

## **REGULAR MEETING OF APRIL 24, 2007**

Deputy Mayor Etler called the meeting to order at 7:31 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:** Deputy Mayors Etler and Tedeschi and Councilmembers Baratta and Trawinski.

**ABSENT:** Mayor Weinstein

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

### **PRESENTATION FROM LAW ENFORCEMENT TORCH RUN**

Manager Metzler acknowledged that the Fair Lawn Borough employees have been recognized by the New Jersey Law Enforcement Torch Run state committee for Special Olympics for the contribution they made to the 2006 Torch Run. The public is well aware as part of our dress down Friday's they raised a considerable amount of money. The employees pay for the privilege to wear jeans to work on Fridays. This fund raising event went above and beyond that and he believed the amount raised by the employees was \$700.

### **MANAGER'S REPORT:**

Manager Metzler stated he had received correspondence from Anderson Mulholland & Associates about the Topps Dry Cleaner site. There will be a lot of activity at the site this spring as they prepare the site for remediation. They expect the installation of an electrical transformer and connection to the power supply and the installation of the electrical resistance heating remedial system which will require drill rigs and other machinery on the site. They will also be holding a public meeting on May 15, 2007 at the Grange Hall at 7:30 p.m.

### **COUNCIL COMMENTS:**

Councilmember Baratta stated that on April 20 the Fair Lawn Substance Abuse Alliance teamed up with the Police Department for anti 420 campaign. 420 is a term used in North America as a discrete way of saying marijuana. April 20<sup>th</sup> has revolved into a counter culture holiday where people gather to celebrate and consume marijuana. To combat the use, Fair Lawn Substance Abuse Prevention and the Police Department teamed up and met with the Fair Lawn High School Seniors last week

and spoke to them about the consequences of marijuana use. The drug alliance that is made up of a diverse group of people in this town. The Police Department spoke to students during their health class. At the conclusion of the information, they gave out anti 420 buttons, pins and magnets with statistics on drug use and the harm they cause. She thanked them for a terrific presentation. It was very well received at the high school.

Deputy Mayor Tedeschi asked everyone to take a moment to think about the tragedy at Virginia Tech. He also mentioned the bad rains that the Borough had and thanked the volunteers for the all the work they did.

Councilmember Trawinski thanked Freeholder Ganz for helping the Borough get the Open Space grant in the amount of \$91,000. The Open Space committee rejected the application but Freeholder Ganz, former Mayor of Fair Lawn, stepped in. He brought the bid directly to the Board of Freeholders who overruled the committee's recommendation and approved the grant last week. Freeholder Ganz really went the extra mile and persuaded the Freeholders to do something that is typically not done in County government.

Deputy Mayor Etler stated the DPW received 200 calls for flooding and sewer backups. He said it was bad but not as bad as Tropical Storm Floyd which happened in 1999.

Councilmember Trawinski stated that everyone should be aware of the problems of sewer backups on Jasper Road. He felt the Council should take a look at this problem because it has happened before. Deputy Mayor Etler explained with that amount of rain, the groundwater gets into the system and overloads it. Councilmember Trawinski thought they should look into putting check valves in the system.

Deputy Mayor Tedeschi said that during this storm Arcadia Road was flooded but Berkshire Road was not. The Borough spent a great deal of money to increase the size of the drain. At the next work session, he would like to discuss contacting Bergen County asking them to finish their part of the job. Deputy Mayor Etler suggested that the Manager write a letter to the County.

Manager Metzler gave an update on the storm. The Rescue Squad responded to 260 calls. There were sewer back ups on Jasper Road and also on 2<sup>nd</sup> Street. The Borough has been disinfecting the streets. In regard to Jasper Road, he went back and looked at the history of that area. He sent a letter to the Construction Code Official to see if check valves can be installed. The Passaic River was going to crest at 11 ½ feet but actually crested at 11.88. So far they have calculated there is 1.2 million dollars worth of damage. He said the Emergency Management Coordinator made a claim to FEMA to see if the Borough is eligible for aid.

**PROCLAMATION: SAFE KIDS WEEK  
MUNICIPAL CLERK'S WEEK**

Municipal Clerk Kwasniewski read the proclamations.

**PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

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

Harvey Rubinstein, 28 Rutgers Terrace, questioned Resolution No. 153-2007 and what it entailed. Manager Metzler stated that currently these vehicles are outside of the cap and this resolution asks for it to be moved inside. He said he had looked into placing some of these vehicles in the fleet. Mr. Rubinstein asked if they would use bio fuel. Manager Metzler said they would be electric. He looked into propane and found they would not be as efficient.

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.

**RESOLUTIONS BY CONSENT # 12-2007**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Consent Agenda 12-2007 containing the following items was unanimously passed, with the exception of Resolution No. 151-2007 which was removed.

- a. Resol. #149-2007 - Approval of Minutes:
  - Work Session 3/6/07
  - Closed Session 3/6/07
  - Regular Meeting 3/13/07
  - Work Session 3/20/07
- b. Resol. #150-2007 - Confirmation of Fire Board Actions
- c. Resol. #151-2007 - Removed
- d. Resol. #152-2007 - Refund of Overpayment of Taxes
- e. Resol. #153-2007 - Move Hybrid Vehicles to Outside the Cap
- f. Resol. #154-2007 - Opposing A3872 Disguised Water Tax
- g. Resol. #155-2007 - Approving Knights of Pythias Hand of Friendship Outdoor Fair

**RESOLUTION NO. 151-2007 - Award of Bid: Trucks**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeschi, Resolution No. 151-2007 was passed with Councilmember Trawinski recusing himself.

**MISCELLANEOUS 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.

Rosemary McDonald, 40-09 Jasper Road, said she was treated so badly by the Borough during this storm. She called because she had two feet of sewerage in her basement. She called the DPW, Health Department, Rescue Squad and the Police Department. She was told she was on the list. She felt the DPW probably think she still has two feet of sewerage.

Christine Mohanik, 40-09 Jasper Road, stated the sewer caps popped off and sewerage flowed in. They are still cleaning and bleaching it. There is a website that said their garbage was attractive. She told the Health Department that people were taking her garbage with sewerage on it. She lived on Jasper Road during Tropical Storm Floyd and nothing happened then. Councilmember Trawinski asked if there was anything they could do for these residents.

Mrs. McDonald said she called poison control and was told they had to get Hepatitis A and Tetanus shots. Manager Metzler asked her who she called first. Mrs. McDonald said the Police Desk.

Mrs. Mohanik said that Ron Lotterman from Recycling stopped at their house. He was angry because they wrote toxic on their garbage.

Mrs. McDonald said there was only one young lady from the DPW who said she was sorry they were going through this. She felt everyone was angry with her. There were a lot of people who had water pumped from their basements and she wondered why the water was pumped before the sewerage. Manager Metzler stated Rescue was doing a lot of the pumping and only does water. Mrs. McDonald felt they should not pick and choose. She felt very let down by the Borough. She said they received a notice that the garbage had to be out by 6:00 a.m. the next day which was impossible. Manager Metzler said the remaining debris should be put out on the next garbage collection day.

Mrs. Mohanik said while they were at Valley Hospital getting their shots, they met people that lived on Pomona Avenue who said that they had sewer back ups too. She wanted to know what was wrong with the sewer system. Manager Metzler explained that on any given day, there can be back ups. Water seeks the path of least resistance. He assured them that there was an overload of the system with flood water. Mrs. Mohanik said it came out of the clean out in the basement. Manager Metzler said the purpose of the clean out was so obstructions could be cleaned out easily.

Mrs. McDonald said she checked with four plumbers who do not want to put check valves in. Manager Metzler stated he was a licensed plumber and does not have one on his house simply because when they work they work, but if something gets stuck in it, it will back up.

Mark Mohanik, 40-09 Jasper Road, said he had spoken to contractors who told him there was no way that feces and storm water could get mixed together. Deputy Mayor Etler

explained how the sewer system runs to Newark Bay. Paterson's rain water also gets

pumped into the system. Mr. Mohanik asked if there was something they could put at the beginning of their sewer line to stop the flow into the house. Manager Metzler stated he did not think so but would check with the Plumbing Inspector. Mr. Mohnik stated the basement is destroyed.

Mrs. McDonald stated this has happened twice. Manager Metzler stated the Borough goes by the plumbing standards which are standard throughout the country. He will research this further.

Councilmember Baratta told them she was sorry that they had to go through this.

Richard Saffer, 5-01 1<sup>st</sup> Street, stated the street flooded but luckily he did not have any water in his house. He sees sewerage in the street. He called the Health Department and the Manager's office. He was told by the Manager's assistant to wash the driveway with bleach. He noticed that during the summer, people on 2<sup>nd</sup> Street have to pump water out of their basements even during a dry spell. He wondered about real estate values. He felt the town was killing these residents. Mr. Saffer realized the river was not the Borough's problem but the sewer system seems antiquated.

Howard Mark, 12-23 Ferry Heights, asked when they would be talking about the FAR ordinance. Councilmember Baratta said later tonight at the work session. Mr. Mark talked about flooding by the Naugle House and wondered if there was any consideration to rezone it back to residential. Deputy Mayor Etlar said the application was in litigation. Once they hear more, they will discuss rezoning it. Mr. Mark asked if Daly Field was rezoned. Deputy Mayor Etlar stated it was zone R1 the same as the other parcels around it.

Arnold Mazurek, 5-11 2<sup>nd</sup> Street, stated there were 31 kids that live on his block. They cannot go outside to play because there is still toilet paper in the street. Manager Metzler said he was correct. The sweeper is broken but there will be one there tomorrow morning. Mr. Mazurek said the sweeper was ineffective. Manager Metzler stated he was there twice and if the sweeper is not effective tomorrow he will have the Fire Department hose down the street. Mr. Mazurek felt the town owed the residents who live near him something. What will the town do to prevent this from happening again? They should put a plan into action to make sure this does not occur again. He wondered who allowed the houses to be built. The town has to fix the problem. The Borough cannot sit idle. They need to be innovative. Deputy Mayor Etlar stated it was an act of nature. Normally they pump 4 million gallons a day when the system is overloaded it cannot handle it. Mr. Mazurek wondered if they thought it was a hopeless case. Manager Metzler stated the problem was the entire system could no longer handle the volume of water. This problem affected the whole system. Mr. Mazurek felt they should brainstorm to come up with a solution.

Lev Perelshteyn, 4-60 2<sup>nd</sup> Street, talked about the problem he has with the river coming up the bank and through the drains into his house. He

felt the town  
should  
elevate his  
house. Page  
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He also thought they should build a wall along the river and close off the drains. His house is unlivable. The first floor is a disaster. Since his house is low lying, he has had to leave his house 5 or 6 times. He also thought that it was illegal for someone to put rain water into the river. Deputy Mayor Etler stated that the surface water goes into the river then goes to Newark Bay and the Borough gets charged for so many gallons that go through. Mr. Perelshteyn said he was not talking about sewerage, this was river water and rain water. He is concerned that his house will not be sound because it has flooded so many times. He wants the Borough to prevent this problem.

Jane Diepeveen, 14 Ryder Road, asked about the status of the Landmark suit. Attorney Rosenberg said they cannot comment about it now. Councilmember Trawinski said that Judge Harris ordered it to COAH. They have a strategy session with the attorney later. The other cases were making its way through the court.

Barbara Gremillot, 1 Bristol Place, asked why the meeting was being held at the Grange Hall. Manager Metzler explained that the Borough did not plan the meeting. He said he received a notice about the Topps Dry Cleaner site and there was a note about a meeting at Grange Hall. Mrs. Gremillot felt if it was a public meeting it should be held at the Municipal Building. Manager Metzler said it was not a meeting with the Borough. The contractor that was hired to clean it up set up the meeting. Mrs. Gremillot asked if she should call Anderson Mulholland. Manager Metzler said the meeting was scheduled the same time as a Council meeting. He will give her the contact information.

Claude Bienstock, 39-11B Broadway, talked about speeding cars on 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> Streets and felt that someone could be killed. He realized the Police could not be at every corner but thought that people ignore the traffic laws. He said he had no knowledge about the water system but hoped that the Mayor and Council can handle this.

Councilmember Trawinski said that over the course of the last year and a half, the Borough has created a traffic bureau. The bureau sends them the stats on the traffic enforcement and he thought they were overwhelming. The biggest offenders are the Borough's residents.

Harvey Rubinstein, 28 Rutgers Terrace, asked if the meeting with Anderson Mulholland was for the general public or just Radburn residents. Manager Metzler read the notice he

received. Mr. Rubinstein asked what department would be getting the jeeps. Manager Metzler said they were going to Parks and Recreation. They are being awarded to the lowest bidder. He explained that all of the vehicles with the exception of the snowplow were all bonded in 2006.

Mr. Rubinstein said that in regard to the fire house on George Street, things were brought up at the Zoning Board meeting that do not apply to them but are things the Council should look into it. He felt that since the Borough pays a rental fee, the amount of the rent will have to be increased. Manager Metzler said the Borough does not rent the entire building just the garage space. They pay to keep municipally owned vehicles in their garage.

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Mr. Rubinstein felt the State should fix the sewer lines. Deputy Mayor Etler said they were doing it by increasing the capacity. DEP has said that Passaic Valley cannot release into Newark Bay. Mr. Rubinstein asked about a completion date. Manager Metzler said he will find out.

Councilmember Trawinski stated with that type of storm, the water gets into the system. There is no solution to the problem. He intends to talk about this at a work session. He believed they should look at the emergency management plan and set directives to the Manager. He continued that the entire State's C1 area has to have a 300 hundred-foot buffer by a stream or river. The DEP would never let them build a wall by the river.

Deputy Mayor Tedeschi stated that the BCUA normally pumps 90 -110 million gallons a day but during the storm it rose to 150 million. He said unfortunately the system is old and has gaps in it. Mr. Rubinstein suggested the Mayor and Council send letters to the State and Federal governments.

Bob Gremillot, 1 Bristol Place, said he had read an article about polluters and the worst being PSE&G and Nabisco. He said that Nabisco spews out ammonia. He also said that Fisher Scientific spews out pollution. Manager Metzler said that Nabisco is within regulations with the DEP. They have never been cited for violations. In regards to the McBride tract and what to do if Nabisco leaves, he and the Mayor are meeting with Kraft Foods. Based on the information he received from Kraft Foods, they have made major improvements in their plant and plan on being residents of Fair Lawn for a long time.

Gary Keller, 18-11 Kipp Street, stated that he lives near the Recreation Center. When he moved there 21 years ago, there was no parking near the field. Now the overflow parks on both sides of the street and felt it was a safety concern. He mentioned an accident that happened with a small child that darted in front of a car. The emergency vehicles could not get down the street. He had spoken to Mayor Weinstein who said Traffic Safety Officer Franco would get in touch with him. Manager Metzler said it was referred to Traffic Safety Officer Franco. He is reviewing it. It was Traffic Safety Officer Franco's understanding that the south side of Kipp Street is offered to the students to park there. There has been discussion about putting parking along the railroad tracks. Mr. Keller asked if there was any discussion to limit parking on the field side. Manager Metzler said there were discussions about timed parking on the south and north side. There has been no

recommendation from Traffic Safety Officer Franco yet.

Deputy Mayor Tedeschi felt this situation was unacceptable. The Community Center will be a victim of itself. He felt this was spin off that would have to go to the Board of Education. Manager Metzler said he hoped to hear from Traffic Safety Officer Franco sometime in May.

Councilmember Trawinski stated the heart of Fair Lawn needs a bypass. Next to the railroad tracks there is a right of way and they could add angled parking spaces. Besides that, he felt the building did not belong in that neighborhood, and it should have been built

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on River Road. The Council will have to talk to the Board of Education about the parking situation.

Deputy Mayor Tedeschi said the building is there, but Kipp Street residents should not be part of the problem.

Gary Wisse, 5-02 2<sup>nd</sup> Street, stated that on Tuesday, 12 inches of water came into his house. He has a 6 year old. His front lawn is white now covered with toilet paper. Mr. Wisse said the house was built on a sink hole and wanted to know what can be done and is he stuck with this house. Manager Metzler asked if the sink holes had anything to do with the sewer back ups. Mr. Wisse said that his garage is sinking. There is a separation between the garage and the house. Manager Metzler asked if it was from the flooding and that he would like to speak to him after the meeting.

Robert Wallace, 11-06 Alexander Avenue, said that the Jewish Center leases out the gym for basketball games. All night he hears whistles and since he is a retired Police Officer, he knows how shrill the whistles can be. He called the Police already about this because It is difficult to listen to this all night long. Councilmember Baratta said she has heard about this. Manager Metzler said he would look into it.

Richard Saffer, 5-01 1<sup>st</sup> Street, asked if they can expect to hear from someone regarding the flooding. Deputy Mayor Etler said he hoped that Passaic Valley could fix the problem. Mr. Saffer asked the Mayor and Council to work with the residents. Councilmember Trawinski said at the work session following the meeting, he will ask the Manager to get in touch with the residents.

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

## **ADJOURNMENT TO WORK SESSION**

Upon motion by Councilmember Baratta and second by Councilmember Trawinski, the meeting was adjourned to the Work Session at 9:18 p.m.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

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The undersigned have read and approve the foregoing minutes.

Absent  
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