

REGULAR MEETING OF FEBRUARY 26, 2008

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 issues of December 14, 2007. 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, Councilmembers Baratta and Trawinski and Deputy Mayors Swain and Tedeschi.

ALSO PRESENT: Manager Metzler, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

PROCLAMATION: "READ ACROSS AMERICA DAY"

Mayor Weinstein read the proclamation.

MANAGER'S REPORT

Manager Metzler stated there was one addition to his report. The Office of Emergency Management is seeking volunteers between the ages of 16 and 65 years of age to clear the snow from sidewalks and walkways of residents who are senior citizens or disabled. To volunteer to help with snow removal or with questions about the program, please contact the OEM at 201-794-5314. At this time OEM is seeking volunteers for the program, not recipients. The program is not put together yet.

COUNCIL COMMENTS

Mayor Weinstein thanked everyone who was sitting on the dais and all of the residents in Fair Lawn, the staff of the Borough because he and his family had gone through a rough time the last few months. The love, warmth, affection and support they received were unbelievable. He thanked everyone for that.

Councilmember Baratta stated that there was a sparse crowd that night and she felt she knew why. The high school ice hockey varsity team is in the NBIO playoffs against Ramsey. The game had probably begun already but wished them the best of luck. Go Cutters!

This week the Council was invited to the Fire Co. #4 installation dinner. She thanked them for their hospitality and for including the Mayor and Council in their dinner every year. The one thing she learned at the dinner was there a family that has served the Fire Department for four generations and that family is the Cosgrove family. John

Cosgrove's son, also named John is now a member of Co. #4, which makes him the fourth generation Cosgrove to serve. She thanked them very much for their service to the Borough.

Deputy Mayor Swain offered congratulations to one of the Fair Lawn residents, Tony Trischka for being nominated for 2007 Best Bluegrass Album for a Grammy Award. He did not win but he was nominated. He is known as a bluegrass banjo master. He has a lot of projects going and has a child in the High School. She asked if anyone runs into him to offer their congratulations to him.

Councilmember Trawinski spoke in regard to the snow busters program and offered a special thanks to the former ADA Chairwoman, Diane Albarella, who mentioned the institution of this program and together with Jim Van Kruiningen put a lot of hard work and effort into this. They have been able to establish the outline of the program while insurance questions and liability issues held them up a little bit he felt they were moving in the right direction. If they don't make it this year, he is confident they will be providing a very much needed service next year to. It was not something he was aware of until he served on that committee. He asked anyone who was aware of any other issues that people with disabilities face, to attend the ADA Committee meeting on the last Thursday in March.

Councilmember Trawinski echoed Councilmember Baratta's comments about the Company No. 4 Installation Dinner and thanked them for inviting the Council as they always do. He congratulated all their new officers and he especially wanted to thank all of the fire fighters in Fair Lawn.

Deputy Mayor Tedeschi stated those were words well spoken in regard to neighbors helping neighbors shovel, and just because the program is not currently running, it does not prevent neighbors from helping neighbors. Many of them have snow blowers and it is a very easy walk down the sidewalk to help an elderly couple or someone that just can't get out. It will make each one of them feel good. He told Councilmember Trawinski that he did Diane Albarella's sidewalk.

He continued that he wanted to thank Detective Jim Corcoran on being named the Knights of Columbus Police Officer of the year. He does an outstanding job and it was nice that they recognized Detective Corcoran.

**MAYOR'S APPOINTMENT – Historic Preservation Commission
- Amy Hummerstone**

Mayor Weinstein announced the appointment of Amy Hummerstone to the Historic Preservation Commission.

ORDINANCES ON FIRST READING:

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

ORDINANCE NO. 2108-2008

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES AND PENALTIES

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 81-2008 introducing Ordinance No. 2108-2008 was discussed.

Manager Metzler explained this ordinance addresses the fee schedule changes for the Municipal Court, Health Department, Construction Office and the Zoning Office.

There being no further discussion, Resolution No. 81-2008 introducing Ordinance No. 2108-2008 was unanimously adopted.

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

ORDINANCE NO. 2109-2008

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" WITH RESPECT TO THE PROCESSING OF FOOD HANDLER'S LICENSE / MINOR SITE PLAN APPLICATIONS BY THE BOROUGH OF FAIR LAWN PLANNING BOARD

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 82-2008 introducing Ordinance No. 2109-2008 was discussed.

Attorney Rosenberg stated this Ordinance amends Chapter 125-65 and 125-85 to give the Planning Board Secretary the ability to review food handlers licenses that are presented to the Planning Board and make a preliminary determination as to whether or not a full public hearing would be required. This is at the recommendation of the Planning Board. This ordinance will go back to the Planning Board for their statutory review before the second reading.

There being no further discussion, Resolution No. 82-2008 introducing Ordinance No. 2109-2008 was unanimously adopted.

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ORDINANCES ON SECOND READING:

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

ORDINANCE NO. 2105-2008

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COUNTY OF BERGEN, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM@

There being no comments by the public, upon motion by Councilmember Trawinski and a second by Councilmember Baratta, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 83-2008 adopting Ordinance No. 2105-2008 was discussed.

Manager Metzler stated this ordinance will allow the Borough to process \$10,000 from the Community Development Block Grant for barrier free improvements.

There being no further discussion, Resolution No. 83-2008 adopting Ordinance No. 2105-2008 was unanimously passed.

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

ORDINANCE NO. 2106-2008

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED ADMINISTRATION, DEPARTMENT AND BUDGET AND FISCAL PROCEDURES@ MORE SPECIFICALLY SECTION 2-89 ENTITLED A DIVISION OF ELECTRICAL SERVICES@

There being no comments by the public, upon motion by Councilmember Trawinski and a second by Councilmember Baratta, it was unanimously agreed to close the time for public hearing.

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Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 84-2008 adopting Ordinance No. 2106-2008 was discussed.

Manager Metzler stated this ordinance will eliminate the responsibility for design of any new electrical installation by the Division of Electrical Services.

Deputy Mayor Tedeschi wondered if there would now be any additional design costs added to projects. Manager Metzler stated that in any large scale projects the Borough is doing the design costs are part of the project.

There being no further discussion, Resolution No. 84-2008 adopting Ordinance No. 2106-2008 was unanimously passed.

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

ORDINANCE NO. 2107-2008

“AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE COMMUNITY DEVELOPMENT REVENUE SHARING PROGRAM THEREFORE.”

There being no comments by the public, upon motion by Deputy Mayor Tedeschi and a second by Councilmember Baratta, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 85-2008 adopting Ordinance No. 2107-2008 was discussed.

Mayor Weinstein stated this is another receipt of funds from the Community Development Grant program in which the Borough is receiving \$50,000 for Senior Center Improvements.

There being no further discussion, Resolution No. 85-2008 adopting Ordinance No. 2107-2008 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

MOTION TO TAKE RESOLUTION NO. 77-2008 OFF THE TABLE

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Resolution No. 77-2008 was unanimously taken off the table.

RESOLUTIONS BY CONSENT # 5-2008

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda 5-2008 containing the following items was unanimously passed.

- a. Resol. #77-2008 – Authorizing Renewal of Massage Establishment – BRC Sauna & Spa
- b. Resol. #86-2008 – Approval of Minutes:
 - Reorganization Meeting 1/2/08
 - Work Session 1/8/08
 - Closed Session 1/8/08
- c. Resol. #87-2008 – Refund of Overpayment of Taxes
- d. Resol. #88-2008 – Authorizing Renewal of Massagists Licenses for BRC Sauna & Spa
- e. Resol. #89-2008 – Opposing Revisions to the Wrongful Death Statute
- f. Resol. #90-2008 – Authorizing an Application to the Division of Local Government Services for the E-Procurement Pilot Program and Waiver Request
- g. Resol. #91-2008 – Professional Services: Green Acres Appraiser
- h. Resol. #92-2008 – Rescind Award of Bid: Ambulance Service
- i. Resol. #93-2008 – Approving the LOSAP Certification List
- j. Resol. #94-2008 – Indemnification of Police Chief Rose
- k. Resol. #95-2008 – Award of Bid: Tree Planting
- l. Resol. #96-2008 – Appointment of Chairperson of the Shade Tree Advisory Committee
- m. Resol. #97-2008 – Appointments to the Youth Advisory Committee
- n. Resol. #98-2008 – Appointments to the Fair Lawn Recreational Facilities Review Committee
- o. Resol. #99-2008 – Appointments to the Property Maintenance / Facelift Committee

RESOLUTION NO. 100-2008 – Approval of Minutes:

Work Session 12/3/07
Closed Session 12/3/07
Regular Meeting 12/11/07

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Work Session 12/18/07
Special Meeting 12/18/07
Closed Session 12/18/07

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 100-2008 was approved with Deputy Mayor Swain abstaining.

PUBLIC COMMENTS

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

Arlene Rubinstein, 28 Rutgers Terrace stated it was very obvious that they have lost the battle with the Naugle House and thirteen buildings will be built. The Planning Board

has a fiduciary responsibility to ensure against flooding of the homes along Saddle River Road by insisting that more than 100 trees should replace the 900 trees existing on the property especially since the Zoning regulations require 741 trees for this site. The Mayor and Council have a responsibility to maintain the gateway streetscape of this suburban borough not urban borough by ensuring that the first building is at least 25 feet back from the 13 feet dedicated to the County for road widening of Fair Lawn Avenue. The first building should not be sitting on Fair Lawn Avenue. They also have a responsibility to ensure that no more than 13 buildings go on this property by insisting that the dedicated Naugle House and property surrounding it is 50 x 100. They should also be cognizant that the developer does not slip a third floor into the building.

Mrs. Rubinstein felt if they are truly concerned about the environment they should pass an ordinance that all of the developments that are being planned should use light emitting diode bulbs in the street lights so that the Borough can save on the electrical bills and reduce carbon monoxide emissions.

She suggested that Mayor Weinstein lead the school children to the Freeholders meeting to request that the County buy and add the Naugle House to the County Park.

Harvey Rubinstein, 28 Rutgers Terrace, spoke about the over development at Naugle House, the Kodak property and the Landmark deal. He felt one had to be at the Work Session to appreciate the request for a zone change for the property on Route 208. The Record called it a snapshot of the future. The developers gave a polished and smooth pitch describing how they will “urbanize” the 9.6 acres in this suburban town to its maximum. They downplayed contamination of the site and traffic.

The developer has proposed a food store something like Trader Joes or Whole Food Stores but they did not mention that the food stores will need tractor trailers to deliver the merchandise. The three roads they propose all lead to Fair Lawn Avenue. They did not say where approximately 400 tenants’ cars will park on the weekends and the

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shoppers are at the store. The developers did not comment on what impact those stores will have on existing businesses in the Borough. He thought the Council had an obligation to protect their interest. It seems the Council will like the urbanization of this property because it will help with the State mandated affordable housing.

The developer’s planner, Mr. Stack, said the State would love the fourth floor bonus because it is within a half mile of the train station. He felt Mr. Stack did not realize that half the Borough is within a half mile of the train stations, therefore, the Borough is a transit village without the extra bonus. He will leave it to others to discuss the overcrowding at Westmoreland and other schools.

Mr. Rubinstein stated he would like to give Councilmember Baratta credit for the comment she made regarding having more companies like Nabisco or an industrial park. He has said over and over that they should call it a commercial or business park. He wondered why the Borough website makes no mention of the Borough’s tremendous location; nearness to New York City and access to all major highways that lead to New

down over 900 trees around the Naugle House. There will be 13 units proposed. He felt they should keep this open land and tie it into the County Park.

Bob Wallace, 11-06 Alexander Avenue, said he echoed the sentiments about Manager Metzler. They don't always agree on issues that they have discussed but he is honest and gives the answers. He wanted to commend all of the Borough employees on the excellent job they did removing the snow from the last snowstorm. The roads were cleared and the employees should be commended.

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

Manager Metzler stated that the Mayor and Council will be continuing the presentation of the Manager's Budget this Saturday, in Room 201 at 9:00 a.m. They will be wrapping up the Municipal presentation along with the Water Utility. They have scheduled DPW, Police and Parks and Recreation for their budget presentation. They expect to be there well into the afternoon.

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Trawinski and second by Councilmember Baratta, the meeting was adjourned to Work Session at 8:20 p.m.

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Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski