

REGULAR MEETING OF APRIL 14, 2009

Mayor Weinstein called the meeting to order at 7:40 p.m.

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

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

Mayor Weinstein stated that Governor Corzine issued an executive order to fly the flag at half mast in memory of Army Sgt. Dougall Espee, Jr. whose remains were among 200 United States servicemen who were exhumed from the area of a battle that took place in North Korea on November 1, 1950. His remains were identified through DNA. The flag will be returned to full mast tomorrow morning.

COUNCIL COMMENTS:

Councilmember Baratta hoped that everyone had a happy and blessed holiday season. She stated that Saturday, May 9th is the Bike Rodeo sponsored by the Alliance for Substance Abuse Prevention. Children can register their bicycles. In the event of inclement weather, the event takes place in the gym.

The second annual Canoe Race has been set for Saturday, June 6th. Last year's event was a great success. Registration information will be posted on the Borough's website and Channel 77. It is a fun, all day event for the family.

Deputy Mayor Tedeschi wished everyone a Happy Easter and Zesan Pesach. He congratulated Mayor Weinstein on being named to the County wide Community Development Board, which oversees many grants that are not in our central region. This will give Fair Lawn access to thousands of dollars in grant funds that we may not have known existed.

Councilmember Trawinski stated that there will be three "tea parties" on April 15th: one at the Bergen County Courthouse between 4:00 and 6:00 p.m., one at Liberty State Park at 8:00 p.m. and one at 12:00 p.m. in Morristown. Residents should bring a tea bag.

Deputy Mayor Swain congratulated the recent D.A.R.E. graduates and encouraged them to go forth with their new knowledge on how to stay off drugs and alcohol. She asked parents to do their best to keep their children safe.

She reported that the Recycling Center will be extending their hours on Saturdays from 9:00 a.m. to 4:00 p.m. and on Sundays from 12:00 p.m. to 4:00 p.m., effective Saturday, April 18th.

Mayor Weinstein stated that Celebrate New Jersey will be honoring two fourth grade students from Radburn School: Sara Livitsky and Briana Usher. The students will be

honored on Thursday, April 30th at 7:30 p.m. at Montclair University for writing a winning essay. He congratulated the students.

BUSINESS ACCELERATOR PROGRAM:

Mayor Weinstein stated that the Borough will be holding an Economic Resource Symposium on May 6th, which will include speakers from various County agencies and Bergen Community College. There will be tables with information, including one with Dr. Michel Bitritto of the Business Accelerator Program.

Dr. Michel Bitritto presented an overview of the Incubator program, which enhances economic development through job growth, business commercialization and community revitalization. There are over 1,100 "incubators" in the United States. In addition to providing space they provide networking resources and tools. They have a 90% success rate; most of the firms that complete the program are still in existence five years later.

Most incubator graduates remain in their communities; for every one dollar subsidized the communities gain back \$30. They offer entrepreneur development and provide assistance with grant writing. Mayor Weinstein volunteers his accounting expertise to help several companies. They will connect businesses with government programs or universities to help bring their product to fruition. There are 17 incubators in New Jersey with 600 small businesses, 1,650 jobs and revenues of over \$200 million dollars. Fifty five companies graduated and moved out of the incubator and are self-sustaining business. The majority remain in New Jersey.

Dr. Bitritto stated that the primary goal of the Meadowlands 2004 Master Plan was to protect the environment and foster economic growth. The Business Accelerator Program was a concrete example of this as they are a green incubator. The Meadowlands budgeted \$1.5 million dollars over the next three years for their programs. The Meadowlands subsidizes rents by 50% and they receive a small fund from the Commission for Science and Technology. The entire incubator program receives State funding for training and support. She is allocating \$30,000 so the companies can hire interns. They formed relationships with nearby universities and colleges such as Montclair University, which is a green university. She is bringing three clients there as the university may be a potential customer.

She asked for help in spreading the word about this program. They have scheduled "Lunch and Learn" training programs and had a successful entrepreneur meet with the clients to offer advice. They offer one-on-one mentoring. The businesses need seed money and mentors. Investors and volunteers with expertise are welcomed. She invited everyone to visit on June 16th when the Meadowlands will host an event on energy and the environment. Mayor Weinstein encouraged residents interested in volunteering their expertise to contact Dr. Bitritto.

MAYOR=S APPOINTMENTS:

Mayor Weinstein stated that Library Trustee Phyllis Gold will be appointed as a Regular Member of the Library Board.

ORDINANCE ON FIRST READING:

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

**ORDINANCE NO. 2146-2009
(RESOLUTION NO. 140-2009)****AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 30 ENTITLED "PERSONNEL"
TO ADD ARTICLE IV ENTITLED "DEFINED CONTRIBUTION
RETIREMENT PROGRAM"**

Upon motion by Councilmember Trawinski and Deputy Mayor Tedeschi, Resolution No. 140-2009 introducing Ordinance No. 2146-2009 was discussed.

Acting Manager Kwasniewski stated that the ordinance was State mandated. The Legislature had adopted Chapter 92 which requires a defined contribution retirement program. It sets forth the employees who will be required to go into this program, such as the Borough Manager, Mayor and Council, the Prosecutor and Municipal judge and denotes who is not eligible. The State is trying to get people out of the public retirement fund into this plan, which is more like a 401K plan and does not bear the same level of pension contributions.

There being no further discussion, Resolution No. 140-2009 introducing Ordinance No. 2146 - 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.

Harvey Rubenstein, 28 Rutgers Terrace noted that Resolution No. 150-2009 listed a post office box as the address for an appointee to the Environmental Commission. He wondered if they were required to list a street address. Attorney Rosenberg stated that a post office box was sufficient under State law.

There being no further comments from 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 #10-2009

Mayor Weinstein stated that Assemblywoman Wagner had requested Resolution No. 151-2009 be removed, as she would like to attend a work session and meet with the Alliance for Substance Abuse Prevention first. The resolution was removed.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda No. 10-2009 containing the following items was unanimously passed.

- a. Resol. #141-2009 - Approval of Minutes:
 - Reorganization 1/6/09
 - Work Session 1/13/09
 - Council Meeting 1/13/09
 - Closed Session 1/13/09
 - Work Session 1/20/09
 - Closed Session 1/20/09
- b. Resol. #142-2009 - Refund of Overpayment of Taxes
- c. Resol. #143-2009 - Supporting the *Click It or Ticket* Seat Belt Mobilization
- d. Resol. #144-2009 - Professional Services: Veterinary Services – Valley Brook Veterinary Hospital
- e. Resol. #145-2009 - Supporting the Mayors Wellness Campaign
- f. Resol. #146-2009 – Authorizing the Procurement of the Concession Stand at Memorial Pool by Informal Quotes
- g. Resol. #147-2009 - Urging the State to Freeze State Mandates
- h. Resol. #148-2009 - Inter Local Agreement with the Borough of Haledon for the Use of Walsh Pool
- i. Resol. #149-2009 - Authorizing Entering into an Inter Local Agreement for a Multi-Jurisdiction Justice Assistance Grant
- j. Resol. #150-2009 - Appointment to the Environmental Commission
- k. Resol. #151-2009 - Removed

Resolution No. #152-2009 – Extending Contract with Medina Consultants for review of Traffic Impact Study

Upon motion by Deputy Mayor Tedeschi and a second by Deputy Mayor Swain, Resolution 152-2009 was passed with Councilmember Trawinski recusing himself.

Resolution No. #153-2009 – Extending Contract with Malcolm Pirnie – Reporting on Kodak Site Environmental Conditions

Mayor Weinstein stated that both Malcolm Pirnie and Medina Consultants are involved with the ad hoc committee's study and recommendation to the Planning Board for the Master Plan. The Council may have to discuss possible rezoning if warranted.

Upon motion by Deputy Mayor Swain and a second by Deputy Mayor Tedeschi, Resolution 153-2009 was passed with Councilmember Trawinski recusing himself.

PUBLIC COMMENTS:

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, the time for public comments was opened.

Evan Menist, Student Government President, 13-40 George Street stated that students were upset over parking issues at Fair Lawn High School.

Jacob Strange, Student Government Buildings and Grounds Representative, 368 Owen Avenue, stated that there were only 22 designated parking spaces for students. There

are 350 seniors and a large number of juniors that drive. There are not enough areas for the students to park, as many of the streets have two-hour parking limits; they would like these restrictions lightened or removed.

Mr. Menist stated the signage on nearby streets, particularly Orchard Street, was difficult to understand. The restrictions are not in effect during the months of July and August. He presented a signed petition from Fair Lawn High Schools students requesting parking changes on Burbank Street, Lexington Street, Orchard Street, Fairclough Place and Berdan Avenue to allow for unrestricted parking during the hours of 7:00 a.m. to 3:00 p.m., Monday through Friday.

He noted that new parking signs were posted on many streets near the High School. New signs with two hour parking limits were placed on Berdan Avenue, further decreasing the areas where students can park. He stated that the students feel this is an affront to them personally, as unrestricted parking is allowed during the summer months.

Mayor Weinstein stated that he spoke with Chief Rose about the new signs that were posted. Chief Rose explained to him that there was an ordinance in existence that restricted parking on those blocks. At some point the parking signs were removed but have now been replaced. He suggested the students go to Municipal Court with their tickets and explain that one day there were signs that weren't there the day before.

Mayor Weinstein stated that Traffic Safety Officer Franco was revisiting the various streets. There have been several discussions regarding this matter, but they are awaiting his final report. Acting Manager Kwasniewski stated that this was in the Council's hands; she has not been directed to place this on an agenda. Mayor Weinstein asked that the High School parking issue be placed on a work session agenda so that they can discuss this with Traffic Safety Officer Franco. They will notify the Student Government when a date has been scheduled.

Mr. Menist thanked the Council for their time.

Marv Levitt, 35-15 High Street stated that he has spoken at two Council meetings and both times he was attacked by Councilmember Trawinski and Councilmember Baratta. He had a copy of the comments on disk. He felt it was wrong for any Councilmember to use the dais for political attacks; it should be for the people's business. All responses should be respectful.

At the March 24th Council Meeting he spoke in opposition of the recall efforts against Deputy Mayor Tedeschi. He stated that Councilmember Trawinski said he "impugned the integrity of the former Borough Manager by suggesting that he violated the public trust". At no time during his presentation did he mention the Borough Manager or Tom Metzler. His comments were directed to the Council and were about what a Councilmember would have to do to be recalled.

Mr. Levitt stated at the September 23, 2008 Council Meeting he made a statement that in their government, Councilmembers can vote to replace the Borough Manager. He also commented that Councilmember Trawinski and Councilmember Baratta replaced a

Manager when they were elected, which was perfectly fine. At that meeting, Councilmember Trawinski lashed out at him by stating that he was the one who came to his house and told him to remove Manager Kwasniewski and Borough Attorney Lustgarten. It wasn't true and had nothing to do with his comments. He felt that since Councilmember Trawinski could not argue the facts and the law, he changed the subject by attacking him personally for pointing out his hypocrisy. He stated that Councilmember Baratta also tried to change the subject by stating she enjoyed his little song and dance. He did not feel that was an appropriate comment to a member of the public. He thought that Councilmember Trawinski and Councilmember Baratta should apologize for their actions.

Harvey Rubenstein, 28 Rutgers Terrace clarified that the tea parties Councilmember Trawinski mentioned were for residents that were dissatisfied with increasing taxes.

He inquired as to the replacement cost for two broken basketball backboards at the Community Center. Acting Manager Kwasniewski stated that she did not have the exact cost yet. She reported that one youth, who was not a Fair Lawn resident and had used a false address, was suspended indefinitely. A second individual was suspended and he and his parents were advised that they must pay for the repairs. He cannot return until the matter is resolved. Mr. Rubenstein noted that the two backboards have since been replaced; he was told the cost was \$1,000 to \$2,000 each. He suggested placing easy to read signs that spell out the proper use of the equipment, as the sign Superintendent Graff placed was too small to read. Mayor Weinstein asked Acting Manager Kwasniewski to look into this.

Mr. Rubenstein stated that he inquired at the EPA meeting if there was a number, or pounds per square inch, where the EPA would not allow people to live on a piece of property such as Kodak. He felt it was a simple question, yet he did not receive a direct answer. He wanted the Council to know that there was no definite amount that defines when people can or cannot live on a site.

He inquired if the inventory of Borough vehicles was prepared. Mayor Weinstein stated they received a list that was broken down by department and included maintenance and mileage.

Mr. Rubenstein inquired if a list of requested grant items had been sent to Congressman Rothman, as Fair Lawn was not mentioned in an article that appeared in The Record. Acting Manager Kwasniewski stated that list referred to projects already completed. She is preparing a list that will be submitted now for next year's funding. Mayor Weinstein stated that he spoke with Congressman Rothman, who indicated that the funds could be used for a fire truck, sewer work, etc. He also discussed the flooding situation with him.

Claude Bienstock, 39-11B Broadway stated that he wrote a letter opposing the recall and supporting Deputy Mayor Tedeschi. He is upset that the Recall Committee is accusing Deputy Mayor Tedeschi of violating the Faulkner Act, which is the same as saying he violated a law. He wondered if the Council could oppose the Recall Committee and confirm that Deputy Mayor Tedeschi did not violate any laws.

Mayor Weinstein stated that Deputy Mayor Tedeschi did not violate the Faulkner Act. He has been a major asset to the community for many years, in many ways; his heart is part of Fair Lawn. Mayor Weinstein stressed that he is against the recall efforts, but people had the right to do this. He felt the recall was causing a great deal of ruckus in town. It will cost the Borough extra time and money when there is already a process in place where people can speak out. They have elections every four years. Deputy Mayor Tedeschi won the last election overwhelmingly. He felt the public will speak out in support of Deputy Mayor Tedeschi.

Walter Weglein, 18 Ramsey Terrace inquired if they would appeal the ruling giving Landmark permission to erect 175 units on Daly Field. Attorney Rosenberg stated that the Council has authorized an appeal to the Supreme Court. Mr. Weglein asked how long that would take. Attorney Rosenberg stated he did not know; it may take months, but not years.

Mr. Weglein wondered how the COAH decision would be affected if the Radburn Association cancelled the contract with Landmark. Attorney Rosenberg stated that they should not comment as the matter was still under litigation. Mr. Weglein stated that his question dealt with a contract, not litigation. Mayor Weinstein stated that Attorney Rosenberg was trying to protect the residents by not answering. Mr. Weglein inquired if they were thinking of acquiring the Haywood tract for open space. Attorney Rosenberg stated that was also something that should not be discussed. Mr. Weglein questioned his response. Mayor Weinstein reiterated that they were in litigation; there are things they will not be able to talk about.

Craig Miller, 5 Ramapo Terrace stated that an article in The Record regarding the lawsuit referred to "Borough Attorney Lustgarten". He inquired if there were two Borough Attorneys. Attorney Rosenberg clarified that he was the Borough Attorney for Fair Lawn; Mr. Lustgarten is Special Counsel for the Borough with respect to COAH litigation.

Mr. Miller stated there was a lot pothole in the parking lot behind CVS. Acting Manager Kwasniewski stated that she would contact Property Maintenance.

Harvey Rubenstein, 28 Rutgers Terrace stated that there were also large potholes in the front of the shopping center property.

Mayor Weinstein noted that the Fair Lawn High School Marathon will take place on May 15th and 16th. He invited Laurie Osback, Fair Lawn High School PTA President, to speak.

Laurie Osback, 23-13 Cambridge Road stated that the PTA supported the Student Government 100%. Parents complain about parking. The High School has many nighttime activities; many grandparents who attend do not understand the parking rules and receive tickets. The PTA and Student Government are willing to work towards a solution. She noted that student enrollment and teaching staff has increased.

She stated that the 42nd Marathon will be held at Fair Lawn High School. Activities begin on Friday at 2:45 p.m. with Mayor Weinstein throwing out the first pitch. There

will be an outdoor movie on Friday and various activities on Saturday. She thanked the Council for their help throughout the year with Marathon.

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

ADJOURNMENT TO WORK SESSION:

Upon motion by Councilmember Trawinski and second by Councilmember Baratta the Work Session was adjourned to the Work Session at 8:45.

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