

## REGULAR MEETING OF SEPTEMBER 27, 2011

Mayor Swain called the meeting to order at 7:34 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 January 14, 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 Swain, Deputy Mayors Tedeschi and Weinstein, Councilmembers Baratta and Trawinski.

**ALSO PRESENT:** Manager Stafford, Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg

### **PUBLIC COMMENTS FROM SECOND STREET RESIDENTS**

Mayor Swain stated there were residents from Second Street present who were severely impacted by Hurricane Irene and Tropical Storm Lee. She wanted to give the residents an opportunity to speak.

Upon a motion by Deputy Mayor Tedeschi and a second by Deputy Mayor Weinstein, the time for public comments on this matter was unanimously opened.

Barbara Dube, 4-50 Second Street stated that when she and her husband bought their home on Second Street they were told the house had only flooded once. In reality it had flooded three times. Since they moved in the house has flooded six more times, with three floods occurring in the last five months. The house smells like mold and the report from the environmental company indicates that mold spores are extremely high. There are cracks in their foundation and the walls are shifting. If they open the windows they can smell raw sewerage. Her family is torn apart and she is broken. She cannot go back there anymore.

Years ago she was approached by the Borough regarding a buyout, but the State said no and the talks never went any further. She wants to stay in Fair Lawn but she needs the Council's help in pursuing Open Space funds. She will not survive another flood.

She concluded by pleading for the Council's help. She thanked them for their time.

Richard Safer, 5-01 First Street stated that he has lived in his house for 23 years and until now it has never been flooded. The Dubes live behind him so he has seen them flood numerous times. The foundation of his house is broken and he has not been able to live in his home for a month. He was very distraught and could not imagine how the Dubes must feel to have this happen over and over again.

The Dubes' circumstances are unique. There were lies and deceptions that led to them being victimized. He is having a problem with the sewers, which back up every time it floods. First Street, Morlot Avenue and Bellair Avenue all had problems. He asked the Council to look into the flooding and sewerage issues. He would be amenable to a buy out from the Borough. He expressed concern about the drainage canal that runs under the Dubes' house, as it overflows every time it rains.

He concluded by asking the Council to give these issue serious consideration.

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

Deputy Mayor Weinstein stated that Mr. & Mrs. Dube and Mr. Safer attended last night's Open Space Meeting. He and Councilman Trawinski requested that this matter be discussed in a Work Session following tonight's Council Meeting.

There are protocols that need to be followed. The Borough needs to look at the figures and the number of homes in the same situation. CFO Palermo has done an analysis that the Council will need to review. They will continue to treat this as a serious situation. They understand the concerns of the residents and will do all they can to help them.

Councilman Trawinski thanked Mr. & Mrs. Dube and Mr. Safer for coming. There are steps they can take to expedite the process. Last night the Open Space Committee unanimously supported their request for help. Together the Council will fashion a way to help the Dubes. Four years ago they applied to FEMA to buy out the house but were turned down. FEMA was wrong. He truly believed that their circumstance was the most unique in Fair Lawn. There are 47 residents who have signed up on the Borough's list but that does not mean all 47 will be funded by FEMA. The process could take a year or two. He understood that the Dube's patience is at its end. They will discuss this further at a Work Session. As promised the Manager did get the financial data from the CFO and now they

have to reach something that makes sense. He told the Dubes he was sorry for their suffering.

Mayor Swain thanked all the people that came out in support of Mr. and Mrs. Dube and the other residents that have suffered. Fair Lawn is such a special community because they come out and support each other.

#### **PRESENTATION TO PENNY KAPLAN**

Mayor Swain stated that they were recognizing Penny Kaplan and Nancy Fezell who have retired after 35 and 40 years of service at the Library. She let everyone know what a great Library Fair Lawn has. This year the Library is looking at circulation in the range of 400,000. The internet usage remains popular since not everyone has a computer at home. When she was on the Library Board they installed internet and Wi-Fi and it is still being used by a lot of people. The Library has gotten a grant for eight additional PC's that will be in use shortly.

The Children's Programs remain very strong and the Young Adult collection has dramatically increased. Fair Lawn residents continue to use the Library in large numbers, borrowing in all areas of the Library.

Mayor Swain read Penny Kaplan's proclamation.

Penny Kaplan thanked the Council, the community and all the people that allowed her to work in a job that she loved. She was particularly grateful to the Council and the community for supporting the Library and allowing it to become as excellent as it is.

#### **PRESENTATION TO NANCY FEZELL**

Mayor Swain read Nancy Fezell's proclamation. She presented the proclamations to Penny Kaplan and Nancy Fezell.

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

Manager Stafford stated the report that was previously supplied was on the table in front and he can answer any questions anyone had.

#### **COUNCIL COMMENTS**

Councilmember Baratta offered best wishes to Penny and Nancy on their retirement. She has lived in Fair Lawn her entire life and the Library was a very important part of her life. Some people may have called her a book worm but

she would leave the Library with stacks of books and have competitions with her friends on how many books they could read during the summer.

She remembers Penny helping her many times with a book report or research. Penny always had a smile and was always pleasant.

Councilmember Baratta mentioned the clothing drive this weekend to support the Mary Anne Collura scholarship foundation. The drive will be hosted by Fair Lawn Fire Co. 1. She read a list of items that will be collected.

Deputy Mayor Weinstein complimented Penny and Nancy for all their years of service and for making Fair Lawn's Library the pride of the town.

Last night they had an Open Space meeting. They are very proud of the support the Dube's have received tonight. It was the Committee's unanimous decision to move forward with Open Space funds and to do whatever they can to help the Dube's and others who are in a similar situation.

Councilmember Trawinski echoed the comments made about Penny and Nancy. He was surprised the proclamation did not include a reference to the bookmobile, which unfortunately is now extinct.

He wanted to comment on two items on the Consent Agenda. He advised residents who have been hurt by the flood that the State has offered Municipalities the option to waive building permit fees needed to repair flood damage or replace items such as hot water heaters. He realized that was small solace for the damages suffered.

The Redemption of the Tax Lien on the agenda is the result of an applicant before the Zoning Board appealing to the Council about an exorbitant fee. The Council reviewed the claim and agreed the fee was excessive. A tax lien had been placed on the property. They felt the right thing to do was redeem the tax lien.

He continued that regardless of what happens in this election, there needs to be a change in the Engineering firm that serves the Zoning and Planning Boards. As a land use attorney who has appeared before boards, he felt the fees they charged were exorbitant. He called upon the Zoning Board to terminate the relationship immediately. He hoped the Council would unite after the election and ask the Zoning Board to remove this firm that has charged excessive fees to residents.

He concluded by wishing a sweet and happy New Year to all Jewish residents.

Deputy Mayor Tedeschi congratulated Penny and Nancy for their years of service to the Library. They have proven that it is more than just a job.

He agreed with Councilman Trawinski that the Zoning Board has a responsibility to make sure that residents are fairly charged. An applicant should not have to come to the Council to seek redress. There should be more diligence and oversight regarding fees. He also felt the Engineering firm should be replaced.

He referenced Resolution No. 354-2011 regarding the parking lot agreement with Chase Bank. He congratulated Attorney Rosenberg for correcting a contract that was unfair to Fair Lawn taxpayers. He thanked Attorney Rosenberg for doing a good job.

He concluded by stating that last week he arranged a tour of the Library for visiting mayors from the Republic of Benin. Two Benin artists will be visiting in November and the Library will be hosting an exhibition of their work in late November or early December.

Mayor Swain stated that she attended a tour and meeting at the Bergen Volunteer Medical Initiative (BVMI) in Hackensack, which County Executive Donovan also attended. BVMI provides free health care to low income residents in Bergen County, including some residents from Fair Lawn. It is a wonderful facility. BVMI is looking for physicians to volunteer their time. She reminded residents that Fair Lawn is a mixed community and that everyone needs help from time to time. BVMI recently received a grant in the amount of \$10,000 for diabetes care, which is so important because diabetes can lead to other health problems.

She attended the 60<sup>th</sup> anniversary celebration of the Fair Lawn Jewish Center on Saturday night and the reopening of their refurbished main level. It was a wonderful celebration. She congratulated the Center on this achievement.

She wished a "Shana Tovah" to all Jewish residents.

Deputy Mayor Weinstein noted that one of the members and founders of the Bergen Volunteer Medical Initiative was Fair Lawn resident Bernie Weinstein. He met Mr. Weinstein several years ago when he served on the Recreational Facilities Committee. Mr. Weinstein is going to be honored by BVMI in November.

#### **PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

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

Pamela Coles, 13-34 George Street inquired about Resolution 355-2011 extending the lease on the parking agreement with Chase Bank. She wanted to know what was contained in the lease. Attorney Rosenberg explained that the lease was extended retroactively from 2008 through 2013. Chase Bank is now responsible for half of all fees and expenses incurred by the Borough for maintenance, including any resurfacing charges. Chase Bank will also pay a monthly escrow fee for its share of expenses, retroactive to 2008, which will be held by the Borough.

Ms. Coles stated that there is constant debris in the Chase parking lot that needs to be cleaned up. She inquired as to the number of parking spaces. Attorney Rosenberg stated that there are 82 spaces. Ms. Coles noted that the dumpster takes up two parking spaces.

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

#### **RESOLUTIONS BY CONSENT #20-2011**

Upon motion by Councilman Trawinski and a second by Deputy Mayor Tedeschi, Consent Agenda #20-2011 containing the following resolutions was approved.

- a. Resol. #344-2011 – Approval of Minutes:  
Regular Meeting 8/16/11  
Closed Session 8/16/11
- b. Resol. #345-2011 – Authorizing Submission of 2012 Municipal Alliance Grant
- c. Resol. #346-2011 – Award of Bid: Project #2175 Senior Center Exterior Improvements
- d. Resol. #347-2011 – Award of Bid: Project #2189 Roadway Improvements 2011
- e. Resol. #348-2011- Supporting the Drive Sober or Get Pulled Over 2011 Year End Statewide Crackdown
- f. Resol. #349-2011 - Professional Services: Disciplinary Action Hearing Officer – William D. Sayers, Esq.
- g. Resol. #350-2011 – Approval of Fire Board Actions
- h. Resol. #351-2011 - Supporting the Adoption of Legislation to Raise the Fines for Unmuffled Engine Braking
- i. Resol. #352-2011 - Redemption of Tax Lien: Block 5522, Lot 17
- j. Resol. #353-2011 - Endorsement of NJDEP Application – Fair Lawn Promenade, LLC

- k. Resol. #354-2011 - Execution of JP Morgan Chase Bank, National Association Parking Lot Agreement
- l. Resol. #355-2011 - Waiver of Building Department Permit Fees for Work Done as a Result of Hurricane Irene and Tropical Storm Lee
- m. Resol. #356-2011 - Appointment to the Advisory Committee on the Americans with Disabilities Act

## **PUBLIC COMMENTS**

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

Howard Mark, 12-23 Ferry Heights Place stated that the Saturday schedule for the mini bus listed a drop off time at the Shop Rite but not a pick up time. Councilman Trawinski stated that the schedule needed to be fixed. Mr. Mark noted that Municipal Clerk Kwasniewski had suggested having an alternate schedule, which was a good idea. Manager Stafford stated that he will discuss this matter with Health Officer Wagner so that the schedule could be adjusted.

Mayor Swain thanked Mr. Mark for bringing this matter to the Council's attention.

Richard Safer, 5-01 First Street thanked the volunteer Fire Department and Mayor Swain, who visited his neighborhood after the storm. He also thanked OEM Director Marks for his calming manner during an upsetting time. The firefighters were amazing as they walked through four feet of water to check on his house. He thanked the Council for listening. In the end everyone will pull through this and everything will be resolved.

Pamela Coles, 13-34 George Street thanked the Council for honoring Penny Kaplan and Nancy Fezell. She worked at the Library 34 years ago with Penny and Nancy and one of her favorite bosses, Mrs. Burdick, who guided them and stood up for their fabulous library.

She visited friends on Second Street, which looked like a war zone after Hurricane Irene. She has never seen Fair Lawn look like that. She attended last night's Open Space Committee and has complete compassion for what Mrs. Dube is going through. She hopes that the Council will find a way to assist the families that were impacted by this storm.

Joan Goldstein, 12 Bedford Place stated that she was on the Open Space Committee. Several years ago the Committee discussed Blue Acres as did the Council, but Blue Acres turned down the Borough's request to purchase the

Dube's house. She did, however, want the Dubes to know that they had the full support of the Open Space Committee.

She noticed that Councilmembers each had a water bottle. The town has nice aluminum water bottles that were purchased through a grant. As a member of the Green Team, she hoped that the Councilmembers would consider using these reusable bottles instead of a throwaway bottle.

There being no further comments, upon motion by Councilmember Baratta and a second by Councilman Trawinski, the time for public comments was unanimously closed.

**ADJOURNMENT TO WORK SESSION**

Councilman Trawinski suggested doing the portion of the Work Session regarding Second Street in Council Chambers, as many residents were present.

Upon motion by Councilman Trawinski and second by Deputy Mayor Weinstein, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC,CMC,MMC  
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

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Mayor Lisa Swain

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Councilmember Baratta

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Deputy Mayor Tedeschi

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Councilmember Ed Trawinski

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Deputy Mayor Weinstein