

REGULAR MEETING OF JUNE 24, 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 notice identified the times and locations of the Council meetings and work sessions.

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

ABSENT: Deputy Mayor Tedeschi

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

MANAGER'S REPORT

Manager Metzler said there were no changes or additions to his report.

COUNCIL COMMENTS

Mayor Weinstein invited the residents to the annual fireworks display on July 2, 2008. The gates will open at 7:00 p.m. It is always a great show, last year was tremendous.

Councilmember Baratta congratulated the Fair Lawn High School Class of 2008 and wished them much success, health and happiness in the coming years.

Councilmember Baratta announced the first of many in a series of concerts geared to the teenagers and young adults will be held on July 17 at 8:00 p.m. Wigs and Car Parts will be performing at the theater in the George Frey Center for Arts and Recreation. The group is a teen-age band and one of the members is the son of Tony Triska who is a popular musician in Fair Lawn. The price of admission will be \$10.00 and the proceeds will be going to charity. These concerts are being sponsored by the Alliance for Substance Abuse Prevention.

Councilmember Baratta stated they have all been reading in the newspapers about an investigation by U.S. Attorney Christopher Christie concerning the goings on in Bergen County and recently Fair Lawn was mentioned concerning their 2003 dealing with a company named Governmental Grants Consulting. She did not like to see the good name of Fair Lawn sullied in the newspaper. She and Councilmember Trawinski will be putting this on a Work Session agenda for the Manager to investigate. They hope and expect to find no wrong doings on the part of the Borough and those involved. She would like the good name of Fair Lawn to be cleared and get it out the newspaper.

Deputy Mayor Swain congratulated the Class of 2008. She wished all of the seniors a lot of luck and congratulated the 8th graders who were moving on to high school and also the 5th graders who will be moving on to middle school. She wished Deputy Mayor Tedeschi well and hoped he recovered quickly.

Councilmember Trawinski stated he, Mayor Weinstein and Councilmember Baratta attended the Fair Lawn All Sports scholarship ceremony. He found it incredible to see the level of commitment from not only All Sports but the participants and their achievements not only as athletes but also academically along with their civic and social activities. He congratulated all of those who participated in the program. They help contribute to make Fair Lawn not only a great place to live in but to our society as well.

Councilmember Trawinski stated the Council had received a memo from the Manager regarding the new certified Municipal Registrar, Elizabeth Twiggs. In a pre 911 world, the position of Municipal Registrars were thought of as another routine governmental function but now with the issues of identity theft and the ability to have access to appropriate municipal documents or statistical documentation is so critical having the requisite training. He congratulated Mrs. Twiggs on completing the training and becoming a Certified Municipal Registrar.

Councilmember Trawinski stated they had received a letter regarding Transparency in Government that he and Councilmember Baratta will be placing on the Work Session Agenda and hoped the entire Council would support. The acts proposes to have a State public finance website which retains information and data on the State's annual budget, expenditures, revenues, etc. It will include such information as contractual services, purchases, salaries, wages, gifts, grants and bonded obligations. They will have to provide that information in an accessible user friendly format to the public not later than 45 days after the close of each fiscal year. Transparency in government leads to better government and to more cost effective government. The Council has been asked to adopt a resolution in support of that legislation. He was confident that all of the Council would support this. He also thought they should call upon Senator Gordon to ask him to support this legislation as well. He wanted the people of Fair Lawn to be aware of it because if they think it is a good thing, they should contact their representatives and let them know they would like the Senate and the legislature to adopt such legislation to create this website.

Councilmember Trawinski stated he shared the same concerns when he saw the story about Governmental Grants Consulting in the newspaper and was astounded to see Fair Lawn's name mentioned. He was not aware that the Borough had done any business with this consulting firm. He is confident they can even get a retraction from the newspaper about mentioning Fair Lawn's name in the story.

Mayor Weinstein stated as recently as an hour before the meeting, he spoke to a resident about the process of attacking the Borough budget and attacking costs even earlier than before, tonight they took a first step with an employees incentive program which is on as an ordinance and resolution.

Mayor Weinstein stated he was glad the Councilmembers brought up Governmental Grants Consulting because he would be the first one to support that to keep his name clean because if he ever knew these two principals were part of the firm, he would have never supported that resolution. He felt an investigation was a very good idea and would support it. He asked that it be placed on the July 15 Work Session Agenda.

ORDINANCE 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. 2119-2008

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 ENTITLED "LAND DEVELOPMENT" TO READOPT SECTION 125-32.C REGARDING ENLARGEMENT OF VALID NONCONFORMING RESIDENTIAL BUILDINGS OR STRUCTURES"

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, resolution No. 192-2008 introducing Ordinance No. 2119-2008 was discussed.

Attorney Rosenberg stated this ordinance seeks to readopt a section that had been repealed by the Council prior to the adoption of the floor area ratio ordinance last year. By reintroducing Section 125-32.c, the Council has acknowledged there are certain pre-existing one family dwelling that are located on non-conforming lots throughout the Borough. The Council felt it was appropriate not to require someone who was seeking merely to expand within the pre-existing non-conforming footprint to have to go through the full variance procedures before the Zoning Board of Adjustment. As long as certain criteria as enumerated in this ordinance are satisfied, the Building Department has the authority to issue the necessary permits without seeking a variance before the Zoning Board.

There being no further discussion, Resolution No. 192-2008 introducing Ordinance No. 2119-2008 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. 2120-2008

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

Mayor Weinstein stated this ordinance was not on the Agenda, it was added because of the Closed Session held earlier before this meeting.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, resolution No. 192A-2008 introducing Ordinance No. 2120-2008 was discussed.

Manager Metzler stated this ordinance will allow an incentive program for employees that have 25 years of credited service or employees who are 60 or over with ten years of credited service.

Councilmember Trawinski stated this early retirement incentive plan that they are doing is a one time offer which has multiple benefits. If every employee that was eligible for this plan decided to exercise this plan that the taxpayers of Fair Lawn in the first year would save about \$820,000 and will save several million dollars over the next few years. He realizes that not every employee would take advantage of this buyout. It does achieve real dollar savings for the taxpayers of Fair Lawn. He enthusiastically endorsed this ordinance. He thanked Manager Metzler and CFO Eccleston for bringing this to their attention as part of their first step to make changes to bring savings to the residents of Fair Lawn.

There being no further discussion, Resolution No. 192A-2008 introducing Ordinance No. 2120-2008 was unanimously adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

Harvey Rubinstein, 28 Rutgers Terrace asked for an explanation of Resolutions Nos. 199-2008, 200-2008 and 204-2008. Manager Metzler explained that first two were license agreements for 36-22 Northern Drive and 12-28 through 12-44 River Road. These are residents who have fences they maintain on Borough property or fences erected in an easement. They submit a survey with the location of the fence which is reviewed by the Borough Engineer with a recommendation from the Engineer to the Manager then it goes before the Mayor and Council.

Manager Metzler stated Resolution No. 204-2008 permits the sale of the 1992 Grumman Fire Truck which is a surplus Ariel piece that is owned by the Borough of Fair

Lawn. It has little or no value to Fair Lawn or anyone in the surrounding areas. However, there are parts of the country where there are start up volunteer fire companies where a piece of equipment like this would be a great find. The Mayor and Council, with the recommendation of the Chief and Deputy Chief, have agreed to sell it to a volunteer company in Virginia for \$1.00. Councilmember Trawinski added the founder of the fire company is a former fire fighter who moved to this section of Virginia. It is an example of Fair Lawn's reach far and wide into the nation. Mayor Weinstein stated and it shows the Borough's generosity too.

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.

RESOLUTIONS BY CONSENT # 14-2008

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda 14-2008 containing the following items was unanimously passed.

- a. Resol. #193-2008 - Renewal of Liquor Licenses 2008-2009
- b. Resol. #194-2008 - Approval of Minutes:
 - Closed Session 4/1/08
 - Work Session 4/1/08
 - Closed Session 4/1/08
 - Regular Meeting 4/8/08
- c. Resol. #195-2008 - Refund of Overpayment of Taxes
- d. Resol. #196-2008 - Bergen County Open Space Trust Fund Municipal Parks Improvement Program Application
- e. Resol. #197-2008 - Award of Bid: Maintenance and Cleaning Service
- f. Resol. #198-2008 - Municipal Representative to the Open Space Committee
- g. Resol. #199-2008 - License Agreement – 36-22 Northern Drive
- h. Resol. #200-2008 - License Agreement – 12-28, 12-44 River Road
- i. Resol. #201-2008 - Appointment to Borough Gardens Committee
- j. Resol. #202-2008 - Appointment to ADA Committee
- k. Resol. #203-2008 - Reappointment of Tax Assessor
- l. Resol. #204-2008 - Sale of 1992 Grumman 75 Foot Snorkel Fire Truck

RESOLUTION NO. 205-2008 – Early Retirement Incentive

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No.205-2008 was approved.

PUBLIC COMMENTS

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

Harvey Rubinstein, 28 Rutgers Terrace, felt the Borough needed an ordinance or a checklist to require green because there are legitimate developers that would comply if they knew what the Borough's goal was up front. Mayor Weinstein agreed with him and said a member of the Environmental Commission was looking into this.

Mr. Rubinstein talked about the sky-rocketing PSE&G bill, tonight he counted up \$98,312.34. Last month it was \$110,000 and he wanted to know if there was any effort in having a PSE&G audit to reduce this cost to the taxpayers. He knows that PSE&G does do audits.

Mr. Rubinstein spoke about the EDC meeting where JA Hanson implied that either the BIC or the EDC were involved with the Zink place and the Lea & Perrins project. He did not recall that when he was on the Planning Board. He is totally against this third special improvement district with the Borough funding it. If the businesses want to fund it, it would be their right to.

Bob Gremilot, 1 Bristol Place, spoke about the Route 208 corridor and also about a report made by the Environmental Protection Agency when they entered into an agreement with Eastman Kodak, Sandvik and Fisher Scientific to clean up the Fair Lawn well site. It is also known as a superfund site.

Ron Cole, 10 Ramapo Terrace, reiterated his concerns about the lack of democracy in Radburn.

Stan Hayden, 12 Beekman Place, reiterated his concerns about the contamination of property in the Borough.

Mr. Hayden spoke about the report from the Fair Lawn Water Department. Looking into the report, they find familiar toxins listed. He said Fair Lawn is 1/10 of a percent close to being above the standard. This is what is on the three sites. This is from discharges from factories and dry cleaners. He felt that the Water Department was doing an excellent job. In the report it stated that VOC are found in 16 wells and are categorized in the highest level. He spoke about what made up the manmade solvents. He asked them to be very cautious to make sure these wells remain potable. He reminded them that since 1978, in the Westmoreland well field, two wells were knocked out by the chemicals from the 208 corridor and have remained knocked out. The third well is producing at a very low capacity.

Mayor Weinstein stated they do agree that they will not let anyone live on any lands that are polluted. That is the reason why they retained an environmental expert. Some members of the Council may not have voted for that particular expert but there is an expert to make sure the property is clean.

Mayor Weinstein stated for the sake of the residents of Fair Lawn. He said that Mr. Hayden read something that is on paper but he felt the responsible way would have been to have an expert interpret it. They could state what is safe. The fact that the wells are in the report shows they are being monitored.

Mayor Weinstein stated in regard to the Route 208 corridor, there are thousands that live along the Route 208 corridor and for him to stand there and say they should move away is not a fair statement to make.

Councilmember Trawinski stated if people are listening, they need to understand that the pollution of the municipal well fields goes back probably goes back to the 1940's and 1950's. It was in the late 60's or early 70's, the municipality became aware that there were a number of Borough well fields where DEP standards for potable water were exceeded with VOC's. Those well fields were immediately shut down. Over a decade or more, bit by bit, some of those wells have been brought online. After the wells have been cleaned up and certified not only by the polluters but by the DEP to be substantially to be within the DEP guidelines. So much so, two years ago, the DEP has selected Fair Lawn for a program that takes the Borough beyond the DEP standards and looks to use Fair Lawn's water supply as an example of how they can further refine their standards. Not because there are problems, it was because the Borough has been so diligent over the last 35 -40 years dealing with this. He asked Mr. Hayden to not create an impression that they are pumping from fields that are even marginally close to DEP standards. All of the well fields that are in service have long since been cleaned up and those that are not in service are in various degrees of clean up and some for economic reason, it has been agreed not to put them back in service.

Councilmember Trawinski stated that the Borough purchases from United Water, and Passaic Valley. So if there is an issue with our well fields, there would be no issue for the residents with the availability of potable water. The water issue is substantially under control and has been for almost four decades. That is different from the issues that emanate from sites like Clariant and Kodak with respect to construction of residential properties on them. He asked them not to mix them together.

Councilmember Trawinski stated that the Council has been very aware even on the Clariant site that some of the hazardous waste on that site is migrating towards wells at Memorial but the clean up that is under way appears that it will resolve that long before that migration gets in proximity to the wells.

Councilmember Trawinski felt that every Councilmember was very much aware of that issue. That is different from allowing homes to be built on polluted sites, which all of them voted against last time.

His vote against the expert was not against the Borough having an environmental expert; it was against that particular expert that the majority of the Council decided to select. They all agree that it is important for this Borough to have an environmental expert. He thought it should provide another level of comfort for the residents of Fair Lawn.

Mr. Hayden thanked him for the clarification and he did not mean to imply that the Borough's wells are in bad shape now but he wanted to raise these dangers, As far as the water report goes, he resents his comments about experts because this was sent out to every resident. If the report is being sent out to every resident, they are not experts. They read this and come to certain conclusions. If they are going to send something out to laymen then make it in terms that laymen can understand. He is not exactly a laymen in the field he has a PHD from Columbia University. He majored in Chemistry and is familiar with this material.

Mr. Hayden stated that he would like an impartial expert that all of the Council voted in favor of and only then he would have confidence in this expert. Mayor Weinstein stated that Malcolm Pirnie is an impartial expert.

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.

ADJOURNMENT:

Upon motion by Councilmember Baratta and seconded by Councilmember Trawinski, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk Bojanowski

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