care of the trees. He asked Councilmember Baratta to work with Ms. Spindel. Attorney Kates suggested they look at Tenafly's tree ordinance. Mayor Etler said to give them a month to go over this. Deputy Mayor Weinstein said he would like to be part of this. Councilmember Baratta felt the Borough should be part of the federation. Councilmember Trawinski said he was confused about how this came up. Manager Metzler said a resident came in requesting to take trees down. They wanted to cut down five trees. The neighbors were not happy about them cutting down the trees. They called the Police. Ms. Spindel became aware of the situation. Councilmember Trawinski said this had come to his attention in 1998 when there was no control in the Borough. He suggested back then a Shade Tree Commission. He felt the Council should do these in tandem. They should determine where they are putting trees in the public right of way and they shouldn't be planted unless the homeowners wanted them.

Ms. Spindel felt there was a problem with enforcement since the Building Department does not have the manpower to check on the trees. Councilmember Trawinski said there is no one that can check to see how many trees were removed. Manager Metzler said there is no mechanism to track the number of trees being removed. Ms. Spindel suggested escrow fees and deposits. Councilmember Baratta said people don't take care of them once they are planted.

Mayor Etler suggested Jane Spindel, Councilmember Baratta, Deputy Mayor Weinstein, Walter Neill and Jim Vanderbeck. He suggested preparing the ordinance for first reading in one month.

BANNING PAY TO PLAY ORDINANCE:

Attorney Kates said that he had distributed a copy of the ordinance and welcomed any comments they may have. In respect to the draft, page two, in the definition of a professional business entity, which is section 1c, at the end of the first long sentence add “, and the principals and officers thereof”. Councilmember Trawinski suggested on the next sentence “or partners”. In the previous sentence they should add in “limited liability company or limited liability partnerships” since those are two entities that are now in vogue as business entities. He said previously that the ordinance contradicts itself but he now felt he said that in error. He did not read it correctly where it was added notwithstanding the forgoing provisions. So they are allowing the one year prior a maximum of \$300 or \$500 to a Borough or County committee and those the amounts they had agreed on.

Deputy Mayor McCarthy said they talked about one year, he thought it should be two years

and suggested the next election cycle. He thought they should change the one year prohibition to two years. The rest of the Council agreed. Deputy Mayor McCarthy spoke about wheeling. He does not know how they can limit money if someone is giving indirectly to someone that ultimately comes here directly. That would be an area to look into. Right now there are restrictions on a County committee. He thought that was a major loophole. He knows that Deputy Mayor Weinstein made restrictions on the candidate or office holder and he doesn't see that in there. He felt they should be realistic. Wheeling is his concern. Attorney Kates said this ordinance does not include Deputy Mayor Weinstein's initiative and he felt they should look at the Ethics code. The State Ethics Board bars accepting contributions. He and Deputy Mayor Weinstein will study this further. Councilmember Trawinski said there may be a balance they can get to. They would have to go back to the State. Attorney Kates felt the wheeling was covered and thought this was the best they could do under the circumstances. Deputy Mayor McCarthy was not sure about it. Attorney Kates said this is the beginning point and they can take it to the next level. Councilmember Trawinski felt it would stop wheeling in Bergen County and also a State party. It doesn't stop wheeling from another municipality. Deputy Mayor McCarthy said whatever connection someone might have, that is where he sees a problem.

Deputy Mayor Weinstein said the proposal he put forth was \$0, he thought that \$300, \$500, \$2,500 to the pacs. He felt they are arbitrary numbers and should be \$0. Attorney Kates said they are but less than \$300 they are not going to have the certification from ELEC. Deputy Mayor Weinstein said he wanted to move forward with this but wanted it to be right. Somehow he would like to see the gist of what he proposed and put the responsibility on the candidate. Attorney Kates said it is in the Ethics ordinance. It is fairly broad but comes close to what you wanted and is on the books now.

Deputy Mayor McCarthy wondered if when they speak about a child, should it be an emancipate child living in the residence. Councilmember Baratta said she wouldn't have a problem with Deputy Mayor Weinstein's suggestion of \$0 but wondered how they would track it. Deputy Mayor McCarthy felt the kicker would be the penalty clause. Councilmember Trawinski said he had no problem making it \$0 understanding there maybe an enforcement issue. Deputy Mayor McCarthy felt if they were going to \$0, they should prohibit the person receiving money from the County or the State. Councilmember Trawinski said he agrees but the lawyers told them the ability to make the ordinance tougher than State law did not apply to the ELEC or Election law enforcement. Attorney Kates felt it would be difficult to defend. Councilmember Baratta said they told her it was not legally enforceable. Mayor Etler thought it would be simpler of saying who could receive contributions and what the contributions are. It seems they are saying all the things they can't do. Councilmember Trawinski said the problem was the area is preempted by the State. The Governor Codey gave them express permission to do something in the public contracts area. Mayor Etler felt what they were doing was litigious. Councilmember Trawinski felt if this was not enforceable, they should at a minimum go with what the State said they can do. They can always make the ordinance tougher. Deputy Mayor Weinstein thought that after tonight, the changes should be made as they discussed and they should review it again. Deputy Mayor McCarthy suggested that the take out D, make it \$0 and change the one year prohibition to two years. Mayor Etler suggested they discuss this again at the next Work Session.

MUNICIPAL REPRESENTATIVE ON 501(c)3:

Manager Metzler said the 501(c)3 made a request to have a representative from the Borough on their committee. He thought they should put someone from the Recreation Department on it. Deputy Mayor McCarthy thought it would be the Manager. Mayor Etler thought they should name the Manager and a representative of the Recreation Department.

There was a unanimous consensus to appoint Manager Metzler and a representative from Recreation Department.

CELLULAR TOWER DISCUSSION SADDLE RIVER ROAD PUMP STATION:

Mayor Etler thought they should not allow a cell tower on that site. Councilmember Trawinski asked about a stealth tower and how it would affect the residents.

There was a consensus to not allow a cell tower at the Saddle River Road pump station, with Councilmember Trawinski dissenting.

REQUEST TO INSTALL PAVERS IN RIGHT-OF-WAY (15-51 ELMARY PLACE):

Councilmember Trawinski said that he had visited the site and has invited the homeowner to this meeting. He thought it was worthwhile to hear it from her.

Mrs. DellaMonica said that she and her husband are in a unique situation. They live at the end of a dead end street. They installed a pool and put the pool equipment in the garage which took away use of the garage. They appeared before the Zoning Board several times and their applications were denied. The Zoning Board proposed they move their fence back to allow for more parking. In order for them to do that, she would like to install pavers on the Borough's right of way. Deputy Mayor Weinstein agreed that they have a problem. Deputy Mayor McCarthy stated he had no problem giving them the permission. Councilmember Trawinski said he was not prepared to support this but after seeing the site, he does support it.

There was a unanimous consensus to allow their request to install pavers in the right-of-way.

Councilmember Trawinski asked that the Manager inform the Zoning Board of the Council's decision.

SHARED SERVICES - COUNCIL/BOARD OF EDUCATION AD-HOC COMMITTEE:

Manager Metzler said he had sent the Council correspondence about the Ad-Hoc Committee for shared services between the Board of Education and the Borough. He would like to name two members to the committee. The committee members will consist of the School District Administrator, one school district staff, the Borough Manager, two

marketing firm that does entertainment to see what events could be held there. Mayor Etlar said he was disgruntled about who uses the rooms and about non residents using the center. Manager Metzler said for Fair Lawn residents it is free. Councilmember Baratta thought outside people could use the center. Mayor Etlar thought the \$3 surcharge per ticket is ludicrous. If the people using the theater want to practice before a show, they should pay. Manager Metzler said that if local groups use it they will be charged \$3 a ticket while the other groups will be charged \$1,000. Mayor Etlar said he does not want residents from out of town using the facility. Manager Metzler said they may have trouble putting on a show. Mayor Etlar said they should play a movie. Councilmember Baratta said they would also have to pay for a sound and light tech. Deputy Mayor McCarthy wondered how many times they would need to use the theater to practice. Deputy Mayor Weinstein said the Borough needs a theater group. Mayor Etlar said a civic organization is different from a private organization coming in to use the theater. He will be guided by what the Council decides.

Michael Roney, 14 Burnham Place said he is part of the Radburn Theater group and they spend months practicing for a play. Most of it can be done offsite. They would need to use the theater for a week or two prior to the performance. Deputy Mayor McCarthy asked what they charge per ticket. Mr. Roney said they charge \$15 per ticket.

Councilmember Trawinski asked Manager Metzler if the cost to open and run the facility was figured into the rates. Manager Metzler said no, they based it on other rental areas. Councilmember Trawinski stated they should consider imposing a sunset clause after a period of time that way they can review it again and look at what it cost to run the facility.

PROFESSIONAL SERVICES AGREEMENTS:

Fair Lawn Economic Development Corp. and Fair Lawn Broadway Improvement Corp. - Attorney Kates said there is a limit they can contribute to this two entities. They are allowed to fund start-up costs but the on going should be self taxed. Deputy Mayor Weinstein stated that on July 1 last year the Council agreed to fund \$15,000 for the first year and \$30,000 for the next three years. Attorney Kates said as a start-up that was fine but long term there has to be controls in place. Councilmember Trawinski said that River Road Improvement Corp. does not get funds from the Borough. He also wondered how Bergen County funds their EDC. Attorney Kates said he was not sure. He suggested doing a resolution funding them but also ask them to report how they are spending it.

Hakim Associates - Manager Metzler stated that Hakim Associates is requiring \$500.00 for additional services to prepare an additional map that is required for Fair Lawn's Green Trust Planning Incentive Grant Application.

There was a unanimous consensus to authorize the three resolutions at the next meeting.

RELOCATION OF NEW JERSEY TRANSIT BUS STOP ORDINANCE CHANGE:

Page Twelve

Work Session

May 16, 2006

Manager Metzler said that the bus stop in front of the Municipal Building should be moved 50 feet west of Mary Anne Collura's memorial statute.

There was a unanimous consensus to authorize the bus stop to be moved.

UPDATE ON LANDSWAP FOR FIRE COMPANY #1:

Manager Metzler stated the members of Company #1 want to go forward with this plan. Councilmember Trawinski felt that RRIC should go back to the residents again to get their input.

RESOLUTION OPPOSING AIRSPACE REDESIGN:

Deputy Mayor McCarthy stated that he has sent an e-mail earlier today asking that this be placed on the agenda tonight. He said that after reading an editorial in The Record, he wanted to discuss a resolution opposing the re-routing of air traffic over Fair Lawn which clearly would increase the aircraft noise. After tonight's discussion, they can finalize the language on the resolution and have it ready for next week's meeting. They have two weeks to send the resolution to the FAA. He also spoke to Assemblyman Gordon who will also send a letter to the FAA opposing the airspace redesign.

PASSAIC VALLEY SEWERAGE:

Mayor Etlar informed the Council that he and Attorney Kates went to Passaic Valley Sewerage in Newark. Attorney Kates advised that this matter should be discussed under Attorney Client privilege.

SPECIAL MEETING:

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Trawinski, the Work Session was recessed to the Special Meeting at 10:26 p.m.

Mayor Etlar reconvened the Work Session at 10:27 p.m.

PUBLIC COMMENTS:

Harvey Rubinstein, 28 Rutgers Terrace, suggested that since he has been hearing the Zoning Board resolution being referenced they should look at their minutes. Councilmember Trawinski stated he has been reviewing all of the minutes. Mr. Rubinstein asked if a dollar amount had been paid for vacating the deed restriction. Attorney Kates said they will not pay anymore. He spoke about seeing a Glen Rock truck carrying solid waste and suggested that someone ask them where they take it and if they are saving money.

Donal Meyers, 8-22 Mayfair Terrace, suggested they maintain a list of businesses that contribute to candidates. He said he was glad to see that the Borough collected money for Page Thirteen
Work Session
May 16, 2006

the deed restriction. Mr. Meyers asked about the fire truck and if they ever found out how many runs they have made to fight fires in high rise. Manager Metzler said they did 464 runs with 12 working fires. Mr. Meyers asked if they really need that type of equipment. Manager Metzler said the other trucks cannot fight a high rise fire. He asked that when the

truck got inspected for insurance purposes and the Borough is told not to use it, what do they do. Manager Metzler said they use another one.

Craig Miller, 5 Ramapo Terrace, called Mayor Etler Ebenezer Scrooge. He asked when the Fair Lawn Avenue and Chandler Drive light would be completed. Mayor Etler said there are a few things left to be done such as a major electrical line that feeds Chandler Drive has to be moved.

Michael Roney, 14 Burnham Place, wondered if COAH applies to rentals does it also apply to Fair Lawn Commons. Councilmember Trawinski said they have over 50 units that apply. He asked what Fair Lawn's current obligation was. Councilmember Trawinski said 212 without any credits. Attorney Kates suggested Mr. Roney call him and he will give him the numbers.

Mr. Roney asked about Cablevision and if Fair Lawn makes a commission or is it a flat fee that they pay to the town. Mayor Etler said that Fair Lawn gets a percentage of the basic service fees. Mr. Roney felt the rates Cablevision charges are extremely high and the residents were getting ripped off. Mayor Etler said the rates are governed by the Board of Public Utilities. Mr. Roney wondered if that was consistent with all of the companies besides Verizon and Cablevision. Deputy Mayor Weinstein said that no other company wants to come into Fair Lawn. Mr. Roney asked if there was a way to bring in another player who could rent Cablevision's lines. Deputy Mayor McCarthy felt maybe in the future there would be more competition. Councilmember Trawinski explained that the cost was prohibitive to build an infrastructure.

Mr. Roney said in regard to the use of the Community Center, even the local theater has to draw people from out of town.

Felice Koplik, 6 Reading Terrace, thanked Mayor Etler who attended the Bergen County Historical meeting. The County added the historic reformed church and the Radburn Building was given an award. She felt that everyone in Fair Lawn should be proud of that building.

Ms. Koplik talked about the trees and what Jane Spindel discussed earlier. She mentioned how the people or the utility companies shear off the side of the tree that hangs in the street and makes the tree look awful. Councilmember Trawinski stated that State law allows the public utilities the ability to prune the trees in their area. Deputy Mayor McCarthy stated they are concerned about their lines. Attorney Kates advised her to send a petition to the Board of Public Utilities with her concern.

Lawrence Koplik, 6 Reading Terrace, felt that Verizon and Cablevision are fighting because they now offer the same services, using the same infrastructure. Verizon is almost done with the fiber optics that will change everything.

Mr. Koplik asked if the Borough could regulate the towing companies. Councilmember Trawinski said not on private property. Attorney Kates said they are trying to address this. One of the things they will look at is the car cannot be dropped on the street and left there.

Howard Mark, 12-23 Ferry Heights, asked who owned the fishing weir. Mayor Etler said no one owns it. Mr. Mark asked if there was anyway to preserve it. Mayor Etler said it has been there for more than 300 years. Mr. Mark felt there should be no construction near it.

CLOSED SESSION:

Upon motion by Councilmember Trawinski and seconded by Deputy Mayor McCarthy, the following closed session resolution was unanimously adopted at 10:55 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 relating to personnel upon formal appointment by the Mayor and Council of the Borough of Fair Lawn within 30 to 60 days;

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 McCarthy and a second by Councilmember Trawinski, the meeting was adjourned at 11:05 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Martin Etlar

Councilmember Jeanne Baratta

Deputy Mayor Owen McCarthy

Councilmember Edward J. Trawinski

Deputy Mayor Steven Weinstein