

REGULAR MEETING OF MAY 9, 2006

Mayor Etler called the meeting to order at 7:35 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in The Record issues of December 14, 2005. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and Work Sessions.

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

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

Mayor Etler welcomed everyone to the May 9 meeting of the Fair Lawn Council. He said they were going to be doing some recognition awards tonight before they get to the regular session. These are going to swear in Auxiliary Police Officers and give some awards.

SWEARING IN OF NEW AUXILIARY POLICE OFFICERS

The Mayor and Council swore in the new Auxiliary Police Officers.

PRESENTATIONS - RESCUE SQUAD

Mayor Etler said this was some extraordinary work done by three young citizens of this Borough and it deserves recognition. He read the certificate of commendation from the Mayor and Council to Adam Fingeroth, Justin Fingeroth and David Kuperburg for their participation in classes on weapons of mass destruction.

PRESENTATIONS RE VALLEY BANK ROBBERY

Mayor Etler said this presentation is a little more extensive. Last month a bank robbery took place on Lincoln Avenue. The Police Department was called in, picked up the robbers quickly and no one was hurt.

Chief Rose stated on March 24, 2006, the Borough of Fair Lawn had a bank robbery. This bank robbery was worse than many others because the actor that was involved with this didn't just have the note that he wanted the money, he had a gun which he jammed into the head of one of the female victims at the bank. The behavior exhibited led them to believe that this is someone that would eventually kill someone. The officers took this very seriously. They were lucky because they had a civilian that stood up and helped them out.

As this man exited Valley National Bank, he went past David Elshoud who had recently done some work at the Bank. The man came running past his van with what appeared to be a bag of money. He decided to do something. He followed the man as he walked down the street until he got into a getaway car. He took down the plate number and got a description of the vehicle and then he went back to the Bank. The responding officers have many concerns like, whether the robber was still in the bank, keeping the evidence safe, and keeping the witnesses separate. Then the Detectives follow up. They have to find out the truth from the witnesses about what happened, they have to process the crime scene, there is a great deal of work and if one part of the puzzle doesn't get done right, they lose the case. In this case, everything worked well. The actor was arrested later that day. This is an example of how this is supposed to work, the Police Department working with the civilians, working as a team and working with other law enforcement agencies. He was impressed with the terrific job they did. He thanked Mr. Elshoud and gave him a certificate.

Chief Rose read the certificate to the members of the Fair Lawn Police Department for exceptional unified team work that resulted in the apprehension of a suspected bank robber on March 24, 2006. It recognized Detective Lt. William Yirce, Detective Sgt. Michael Messina, Detective Sgt. John Annazone, Sgt. Brian Metzler, Detective John Ietto, Detective Stephen Cannici, Detective James Corcoran, Police Officer Edward Egan, Police Officer Peter Yuskaitis, and Police Officer Steven Wassel. On behalf of the Mayor and Council, he thanked them for doing a good job.

COUNCIL COMMENTS:

Deputy Mayor McCarthy welcomed all the new members of the Police Auxiliary to the force. He thanked them for the service they provided and wished them all the best for a healthy career. In regard to the members of the Rescue Squad, he thanked them for the continuing service that the entire group does provide to the community from Chief Van Kruiningen to the junior members. They do appreciate the service they provide. He thanked Chief Rose and all of the officers for the service they continue to provide the residents. He and the Mayor recently attended the award ceremony for the Fair Lawn Ice Hockey Association. He congratulated all of the members and thanked all of the parents and coaches for the support they provide the association.

Councilmember Baratta echoed Deputy Mayor McCarthy's comments. Congratulations to everyone here and thank you for all you do for the town of Fair Lawn.

Councilmember Trawinski said ditto.

Deputy Mayor Weinstein thanked the Police Officers for another job well done and also good luck to the Auxiliary Police Officers. This week the Borough of Fair Lawn received a grant from the State through Smart Growth for \$42,500 for a study to be done on Route 208 regarding planning for the future of Fair Lawn. Input will be sought. There will be a

process in which the public will have a say. They will consider what types of business, commercial, light industrial, residential, senior housing as well as open space should be along this corridor.

ORDINANCES ON FIRST READING:

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. 2053-2006

BOND ORDINANCE APPROPRIATING \$3,087,000 AND AUTHORIZING \$2,940,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Baratta, Resolution No. 181-2006 introducing Ordinance No. 2053-2006 was discussed.

Manager Metzler explained that this bond ordinance is for capital items that the Mayor and Council have approved for 2006 totaling more than \$3,000,000. He gave a brief synopsis of some of the larger items such as a new aerial truck for the Fire Department for \$994,000, \$220,000 for road resurfacing, \$168,000 for improvements to the sanitary sewer system, \$168,000 for improvements to storm drains, \$95,000 for vehicles for Parks and Recreation, \$448,000 matching the portion that has been committed by the Mayor and Council for the open space grant that was requested, and \$252,000 for replacement of a garbage truck and fire detection systems.

There being no further discussion, Resolution No. 181-2006 was unanimously passed.

PRESENTATION BY FORREST SCHOOL

Mayor Etler asked that they changed the meeting agenda to include a presentation by Forrest School.

Howard Schechter, 38-23 Brookside Avenue, Principal of Forrest Elementary School, stated the children of 3rd and 4th grade have been studying the State of New Jersey and the impact of the history that it has on their lives. In 3rd grade, the focus is on Fair Lawn. During the course of the year not only have the children studied the intricacies of the municipality, they can also recite the dates and names and historical places in Fair Lawn. During the past couple of weeks, they have been dismayed to see articles regarding the Naugle House. The children came to him and asked what could they do. They asked if they should go down to the Naugle House with their bucket and sponges and clean it up

because in their mind that was what needed to be done. Should they write to the President of the United States, or to Governor Corzine. They went on a tour of Fair Lawn today and visited many sites. He and their teachers have encouraged them to voice their protest to the people who perhaps have an impact on what might happen to the Naugle House. Several students read letters to the Mayor and Council expressing their wish that the Council save the Naugle House.

Mayor Etler said he was very impressed with the students and their wish to save the Naugle House. Councilmember Trawinski stated this is way was the way to go, talk to your leaders to get things done. Deputy Mayor Weinstein stated he will do everything he can to save the Naugle House. He thanked them for coming to the meeting. Mayor Etler thanked them for expressing their concerns. Councilmember Trawinski wondered if they could include the letters from the students in their application as the next generation of residents that want it saved.

ORDINANCES ON FIRST READING CONTINUED:

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

Ordinance No. 2054-2006

BOND ORDINANCE APPROPRIATING \$373,800 AND AUTHORIZING \$356,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS WATER UTILITY IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, Resolution No. 182-2006 introducing Ordinance No. 2054-2006 was discussed.

Manager Metzler explained that this bond ordinance was appropriating \$373,800 for improvements and rehabilitation of certain wells, construction and/or improvements to certain well houses and pumping stations, improvements to the water system, acquisition of dump trucks and plows, acquisition of equipment including a fire detection system, hydraulic chain cutter and safety equipment.

Councilmember Trawinski said he realized that the Bond Council sent the bond ordinance late in the week but thanked the Municipal Clerk's office for getting a copy of the ordinance circulated to the Council as soon as they did.

There being no further discussion, Resolution No. 182-2006 was unanimously 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. 2055-2006

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 McCarthy and a second by Councilmember Trawinski, Resolution No. 183-2006 introducing Ordinance No. 2055-2006 was discussed.

Deputy Mayor Weinstein stated this ordinance provides a mechanism to receive funds from the Bergen County Open Space Preservation Trust Fund in the amount of \$17,500 for Berdan Grove Basketball Lighting. He complimented Superintendent of Parks and Recreation George Frey and the Recreation Committee for their participation in getting these funds since this is a well-used park in the middle of town.

There being no further discussion, Resolution No. 183-2006 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, the time for public comments on Agenda items only was opened.

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

RESOLUTIONS BY CONSENT #14-2006

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor McCarthy, Consent Agenda 14-2006 containing the following items was unanimously passed.

- a. Resol. #184-2006 - Approval of Minutes:
 - Regular Meeting 1/31/06
 - Work Session 1/31/06
 - Closed Session 2/7/06
 - Work Session 2/7/06
 - Special Meeting 2/7/06
 - Closed Session 2/7/06
- b. Resol. #185-2006 - Removed
- c. Resol. #186-2006 - Award of Bid: Well Rehabilitation 2006
- d. Resol. #187-2006 - Dedication by Rider - Fair Lawn Community/ Recreation Center
- e. Resol. #188-2006 - Naming of Westerly Egress Lane of Fair Lawn

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- f. Community/Recreation Center
Resol. #189-2006 - Authorizing Issuance of Massage Establishment and

Massa
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RESOLUTION NO. 185-2006 - Approval of Raffles & Bingo:

St. Anne Church - Non-draw Mdse.
St. Anne Church - On-premise 50/50
St. Anne Church - On-premise Mdse.
St. Anne Church - Off-premise 50/50

Upon motion by Deputy Mayor McCarthy and a second by Deputy Mayor Weinstein, Resolution No. 185-2006 was passed with Councilmember Baratta and Councilmember Trawinski recusing themselves.

MISCELLANEOUS PUBLIC COMMENTS

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

Allan Caan, 19-62 Chandler Drive, asked the Manager when he presented the budget to the Council, how many points was it. Manager Metzler said 21.5. Mr. Caan asked after the cuts what were the current points. Manager Metzler said 18.27. Mr. Caan said he has heard that they are trying to stabilize taxes over the next few years and wanted to know what increases do they see. Manager Metzler said they will be putting money into the surplus because of the reval. Over the next five years, it will be between five and seven points per year. Mr. Caan asked what the current increase will come down to. Manager Metzler stated 14 points. Mr. Caan stated that assuming this is true during a reval, a large majority of homeowners will have the same tax rate and some would have a decrease and some would have an increase. He does not see why the budget had to be increased to such a high amount, especially when the gas prices are so high. He felt that an 18-point increase was wrong for Fair Lawn. He felt that the Council should vote no on this so that

the Manager can go back and make more cuts. Frankly, he thought a 14-point increase was a spike. The people of Fair Lawn deserve an honest budget.

Manager Metzler said he did not want to repeat himself but the concept here was they were trying to stabilize taxes over the next few years. He does agree that it is going to hurt. He knows they cannot put in a zero increase because everything is increasing. Manager Metzler said he believed this was the way to move forward but the Council does have an obligation to listen to what the people say. Mr. Caan said that he respected his opinion but asked if they could get the points from 18 to 14 because the people need it.

Donal Meyers, 8-22 Mayfair Terrace, stated he was proud of the children from Forrest School. He talked about an ordinance on first reading for lighting Berdan Grove Park thinking it should be funded in the Borough's budget not through the County. The residents did not vote to put lights in a basketball court, they voted for open space.

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Mr. Meyers spoke about the fire truck in the bond ordinance and how he felt they did not need another one since they have one already and it is hardly used. He sees the Council spending \$1,000,000 on equipment that is not needed. He suggested they look into shared services.

Mr. Meyers spoke about the vegetative waste contract and how the Borough did not go to bid for another vendor. A year ago, he would never have thought he would be agreeing with Allan Caan, but this budget is too high. Mayor Etlar explained that the Borough has a similar truck in Co. 2 but the one for Co. 1 is completely different. That truck will replace one that was purchased in 1976 and which has been rehabilitated twice. The insurance company said it cannot be rehabilitated anymore. Manager Metzler stated the truck in question is an entirely different vehicle. He does agree there should be shared services. He addressed the fire department's needs and talked about what equipment they need because of the size of the roads and the construction of apartments and buildings. He said he took exception to his comment about recycling. They will be anticipating a \$30,960 savings because there is a clause in the contract where the solid waste goes. There will be a presentation at next week's work session. He is going to suggest switching over to Rockland County's landfill. The Borough continues to investigate ways to save money.

Suzanne DiGeronimo, 16 Beekman Place, stated she was a founding member of CCRF and thought the citizens of Fair Lawn have clearly spoken on what it is they want. Citizens all over Fair Lawn have banded together and have been fighting development. She listed the different sites that could be developed. She talked about all the studies that are being done, such as the Route 208 study, the New Jersey Transit study for Radburn and Broadway train station and we have the smart growth study. She asked the Mayor and Council to just stop it. She asked the Mayor and Council to put a moratorium on development and all of these studies. What they really need is to look at the Master Plan. The Master Plan should be one combined study, and it should be one combined vision for all of Fair Lawn. The citizens should have input into it. They should decide ahead of time what the residents wants. If they plan ahead, they can go out and look for developers and partner with them. She felt this is what the citizens of Fair Lawn deserve.

rates are going up as well as the price of gas.

Mr. Golding said in regard to the studies, they are justifying hiring someone and they tell you what you want to hear. He said he stopped to see the Manager about the Police Department. He sees their presence in town and they are writing more tickets. He congratulated Manager Metzler and the Mayor and Council for getting the Police out there.

Harvey Rubinstein, 28 Rutgers Terrace, stated that the Kodak property should be given to a national real estate agency who will bring business into Fair Lawn. In regard to the transit village, there will be greater density. In passing he heard something about closing Walsh Pool, and wanted to remind the Council that in the past the sentiment was not to close it. Mr. Rubinstein spoke about COAH and the regulation. Attorney Kates explained COAH and how some towns require more apartments.

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June Meyerson, 15 Ballard Place, questioned whether the bond money that was accepted by ordinance 2055 pertaining to Berdan Grove Park will come from Open Space funds. Deputy Mayor Weinstein informed her it will be coming from Bergen County's Open Space and Recreational funds. Councilmember Trawinski stated that the County started the same way Fair Lawn's did, but had to amend it to include recreational facilities.

Bob Gremillot, 1 Bristol Place, stated that the residents in Fair Lawn look for quality of life not having heavy traffic and want to see green areas. He understood that a study was done and wanted to know if any single family homes were proposed. Deputy Mayor McCarthy stated that the Mayor and Council were not part of that study but he understood there were no single family homes proposed. It is not what the property owner proposed, and the Borough has nothing to do with it.

Councilmember Trawinski said this is somewhat related to the Landmark case. The Borough needs COAH sites and Clariant falls into place. The industrial building will just sit there and the residents will not be happy. Deputy Mayor Weinstein stated that the property is hard to develop because of the sloping topography. COAH is another issue that has to be addressed. Deputy Mayor McCarthy stated there is also wetlands in that area since it abuts a river. There was also a discussion about developing a river walk through Fair Lawn.

Rita Golding, 14 Rutgers Terrace, asked if they develop the property, will the fishing weir be saved. Deputy Mayor McCarthy stated that the area does not abut the fishing weir. Ms. Golding asked how the 178 townhouse affect the COAH obligation. Attorney Kates advised that they are related because they help satisfy the COAH obligation.

May Hayden, 12 Beekman Place, asked how much each tax point was. Mayor Etler told her \$229 per tax point.

June Meyerson, 15 Ballard Place, in regard to COAH, what about the other apartments, wouldn't that satisfy the obligation. Deputy Mayor McCarthy told her these units were not

permanently intended for that use.

Harvey Rubinstein, 28 Rutgers Terrace, reminded the Council that it was fiduciary on their part to talk to the Board of Education about schools being built on tainted land.

Stewart Golding, 14 Rutgers Terrace, said he wanted to remind the Council that when the DEP says an area is clean, don't believe them.

Craig Miller, 5 Ramapo Terrace, asked what is the EDC. He said he did not see them promote open space. Deputy Mayor Weinstein stated one of the issues they are discussing is open space. Mr. Miller said all he sees is building up of Fair Lawn.

Allan Caan, 19-62 Chandler Drive, asked if they could use all of the Section 8 housing to meet the COAH obligation. Councilmember Trawinski said he will look at the Borough's fair share obligation. Attorney Kates said there are a number of creative methods they can

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use.

Councilmember Trawinski addressed comments made by Mr. Meyers such a letting things slide. He informed him that he has eight pages of notes from meetings that he had with Councilmember Baratta, the CFO and Manager Metzler. All of the Councilmembers have had meetings to discuss the budget and taxes. No one is letting anything slide on this budget. He was convinced that the fire truck was absolutely needed. He would not want a piece of equipment sitting in another town if someone died in a fire. He will always support the Fire, Police and Emergency Services. He also said the Council made a decision to stop going to the BCIA to purchase vehicles or equipment. He felt they are doing all they can for Fair Lawn.

Deputy Mayor Weinstein stated there is a lot of work being done behind the scenes, it is a concern, he pays taxes and has kids too.

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

ADJOURNMENT:

Upon motion by Councilmember Trawinski and second by Deputy Mayor McCarthy, the meeting was adjourned at 9:30 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 Ed Trawinski

Deputy Mayor Steven Weinstein