

REGULAR MEETING OF MAY 22, 2007

Mayor Weinstein called the meeting to order at 7:31 p.m. Assistant Municipal Clerk Bojanowski 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 Etlar and Tedeschi and Councilmembers Baratta and Trawinski.

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

PRESENTATION TO GIRL SCOUTS

Mayor Weinstein stated this was a special evening. They have a presentation to the Girl Scouts. Several years ago, the Fair Lawn Girl Scouts started the baby bundles' program. The Scouts collect or donate various baby items and supplies which are placed in large bundles and given to the Health and Human Services Department. These bundles are then distributed to Fair Lawn families in need. The Borough Nurse, Nancy Brouca, has seen the positive reaction from the families when they receive these baby bundles. She did not want these efforts to go unnoticed. In addition to the baby bundles packages, the Scouts routinely contribute to the Borough food pantry ensuring that supplies are always on hand for the Borough residents during times of need. Service Unit Manager Dawn Hoefler, Marybeth Mills, Susan Lebowitz from the Leni Lenape Girl Scout Council and girl scouts representing these troops throughout the town were present.

Mayor Weinstein made the presentation to the girl scouts and their leaders.

Mayor Weinstein read a letter he wrote to Alexa Della Monica who has been working toward her Girl Scout Gold Award. She has devoted countless hours to projects benefitting the community. He acknowledged her generous spirit of volunteerism and wished her future success as she continues on her path toward this most prestigious award.

MANAGER'S REPORT

Manager Metzler said there were no changes or additions to the Manager's Report.

COUNCIL COMMENTS

Mayor Weinstein stated the Manager notified the Council that on May 7, 2007, the Division of Motor Vehicles was supposed to work with the Police Department on a DMV checkpoint but they were not able to participate. Six police officers and one auxiliary officer took it upon themselves to do it alone. From 9:00 a.m. through 12:00 p.m. on May 7, the results were 80 summonses and three arrests. He congratulated them on doing a good job.

Mayor Weinstein announced that a very important event will be held this Thursday, May 24 at the Community Center by the Fair Lawn Substance Abuse Alliance in conjunction with Saddle Brook and Elmwood Park. Councilmember Baratta will give more details as she is the liaison and heavily involved with this program.

Last Wednesday morning, Councilmember Trawinski and he met with the members of Nabisco and Kraft. This Council's objective is to maintain the commercial businesses and to expand. This was a major meeting in regard to maintaining our largest taxpayer in town. The impetus of this was the Route 208 Corridor Study. They wanted to reassure the community that they are there and are staying. In fact, they are investing more into their plant. They are one of the six manufacturing plants in the country. Nabisco is currently looking to expand their workforce. They are adding new products too. He was pleased to have them attend the meeting and Councilmember Trawinski will add to that later on.

Councilmember Baratta congratulated all of the girl scouts. She was a leader years ago when baby bundles started and knew how much work goes into it. They should be commended for their efforts.

Councilmember Baratta mentioned the Fair Lawn All Sports Track and Field Team is made up of 180 Fair Lawn children. They have 30 coaches which consist of parents, high school students and other volunteers. These children practice every Tuesday and Thursday and they meet all over Bergen County every Sunday. This week they had the preliminaries for the Junior Olympics. The finalist that will be competing in the New Jersey Junior Olympic Track and Field Association Championship will be George Alexandris, Michael Balkin, Brittany Blake, Gregory Borbon, Nicole Saccinelli and Sonja Sachtev. She offered congratulations to all of them.

The Mayor talked about the underage drinking forum that will be held this Thursday at the Community Center at 6:00 p.m. It is being sponsored by the Alliance for Substance Abuse Prevention, the Fair Lawn Police Department, and in conjunction with Elmwood Park and Saddle Brook. There will be a light dinner and dessert served starting at 6:00 p.m. The meeting will begin at 7:00 p.m. Bergen County Sheriff Leo McGuire will be there.

Deputy Mayor Etler had no comments.

Deputy Mayor Tedeschi complimented Manager Metzler, Superintendent of DPW Ron

Conte and Borough Engineer Ken Garrison for a very professional informed analysis and explanation of the storm and sanitary sewers. It was an outstanding job.

Councilmember Trawinski stated that since he won't be able to attend because he will be at the Alliance for Substance Abuse Prevention meeting, he wanted to take this opportunity to congratulate Amy Skinner, Judith Skinner and Christine Skinner for receiving the Clean Communities Council's volunteer award for 2007 at the Liberty Science Center in Jersey City. Their record is remarkable. Mr. Lottermann has advised him that they have faithfully attended the Recycling Division's litter collection for more than 10 years. He congratulated the three of them for what they do to help keep Fair Lawn a clean community.

Councilmember Trawinski said he would like to thank Captain Joseph Cook and suggested that perhaps when he retires from being a Police Officer he may want to become a grant writer as it appears that he has successfully obtained another grant for the Fair Lawn Police Department in the amount of \$4,000 for Occupant Protection Incentive Grant - seat belt examinations' inspections.

Councilmember Trawinski echoed the Mayor's comments about the Police Officers taking it upon themselves to do the motor vehicle checkpoint thereby issuing 80 summonses and three arrests. He felt it was phenomenal.

In regard to the Nabisco meeting, he was proud to hear that the only research and development facility for new products in the United States is here in Fair Lawn at their plant. Nabisco is back up to 550 employees. It was a positive meeting and he appreciated the fact that an open line of communication with Nabisco has been established. The primary focus of the products that are being made in Fair Lawn will be health related products.

ORDINANCES ON SECOND READING

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

Ordinance No. 2079-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT", MORE SPECIFICALLY SECTION 125-77 ENTITLED "OFF-TRACT-IMPROVEMENTS"

Harvey Rubinstein, 28 Rutgers Terrace, complimented the Council on this ordinance because he thought it was a very good ordinance. It is a terrific tool for both the Planning and Zoning Boards to use. He questioned section C3 in the ordinance. Attorney

Rosenberg stated the apportionment for the off-track improvement has to be by the Borough 's general improvement, the applicant's sole cost or by the applicant under the formula provided by partial reimbursement by the Borough so therefore, it could be a shared expense. Mr. Rubinstein asked about section D2, the last line, should the Planning or Zoning Board resolution be included or is that understood. Attorney Rosenberg advised it is understood.

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etler, Resolution No. 187-2007 adopting Ordinance No. 2079-2007 was unanimously adopted.

Mayor Weinstein complimented Deputy Mayor Tedeschi and Councilmember Trawinski for their input on this ordinance and the rest of the Council for passing this very worthwhile ordinance.

Deputy Mayor Tedeschi stated this ordinance creates a road map that makes it very easy for all the agencies within the Fair Lawn government, Planning Board, Zoning Board and the Council to follow a regular organized process. It is nice to be creative, but when they put things like this in place, it gives a laundry list on how it should be done on a repetitive basis and makes great sense.

Mayor Weinstein stated he would like to table Ordinance No. 2080-2007. Councilmember Trawinski stated he will support tabling this but he would like to reserve the right on the Agenda for them to come back into open public meeting if they decide to take action after they have tabled this tonight. The reason he supports tabling this is because he wants to hear what the Borough Attorney has to say in Closed Session.

Attorney Rosenberg said procedurally they can go ahead and make the motion to table this ordinance with the reservation to reopen it after they come out of Closed Session.

Upon motion by Mayor Weinstein and a second by Councilmember Trawinski, it was agreed to table this ordinance.

Ordinance No. 2080-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 150, ENTITLED "NOISE" TO LIMIT THE HOURS OF OPERATION OF CERTAIN COMMERCIAL FACILITIES

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

RESOLUTIONS BY CONSENT # 15-2007

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etler, Consent Agenda 15-2007 containing the following items was unanimously passed.

- a. Resol. #189-2007 - Approval of Minutes:
 - Regular Meeting 4/10/07
 - Regular Meeting 4/24/07
 - Work Session 4/24/07
 - Closed Session 4/24/07
 - Closed Session 4/24/07
 - Closed Session 4/24/07
- b. Resol. #190-2007 - Supporting Historic Preservation Tax Credit
- c. Resol. #191-2007 - Correct Resolution No. 151-2007 (Award of Bid: Trucks)
- d. Resol. #192-2007 - Confirmation of Fire Board Actions
- e. Resol. #193-2007 - Award of Bid: Project #2145 - Roadway Improvements
2007 Central Bergen Cooperative Paving Program
- f. Resol. #194-2007 - Award of Bid: Printed Supplies - Recycled Paper
- g. Resol. #195-2007 - Tax Settlement - Alexander Gorn
- h. Resol. #196-2007 - Refund of Overpayment of Taxes

MISCELLANEOUS PUBLIC COMMENTS

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

Felice Koplik, 6 Rutgers Terrace, thanked Councilmember Baratta for attending the Historical Preservation meeting and for bringing this Historic Preservation Tax Credit to the Mayor and Council's attention. She also thanked the Council for passing this important legislation and for urging Governor Corzine to sign it. She explained that if this legislation is passed, it would create a 25 per cent investment tax credit for owners of historic residential and commercial properties who substantially rehabilitate their properties. Very recently the Dutch House added an addition to their establishment where that tax credit would have applied. It really improved the district. She thought with the 25 per cent credit, they would see more improvements in the historical district.

Mrs. Koplik said the Naugle House had been put on the list of the 10 most endangered properties list. She had to give credit to Pam Coles for urging them to put in a second application. The reason the house was put on that list was to get publicity and awareness.

David Merker, 13-11 Fair Haven, stated that the pathway between Fair Haven and Plymouth Road is a mess. The fence is broken and it is dark. He also remarked about the speeding on Lyncrest Avenue.

Mr. Merker said the people who represent the town are doing well but suggested that the public needs to know who the Mayor is. He would like to see who is running for Mayor and be able to vote for him. It is an honor to be a Mayor. Deputy Mayor Etler stated that would require a referendum. Mr. Merker felt it would be better to be able to vote on who is Mayor. Deputy Mayor Etler said there are different government plans under the Faulkner Act and Fair Law is not one of those that can vote for the Mayor.

Arlene Rubinstein, 28 Rutgers Terrace, wondered how would the voters of Fair Lawn feel if they knew they elected someone to the Council who routinely tape recorded his phone conversations without consent and knowledge of the person calling him. This Councilmember bragged about it after the fact and played the recording for any interested party. What reason would any honest person have for doing such a thing? She was one of the victims of this Councilman's sneaky tape recordings. Did he think he was president in the Oval Office taping matters of state or homeland security? She thought not. In her opinion he was attempting to gain leverage by any or all means possible to stifle dissent against him, perverting his friendship of those that trusted him and respected him. He did this from his office in the Fair Lawn Community School. Misusing his time and the Board of Education's time and money. Joseph Tedeschi is the appointed Councilman who performed these various acts. He now wants your vote to elect him to the Fair Lawn governing body. He does not deserve election. Respect and trust must be earned. Deputy Mayor Tedeschi has proven he does not deserve either. Deputy Mayor Tedeschi obviously feels there is nothing wrong with his actions. Let us teach him that such behavior will not be tolerated in Fair Lawn. Only ethical, moral individuals should be elected to any office. Show him that the people of Fair Lawn deserve better and throw him out of office. By the way, make sure his tape recorder is turned off.

Mayor Weinstein had two questions, do you have proof of this and secondly, what are you worried about.

Deputy Mayor Tedeschi stated that he would like to correct a few of Mrs. Rubinstein's statements. First of all, he does not regularly tape calls. He had taped this call on the advice of his attorney, after he told him that Mrs. Rubinstein was calling him at the Community School and being very belittling. In fact, one call Mrs. Rubinstein referred to the Mayor as a swarmy bastard, if she recalled. He asked her if she agreed, he would gladly pay to have the tape transcribed and he would make it public so then they won't have to listen to her misrepresentations of facts. Remember one thing, he did not call her, she called him to harass him. He recorded it based on his attorney's advice. If that is fine, he will release that tape. He has not played it indiscriminately, and he has not played it. He did not know where she got all of her information but she was wrong. And if she is not wrong, she is lying. He asked if she would like the transcription released? He would gladly do it. He has nothing to hide. That tape recording was made March 29, 2006 which was

over fourteen months ago. Again, he asked if she wanted to have it transcribed, he would gladly pay for it. She called to harass him, and he was fortunate enough to tape it on his own recorder with his own tape. She called him, he did not call her. Deputy Mayor Tedeschi said that Mrs. Rubinstein called to be nasty. Mrs. Rubinstein did not reply.

Claude Beinstock, 39-11B Broadway, thanked Councilmember Baratta for the suggestions and advice on dealing with the speeding problem in Fair Lawn. He urged all of the members of the Council and municipal government to work closely with Councilmember Baratta on solving this problem. She made very serious and viable suggestions to deal with the problem. He also urged everyone to attend the town wide meeting on alcohol and drug abuse. This is a very serious problem. Binge drinking has gotten worse all over the country. He again thanked Councilmember Baratta for all the work she does with the drug abuse and alcohol abuse. He also thanked her for her advice on McMansions.

Robert Wallace, 11-06 Alexander Avenue, said he was at the meeting on April 24. He made some comments in reference to the Jewish Center. Mr. Metzler took down his information and was supposed to get back to him and he has not heard anything from him. Manager Metzler thought that Traffic Safety Officer Franco spoke with him and also Jim Van Kruiningen did. Mr. Wallace said the only officer that got in touch with him was Officer Callons. He didn't give him any information and it did not resolve anything. Manager Metzler said he had given it to Community Policing. He knows that Community Policing has been in touch with the Jewish Center. He has not gotten the final report. They are working with the Jewish Center to try to resolve the issue for you.

Mr. Wallace said he was in an R-1-3 zone and from his understanding, they cannot operate a commercial school in that zone. He understood that the Fair Lawn Jewish Center has rented or leased out the gym to a basketball school which pays fees and they have leagues and games. From 5:00 p.m. to past 10:00 p.m. they have basketball games and leagues with the doors and windows open with the whistles going, constant crowd noise and all this in a residential area. He did not think this area was zoned for that.

Attorney Rosenberg stated he was correct in the zoning but houses of worship and accessory uses to houses of worship are permitted in all zones of the Borough. He has asked the Manager to look at the resolution of approval to see exactly what approvals they received with respect to their use. Mr. Wallace said they never received anything in the mail about a variance. The league just started up. The noise is incredible. Attorney Rosenberg said they would check to see what approvals they had received.

Manager Metzler said he was lead to believe based on the information given to him by Officer Callons that when the doors and windows were closed, the noise was not an issue. Mr. Wallace said that was correct. There is garbage and traffic but they don't have an issue with that. It is the noise that goes all night long. They cannot live in their house. The Jewish Center did put bars on the doors and now they disconnected them. They had put panic bars on but the alarms kept going off and the Police were called several times in one night for the doors being opened. They use the main entrance, the fire doors are open,

the windows are open. They hear whistles every night, all day Sunday. That is why he brought up the zoning issue to see if they were properly zoned. Mayor Weinstein asked Attorney Rosenberg to follow up with this. Mr. Wallace stated this is a commercial school, there is an establishment for fees and any other consideration. He has paperwork with him regarding the fees they collect at this school. Every night he and his wife hear whistles. He said his wife cannot even lay in bed and read a book. They have to seal their house up on a beautiful spring day. It is uncalled for and affecting his quality of life. His neighbors have concerns but he is the one that is here voicing his concern.

Mr. Wallace stated he knows Deputy Mayor Tedeschi since 1988. He used to live a couple houses down from him. He has never known him to be anything but upstanding. Every time he told him something, it was a fact. He never lied and was always forth coming. He thinks he is doing a heck of a job.

Councilmember Trawinski asked the Manager to look at this to make sure that something gets back to Mr. Wallace within the next 10 days since the Manager thought it already happened.

Manager Metzler stated he was under the impression as of last Friday, that Community Policing was actively working with the Jewish Center. He was surprised that Mr. Wallace was here because he received a report that Community Policing had reached out to him and he made the assumption that he knew they were working on it. His expectation is that when he gets back in the office on Monday, the issue should be just about wrapped up one way or another with a recommendation. Mr. Wallace said the time frame is important to him and his wife because it is spring time now. They want to be able to open the windows and have fresh air in the house. He wants to be outside without hearing constant barrage of a whistles and crowd noise. Mayor Weinstein said they will look into it and the Manager will get back to him.

Harvey Rubinstein, 28 Rutgers Terrace, stated they have a celebrity sitting on the Council and his name is Edward Trawinski. On Saturday in The Record, there was an article titled "They Put Open Space Ahead of Profit." Councilmember Trawinski and his brother opted to sell a twelve-acre parcel in Morris County for open space. Their decision to pass on development and not build more homes will protect streams and enhance the quality of life in that area.

Mr. Rubinstein spoke about the Kodak property. The State now has a new initiative called "Ready for Growth" under the Governor's office and it is under the New Jersey EDA . He felt the Council should pursue this and investigate it further. It would create jobs and it is the drive for investment in commercial areas in the State. He felt people in Trenton did not even know where Fair Lawn was.

Mayor Weinstein stated the Governor knew about Fair Lawn because he knew what they were doing on Route 208.

Mr. Rubinstein continued discussing an article that was in the business section of the paper stating if you market a piece of property that is so close to New York that you will get a company from New York City or from other parts of the country looking to come into the northeast to go into that property.

Mr. Rubinstein asked them to call upon Congressman Rothman to look into the flooding. It is not Fair Lawn's system that is failing, it is the State or County's system that is failing with that main line running down to Newark. These people are the ones that can help the Borough fix this problem.

Sheryl Cashin, 1 Glen Fair Road, stated they were one of the unfortunate families that experienced the sewer backup in their home. They had twenty inches of sewerage in their basement. The damages this time are between \$20,000 and \$25,000. This would be bad enough if this was the first time however this is their third time. She spoke about the other back ups that happened and how much they have lost. At the April 24 meeting it was mentioned by Deputy Mayor Etlar that it was an act of God. She did not feel this was an act of God, but this was an act of negligence by the Borough of Fair Lawn. This Borough does not care enough about their taxpayers. There are rivers overflowing into people's homes on Second Street, raw sewerage littering the street, and sewerage entering into the living areas and the response to that is, it was an act of God. How long will it take before this town has a reputation for flooding like Wayne, Lodi and Oakland have. Anyone who buys a house there is very leery about the location. The property values in this town will be worth nothing. It should be a priority for all of the Borough if it wants to maintain its image of a town that you would want to purchase a home in the future.

On April 19 she filed a claim with the DEP. An individual from the DEP came to her home brought by Superintendent Ron Conte who did not get out of the truck. According to the DEP, the next step would be to have an Engineer review and evaluate the system because of this ongoing problem. She would be initiating that request. She urged other residents to be here at the next Council meeting on June 12 to sign this initiative. She would like to think that this Council would not do what the past Councils have done which is to ignore this problem. She asked them to resolve this in a quick manner. She asked this Council if they would have meetings with the residents and keep them updated on the progress. Mayor Weinstein said the meeting was a result of caring about and not ignoring the situation. In fact, he was not there on the 24th and did not know she was at the meeting. He went to the residents on Second Street and Jasper Road. As a result of that, Superintendent Conte and Borough Engineer Garrison came to the Council Work Session explaining the system with a diagram. The communication was not as good as it could have been. The Manager is going through the situation and will have a report of what happened and what should be done in the future. He said that Deputy Mayor Tedeschi will be working with Saddle Brook Mayor Lou D'Arminio and also they will reach out to Elmwood Park about the situation on Berkshire Road and Arcadia Road. They are not ignoring it and they are looking into it. He asked Manager Metzler to look into this situation on Glen Fair because the Council did not know about this.

Mrs. Cashin said she was probably the first resident they responded to. They came to her

immediately to confirm it was sewerage that was coming in. Later that evening they had to have the Fire Department come because the furnace was smoking. The Fire Department shut down the whole electrical main because at that point the sewerage was up to her outlets. They were without power for a couple of days until it subsided and went down. Her husband ran to shut the furnace off and slipped in it and was up to his neck in sewerage. She said they had enough. She felt they have been ignored for twelve years. Mrs. Cashin said her and husband have lived in that house since 1983 and between then and 1993, they have had no problems. She doesn't know if anyone looked into the sewer system since there could be major holes in it. Mayor Weinstein said there is not a major hole but it is something to look into.

Councilmember Trawinski stated he was on this Council a decade ago and never heard of her problem. He said they were not being ignored. Mrs. Cashin said she gave up after the first flooding. Councilmember Trawinski said it was unfair to say this Council is ignoring it. At the last work session, an hour of time was scheduled as a starter to have Superintendent Conte and Engineer Garrison come in to explain whether or not this was a system failure. They were advised that the Borough did not have a system failure. What they had was a monumental amount of rain, the likes of which they did not even have during Tropical Storm Floyd, that contributing to the Passaic River literally backing up into the sewer line. He said both Clifton and Paterson combine both their sewerage and storm sewers in one line. This was a heavy regional rain event. The system filled up, not in Fair Lawn, but the system down river was beyond capacity. The Council has looked at alternate fixes but is still exploring it. The Manager informed them if they implement one of those fixes all they would be doing is shifting the problem to another street. They are not prepared to do that. He understood the Cashin's frustration. They put it on the Work Session so the Council could start to figure out what was done right, what was done wrong and they believe things were done wrong, and to see if there is something wrong with the system. They have been advised that so far there is no system failure.

Mayor Weinstein stated they are still exploring it. Mrs. Cashin said if it stopped working why does it only stop working for some people. Manager Metzler said that it flows down hill. As the pump house becomes overwhelmed it is going to back up into the low-lying areas first. Low-lying areas could be by the depth of the pipe and if there was a bathroom or slop sink in the basement. Water looks to relieve the pressure, and it bubbles up in the drains and toilet. He said the Council was presented with a graph of what was pumped to Passaic Valley. There were times they were pumping at 100% capacity. What has been said about the neglect of the infrastructure is not true. All of the pumps have been replaced since 1987. It was a catastrophic problem. To relieve the problem sewerage had to be pumped into the Saddle River which is why the DEP was there. The Council has asked for a report of what the various departments did during the storm. In the future, if this should happen again, the Borough has a system that can call residents to warn them this may happen. He suggested that if the residents chose to they could put a check valve in their sewer line. They would have to make sure it is clean so that it can prevent a back up. Mrs. Cashin asked if that is within the Borough code and who would pay for it.

Manager Metzler said the homeowner would have to pay for it.

Rich Cashin, 1 Glen Fair Road, asked what kind of alarm the Borough has on the pumps and if it was done automatically. He also wondered when was the last time the lines were scoped out. Mr. Cashin explained that the company he works for maintains their site and spends about one million dollars on doing upgrades. Mayor Weinstein stated that the Borough puts money into the infrastructure. Mr. Cashin continued saying that he knows that pump designs are different. He realized that at one time, there was a sewer plant on Saddle River Road.

Manager Metzler said that each pump has its own high water alarm which triggers an alarm for the Sewer Department which is one of the mechanisms the Borough has in place. The Borough also has the ability through a high speed connection to alert residents of a possible back up. This is one of the items the Council wants to use. Mr. Cashin had several questions about the alarm and who responds to it. Manager Metzler said it goes to the Sewer Department who answers the call. Mr. Cashin felt a lot of time was wasted by them having to go to the site to divert the sewer and what happens if they don't have the correct tools. Councilmember Trawinski said that data showed the Borough was pumping over capacity. Mr. Cashin stated it was going into their house. Mr. Cashin said he was told it was a pump failure. Manager Metzler said one pump was lost on the south syphon on Canger Place. There are four pumps at that particular station. One of the four pumps did burn up. It was because it was pumping to a full discharge line. Mr. Cashin asked who made the decision to pump it into the river.

Attorney Rosenberg stated he was going to stop the line of dialog at this point because several homeowners have already file tort claim notices against the Borough. He advised that Councilmembers and Manager that they are now being asked to make admissions and that is inappropriate.

Councilmember Trawinski stated he heard from the Borough Attorney but in this case, he felt they had an obligation to the people who are involved to give them as much information as possible. Mayor Weinstein stated the Manager was doing a critique to be done within 45 days. The Mayor and Council will reach out to the public and particularly the ones that came in to speak and they will go over that critique with the Manager and the residents.

Mr. Cashin said it was a major disaster over there. He does not recall seeing any Councilmembers on his street or knocking on his door. Councilmember Trawinski stated that is part of the reason why some of the Councilmembers had this discussion with the Manager. There was no communication to the Council. They all assumed that everything was running fine. Shame on them, they should have known better but they were not told. He also felt they should look into acquiring certain properties. Mr. Cashin said it was comforting to know that the Council does realize they had a problem. Mayor Weinstein stated they do realize it and as Councilmember Trawinski said, he did reach out but did not know he was at the meeting and had a problem. Councilmember Trawinski stated they did reach out to the residents that were affected but it was after the fact.

stated the River Road Improvement Corp. is poised to support the ordinance restricting hours of business operation in the B4, B5 zone. They are awaiting the Council's action with that ordinance which he understands the Council has reserved the right to act on after the Closed Session. The ordinance is currently drafted as a Borough wide ordinance. They have received feedback from other establishments. The RRIC and others are prepared to support them in moving this ordinance for the specific uniqueness of the B4 B5 zone and in general curtailing the hours of operation somewhere in the area of 12 midnight to 5:00 a.m.

RRIC will endorse some of the sentiments they heard this evening regarding the quality of life. The initiative of the Council to introduce the ordinance he thought was well received by the leadership of RRIC.

Mr. Smartt wondered what operation means, what in fact closure means, does the closing the business mean the end of certain commercial actions or does it allow for clean up to occur. He strongly encouraged the Council to consult with the business organizations which would reflect a true private/public partnership.

There being no additional comments from the public, upon motion by Deputy Mayor Etler 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 Work Session at 8:54 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etler

Deputy Mayor Joseph Tedeschi

Councilmember Edward Trawinski