

## **REGULAR MEETING OF NOVEMBER 28, 2006**

Mayor Etler called the meeting to order at 7:31 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 Mayor Weinstein and Councilmember Baratta.

**ABSENT:** Councilmember Trawinski.

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

### **SWEARING IN OF NEW POLICE OFFICER:**

The new Police Officer, Mark Roskowsky, was sworn in.

### **MANAGER'S REPORT:**

Manager Metzler stated there were no additions or changes to the report that was on the table.

### **COUNCIL COMMENTS:**

Deputy Mayor Weinstein stated the Borough had received \$25,000 for the River Road bump out. The project will begin in the spring.

Councilmember Baratta stated that the cultural end of the Community Center was kicking off a concert series. Tickets are on sale in Room 206.

Mayor Etler stated that the Borough had received a letter from the BCUA regarding the Borough's recycling effort.

Deputy Mayor Tedeschi stated that having served on the utility for years, Fair Lawn has always been looked at favorably. Ron Lottermann does a great job.

### **ORDINANCE: FIRST READING**

Deputy Mayor Tedeschi stated they should not introduce this ordinance. The ordinance as prepared is not the product of the Council's deliberation.

**Ordinance No. 2068-2006**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 56 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED "ALCOHOLIC BEVERAGES", SPECIFICALLY ARTICLE I, SECTION 56-8 MINORS**

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Tedeschi, Ordinance No. 2068-2006 was pulled.

Councilmember Baratta stated she would like the ordinance recirculated with the changes made.

**ORDINANCE: SECOND READING**

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Baratta, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**Ordinance No. 2066-2006**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II "PARKING"**

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

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Baratta, Resolution No. 360-2006 adopting Ordinance No. 2066-2006 was unanimously adopted.

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeschi, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**Ordinance No. 2067-2006**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND TRAFFIC" ARTICLE III, ENTITLED PERMIT PARKING ON STREETS, SECTION 232-18 ADMINISTRATION, ARTICLE IV ENTITLED PERMIT PARKING IN MUNICIPAL LOT AT PARMELEE AVENUE AND BERGEN**

**AVENUE, SECTION 232-26 TERMS AND CONDITIONS, AND ARTICLE IX, ENTITLED "MUNICIPAL PARKING AREAS", MORE SPECIFICALLY SECTION 232-61, PARKING STICKERS**

Manager Metzler explained because of the change in the sales tax, the Borough will now have to collect sales tax on the parking stickers.

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

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Tedeschi, Resolution No. 361-2006 adopting Ordinance No. 2067-2006 was unanimously adopted.

**PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

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

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

**RESOLUTIONS BY CONSENT #30-2006**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Weinstein, Consent Agenda 30-2006 containing the following items was unanimously passed.

- a. Resol. #362-2006 - Refund of Overpayment of Taxes
- b. Resol. #363-2006 - Transfer of Funds
- c. Resol. #364-2006 - Requesting Approval of a Special Item of Revenue -  
Drunk Driving Grant
- d. Resol. #365-2006 - Extend Contract: Uniform - Public Works
- e. Resol. #366-2006 - Award of Bid: Fuel Management System
- f. Resol. #367-2006 - Award of Bid: Disposal of Solid Waste
- g. Resol. #368-2006 - Award of Bid: Electrical Repair Time & Material Basis
- h. Resol. #369-2006 - Confirmation of Fire Board Actions
- i. Resol. #370-2006 - Approval of Raffles & Bingo:  
Fair Lawn Lions Club off-premises 50/50  
HSA Alexander Hamilton School off-premises 50/50
- j. Resol. #371-2006 - Appointment to Planning Board
- k. Resol. #372-2006 - Change Order: Roadway Improvements 2006

**RESOLUTION NO. 373-2006 - APPROVAL OF MINUTES:** Regular Meeting - 6/27/06, Work Session - 7/11/06, Special Meeting - 7/11/06, Regular Meeting - 7/18/06, Closed Session - 7/18/06, Work Session - 8/8/06, Special Meeting - 8/8/06, Regular Meeting - 8/15/06, Work Session - 8/15/06, Closed Session - 8/15/06, Special Meeting 8/25/06 and Closed Session 8/25/06

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Baratta, Resolution No. 373-2206 was passed with Deputy Mayor Tedeschi abstaining himself.

## **MISCELLANEOUS PUBLIC COMMENTS**

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

Harvey Rubinstein, 28 Rutgers Terrace, stated at the last work session there was an item regarding the Board of Education's property on Bergen Avenue being deeded for only school business. He questioned a check for \$265 to the Borgata Hotel in Atlantic City that appeared on the Manager's Report.

Rabbi Levi Neubort, 7-09 22<sup>nd</sup> Street, stated he read that the Mayor said placing the Menorah in front of the Municipal Building was for only one year. Deputy Mayor Weinstein informed him that the Council never gave it a sunset provision. Mayor Etler stated it would not be there forever. Deputy Mayor Weinstein stated that any Council in the future can look at this again. Rabbi Neubort wondered if it would be status quo if no one brought it up. Deputy Mayor Weinstein stated it would stay the same. Rabbi Neubort asked about lighting the Menorah. Manager Metzler stated it was the Borough's intention to have Rabbi Neubort help with the plans. Rabbi Neubort asked if there was any objection to handing out latkes.

Manager Metzler said they need to put together a policy. There has been talk about a creche. There will be no displays in front of the Menorah. The Engineering Department will divide up the space and there will be no items higher than nine feet. He is reaching out to see if a group will donate the Menorah. He realizes there are traditions that go along with this. They are trying to find a sign for Happy Holidays but the Attorney advised that with the holiday tree and the Menorah, the Borough is covered. He would like to reach out to all religious groups. He also stated that the Borough is not purchasing any religious articles but they will store them and put them up. The decorations will be up until January 1. If Hanukkah comes before the first Tuesday in December, they will accommodate them.

Claude Bienstock, 39-11B Broadway, stated he supports the underage drinking ordinance and putting the Menorah in front of Borough Hall. He could not add to what Sgt. Bastinck and Councilmember Baratta said about underage drinking. He felt they did a fantastic presentation.

Charles Bosser, 0-91 W. Amsterdam Avenue, spoke about the budget. He remembered there was much talk about saving money. He sees that no changes have been made. He mentioned the Recycling Center, the Library, Walsh Pool and the additional Police Officers that have been sworn in. He suggested they look into a third party for supplying electricity. He felt there were a lot of ideas brought up by the Manager but he has not seen any of them happening.

Manager Metzler responded that the Council has hired civil dispatchers that have saved money. He mentioned that traffic and pedestrian safety were a major concern. He said they will recall that he had looked into sending solid waste to Rockland County but found that the cost of trucking would exceed the savings. Tonight the Council awarded a bid for

\$73 a ton. The fleet is going to move to hybrid vehicles, such as the vehicles for the Health Inspector. The Borough has changed the telephone provider for a savings of \$24,000. He felt there have been several savings that the residents don't know about or see. He did not think it was fair to say it fell to the wayside. He should realize that government works slowly. There have been changes that can be seen in the Capital Budget that the Council will start reviewing next week. Manager Metzler talked about equipment that had been duplicated in various departments. They have entered into agreements with other towns for shared services. He appreciates his comments but felt it was not fair to assume that nothing has been done. He felt they were operating more efficiently than a year ago.

Suzanne DiGeronimo, 16 Beekman Place, stated that two years ago a petition for open space was passed by the voters. At the time it was to save Daly Field. She wanted to know what if anything was going on with the Hayward property. Deputy Mayor Weinstein stated that last week the Borough asked the County to buy the Naugle House. The Open Space Committee will meet next week. The Borough has been awarded \$125,000 and there will be additional funds in next year's budget. He assured her that Daly Field and the Hayward parcel are on the list. Mrs. DiGeronimo asked if they were doing anything to make a central park if they purchase the property. Attorney Kates stated that this pertains to negotiations that are part of the case that Attorney Lustgarten is handling. This site is part of the affordable housing plan. Mrs. DiGeronimo asked how far along is the planner. Attorney Kates advised they are waiting to hear from COAH. The planner is following up with COAH. Mrs. DiGeronimo asked if there were any dates set for negotiations. Attorney Kates advised that the Borough will publish the dates. Deputy Mayor Tedeschi stated that he planned on putting to put the Work Session lots to be dedicated by rider. Mrs. DiGeronimo asked if they would consider purchasing the Hayward parcel. Mayor Etlar stated the Council has said that it wants to keep Daly Field green.

Harvey Rubinstein, 28 Rutgers Terrace, asked if in the resolution to the County, was the Borough talking about the VanderPlatt property. Deputy Mayor Weinstein stated yes they were.

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

**ADJOURNMENT:**

Upon motion by Deputy Mayor Weinstein and second by Councilmember Baratta, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

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Mayor Martin Etlar

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Councilmember Jeanne Baratta

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Deputy Mayor Joseph Tedeschi

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Councilmember Ed Trawinski

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Deputy Mayor Steven Weinstein