

REGULAR MEETING OF JANUARY 13, 2009

Mayor Weinstein called the meeting to order at 8:54 p.m.

PRESENT: Deputy Mayor Swain, Deputy Mayor Tedeschi, Councilmember Baratta and Councilmember Trawinski

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

COUNCIL COMMENTS:

Councilmember Baratta thanked the Fire Department for inviting them to the annual Fire Installation Dinner. She congratulated the new Chief, Tom Carney and wished the Fire Department a safe 2009. She thanked the outgoing Chief, Peter Yuskaitis, for his service.

The Alliance for Substance Abuse Prevention is sponsoring a free program entitled Parental Guidance for Teens. There are three sessions, which will be held at the Community Center on Tuesday, January 20th, Tuesday, January 27th and Tuesday, February 3rd from 7:00 to 8:30 p.m. Childcare is available. The Teen Basketball program also takes place those nights. Residents can call the Health Department for more information.

Deputy Mayor Tedeschi thanked the Fire Department and wished them continued success. He reminded residents to support the food banks in the Borough and at St. Anne's as the need for donations continues. He thanked the residents who helped shovel their neighbor's sidewalks during the recent storm.

Councilmember Trawinski thanked the Fire Department and all volunteers. He wanted business owners to know about the availability of Invest New Jersey Grant Applications, as part of Governor Corzine's economic assistance and recovery plan. The application is available to any business which employs at least five employees or more in terms of credit for job creation. Grants are available for up to 7% for capital expenditures made between December 9, 2008 and January 1, 2011, which is equivalent to the sales tax amount. Applications and information are available at www.nj.eda.com.

Deputy Mayor Swain thanked the Fire Department for their service and dedication. She advised residents who were having difficulty paying their heating bills to check the Borough's website for helpful information from PSE&G. There is also helpful information for those who are having difficulty paying their mortgage. She congratulated Councilmember Trawinski on the birth of his grandson and Acting Manager Kwasniewski on the birth of her granddaughter.

Mayor Weinstein thanked the Fire Board and former Fire Chief Yuskaitis for a job well done. He wished Chief Carney good luck. He is working with the Small Business

Development Center, Workforce Investment Board and Bergen County Economic Development Corporation to plan a symposium which would provide economic resources to small businesses and individuals. He asked residents to support Fair Lawn's Business Community by shopping Fair Lawn first.

ORDINANCES ON FIRST READING:

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, it was unanimously agreed to read the ordinance by title.

ORDINANCE NO. 2137-2009 (Resolution No. 62-2009)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 49 ENTITLED "AFFORDABLE HOUSING" TO CREATE A NEW AFFORDABLE HOUSING COMPONENT OVERLAY DISTRICT FOR CERTAIN PROPERTIES LOCATED IN THE B-4 RIVER ROAD BUSINESS DISTRICT

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 62-2009 introducing Ordinance No. 2137-2009 was discussed.

Attorney Rosenberg explained that this ordinance amends Chapter 49 to enable the Borough to continue to try to provide affordable housing by creating an overlay district for certain properties located on River Road in the B4 business district.

Councilmember Baratta stated that she was voting for the ordinance against her wishes. She wanted the residents to know that the State was mandating this because of C.O.A.H. regulations. She did not want to have developments in town, but felt she would be hurting the Borough if she voted against this ordinance and would leave them open to a builders' remedy. She suggested that residents write to their representatives and let them know that they are tired of the State mandating to towns on how much housing they should have and where they should have it.

Councilmember Trawinski agreed. He stated that the political leaders of the last 30 years have failed them, our students and the people who need housing. These things have a harsh impact on property taxes. They are forced to create higher density housing, which impacts roads, traffic and services.

Mayor Weinstein stated that although they are passing this ordinance to protect Fair Lawn, they will continue to fight through the League of Municipalities. They need to move along to protect against builders' remedies.

Deputy Mayor Tedeschi stated that open space and C.O.A.H. could not be discussed in the same sentence because they were competing objectives. The State leadership did

not understand that. They could not have unbridled growth in housing and still protect open space, particularly in Fair Lawn where they are 96% developed.

There being no further discussion Resolution No. 62-2009 introducing Ordinance No. 2137-2009 was unanimously adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT # 3-2009

Upon motion by Councilmember Baratta and second by Councilmember Trawinski, Consent Agenda 3-2009 containing the following items was unanimously passed.

- a. Resol. #63-2009 - Refund of Overpayment of Taxes
- b. Resol. #64-2009 – Approval of Minutes:
 - Closed Session 10/21/08
 - Work Session 10/21/08
 - Closed Session 10/21/08
 - Regular Meeting 10/28/08
 - Work Session 10/28/08
 - Closed Session 10/28/08
- c. Resol. #65-2009 – Authorizing Extension of Storm & Sanitary Sewer Cleaning Bid – Underground Video Inspection, Inc.
- d. Resol. #66-2009 - Authorizing Extension of Uniforms – Regular Police, Auxiliary Police and School Guard to Vindan, d/b/a Harris

MISCELLANEOUS PUBLIC COMMENTS

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

Pam Coles, 13-34 George Street asked for clarification on the affordable housing overlay. Attorney Rosenberg stated that the ordinance reflected recommendations made to the Council by Cheryl Bergailo, Planner for the Borough. The ordinance will encourage development of affordable housing on River Road properties, lots 1, 3 and 7 in Block 5732 near the American Legion. This is consistent with the C.O.A.H. requirements. A municipality is required to incentivize and make affordable housing possible. The Planning Board agreed with the Planner's recommendation that these properties be earmarked for an affordable housing overlay zone. If a developer wished to do a multi-

family project, which is consistent with the River Road zoning, this would help incentivize by providing affordable housing as part of that development. The Borough wanted to be sure that if a project such as that came before the Planning Board, they would be able to capture affordable housing as part of that application, thereby meeting the affordable housing obligations that exist through 2018.

Ms. Coles asked if there was anything in place that would allow the purchase of homes for sale for use as affordable housing, or if the unrented apartments in Fair Lawn Commons could be applied to their COAH obligation.

Mayor Weinstein stated they had discussed having a group look into building affordable housing. Councilmember Trawinski stated there weren't any funds for that. They are trying to obtain funds through an affordable housing fee for any development that takes place in Fair Lawn. They could not use funds from the operational or capital budget to acquire housing.

Ms. Coles inquired if a committee would be established in the future to do an inventory search, as so much housing was available now. Councilmember Trawinski stated that no property owner would sell their home to the Borough or rent it at the price needed to satisfy the COAH obligation. COAH mandates that they give a developer a greater density than the zoning allows, providing increased revenue that makes the affordable housing possible. The State mandates that they must do this, but does not provide the funding. It wouldn't make sense to do a committee until they acquire funds which could be used to rehabilitate houses in disrepair. Ms. Coles suggested they write their Government in Trenton to restructure this.

Ms. Coles asked about the inter-department review of development applications proposed by developers. She felt the Historic Preservation Commission should be included in the review so that they could advise the Planning and/or Zoning Board. If the Naugle House had been presented in advance, they could have avoided unnecessary litigation. The Historic Commission would like to present a plan to Council which would help preserve the Naugle House. The town, the residents and the developers would all win. The idea came from an educational session held in November. She felt that if the Historic Commission received the applications prior, they could make a difference and ward off any unforeseen problems in the future.

Mayor Weinstein suggested that Ms. Coles contact the Clerk's office as to availability on the next work session.

Deputy Mayor Tedeschi stated that they had to worry about the people in Fair Lawn first, not the developers and builders. It might be a little more cumbersome to get done, but everyone should be involved.

Anna Dinardo, 13-06 2nd Street thanked the Borough employees who plowed the snow. She stated that she was in a nearby town and you could not drive on the roads. She noticed piles of salt on top of Route 208 coming into Radburn, which prevented people from walking on the sidewalks. She felt it was an incredible waste.

Councilmember Trawinski stated it was the responsibility of the NJ Department of Transportation to clear that area. He noted that sometimes the plows on the State highways still continue to discharge salt if they stop for a reason. Ms. Dinardo clarified that it was piles of salt left on the sidewalks. Councilmember Trawinski stated that the State made a policy decision that a municipality has to store the salt safely so that it does not discharge into the storm sewers. When applied to the roads, it is allowed to go into the storm sewers.

Ms. Dinardo asked about the remediation status of Topps Cleaners and Clariant. Mayor Weinstein stated that they have not heard from Clariant in awhile. Councilmember Trawinski stated they receive an updated list from Health Officer Wagner each quarter, which could be obtained from the Manager.

Craig Miller, 5 Ramapo Terrace stated that the Department of Public Works did an outstanding job on snow removal. He wondered if it was possible to make an ice rink at Memorial Park. Acting Manager Kwasniewski stated they used to do that up until a year or two ago. She will look into this.

Mr. Miller stated that he hoped that the Council would work together in the New Year. He asked what the new direction was for Fair Lawn. Mayor Weinstein stated Mr. Miller saw in the earlier work session that they were working on proper communication, not only for the Council but with the various committees in the Borough. They all came from different areas but ended up in the same place. Mr. Miller agreed that the tone of the work session was better than last week. Mayor Weinstein stated there were over 100 items on the Consent Agenda that were unanimously approved.

Deputy Mayor Tedeschi stated that there were 140 people appointed to boards and committees and 99.3% of the appointees were approved 5 to 0. Mr. Miller stated that many residents saw the 3 to 2 vote last week. Mayor Weinstein stated that will happen from time to time. When they voted for the ECD the vote was 3 to 2, with him and Councilmember Trawinski voting together.

Mr. Miller stated that a resident had questioned the PSE&G electric bills with regards to reducing costs. Councilmember Trawinski stated the Council Chambers was lit up but the lighting had been changed to fluorescents to reduce cost. Mr. Miller wondered if PSE&G could come into the Borough to make recommendations. Mayor Weinstein stated they were looking into having another energy audit done.

Upon motion by Deputy Mayor Swain and a second by ET, it was unanimously agreed to close the time for public comments.

ADJOURNMENT:

Upon motion by Councilmember Trawinski and second by Councilmember Baratta the meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski