

## **REGULAR MEETING OF SEPTEMBER 22, 2009**

Mayor Weinstein called the meeting to order at 7:31 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 issue of December 16, 2008. 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 Weinstein, Deputy Mayors Swain and Tedeschi and Councilmember Trawinski.

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

### **PROCLAMATION – NATIONAL ARTS AND HUMANITIES MONTH**

The proclamation was read by Assistant Municipal Clerk Bojanowski,

### **MANAGER'S REPORT**

Acting Manager Kwasniewski stated that there are no changes to the report.

### **COUNCIL COMMENTS**

Mayor Weinstein announced that next month is Fire Prevention Month and all four fire houses will be hosting Open Houses. The first Open House is scheduled for Sunday, October 4th between 2 P.M. and 4 P.M. at Company Four on Radburn Road. The second will be at Company Two on Route 208 on Sunday October 11<sup>th</sup> between 1 P.M. and 3 P.M. The third will be Company One on George Street on Tuesday, October 13<sup>th</sup> from 7 P.m. to 9 P.M. The last will be Company Three on Plaza Road and Rosalie Street on Sunday, October 18<sup>th</sup> between 1 P.M. and 3 P.M. Mayor Weinstein said that this is a fun event and urged everyone to attend and enjoy these activities.

Deputy Mayor Tedeschi stated that this is the 10<sup>th</sup> anniversary of the Diamond Jubilee Band and added that they are appearing at no cost to the Borough.

Deputy Mayor Tedeschi thanked Fair Lawn residents for their confidence. He read a list of streets where foreclosure proceedings had begun in September. He said that this list is very sobering and he encouraged everyone to help their neighbors, shop in Fair Lawn, help each other when the weather gets bad and watch out for senior citizens to fight the economic decline.

Councilmember Trawinski announced that Councilmember Baratta is not present tonight because she is attending her daughter's Freshman Parent's Back to School Night. Councilmember Baratta asked Councilmember Trawinski to remind everyone that the Fair Lawn Farmers Market is continuing until the end of October. Beginning this Wednesday, the Fair Lawn Garden Club will be selling bulbs for fall planting at the market.

Councilmember Trawinski said that on Saturday he saw visible signs of the problems that the residents on Mr. Palmeri's street are still experiencing in connection with the failure of the pipe connection to the County drainage system. A resident had a video of the situation on her phone and he asked her if this could be transferred to a disc so that it could be presented to the County Freeholders. Two years ago, the Freeholders had promised Fair Lawn that these repairs would go out to bid. Councilmember Trawinski said that he was disheartened to read in the newspaper that the County was still referring to this as Elmwood Park's problem. He said that Arcadia and Berkshire Roads continue to have serious problems including odors and the Freeholders must address this now.

Acting Manager Kwasniewski stated that Ken Garrison told her today that he is attending an Engineering Meeting on September 30<sup>th</sup> at the County on this issue. She said that maybe someone is finally hearing all those who have been calling and emailing the Freeholders. She hopes to have something positive to report to the Council and the residents after this meeting.

Deputy Mayor Swain congratulated Eric Van Kruiningen and the Rescue Squad for hosting several Israeli rescue workers. She commented that the best thing about events like this is that everyone's eyes are opened to the different way people do things and cultural differences. Everyone had an appreciation of the different things each group had to offer and she was happy to be a participant.

Deputy Mayor Swain announced that Garfield is hosting "An Economic Stimulus Plan and its Benefits to You" meeting from 6 P.M. to 9 P.M. on September 29<sup>th</sup> at Garfield Middle School in conjunction with Bergen Community College. Information will be available on education, job placement and health care. Deputy Mayor Swain

recognized Henry Brothers Electronics who received a grant to upgrade the skills of their work force. She stated that she will be hosting the first meeting of the Green Team on Thursday night and she looks forward to giving a positive report on that in the future.

**ORDINANCES ON FIRST READING:**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, it was agreed to read the following ordinance by title, with one negative vote by Deputy Mayor Tedeschi.

**ORDINANCE NO. 2167-2009**

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain Resolution 319-2009 introducing Ordinance 2167-2009 was discussed.

Acting Manager Kwasniewski explained that this is a housekeeping issue that changes the title of an employee to Principal Clerk Typist/Corporate and Cultural Planner. Civil Service would not allow the title that had originally been proposed.

There being no further discussion, Resolution 276-2009 introducing Ordinance No. 2167-2009 was adopted, with a negative vote by Deputy Mayor Tedeschi.

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

**ORDINANCE NO. 2166-2009**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT", ARTICLE XIII, JUNIOR FIREFIGHTER PROGRAM, AMENDING 13-79.F.**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta Resolution 277-2009 introducing Ordinance 2166-2009 was discussed.

Mayor Weinstein explained that this ordinance concerns the Junior Firefighter amendment.

There being no further discussion, Resolution 320-2009 introducing Ordinance No. 2166-2009 was unanimously adopted.

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

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

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

Harvey Rubenstein, 17-38 Chandler Drive, referred to Resol. #330-2009 – Authorizing the Installation of a Bench on Borough Right-of-Way by Lt. James I. Platt Post No. 651. He stated that at the last work session he spoke with Mr. Kaplan about this and Mr. Kaplan indicated that the bench would be placed where the bus station is situated. He asked if the resolution was for the bench to go in that spot or in the area of the bus stop and he questioned whether the bushes would have to be removed. Acting Manager Kwasniewski said that Mr. Kaplan said that it would go behind the monument.

Craig Miller, 5 Ramapo Terrace, asked whether Resol. #328-2009 rescinds the George Street area and Mayor Weinstein said that this is correct and the Borough Attorney is going to try and re-negotiate the lease with the bank.

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

### **RESOLUTIONS BY CONSENT #27-2009**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Consent Agenda #27-2009 containing the following items was unanimously passed.

- a. Resol. #321-2009 - Approval of Minutes
  - Work Session - 5/19/09
  - Special Meeting – 5/19/09
  - Closed Session – 5/19/09
  - Regular Meeting - 5/26/09
  - Closed Session – 5/26/09
- b. Resol. #322-2009 - Refund of Overpayment of Taxes and Water Charges
- c. Resol. #323-2009 - Community Development Block Grant Application - Senior Citizen Minibus
- d. Resol. #324-2009 - Community Development Block Grant Application – ADA Access Walks at Memorial Pool

- e. Resol. #325-2009 - Community Development Block Grant Application –  
Barrier Free Improvements
- f. Resol. #326-2009 - Corrective Action Plan
- g. Resol. #327-2009 - Requesting Approval of a Special Item of Revenue – Underage Drinking
- h. Resol. #328-2009 - Rescinding Reso. No. 305-2008 Cooperative Parking Agreement with JP Morgan Chase Bank
- i. Resol. #329-2009 - Supporting HR679 American Legion Day
  
- j. Resol. #330-2009 - Authorizing the Installation of a Bench on Borough Right-of-Way by Lt. James I. Platt Post No. 651
- k. Resol. #331-2009 - Requesting Approval of Special Item of Revenue – Drunk Driving Grant

## **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.

Jim Storzuk, 27-15 Urban Place, said that he is not always able to hear the speakers on Fair Lawn cable TV. He pointed out that Acting Manager Kwasniewski turns her head when addressing the Chair and that makes it difficult to hear her.

Regarding the Borough calendar, Mr. Storzuk noted that there hasn't been a recent photo of Councilmember Trawinski in the calendar. He said that there is nothing about the ceremony on Memorial Day, however, all the street closures are listed along with information about the parade. He added that there is no mention of the flag placing ceremony at Fair Lawn Memorial Cemetery. On Memorial Day Sunday, there is also a ceremony at the cemetery and this isn't mentioned. Mr. Storzuk said that closures only are mentioned for Veteran's Day on November 11<sup>th</sup> but no details of the ceremony are noted. He thought that the ceremony run by the Police Department on April 17<sup>th</sup> in honor of Marianne Collura should also be included on the calendar.

Mr. Storzuk stated that at the Hartley Place intersection on Morlot Avenue there is a "no parking here to corner sign" For two years Mr. Storzuk has written letters asking that a strip be painted on the curb here because he has witnessed several near accidents.

Mr. Storzuk referred to the leeching basin on Urban Place at the southeast corner of Plaza Road and said that these basins were installed many years ago by the Borough Engineer. He explained that these basins house water that doesn't flow anywhere

which results in a breeding ground for mosquitoes. The water is periodically pumped out and travels under Plaza Road pushing all of the bad water out of the Urban Place leeching basin. The basin is always full and Mr. Storzuk said that there are other leeching basins in the Borough that probably have similar problems. The leeching basins are not connected to sewers and they were supposed to collect water which would leech into the soil, however, the problem is that this basin does not leech. Mr. Storzuk hoped that the Engineer would be able to come up with a solution.

Albert Palmieri, 23-33 Arcadia Road, thanked the Council for their responses to his emails. He has sent to emails to the County without the benefit of an acknowledgement. He asked the Council to get together with Mayor Mola of Elmwood Park to resolve the situation.

Mayor Weinstein said he has been speaking with Bob Laub and Brian Hague from the County who are supposed to bring representatives from Fair Lawn, Elmwood Park and Saddle Brook together. He spoke to Dennis McNerney yesterday about scheduling this meeting and he will keep pushing to have it scheduled. Mr. Palmieri stated that after the last storm several houses on the opposite side of the street from his home closer to Midland Avenue, had from 2 ft. to 3 ft. of water in their back yards and some people had water in their basements.

Harvey Rubenstein, 17-38 Chandler Drive, commented that the situation on Arcadia and Berkshire Roads is just a replay of what happened two years ago.

Mr. Rubenstein noted that it appears as though the person who has the title of Principal Clerk Typist/Cultural Planner is receiving a \$20,000 pay increase from \$58,842 to \$79,305. Acting Manager Kwasniewski explained that every job in the Borough has a minimum and maximum salary range which is what this is. Mr. Rubenstein had other questions about this salary ordinance and Acting Manager Kwasniewski stated that the ordinance was drafted by the CFO and she thought that he may have used language contained in another ordinance regarding a salary raise. She will check into this further.

Regarding the audit review, Mr. Rubenstein asked if the \$36,000 Borough debt includes the Community Center debt. Mayor Weinstein said that it did and it is listed on the financial statement. Mr. Rubenstein asked if the interest payments are going up or down on this \$36,000. Mayor Weinstein said that they are constantly trying to get the lowest rates. Deputy Mayor Tedeschi said that Borough borrowed money the last time in December and at that time the rate was 1.2% for the \$13 million that was borrowed. Mr. Rubenstein questioned whether the audit included any recommendations for saving money. Mayor Weinstein explained that the recommendations of the auditor concern procedures that should be improved and internal control recommendations. Mr. Rubenstein said that he understands that the audit is done as part of the State regulations that gave good marks to the Chief Financial Officer, Barry Eccleston, for operating within the regulations established by the Finance Board. Mayor Weinstein stated that the audit is on the financial statement and certain New Jersey State rules

must be followed. Mr. Rubenstein referred to the purchase of a vehicle for use by the Borough Manager, which was approved by CFO Eccleston and Chief Rose, based on the established practices of the Local Finance Board. Mayor Weinstein said that the audit this year was on the 2008 statement and last year it was on the 2007 statement. One of the recommendations of the 2007 statement referred to this procedural issue and this year's audit has nothing to do with what occurred in 2007.

Deputy Mayor Tedeschi said he has no recollection of Mr. Eccleston saying that the purchase of the vehicle was consistent with the Division of Local Government. He noted that the Division of Local Government sent a letter stating that the purchase of the vehicle was inappropriate on the part of the Borough Manager and, because there was

no history of CFO Eccleston doing this on a regular basis, it was considered a one time event.

Mr. Rubenstein stated that long term progressive government can't be built on a foundation of debt. He recognized that Councilmembers Baratta and Trawinski have worked to direct the Council to minimize debt service. By maintaining a surplus and applying that towards operating costs he hopes that the people of Fair Lawn understand that the Borough's mess has been somewhat stabilized since their election four years ago.

Pamela Coles, 13-34 George Street, referred to the resolution to rescind the parking agreement with JP Morgan Chase Bank and asked for information on the negotiations. Borough Attorney Rosenberg stated that the negotiations are going to recommence with respect to the allocation of parking and the way the lots are going to be used among other things. Ms. Coles asked about the impact of the new development there and Attorney Rosenberg said there would be no impact because these parking spaces are solely within the jurisdiction of the Borough. She questioned whether the allocation of parking spaces would impact any of the businesses on River Road. Attorney Rosenberg said that he couldn't comment on that at this time.

Ms. Coles said that she attended the Bergen County Historic Preservation Advisory Board Meeting as well as the Freeholders Meeting to support the Open Space Grant for the Noble House. She had emailed the Mayor and Council regarding the guidelines for the Open Space Grant as it pertains to historic preservation. She said that Fair Lawn is in a unique position because there is value in both the acquisition of open space and a historic building. Mayor Weinstein said that there will be a presentation at the County by the Open Space Committee to gain the money for the acquisition and if this is successful it will be followed by an application for the restoration of the Noble House.

Walter Weglein, 18 Ramsey Terrace, urged the Council to move ahead with Senior Housing on Daly Field for the following reasons:

1. Growing old in place. There is a growing senior citizen population in Fair Lawn and there is an interest in senior housing.
2. Fair Lawn will keep the business and taxes of people who have lived in the Borough for years.
3. Fair Lawn will earn the reputation of caring for its elderly population.
4. A certain amount of control can be exercised over traffic on Plaza Road.
5. Builders are shown that there are limits to their arrogance.
6. The Radburn southside retains some quality of life.
7. The Radburn Board of Trustees must learn to respect the concerns of others living in the Borough.

Mr. Weglein said he would like to have some action on this before the election.

Craig Miller, 5 Ramapo Terrace, stated that Townley Road has three “no parking at any time” signs. He asked why there is no parking on one side of the street while there is parking on the other side. Mayor Weinstein said they would look into this.

Claude Beinstock, 39-11B Broadway, said that he was recently thrown out of DJ Place while canvassing for his real estate business. He reminded store owners to be courteous to the public whether or not they are members of the Chamber of Commerce.

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

### **CLOSED SESSION RESOLUTION – Pending Litigation – Landmark**

Upon motion by Councilmember Trawinski and seconded by Deputy Mayor Swain, the Closed Session resolution was passed

**WHEREAS**, the Open Public Meetings act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

**WHEREAS**, the Mayor and Council of the borough of Fair Lawn desire to discuss Pending Litigation – Landmark

**WHEREAS**, these matters are ones which permit the exclusion of the public from such discussions; and

**WHEREAS**, minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

**ADJOURNMENT**

Upon motion by Councilmember Trawinski and second by Deputy Mayor Tedeschi, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

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Mayor Steven Weinstein

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Councilmember Jeanne Baratta

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Deputy Mayor Lisa Swain

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Deputy Mayor Joseph Tedeschi

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Councilmember Ed Trawinski