

REGULAR MEETING OF JUNE 10, 2008

Mayor Weinstein called the meeting to order at 8:05 p.m.

In accordance with the Open Public Meetings Act, notice of the change in time was published in The Record issue of June 1, 2008 as well as the 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 notice identified the times and locations of the Council meetings and work sessions.

PRESENT: Mayor Weinstein, Councilmembers Baratta and Trawinski (late) and Deputy Mayor Swain.

ABSENT: Deputy Mayor Tedeschi

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

NAUGLE KIDS SUPPORTING THE PRESERVATION OF THE NAUGLE HOUSE

Mayor Weinstein stated that tonight there were a group of special visitors here on a return visit in regard to the Naugle House. They appeared at the County because they won an award for Historic Preservation.

Mayor Weinstein read a letter from the Naugle Kids thanking the Borough for putting up the fence and it was signed by all of the children. They are famous throughout the County and probably the State.

Brenda Bilosky thanked them for all of their support for getting the fence up around the Naugle House. As they know, the Naugle House is very important to her and her friends. Now that the Borough is protecting the property, she asked if the Borough could start to clean it up. Please start by raking the leaves, planting flowers and trees and also grass seed so that this historical house will have nature. She thanked them and hoped they would help her succeed.

Mayor Weinstein stated the Borough does not yet own the house and therefore it is outside of the Council's control to be able to let anyone go on to the property until such time that would occur. Mayor Weinstein stated the Council will follow up to make sure the property is safe before anyone is allowed on the site. He thanked them for coming to the meeting again.

Mayor Weinstein stated this is the 2008 Historic Preservation Commendation Award to the Naugle kids of Fair Lawn and it is signed by County Executive Dennis McNerney and all of the Freeholders.

Brooke Bolofsky thanked them for putting up the fence around the Naugle House. She really appreciates all they have. The next step is to clean up the outside property to make it even

more beautiful. It would be nice if they could plant flowers. She asked them to please help the kids continue to save the Naugle House and let's start by making it beautiful.

Bridget Maresca thanked them for putting up the fence around the Naugle House. They would like to clean up the garbage that is making the yard a mess. They would like to work at making the Naugle House a special museum. She asked the Mayor and Council if they would please help them because it is very important to them.

Eric Bal, 1433 46th Street, North Bergen, New Jersey, President of the First Mountain Chapter of the New Jersey Society of Sons of the American Revolution, stated the Naugle House came to their attention when one of their members provided news information about its risk of being removed to allow for development. He asked the Council to take special consideration for this property. He realized they are not the Planning or Zoning Board but they do have special powers as the Council to designate the property as a landmark and put it in the registry and give it the strongest possible protection. There is also the Vanderbeck House which is located nearby. The two of them with the land around them become an enclave which is for Fair Lawn, very special. It provides a heritage that many municipalities do not have. He believed they only have four revolutionary enclaves in the town. Once one is removed, there will never be any more.

Mr. Bal advised they are trying to locate documents to collaborate what the local historian says is oral tradition and that is during the Revolutionary War, the Naugle that occupied the house was a paymaster for General Lafayette. After the Revolutionary War in 1824, when Lafayette came back to the United States he stopped at this house to visit his paymaster. His Chapter voted unanimously to support the protection of this enclave. Their Chapter covers Bergen, Essex and Hudson counties. The heritage that the Borough has is of great importance to the future. After everyone is gone the heritage for all that occupy Fair Lawn in the future is very important. He did not think any temporary tax rate would even compare to the heritage that would be lost into perpetuity. He asked, on behalf of the First Mountain Chapter of the New Jersey Society of the Sons of the American Revolution that as a Council they consider designating this enclave, not just the Naugle House, but also the land and the Vanderbeck House which would preclude any development as a landmark.

Kevin Gunn, 354 Maple Avenue, Oradell, New Jersey he has the same interest in the Naugle House. He commended the Naugle Kids for what they have done. He, too, feels as though they need to recognize the historical significance of the area. They will be doing research to ascertain the connection of the Naugle House and Lafayette. He thought it was a worthy cause to make sure it was here for future generations.

Mayor Weinstein stated that through the work of the Historic Preservation Commission and Open Space Commission all of this has been brought to the Council over a month ago. The Borough Attorney is working on a historic preservation ordinance which they will look at. It has been initiated by the Naugle House as well.

Councilmember Baratta wondered why both pieces of property were significant that they stay together that way.

Eric Bal stated the Naugle House having its connection to the Revolutionary War period is of particular significance to his organization. He understood that the Naugle House dates back to the Revolutionary War period as well and common ownership. The land around the house down to the Vanderbeck House and down to the river, if preserved as an entire enclave would be a special area. It protects the heritage that is there. The land that is down to the river could be made into a park area. The quick fix for development and ratable would not be worth losing this enclave since there are only four properties left like this. These properties are dwindling across the state. There will come a time when people will want to come to visit so he felt it would be an asset to the Borough.

Mayor Weinstein thanked the Naugle kids and the Sons of the Revolution for coming tonight. He congratulated them on winning that award. He also thanked Mr. Bal for the little bit of history he gave them.

COUNCIL COMMENTS:

Mayor Weinstein stated a few weeks ago he and Councilmember Baratta with the leadership of Jim Van Kruiningen had a tremendous canoe regatta. There were ten canoes and two complete runs. The Boy Scouts caught 35 fish. There were tours of the river walk led by the Historic Preservation Commission. It was a wonderful day.

Councilmember Baratta thanked the Naugle kids for coming. She spoke about the terrific time they had at the canoe regatta. She felt it was a success. Jim Van Kruiningen did a spectacular job setting it up. There were a fleet of boats in the water. Alliance was there giving out breakfast and Rescue gave out lunch. Trophies were given out and a good time was had by all. She looks forward to it next year.

Deputy Mayor Swain thanked the Naugle kids for their presentation and their persistence in bringing this issue to the Council and to all of the residents of Fair Lawn. She mentioned that she had the pleasure of running in the Torch Run this past Friday with the Police Department. It was a great experience getting to know some of the officers and getting to be familiar with another cause which was the Special Olympics. She felt very fortunate for the Police Officers that do such a great job. They get letters from residents thanking the Officers or Rescue when something happens in their homes. She felt they were fortunate for the services they have.

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.

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

RESOLUTIONS BY CONSENT # 13-2008

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, Consent Agenda 13-2008 containing the following items was unanimously passed.

- a. Resol. #186-2008 – Approval of Minutes:
Work Session 3/18/08
Budget Meeting 3/25/08
Regular Meeting 3/25/08
- b. Resol. #187-2008 - Refund of Overpayment of Taxes
- c. Resol. #188-2008 – Requesting Bus Shelter on Century Road at Dunkerhook Road
- d. Resol. #189-2008 – Authorizing Execution of an Agreement for Textile Recycling
- e. Resol. #190-2008 – Renewal of Liquor Licenses 2008-2009
- f. Resol. #191-2008 - DOT Grant Application - Roadway Improvements for Pellack Drive

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.

Councilmember Trawinski arrived at 8:20 p.m. stated he did not believe he would be able to make it tonight.

Walter Weglein, 18 Ramsey Terrace stated a petition is going around to place a referendum on the November ballot asking the Council to buy the Heyward tract under eminent domain using available open space funds. At the same time, people living in the vicinity of Daly Field, outside of Radburn, have received fliers that state anticipated high density construction on Daly Field and the Heyward tract poses a threat to Fair Lawn's quality of life.

Mr. Weglein read a letter he had received from Barbara Besold, 25-08 Berdan Avenue regarding the pamphlet she received about Daly Field. She asked that she be added to their alert list. It grieved her to see what little open space that is left is slotted for development. She asked to be informed so that she and her neighbors could help assure that Daly Field and Heyward tract would remain green.

Barbara Besold, 25-08 Berdan Avenue, stated she lives across from Daly Field. There is notorious flooding problem on the corner of Berdan Avenue and Remington Road. She felt if Daly Field and the Heyward tract were developed that would decrease the amount of ground space to soak up residual rain water and would only increase the potential for flooding. Mayor Weinstein stated they are in litigation to prevent those areas from being developed.

Claude Bienstock, 39-11B Broadway, stated he supported the preservation of the Naugle House. He thought it was a good idea to preserve important historical places. If actions are not taken to preserve it, it could go up for sale like the Garretson Forge did. Thankfully the Council and residents in the community acted upon it and stopped it from being sold.

Harvey Rubinstein, 28 Rutgers Terrace, stated there was no interest from the business community to attend the meeting about the added assessment. He felt it was time to put the EDC out of business since they lost \$90,000 in taxpayer money. Mr. Rubinstein is tired of hearing that the industrial park is tired and worn out. He works in a Federal government office with responsibility from the Raritan River to Highpoint, his work takes him into industrial parks, business parks, and main streets and there is still plenty of manufacturing going on in this State. He thought that a lot of manufacturing could be attracted to Fair Lawn.

Mr. Rubinstein spoke about the three parking spaces he discovered at the Community Center. Thanks to an Ambulance parked in the front, he realized they could park several Recreation vehicles along the fence. There would still be enough room for a fire truck or garbage truck to get through.

The fiberglass is coming off the bleachers and getting on their skin and clothes. He suggested that the Board of Education change the seats. Mayor Weinstein stated at the last meeting the bleachers were discussed. They are in good shape but the seats would need to be repaired. This was the first time they ever spoke about it.

Stan Hayden, 12 Beekman Place, stated there is considerable information in the public domain about the Route 208 corridor and the toxic dumps that are there. Anyone interested in a complete report can call 212-637-3140 which is the United States Department of Environmental Protection Agency and ask for the report on the Fair Lawn well field site. It is a legal document but it is technical. Sometime ago, at a Work Session, one of the principals that were planning on putting residences there, stated as far as he knew the soil was clean and no work had been done by the New Jersey DEP for 10 years which he offered as evidence. At the last Work Session, a member of the League of Women Voters stated that she called Trenton and spoke to the case manager who said she was overwhelmed because she had over 200 cases. At the time, she had no information to give anyone. There is an agreement between Fischer Scientific and Kodak where they are required to clean up the site. The date of the agreement was December 2007.

Mayor Weinstein stated several times Mr. Hayden has come in and said it was a toxic dump but the truth of the matter is the Mayor and Council would not allow any type of development there until it is safe. That is why they have brought on board their own environmental expert, which is Malcolm Piernie, and there was a consensus to have the expert go out to the site and determine whether or not it is contaminated. He is going to wait to hear from the expert before he makes a decision or comments on it.

Mr. Hayden stated he would like an impartial opinion. Mayor Weinstein stated they are there to protect the residents of Fair Lawn and that is why they hired an environmental expert. Councilmember Baratta indicated her "no" vote was for the person hired not for the concept of an environmental expert.

Anna DiNardo, 13-06 Second Street, thanked everyone who had something to do with the canoe race on the river. The volunteers, the organizations and the Mayor and Council, they had the time of their lives, it was amazing. It was very enjoyable.

Councilmember Trawinski stated Jim Van Kruiningen, the Manager's Assistant, deserves a lot of credit for doing a lot of work.

Howard Mark, 12-23 Ferry Heights, wondered if it was possible to see the agreement with the developer of the Naugle House. Attorney Rosenberg advised the agreement is public record.

Mr. Mark stated based upon the rough sketch, there may be a little problem in the northeast corner because two of the houses are in a flood plain. Mayor Weinstein stated he believed at the Open Space meeting, Mr. Kortright stated that the Naugle situation will be before the Planning Board on July 14th. He suggested that he attend that meeting.

Mr. Mark stated the residents of Fair Lawn should be pushing for an open space preservation ordinance. Mayor Weinstein stated he would like to know more about that. Councilmember Trawinski stated his problem with the ordinance is it requires the Borough to give greater density to developers than they would otherwise give in return for the preservation of what he thought should be the developer's obligation anyway. Under the Borough's site plan and subdivision ordinance areas must be set aside for open space. While the theory is nice it gives greater density. That is the last thing the Borough can afford is greater density. He spoke to people at the Radburn Street Fair who asked him to keep up the fight to save Daly and Heyward because the last thing they need is to add 15 to 18 units to the fields.

Mr. Mark stated his motive was to save more land instead of letting the developer use an entire lot. The Naugle House development is just too many houses. Councilmember Trawinski stated that was a very difficult decision. They also tried to preserve something with a Historic structure hopefully at no cost to the residents. Right now it is up to the Planning Board. That was a trade off that was not easy. There are things they inherited from years ago. He said settling the lawsuit and the preservation of the Naugle House cost them 13 units.

Mayor Weinstein stated that the owner sold it to a developer. It was too late when the Borough was brought in. The developer has agreed to transfer it over to the Borough for \$1. It will cost the Borough more than a dollar at this point. Mr. Mark said his motive was to save the Naugle House and more of that land. Mayor Weinstein suggested his comments about the two houses should be brought up at the Planning Board.

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

ADJOURNMENT

Upon motion by Councilmember Baratta and seconded by Councilmember Trawinski, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Absent

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski