

REGULAR MEETING OF OCTOBER 27, 2009

Mayor Weinstein called the meeting to order at 7:35 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 Baratta, Councilmember Trawinski (late).

ALSO PRESENT: Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

PRESENTATION TO MICHAEL L. ROSENBERG

Mayor Weinstein stated that Michael Rosenberg is an educator who is extremely involved in the community as a member of the Rescue Squad and Scout Master of Troop 53 which has produced 103 Eagle Scouts. He applied, with over 600 other teachers, to participate in the Presidential Academy. He was selected to represent New Jersey and spent 17 days in Philadelphia, Gettysburg and Washington. Mayor Weinstein pointed out that so many of the educators and volunteers in Fair Lawn do so much to enrich themselves which makes the town more productive.

Mayor Weinstein congratulated Mr. Rosenberg and read and presented him with a letter of commendation.

PRESENTATION FROM ASSEMBLYWOMAN WAGNER AND STATE SENATOR BOB GORDON

Senator Gordon presented Mayor Weinstein with a check for \$115,000 for the resurfacing of Phillips Street between Morlot Avenue and Berdan Avenue. Senator Gordon said that the District 38 Legislative team has a good relationship with the Engineering Department along with the entire Borough who lobby for DOT dollars. He thanked the Borough of Fair Lawn for their continuing support.

Assemblywoman Wagner stated that the Transportation Trust Fund will be depleted by 2011. Mayor Weinstein thanked Senator Gordon and Assemblywoman Wagner for all of their hard work on behalf of the Borough.

PROCLAMATION – PANCREATIC CANCER AWARENESS MONTH

The proclamation was read.

MANAGER’S REPORT

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

Assemblywoman Voss arrived at the meeting and congratulated everyone on the wonderful Street Fair that took place on Sunday.

MAYOR’S APPOINTMENT

Mayor Weinstein stated that he is appointing Michael Stoll to the Library Board. Mr. Stoll has been involved with the BCCLS System and will be a wonderful addition to the Board.

ORDINANCES ON FIRST READING:

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

ORDINANCE NO. 2168-2009

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED LAND DEVELOPMENT, MORE SPECIFICALLY SECTIONS 1125-66.B, 125-67.B, AND 125-68.B, IN ORDER TO INCLUDE ADDITIONAL ENTITIES AND INDIVIDUALS IN THE REVIEW AND COMMENT PROCESS OF CERTAIN DEVELOPMENT APPLICATIONS

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeschi, Resolution 349-2009 introducing Ordinance 2168-2009 was discussed.

Mayor Weinstein explained that this ordinance will add various groups to the checklist for Planning Board applications.

There being no further discussion, Resolution 349-2009 introducing Ordinance No. 2168-2009 was adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT #27-2009

Councilmember Trawinski arrived at the meeting at 7:50 P.M., and Attorney Rosenberg stated that he could vote on the Consent Agenda. Councilmember Trawinski voted in favor of the Consent Agenda.

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

- a. Resol. #350-2009 - Approval of Minutes
Special Meeting – 6/23/09
Work Session – 7/14/09
Special Meeting – 7/14/09
Closed Session – 7/14/09
- b. Resol. #351-2009 - Awarding Bid: Water and Sewage Pump Station Maintenance
- c. Resol. #352-2009 - Rejecting Bid: Courtroom Seating
- d. Resol. #353-2009 - Approval of Fire Board Actions
- e. Resol. #354-2009 - Extension of Bid: Fire Department and Fire Prevention Uniforms
- f. Resol. #355-2009 - Endorsing the Green Acres, Water Supply and Floodplain Protection, and Farmland Historic Preservation Bond Act of 2009
- g. Resol. #356-2009 - Confirming Endorsement of CDBG Application – Bris Avrohorn E.S.L., Inc. – Youth Program
- h. Resol. #357-2009 - Confirming Endorsement of CDBG Application – Bris Avrohorn E.S.L., Inc. – E.S.L. and Cultural

- i. Resol. #358-2009 - Appointment to the Environmental Commission
- j. Resol. #359-2009 - Supporting the Over the Limit Under Arrest
2009 Year End Statewide Crackdown

Mayor Weinstein referred to Resol. #355-2009 endorsing the Green Acres Water Supply and Floodplain Protection, and Farmland Historic Preservation Bond Act of 2009. The Open Space Committee noted their support for this initiative. Mayor Weinstein encouraged voters to support this next Tuesday.

COUNCIL COMMENTS

Mayor Weinstein reported on the successful Street Fair that was held on Sunday. He thanked the Chamber of Commerce and all of the participants for their hard work.

Mayor Weinstein stated that volunteer members of the Ambulance Corp attended the Work Session last Tuesday night. They suggested that every household member fill out a card detailing their medical situation which would be put into a bag that is hung on the door knob at the entrance to the bedroom. If the ambulance is called, all of the individual's pertinent information is contained on the card. Mayor Weinstein stated that information on this program will be publicized at the Library and on the Borough website.

Councilwoman Baratta thanked the Council and the Borough for their recognition of Pancreatic Cancer Awareness Month. She said that her father died from this devastating form of cancer and when it is detected it is already too late to do anything about it.

Councilwoman Baratta recalled that at a recent meeting a resident suggested a community garden. She said that information about the Community Garden will soon be available in the Community News, on Channel 77 and on the Borough website. They are looking for people who would be interested in this type of program. Councilwoman Baratta echoed Mayor Weinstein's comments on the Street Fair and she added that it was great to see so many people out.

Deputy Mayor Tedeschi stated that they are scheduled to go to arbitration with the Police Department on November 5th and, as a Council, they will be spectators. He recalled a similar situation in 1996 when the Council decided to try one last attempt at negotiations with the PBA and SOA at the eleventh hour. One of the conditions was that there would be no lawyers or administrators present only the PBA members and two Councilmembers. Deputy Mayor Tedeschi asked that a resolution be passed stating that they will reach out to the PBA asking them to stop the clock regarding arbitration and two Councilmembers will sit down with them to try to find common ground. He indicated that he would like to participate in any discussions.

Councilmember Trawinski said that this is an excellent idea. He recalled that in 1996 when they were able to meet face to face they were eventually able to settle the contract and there was give and take on the part of the Council and the PBA to the benefit of the citizens. The fact that the police are working without a contract impacts morale and he agreed that this is the time for discussions.

He also asked to be one of the Councilmembers included in the discussions if the Council decides to take this route.

Mayor Weinstein asked Deputy Mayor Tedeschi if he wanted to discuss this further now and Deputy Mayor Tedeschi indicated that he would. On roll call vote, all Councilmembers indicated their agreement.

Attorney Rosenberg said that he would reach out to the PBA labor attorney tomorrow. Deputy Mayor Tedeschi said that they cannot resolve anything other than a contract and Councilmember Trawinski said that he understands that they can't resolve morale issues.

Deputy Mayor Swain congratulated Mike Rosenberg and said that he is one of the outstanding residents of Fair Lawn. She spoke about the Street Fair and said that it is a wonderful opportunity to see the residents of the town come out and enjoy a wonderful day. Deputy Mayor Swain said that she was fortunate enough to attend the rally at FDU last week where President Obama appeared.

Councilmember Trawinski also congratulated Mike Rosenberg and echoed the Council comments on the incredible Street Fair. He thanked the Chamber of Commerce and the River Road Improvement Corporation for such a memorable day. Councilmember Trawinski thanked the League of Women Voters for their work on the debate which he participated in.

Councilmember Trawinski stated that he and Councilmember Baratta attended the Open Space Meeting and listened to the environmental presentation regarding the Topps clean up. He noted that the members of the public who spoke that reside on the east side of Plaza Road eluded to qualitative judgments being made by the consultants and Topps as well as the DEP as to where they stop testing for vapor intrusion in homes. There were at least three residents who expressed concerns and fears regarding the potential impact that vapor intrusion might have on them. Their homes are located across the street from houses that were studied. They were not given a clear answer on why their houses were not part of the study. Councilmember Trawinski sensed that the DEP has the power to have these homes included in the study and he said that the Council should support such a request. He asked that the Acting Manager place this on the next agenda for Council discussion.

PUBLIC COMMENTS

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

Barbara Gremillot, 1 Bristol Place, said that she is here to defend herself against Deputy Mayor Tedeschi's attempts to destroy her reputation. She became a member of the Recall Committee and this decision was dictated by her core belief in morality and ethics. The removal of Tom Metzler, the former Manager, is the reason she stepped forward.

Thousands of signatures were collected and she spoke of the lack of ethics, integrity and trustworthiness at many Council meetings. Ms. Gremillot stated that Mr. Tedeschi

has been known to undermine people and she said that she will not be silenced by him. She suggested that Mr. Tedeschi examine his conscious.

Deputy Mayor Tedeschi said that he would like to respond.

Harvey Rubenstein, 17-38 Chandler Drive, referred to the Manager's report that shows Public Service Electric and Gas invoice of over \$250,000 and he suggested that the Council find out what this billing is all about. Mr. Rubenstein expressed surprise that only Councilmembers Baratta and Trawinski attended the meeting with the DEP and he added that they are always in the forefront to try to move the Council to fight over zealous attempts to increase overdevelopment and raise taxes in the Borough.

Mr. Rubenstein recalled that several months ago he had suggested that the parking lot area of the Radburn Train Station be used to provide relief for the residents of Chandler Drive. He spoke about a safety condition on Croucher Lane which must be addressed in light of the Kodak property. There are serious flooding conditions in connection with the sewer system in this area.

Mr. Rubenstein confirmed that Mayor Weinstein and Michael Hakim attended the Historic Preservation Committee meeting. Mayor Weinstein stated that he and Mr. Hakim were preparing for a presentation to the County Open Space Committee meeting last Monday night in order to raise funds. Mr. Rubenstein stated that if the town wants a balanced Council, they need to vote for Councilmembers Baratta and Trawinski because they are in the forefront of protecting the Borough.

Jacqueline Perkins, Saddle River Road, said that she frequently travels north on Saddle River Road, turning left on Fair Lawn Avenue. She noted that it is difficult to see oncoming traffic coming from Glen Rock and she suggested a left signal light on both sides due to the amount of left hand turns. Councilmember Trawinski said that Fair

Lawn had asked the County to look at several intersections in the Borough about five years ago and this needs to be readdressed.

Cheryl Cashing, 1 Glenfair Road, asked for an update on the sewer evaluation. She recalled that money was allocated for this evaluation, however, since Mr. Metzler was fired nothing has taken place. Mayor Weinstein said that he would ask the Acting Manager to follow up on this with Malcolm Pirnie, the Borough's environmental expert. Ms. Cashing said that she understood that only Jasper Road and Glenfair Road were involved in this evaluation. Mayor Weinstein explained that they decided to segment the town and asked the environmental expert to cover the areas of the town that are experiencing a similar situation.

Councilmember Trawinski questioned Acting Manager Kwasniewski about this and she said that, even though the funds were appropriated, they were not used and they went into surplus. He asked Barry Eccelstein to have the new CFO look into funds that would be available for transfer because this has to be part of the budget process. They need to find out what the cost would be for the Jasper/ Glenfair segment.

Ms. Cashing asked who is in charge and what happened to the money allocated for this project that was initially discussed 2½ years ago. Mayor Weinstein indicated that the Manager at the time neglected this problem, however, Ms. Cashing said that Tom Metzler was extremely helpful to her regarding this matter. She said that Borough Officials should have made sure that the Borough Engineer was working on this issue and obtaining bids. Mayor Weinstein said that the Acting Manager will be at the work session on November 10th and this issue will be listed on the agenda.

Councilmember Trawinski said that after the Council was told that this job hadn't been bid, the Council asked the Manager for a status report on every pending project that had been authorized in order to monitor the progress of each job. He said that it is the Manager's responsibility to implement the requests of the Council and this will be addressed at the November 10th meeting as well.

Craig Miller, 5 Ramapo Terrace, stated that he attended the meeting on the Topps site clean up and he understood that the residents who want to be tested for the gases have to contact the client directly or the resident could have the test but would have to pay for it themselves. Councilmember Trawinski agreed with Mr. Miller, however, he said that in other remediation cases he is aware of the DEP case workers can persuade or order the party responsible for the remediation to go beyond the initial scope of the proposal. He believes that Heather Schwartz, the caseworker, has the ability to do this.

David Boone, President of the Fair Lawn PBA, thanked the Mayor and Council for passing the resolution regarding negotiations with the PBA earlier this evening. He indicated that the PBA would be open to discussions in the format that was described.

Harvey Rubenstein, 17-38 Chandler Drive, stated that a resident at the Topps meeting said that it is not his job as a resident and homeowner to conduct testing but it is the job of the Borough and professionals who were hired.

Mr. Rubenstein referred to the presentation by the Ambulance Corp last week about the door knob hangers for households in Fair Lawn. Mayor Weinstein talked about this tonight and Mr. Rubenstein suggested that it be funded through a grant.

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

ADJOURNMENT

Upon motion by Deputy Mayor Swain and second by Councilmember Baratta, the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Steven Weinstein

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Councilmember Jeanne Baratta

October 27, 2009
Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski