

## **REGULAR MEETING OF FEBRUARY 27, 2007**

Mayor Weinstein called the meeting to order at 7:30 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

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 15, 2006. 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 Etler and Tedeschi and Councilmembers Baratta and Trawinski (late).

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

### **PRESENTATION TO FAIR LAWN HIGH SCHOOL MARCHING BAND**

Mayor Weinstein commended the Marching Band for their accomplishments and then read the proclamation. He presented the proclamation to Director Kafer and then gave him a proclamation for each member of the Marching Band.

Assemblyman Gordon presented a proclamation from the General Assembly honoring children who have brought honor to themselves and to the community. He added that it takes the efforts of the parents too so the proclamation is for them as well.

### **PROCLAMATION: READ ACROSS AMERICA DAY**

Municipal Clerk Kwasniewski read the proclamation.

### **MANAGER'S REPORT**

Mayor Weinstein stated that the Manager's report is on the table.

### **COUNCIL COMMENTS**

Mayor Weinstein mentioned that two weeks ago the Council passed the resolution allowing the High School Marathon on May 18 and 19. The fund raising begins now. He complimented the EDC for their presentation last Tuesday. They have worked very diligently with the consultant preparing a vision for the Route 208 corridor. The Council will introduce the budget on March 13. March 20 is the tentative date for the public forum on the environmental issues on the Clariant site. Assemblyman Gordon, experts from the DEP and representatives of Clariant will be present.

Councilmember Baratta congratulated the Fair Lawn High School band. She announced that every Tuesday night ASAP is sponsoring "Basketball with Attitude" for students in the 9<sup>th</sup> to 12<sup>th</sup> grades who are not on the High School team. Seventy young people have joined the program which was so successful that they are running it again. It is a free program. She thanked Elaine Fleming and Dave Ryder for their efforts and the Police Department for volunteering as coaches.

Deputy Mayor Tedeschi commended the employees in the Recycling Department for their excellent efforts. Ten years ago the Council decided that it was not in the business of selling recyclables but reducing the amount of waste going to the dumps. Fair Lawn is recycling 62 percent which is beyond the State average. Every time a resident recycles the Borough saves money.

### **ORDINANCES: FIRST READING**

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

#### **Ordinance No. 2073-2007**

#### **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" TO PERMIT TEMPORARY WIRELESS TELECOMMUNICATIONS INSTALLATIONS IN THE CA COMMERCIAL ANTENNA ZONE**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Etler, Resolution No. 86-2007 introducing Ordinance No. 2073-2007 was discussed.

Attorney Rosenberg explained that this ordinance amends Chapter 125-29 to permit the installation of c-o-w-s only in the Cellular Antenna zones which include the Ambulance Corps. property, the Fire Company 2 property and the Department of Public Works property.

There being no further discussion, the resolution was unanimously adopted.

### **ORDINANCES: SECOND READING**

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

**Ordinance No. 2072-2007  
(Resolution No. 87-2007)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN 2000, SPECIFICALLY CHAPTER 150, ENTITLED "NOISE" TO  
PROVIDE FOR NOTICE TO AFFECTED PROPERTY OWNERS PRIOR TO  
COMMENCEMENT OF DEMOLITION**

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

Upon motion by Deputy Mayor Etler and a second by Councilmember Baratta, Resolution No. 87-2007 adopting Ordinance No. 2072-2007 was discussed.

Attorney Rosenberg stated that this ordinance amends the Code so that prior to the demolition of any property, property owners within 200 feet receive notice before the demolition permit is issued. Deputy Mayor Etler felt the ordinance was a good one.

There being no further discussion, Resolution no. 87-2007 was unanimously adopted.

**PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

Upon motion by Deputy Mayor Etler 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 Etler and a second by Deputy Mayor Tedeschi, the time for public comments was unanimously closed.

**RESOLUTIONS BY CONSENT # 8-2007**

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Etler, Consent Agenda 8-2007 containing the following items was unanimously passed.

- a. Resol. #88-2007 - Approval of Minutes:
  - Work Session 12/5/06
  - Special Meeting 12/5/06
  - Closed Session 12/5/06
  - Regular Meeting 12/12/06
- b. Resol. #89-2007 - Approval of Raffles & Bingo:
  - HSA Alexander Hamilton School - on premises mdse.
  - Fair Lawn High School PTA - off-premise mdse.
  - HB Milnes PTA - Non-draw
  - PTO Lyncrest of Fair Lawn - off-premise 50/50

- c. Resol. #90-2007 - Award of Bid: Sprinkler Repair/Modification Time and Material
- d. Resol. #91-2007 - Professional Services: Defender of County Tax Board Appeals
- e. Resol. #92-2007 - Professional Services: Broker of Record Medical & Dental
- f. Resol. #93-2007 - Professional Services: Risk Management Consulting Service
- g. Resol. #94-2007 - Professional Services: Architectural Services for Municipal Building Revisions and Alterations
- h. Resol. #95-2007 - Refund of Overpayment of Taxes
- i. Resol. #96-2007 - Cancellation of Taxes - Disabled Veteran Block 5517, Lot 51
- j. Resol. #97-2007 - Authorizing Issuance of Massagists License

### **MISCELLANEOUS PUBLIC COMMENTS**

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

Harvey Rubinstein, 28 Rutgers Terrace stated that he was glad to hear the Borough Attorney say that the public may speak about anything at the Work Session. He reported that Omnipoint is going to the Zoning Board for a tower on Morlot Avenue and Horizon is going to make a proposal to raise the height of the tower on the Ambulance Corps. building. He suggested that they try to get Omnipoint to allow Verizon to use that tower instead of building another tower. He continued that the EDC also made their presentation before the Planning Board. There was a good discussion between the EDC and the Board. H2M has presented a memo talking about rehabilitation and areas in need of development which may start the Borough on the route to eminent domain. They should be identifying the commercial brokers who would advocate for their clients to locate their businesses in Fair Lawn instead of trying to change the zoning. Encouraging industries to locate here supports the existing service businesses.

Diane Albarella, 3-45 Hartley Place expressed concern that there was a number of people who come to the Council meetings who say they represent the residents and then criticize and almost slander the Council. She resents it. She thought the Council is supposed to represent her. She is happy with everyone and resents the constant criticisms. She finds it disturbing on Channel 77 to see repetitious, cantankerous, selfish behavior of some people who attend the meetings. She suggested asking them to come in private so the viewers do not have to see it. She asked the Council if they could rename the Recreation Center in honor of George Fry.

Robert Gullack, 4 Bancroft Place reiterated his objection to Felice Koplik and Paul Shansky not being reappointed to the Fair Lawn Open Space Committee. He objected to the

appointment of Benny Salerno who Mr. Gullack stated had supported building apartments on Daly Field. On February 15 Mayor Weinstein stated that Benny Salerno was a generous and exemplary citizen but Mr. Gullack thought that was not a sufficient reason to appoint him to that committee. Mr. Gullack stated that the voters will have their say and will not reelect someone who does not support open space. Mr. Gullack stated that he is being sued personally by the Radburn Association claiming that he blocked the apartment building on Daly Field. He read from the complaint.

Mayor Weinstein stated that Mr. Gullack continues to threaten him and to intersperse facts with fiction. The committee works the size it is. There were four members were replaced not two as Mr. Gullack keeps saying. It was a unanimous consent of the whole Council to appoint the committee. They have added new people to get other points of view. The person Mr. Gullack's keeps speaking about never said he was against open space. He may have other points of view. Some people are only for open space and no development. Some people are for only development and no open space and then there are all the people in the middle which is most of the residents of Fair Lawn.

Bob Gremillot, 1 Bristol Place expressed concern about the pollution on the Clariant site. He referred to the article in The Record concerning the DEP. Currently the DEP is unable to force the owners to do a more comprehensive clean up if experts have certified that the clean up will make the property safe. He wondered how many sites that are supposed to have been cleaned up will be discovered in the future that they have endangered the health of the residents that live on these sites.

Deputy Mayor Etler stated that Clariant has been under remediation since 1989. Unless the remediation is done correctly, they are not going to sign off and if there is no sign off there will be no building. He stated that the representatives of the DEP will be present on March 20 to answer questions. Deputy Mayor Etler stated that the thrust of the article was about the companies that walk away from their pollution. Clariant is not walking away. The Governor has gotten involved with the schools and nursery schools being located near polluted sites and the DEP has become very careful to make sure that does not happen.

Councilmember Trawinski arrived at 8:20 p.m.

Deputy Mayor Tedeschi continued that in Decker vs. the Borough of North Haledon the Appellate Court ruled that the assumption of the Planning Board not to grant something because they do not think the superior body can do their job is not a sufficient reason. If they are not going to allow Clariant to be developed, the Mayor and Council will have to make that decision and Clariant will have to make the case for it to be developed. One of the reasons they have invited the DEP is to ask questions at the beginning of the process not at the end.

Harvey Rubinstein, 28 Rutgers Terrace thought it was very disheartening to hear that a resident has been hit with a slap suit. He thought the Mayor and Council should let it be

known that they will not tolerate a slap suit from any developer in an effort to shut any resident down. Deputy Mayor Tedeschi asked if the Mayor and Council has any standing to intercede in the law suit. Attorney Rosenberg stated that the Borough does not have any standing in this case.

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

Councilmember Trawinski stated that while they may not have standing to intervene, they do have the ability as public officials to speak against it. Developers routinely threaten slap suits but they have never prevailed.

**ADJOURNMENT**

Upon motion by Deputy Mayor Etler and second by Councilmember Baratta, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

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Mayor Steven Weinstein

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Councilmember Jeanne Baratta

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Deputy Mayor Martin Etler

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Deputy Mayor Joseph Tedeschi

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Councilmember Edward Trawinski