

REGULAR MEETING OF JANUARY 24, 2012

Mayor Baratta called the meeting to order at 7:37 p.m.

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 16, 2011. 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 Baratta, Deputy Mayors Cosgrove and Trawinski, Councilmembers Peluso and Swain.

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

COUNCIL COMMENTS

Councilmember Peluso thanked the Chamber of Commerce for putting on a great event last night, the Taste of Fair Lawn. He suggested to people who did not attend to do so next year. It was very successful.

The Fair Lawn Substance Abuse Prevention was there and they are doing a big campaign to warn parents about the consequences of their kids hosting parties. He is the Council liaison for that so anyone could e-mail him because they have plenty of information to give out.

Councilmember Peluso thanked Mr. Seibel who came to a Work Session and brought to their attention that Ronald H. Wildrick, age 30, of Blairstown was killed in Afghanistan so they were able to get it on the Borough website and lowered the flags properly. He encouraged residents to bring anything they deem important to the Council's attention.

He noted the passing of Vi Etler. The Borough lost a very strong voice and he knew that she will be greatly missed.

Deputy Mayor Cosgrove stated he attended a fundraiser by the Filipino Association for typhoon victims. The Filipino American Association has been very generous with donations and contributions to the community. Now they need Fair Lawn's help. The name of the organization was Hangdang Tumulong Foundation, P.O. Box 2743, Fair Lawn, New Jersey.

He joined Councilmember Peluso in expressing his condolences on the passing of Vi Etler. She was a great person and considered her a friend. She always had a warm smile. She and Marty were practically at every event in Fair Lawn.

Councilmember Swain stated that Vi Etler will truly be missed. She was a champion for women. She was also a champion for Democratic organization. Vi was always helping out through the State not only Fair Lawn. She knows that Vi will be greatly missed by everyone. The Council just met and all agreed that most likely going to be naming the park in their neighborhood after them. She was delighted that they will be honoring Vi Etler in a way that they will be able to visit and think about her.

Councilmember Swain reported that Memorial Middle School and TJ were both recipients of the Environmental Grant award. She believed that they had won this award before but wanted to congratulate them for continuing their great environmental and recycling programs.

The Fair Lawn Green Team is going to be having a Green Awards program so if anyone knows of a resident or a business that is doing anything green such as rain barrels, composting, solar, etc. or anything they think is a solar initiative, please let the Council know. They would like to honor these residents and businesses with an award.

Deputy Mayor Trawinski echoed what Councilmember Peluso said about the Taste of Fair Lawn event having founds several dishes very delightful. The Open Space Committee held their reorganization meeting which he and the Mayor attended. They covered a number of items. They are going to pursue actively the items that are on the Open Space Recreation Plan which is on the Borough website. They have had two successes which have resulted in the use of Green Acres funding matched by the Borough's Open Space Trust Fund and in one case the County's Historic and Open Space money. That was the Naugle House. The other was the pocket park on George Street. They will be closing within the next six months of the Blue Hill acquisition which is the vacant property on Broadway. He believed they will also be looking at some of the Green Acres funding for acquisition of the flood prone property in Fair Lawn. The committee had a number of other ideas. They hoped to contact former Mayor Weinstein and ask if his son's class would do the signs for the Blue Hill acquisition as they had done for the Naugle acquisition.

Deputy Mayor Trawinski extended his condolences to Marty Etler on the loss of Vi Etler. The line that extended out of the Louise Suburban Funeral Home was an indication of the people who cared for Vi who was a very prominent official in her own way. She served the people of this community and the County for many years. She will be missed immensely.

Finally he congratulated Prosecutor Molinelli and his investigators for the incredible job they did in arresting a suspect in the firebombing of the Rabbi's residence in Rutherford. It should serve as a message to everyone that the law enforcement communities from the top to the bottom and the State of New Jersey Attorney General are committed to catching these people who do these crimes and they will be prosecuted. At the Work Session tonight, Councilmember Swain suggested reconstituting the inter-faith committee. This Council stand unanimously opposed to these kinds of bias crimes and they intend to show their support by reconstituting the inter-faith committee and taking the appropriate action to remind all of them that they need to be consistently vigil. It is not about a particular religion. He was proud to serve on a Council that is deploring these types of hate crimes.

Mayor Baratta commented that she was also at the Taste of Fair Lawn which was to benefit the food pantry. It was a wonderful event. She thanked the Chamber of Commerce for hosting this event and for the donations going to the food pantry.

She mentioned that she and Deputy Mayor Cosgrove were at the Rainbow Academy which is a child care center that opened on Maple Avenue which is a beautiful facility for children and very security oriented. Also there will be a new restaurant in Fair Lawn. The spot that was formerly Campania Restaurant may be turning into another restaurant named Sage.

As for Vi Etler, she will be missed so much. She had gotten to know Vi over the last ten years. As Councilmember Swain said, Vi was extremely active in the Democratic Club and was even a State Committee woman. When Deputy Mayor Trawinski and she were campaigning in 2005 she got to know Vi and Marty Etler. She remembered when the election was over, Vi came over to her and told her that she voted for Jeanne, and then she started crying and said she held her nose because she voted for Ed too. It showed the kind of person Vi was. She was a terrific woman. At her wake someone told her that all of us should know the love the two of them had for each other and she thought that was a fitting tribute to the two of them. She will be greatly missed.

Councilmember Swain stated as Deputy Mayor Trawinski said, she suggested restarting the interfaith committee. She was sure out of that committee would come a lot of good ideas. One of the things they discussed tonight and should be disseminated immediately is, if any one sees anything that does not look right they should call the Police immediately. What has happened has happened to everyone. It does not matter what religion they are, this is an affront on this community and they have to stand together and protect each other.

Mayor Baratta noted they all grew up to be polite people but there have been incidents in Fair Lawn and other towns where someone rings the door and tells the

resident they are from the electric company or the cable company, ask to see credentials or call someone to make sure they are legitimate. She urged the residents to be very careful.

MANAGER'S REPORT

Acting Manager Metzler stated the Manager's Report had been previously distributed to the members of the Council and was available on the table for the general public.

ORDINANCES ON SECOND READING

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

ORDINANCE NO. 2232-2012

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" MORE SPECIFICALLY SUBSECTION 125-8

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

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 69-2012 adopting Ordinance No. 2232-2012 was discussed.

Deputy Mayor Trawinski stated he wanted the minutes to reflect the fact that in passing this ordinance he believed it was the intention of this Council to make it clear that a ballroom dance studio for parking purposes is substantially different from a commercial dance studio in that it schedules typically the appointments of people. It is less intense in terms of the parking requirements. The reason he said that was if anyone looked up the legislative history of that, it would be here in the minutes for them to find.

There being no further discussion, Resolution No. 69-2012 adopting Ordinance No. 2232- 2012 was unanimously passed.

Deputy Mayor Trawinski asked the Manager to communicate the adoption of this ordinance to the school directly and to the Zoning Officer so they are aware that this ordinance has been adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT #3-2012

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Consent Agenda #3 -2012 containing the following items was unanimously passed.

- a. Resol. #70-2012 – Confirmation of Fire Board Actions
- b. Resol. #71-2012 - Authorizing Renewal of Massage Establishment and Massagist License: Amethyst Wellness Center
- c. Resol. #72-2012 - Authorizing Renewal of Massage Establishment and Massagist License: A1 Style
- d. Resol. #73-2012 – Authorizing Issuance of Massagist License: Qin Li to work at Healthy Way Group, Inc.
- e. Resol. #74-2012 - Authorizing Renewal of Massage Establishment and Massagist License: Sunny Health Center
- f. Resol. #75-2012 – Authorizing Renewal of Massagist License: Vladimir Avetisov to work at BRC Saunas and Spa
- g. Resol. #76-2012 – Refund of Overpayment of Taxes
- h. Resol. #77-2012 – Extension of Bid: Electrical Repair and Maintenance
- i. Resol. #78-2012 – Award of Bid: Chlorine
- j. Resol. #79-2012 - Award of Bid: Uniforms: Police, Auxiliary Police and School Crossing Guard
- k. Resol. #80-2012- Authorizing the Employee Short-Term Disability Program through the Standard Insurance Company
- l. Resol. #81-2012 – Approving the Lion’s Club Use of Memorial Park Parking Area for a Car Show
- m. Resol. #82-2012 - Environmental Commission

RESOLUTION NO. #83-2012- PERSON TO PERSON TRANSFER OF LIQUOR LICENSE – LA PRIMA INC.

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, Resolution No. 83-2012 was discussed.

Deputy Mayor Trawinski asked if all of the paperwork was in order and no outstanding violations as far as they know. Municipal Clerk Kwasniewski explained this was a little different. The corporation was dissolving. The owner closed his business and is transferring the license to himself. It will stay in the Municipal Clerk's files as a pocket license. He will have to renew it each year until he sells it or finds another location.

There being no further discussion, Resolution No. 83-2012 was passed.

RESOLUTION NO. #84-2012 APPROVAL OF MINUTES:

Work Session 12/13/11
Closed Session 12/13/11
Special Meeting 12/13/11
Closed Session 12/13/11

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 84-2012 was passed with Councilmember Peluso and Deputy Mayor Cosgrove abstaining.

PUBLIC COMMENTS

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

Pamela Coles, 13-34 George Street, stated that back in December she brought the subject of tree stumps and debris on Route 208 South to the Council's attention. Since then she has seen no work done. The stumps remain there. She wanted to know if the State would be removing the stumps. Mayor Baratta said she noticed while driving on Route 208, they were doing clean up on the northbound side. She asked Acting Manager Metzler to look into the matter.

Deputy Mayor Cosgrove stated that on the southbound side they were doing work between Fair Lawn Avenue and Berdan Avenue. It is possible they may be working their way down.

Ms. Coles wondered about the cell tower and when that would be put up. Acting Manager Metzler said his understanding about the cell tower was that the company has not assigned a contractor to do the work at this point. They are the company that was awarded the bid. It is not incomplete because of the Borough. Based upon the discussions he had the other day, he does not foresee this happening in the immediate future. Ms. Coles asked if this was part of the contract. Acting Manager Metzler said he would look into it.

Ms. Coles acknowledged the Council for moving so quickly on the dance school. She wondered how many spaces the dance studio was granted. Mayor Baratta said the issue was they were required to have more spaces than they actually needed.

Ms. Coles spoke about Vi Etler's funeral. Senator Gordon and Congressman Rothman were there to give the eulogy for her. She hoped that Vi knew the scope and the range she reached in this community and state. They are neighbors here. She suggested people check in on Marty to see if he needs anything.

Richard Saffer, 5-01 1st Street, congratulated the new members. He asked about the homes that were empty behind him on 2nd Street. He wanted to know about fencing and keeping his yard separate from those properties once they level the houses the area becomes part of the river walk. He does not want people to drift over to his property.

Acting Manager Metzler stated they were getting way ahead of themselves. Following the flood the Borough did it's due diligence in terms of seeking funding from three sources, FEMA, Blue Acres and Green Acres. Blue Acres notified the Borough yesterday that they have not been awarded any funding towards the buyout of any homes. However the application that was submitted to Blue Acres will automatically become a Green Acres application and it will be up for review on February 15th. They have not officially heard from FEMA on the funding. Candidly, they are not optimistic that they will receive funding from them. The reason for that is they know there are neighborhoods in Wayne and Lincoln Park that have been decimated on numerous occasions and there is not enough funding to purchase all of the homes in that particular area. There is one property, through Open Space funds they are moving forward acquiring and he thought in the foreseeable future that is where they will have to stop. The two properties Mr. Saffer was talking about at this time, they are private residences. Mr. Saffer said they have been vacant since the flood.

Acting Manager Metzler said if those houses are torn down, it would not be a result of an acquisition by the town. If the property owner decides to settle individually with FEMA on funding or do something else with the property, that would be a private matter.

Mr. Saffer said he spoke to Barbara Dube who informed him she was made an offer from the Borough and took it. So something is going to happen to that house. Acting Manager Metzler said in that particular case, the Borough will be taking over ownership of that property and it would be the Council's decision to leave a fence on the property. Mayor Baratta said they would be mindful of it.

Attorney Mondello advised that the Borough has not signed a contract yet on the Dube property.

Mr. Saffer spoke about the rudeness of the Planning Board. He was there with there with his in-laws about a property that was going to be built that could cause more flooding. Mayor Baratta said she was sorry to hear this. It is very disturbing.

Mr. Saffer offered his help in any way about the river he was willing to help. He had spoken to Deputy Mayor Cosgrove a few weeks ago regarding who was in charge of the Passaic River. Deputy Mayor Cosgrove stated at the last Work Session he brought up how it seemed like the flooding was excessive. Acting Manager Metzler was going to reach out to the Federal government for information.

Acting Manager Metzler said there is a Passaic River Coalition. Fair Lawn's Engineer and Emergency Management Coordinator have been attending their meetings. He has requested a copy of their minutes. They do have a couple of State Senators that are part of the committee as well and they are trying to address some of the issues such as the silt and such. They did pass a petition around to encourage the Federal government to start addressing the issues of the Passaic basin.

Deputy Mayor Cosgrove said they are planning on holding a public meeting on the flooding issue to let all of the residents come in so they can address and recap after the flood to see what the Borough can do. Mr. Safer said the river has changed so much in the last year. He thought there should be laws in effect prohibiting over development.

Deputy Mayor Trawinski stated that this was a conflict between the need to de-silt and de-snag the Passaic River on a regular basis and the Environmental groups who oppose de-silting sections of the River. The water level has gotten shallower over the last 30 years because of the silting. Several municipalities have combined sanitary and storm sewer systems. The demand on these systems and increased development, particularly in Paterson, has exacerbated the outflow into the Passaic River. There has been a push by the DEP, the Governor and several Legislators to persuade the Federal Government to allow the de-silting of the lower Passaic basin. De-snagging has to take place after every significant rain event, as downed trees along the River cause the backing up of materials at the bridges. He suggested they notify Albee Palmieri who is a member of the Freeholder Flood Advisory Committee. They may want to hold a public forum so that they can present all the concerns to Mr. Palmieri. There is no easy fix.

Mr. Saffer thought the sewers backed up instantly. Deputy Mayor Trawinski explained that the sewer system was old and cannot accommodate the amount of water going into it. The problem was no one can figure out how to pay for fixing the system.

Mayor Baratta apologized for the actions of the Planning Board. They need a class in etiquette and manners.

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

ADJOURNMENT:

Upon motion by Deputy Mayor Trawinski and second by Deputy Mayor Cosgrove, the meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Jeanne Baratta

Deputy Mayor John Cosgrove

Councilmember Kurt Peluso

Councilmember Lisa Swain

Deputy Mayor Edward Trawinski