

## **REGULAR MEETING OF MARCH 11, 2008**

Mayor Weinstein called the meeting to order at 7:44 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, Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

### **POLICE AWARDS**

Chief Rose stated that they were going to recognize his officers that do a great job. He gets many e-mails and letters telling him what a good job his officers do. Those letters and e-mails are given to the Mayor and Council. As good a job these officers do, they do much more and now he and his department want to recognize some of those officers.

Sergeant Bastinck said he has been a Police Officer for 18 years and the town is much busier than when he came on the force. In the last two years they have added officers and are now have 64 officers. They have developed a Traffic Division and added to the Community Policing. They are in the process of installing a state of the art computer system, which will be second to none in Bergen County. They now have simunition training with the departments having full day training on a monthly basis. The equipment is pretty good and he felt things were better than they were years ago. He wanted to thank the Chief, the Administration and the Mayor and Council for listening to them.

The following officers were given awards: Honorable Service Bar – Officer Egan, Certificate of Merit – Officer Evangelista, Detective Ietto, Exceptional Duty Bar – Officer Leitman, Officer Check, Certificate of Merit – Officer Yuskaitis, Detective Corcoran, Honorable Service Bar – Detective Sergeant Uttel, Sergeant Metzler and Officer Macys. A doggie bone certificate was

given to Officer Vasquez for administering oxygen to a dog he saved from a home with an active garage fire.

### **COUNCIL COMMENTS:**

Mayor Weinstein thanked the whole Police Department and especially the ones being honored tonight. He also complimented the Office of Emergency Management, Fire, and Ambulance and Police for the tremendous job they did over the weekend during the storm. There were three separate power outages and everything was cleaned up following that storm in a short time.

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Councilmember Baratta echoed Mayor Weinstein's comments because one of the best things about being on this Council are nights like this when they get to honor the Police Officers.

She also thanked the Knights of Pythias for inviting her and the rest of the Council to their dinner and presentations for their Bike-a-thon. Their Bike-a-thon helps so many charities, especially Autism Speaks and local emergency services. She felt it was important to thank the Pythians for all of the good work they do.

Councilmember Baratta continued that March has been named Brain Injury Awareness Month. It is a critical time when the Brain Injury Association of America and its partner strive to build public awareness and education by producing and distributing important education information tools. Only by raising awareness of this epidemic of brain injury will they begin to see a decrease in the alarming increase of injuries sustained every year. She mentioned a fund raiser hosted by Christine Nun. Christine is an executive Chef of the awarding winning Picnic and she hosts Cooking with Christine which can be seen on Fair Lawn TV. Christine is teaming up with Sara Molten from the Food Network for a benefit for a little girl, Kaley Smith. Kaley suffers from a depilating brain disease and insurance just does not cover all of her medical costs. This benefit is being held on March 19 at the Ridgewood Women's Club.

Deputy Mayor Swain thanked the Police, Fire and Emergency workers who did a great job this weekend with the storm. There was awful damage on Owen Avenue and they were fortunate that no one was hurt during the storm.

She stated that the Community Center which hosts the Hurdy Gurdy folk music club is having a great season. They recently had a sold out show. If anyone is interested in their upcoming performances, they should book their tickets now.

Deputy Mayor Swain continued that besides National Brain Injury Month it is also National Nutrition Month. She encouraged everyone to be healthy. She spoke about the Borough employees who are participating in an active nutrition program and thought they should congratulate them and also join them by doing healthy things every day.

Councilmember Trawinski echoed the Mayor and the other Councilmember's comments and gave a heartfelt thank you to everyone in the Fair Lawn Police Department including the



Harvey Rubinstein, 28 Rutgers Terrace questioned the fees for building construction renovation. He did not hear this subject being discussed at a Work Session. Manager Metzler said the increases were either by percentage or consistent with the fee schedule as posted by the State. They were discussed in Work Session and they were even asked to go back and revise the Health Department fees.

There being no comments by the public, upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, 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 Tedeschi, Resolution No. 102-2008 adopting Ordinance No. 2108-2008 was discussed.

Deputy Mayor Tedeschi stated he had some questions regarding section 1, chapter 241 Water - Fixed service charge – main charge. He thought the charges seem to be a little excessive. He checked the minutes and believed they would increase the rates for 2008 for the service charge.

Deputy Mayor Tedeschi made a motion to amend Ordinance 2108-2008 so that the only increase would be for 2008. The increases for 2009, 2010 and 2011 would be deleted from the ordinance.

Attorney Rosenberg stated the motion to amend this particular section of the ordinance would not be a material change which would require re-publication since they are just tabling increases in the years 2009, 2010 and 2011.

Deputy Mayor Swain seconded the motion.

Councilmember Trawinski stated he had no problem with it but he checked back against the chart that they received from the Manager when they discussed this back on December 18, 2007 and found it to be consistent with what they had discussed. He thought they had agreed to at least as long as the five of them are sitting on the Council to look at these fees.

Mayor Weinstein thought that was a good way of forcing the issue so that each Council going forward will look at the fees each year.

Upon motion by Deputy Mayor Tedeschi and seconded by Deputy Mayor Swain, the motion to amend Ordinance 2108-2008 was unanimously passed.

There being no further discussion, Resolution No.102-2008 adopting Ordinance No. 2108-2008 as amended was unanimously passed.

Upon motion by Deputy Mayor Swain 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. 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**

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There being no comments by the public, upon motion by Councilmember Baratta and a second by Councilmember Trawinski, 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. 103-2008 adopting Ordinance No. 2109-2008 was discussed.

Attorney Rosenberg stated this Ordinance amends Chapter 125 of the Land Development Ordinances of the Borough and allows the Planning Board Secretary some discretion in reviewing the applications for a food handler's license to determine whether or not a public hearing would be required. It also reduces the preliminary application review fee to \$50. He added that they have a letter from the Planning Board Secretary dated March 11, 2008 which indicates that the Ordinance was reviewed by the Planning Board in accordance to the Municipal Land Use law and was deemed consistent with the Master Plan and recommends adoption.

There being no further discussion, Resolution No. 103-2008 adopting Ordinance No. 2109-2008 was unanimously passed.

**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.

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

**RESOLUTIONS BY CONSENT # 6-2008**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, Consent Agenda 6-2008 containing the following items was unanimously passed.

- a. Resol. #104-2008 – Approval of Minutes:

Regular Meeting 1/15/08

Closed Session 1/15/08

- b. Resol. #105-2008 – Return of Performance Bond – Fair Lawn Commons, LLC
- c. Resol. #106-2008 – Shared Services Mutual Aid Agreement – Critical Incident Task Force
- d. Resol. #107-2008 – Award of Bid: Generator Maintenance
- e. Resol. #108-2008 – Refund of Overpayment of Taxes
- f. Resol. #109-2008 – Authorizing Tax Appeal Settlement – CK Bergen
- g. Resol. #110-2008 – Cancel Taxes on Property Assessed in Error 2007/2008 by Realty Appraisal Company - Paradiso
- h. Resol. #111-2008 – Veteran Exemption – Block 4313, Lot 37
- i. Resol. #112-2008 – Veteran Exemption – Block 5618, Lot 30

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- j. Resol. #113-2008 – Memorializing Action Taken by Mayor & Council Regarding Acquisition of Vehicle

**RESOLUTION NO. 114-2008 – AUTHORIZING TAX APPEAL SETTLEMENT –  
INSERRA SUPERMARKETS**

Upon motion by Deputy Mayor Swain and a second by Deputy Mayor Tedeschi, Resolution No. 114-2008 was approved with Councilmember Baratta and Councilmember Trawinski recusing themselves.

**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.

Arlene Rubinstein, 28 Rutgers Terrace, wondered if this Council had ever asked for an accounting of every dollar that went into the SID. Mayor Weinstein stated the SIDs get audited every year and copies are given to the Municipal Clerk's office.

Mrs. Rubinstein wondered if Don Smartt made money from these SIDs. Fair Lawn areas are being taxed twice. She has seen that other towns have eliminated their SIDs. Mayor Weinstein stated that the SIDs have been in business for a number of years. Their mission has been to combat the malls. He felt the issue for her was the Administrator.

Mrs. Rubinstein stated in other towns the Chamber of Commerce does what these SIDs do. She felt that Fair Lawn could not compete with the malls. They should look at Ridgewood and try to emulate them. Mayor Weinstein felt that River Road was a good example of revitalization although Mrs. Rubinstein disagreed.

Suzanne DiGeronimo, 16 Beekman Place, spoke about an article she read in the newspaper about drugs in the water. She said that Fair Lawn receives its water from Passaic Valley which comes from contaminated water. She talked about the Topps area releasing a large plume of

toxins that went over Radburn. She also spoke about the Kodak site as being a superfund site. It is the worst of the worst in Fair Lawn. It has polluted three drinking wells over the years. She felt they should be asking what the pollutants were on the Kodak site and how far the plume went. Mayor Weinstein explained that he was told it was not a superfund site. The Borough has gone out for RFQ's for an Environmental Expert. Mrs. DiGeronimo stated the EPA has listed Kodak as a superfund site.

Deputy Mayor Tedeschi invited Mrs. DiGeronimo to the next Environmental Meeting. At the last meeting they spent two and a half hours reviewing every site. Mrs. DiGeronimo asked Deputy Mayor Tedeschi what the pollutants were on the Kodak site. Deputy Mayor Tedeschi stated he would find out.

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Councilmember Trawinski stated those three wells were shut 20 years ago and have not pumped any water since that time.

Deputy Mayor Swain invited her to attend any Planning Board meeting to hear about every environmental issue.

Harvey Rubinstein, 28 Rutgers Terrace, stated at last night's Planning Board meeting he heard that the Kodak site was under the control of the State DEP and Federal EPA. The ground water is not cleaned up and the Borough should look at where the water is coming from. They are talking about severe health issues.

Mr. Rubinstein stated that the President of Columbia Bank felt it would be a bad idea for retail on the Kodak site.

Mr. Rubinstein spoke about a Board of Education bus that came in for service and was not safe. Manager Metzler informed him that one bus came in for an oil change and the mechanics did a safety check on everything and came up with a number of deficiencies which were repaired.

Lisa Yourman, 66 Nottingham Road, commended the Office of Emergency Management for the good work they did during the storm. She was glad that everything was done in a calm manner. She felt that the OEM Director does a fine job and it would be a disservice to cut his salary. Manager Metzler explained why budget cuts had to be made. Councilmember Trawinski suggested taking the funds for the sixth police car and putting it into the OEM salary. He was amazed that as a Council they have been considering a 42 million dollar budget which does not get mentioned in the paper but an item about a \$21,000 car gets a lot of attention in paper. He said that the State cut \$440,000 in aid to Fair Lawn. Mayor Weinstein said that \$443,000 was taken from Fair Lawn after the budget was prepared. There are many things they have to look at.

Mrs. Yourman spoke about shared services and the buses that were repaired by the Borough. She said once the driver steps on a bus, there are 69 items that they must check. She said

the Board of Education sent the bus to the Borough for an oil change not a once over. Manager Metzler explained that they were told that the Borough would do a full safety check. There was a discrepancy with the end result and the Board of Education was never billed more. He said he used to run the mini-bus service for Fair Lawn and knows that when it went in for oil change the mechanics would find other things.

Mrs. Yourman continued to express her concerns about the safety of all the buses. Mayor Weinstein informed her that the buses are a Board of Education issues.

Sheryl Cashin, 1 Glenfair Road, stated she was concerned about the safety of the buses. Manager Metzler stated that the Borough and the Board of Education had an agreement for maintenance of the buses. The Borough's mechanic does a full safety check each time the bus in on the lift.

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Mayor Weinstein stated this is a shared service that takes time to work out between the two parties. They have not met with the Board of Education in several months. When they do these items will be worked out.

Mrs. Cashin asked about the money allocated for the study on the sewer infrastructure. Mayor Weinstein stated there is \$125,000 in the budget for it. Mrs. Cashin asked what happens next. Mayor Weinstein stated the budget will be wrapped up next Tuesday. Mrs. Cashin stated she will talk to Manager Metzler about it.

Deputy Mayor Tedeschi suggested they talk to the Board of Education about the buses.

Maureen Moriarity, 14 Burnham Place, stated the Fair Lawn Historical Preservation Commission had received an application for \$19,500 for the Naugle House for a grant from Bergen County. Mayor Weinstein stated that there would be public hearing for that tomorrow. Ms. Moriarity stated that Manager Metzler was very helpful in preparing the grant.

Manager Metzler stated that Fair Lawn TV is in need of people to operate the equipment. They will take High School students. He asked that they call his office and he will pass it on to FLTV. He encouraged anyone that might be interested to give him a call.

Harvey Rubinstein, 28 Rutgers Terrace, said that at the Planning Board meeting last week, Mr. Smartt said there was a company from New York that was looking at the Borough of Fair Lawn but they needed 24 foot ceilings. He questioned if this Council was made aware of this. There are always variances that can be sought. Mayor Weinstein stated the Council was not made aware of that. He thought the point he was making was that companies look for different size spaces. Mr. Smartt was trying to say on Route 208 there would be more room for larger space.

Councilmember Trawinski stated he asked Mr. Smartt who stated this was a case of nothing being available at this time that meet the space requirements of the company. It was not just about the ceiling height.

Mr. Rubinstein felt that there could be room on the Kodak site. Councilmember Trawinski stated that would be between the developer and the company.

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

**CLOSED SESSION RESOLUTION – PERSONNEL – INDEMNIFICATION OF POLICE  
CHIEF ROSE**

Upon motion by Councilmember Trawinski and seconded by Councilmember Baratta, the following closed session resolution was unanimously adopted at 9:08 p.m.

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**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 Personnel – indemnification of Police Chief Roset; and

**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 TO CLOSED SESSION**

Upon motion by Councilmember Trawinski and second by Councilmember Baratta, the meeting was adjourned to Closed Session at 9:08 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