

REGULAR MEETING OF JUNE 12, 2007

Mayor Weinstein 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: Mayor Weinstein, Deputy Mayor Etlar and Councilmembers Baratta and Trawinski.

ABSENT: Deputy Mayor Tedeschi

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

COUNCIL COMMENTS:

Mayor Weinstein welcomed everyone back after a brief hiatus due to the Primary Election. He thanked all those who got out to vote. He thanked the Poll Workers, Challengers and everyone who worked in the campaigns. It is part of the Democratic process and it works.

Mayor Weinstein said he had a meeting with the Manger and since it is summertime and a lot of the college students are home, people will be calling up to park their cars in the street, he recommended that they do it early, don't wait till later because they will have to wait awhile.

Councilmember Baratta thanked everyone involved in the recent Memorial Day Parade. The weather was beautiful and it was a terrific event. She thanked Parks and Recreation Department, the Veterans, the volunteers and everyone that lined the sidewalks.

Councilmember Baratta said the street fair was this past weekend. It was another great event. It was great to see so many people come out to support the street fair. She also thanked the Chamber of Commerce for putting that together.

Deputy Mayor Etlar stated that on June 2, there was a fund raiser put together by the employees which was held at the Community Center for Frank Ryan and Bernie Lyons. They raised more than \$8,000 and each recipient was given \$4,000.

Councilmember Trawinski thanked the Alliance for Substance Abuse for a phenomenal program at the Community Center. He believed it was being aired on Fair Lawn TV. He found the two high school students very enlightening. They had spoke about their

experiences with alcohol. He encouraged every resident to take the time to watch the program. He thanked Health Officer Wagner, Sheriff McGuire and Derek Bastinck as the moderator.

ORDINANCES: FIRST READING

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

Ordinance No. 2081-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" TO LIMIT THE HOURS OF OPERATION OF RETAIL ESTABLISHMENTS LOCATED IN THE B-4 RIVER ROAD BUSINESS ZONE AND B-5 RIVER ROAD BUSINESS ZONE

Councilmember Trawinski stated in regard to a comment he heard, he felt if they need to tweak the times, it is something they can and will do, but they tried to strike a reasonable balance in regard to the residences that are located above businesses. As a general consensus, they are all in agreement that there should not be twenty-four operation of a business where residences are located.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 197-2007 introducing Ordinance No. 2081-2007 was unanimously passed.

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

Ordinance No. 2082-2007

"AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE."

Manager Metzler stated this project will put permanent bump outs on River Road in the area of the Post Office. Both the cones and the bump outs are traffic calming devices. The cones are placed to see the maximum allowance so in the future they can put in traffic calming devices. In the case of River Road where the cones were placed two years in a row, drawings were approved by the DOT and they will fund the project.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etler, Resolution No. 198-2007 introducing Ordinance No. 2082-2007 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT # 16-2007

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda 16-2007 containing the following items was unanimously passed with the exception of Item J which was removed.

- a. Resol. #199-2007 - Approval of Minutes:
Closed Session 5/1/07
Work Session 5/1/07
Special Meeting 5/1/07
Closed Session 5/1/07
Regular Meeting 5/8/07
Work Session 5/8/07
- b. Resol. #200-2007 - Refund of Overpayment of Taxes
- c. Resol. #201-2007 - Rescind Award of Bid: Food Concession and Award to 2nd Highest Bidder
- d. Resol. #202-2007 - Authorization to Execute Municipal Snow Plowing Agreement with the County of Bergen
- e. Resol. #203-2007 - Renewal of Liquor Licenses 2007-2008
- f. Resol. #204-2007 - Interlocal Agreement for Use of Walsh Pool - Elmwood Park
- g. Resol. #205-2007 - Award of Bid: Boat and Motor with Trailer
- h. Resol. #206-2007 - Deem Bids to Have Been Rejected for Lease of Real Property Owned by the Borough of Fair Lawn at the Public Works Yard for Placement and Maintenance of Temporary and Permanent Wireless Telecommunications Equipment
- i. Resol. #207-2007 - Interlocal Agreement for Use of Walsh Pool - Saddle Brook
- j. Resol. #208-2007 - Removed

RESOLUTION NO. 208-2007 - Status of Fair Lawn Amateur Radio Club

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 208-2007 was passed with Deputy Mayor Etler dissenting.

Deputy Mayor Etler stated he voted against this because the Radio Club is a hobby and he did not think it was necessary for the betterment of Fair Lawn. They do help

the Borough but it is not necessary. He did not think they should be in the Community Center for nothing.

**RESOLUTION NO. 209-2007 - Person to Person Transfer of Liquor License:
Radburn Deli & Liquor to Krupaji, LLC**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the time for the public hearing was unanimously opened.

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

Councilmember Trawinski asked Municipal Clerk Kwasniewski if all of the required papers were filed and the fees were paid. Municipal Clerk Kwasniewski stated that was correct. She did ask that the resolution be amended to have the transfer date effective June 19. The Council agreed to amend the resolution as suggested by Municipal Clerk Kwasniewski.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 209-2007 was unanimously passed.

MISCELLANEOUS PUBLIC COMMENTS

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

Robert Wallace, 11-06 Alexander Avenue stated he was at the meeting again to talk about the noise problem at the Fair Lawn Jewish Center. He said that Manager Metzler has been very helpful but nothing has changed. On May 29, six patrol cars were needed to respond to a fight in the gym. There were people running in all directions and jumping in their cars and taking off. He and his neighbors are very concerned about this, giving an example if someone had a gun, where would the bullets go, probably into one of their houses. The Fair Lawn Jewish Center is not being a good neighbor. He said the doors have been open, the whistles blowing, crowd noise and garbage all over.

Mayor Weinstein stated they would be meeting with him on June 14. Manager Metzler stated he realized this was a quality of life issue. He has requested a meeting with the Jewish Center representatives, the basketball league and the Borough Attorney in regard to this problem. He will certainly convey his concerns to the Fair Lawn Jewish Center.

Paul Castiglia, 12-30 Edward Street, stated he was there to offer support to his wife, Magdalena, regarding her and the neighbor's concerns brought before this Council and the Zoning Board pertaining to the land swap on George Street to allow parking for the River Road businesses and the sale of property to a developer for a single family home and the addition to the Company 1 Fire House. Although there maybe some that feel this is in the best interest of the Borough, they feel it is fiscally and environmentally unsound. Regardless of where they stand on this issue, he knows that his wife has always treated everyone with the respect, dignity and civility that any human being deserves. He was

disappointed that his wife was not treated with the same respect at the last Zoning Board meeting on May 24, 2007. He was now asking Steven Pinsker from Co. 1, to reconsider these thoughts he expressed regarding his wife and apologize for those comments.

Nancy D'Antonia, 12-56 George Street, stated she had questions about the inventory at Fire Co. 1. Manager Metzler stated there is a new ariel truck that was purchased which should be received in a couple of months. The value of that new fire engine is \$875,000, there is another engine worth \$500,000, a smaller truck worth \$150,000 and the boat is worth \$21,000. Mrs. D'Antonia said the value could be worth two million. She wondered if Fair Lawn paid insurance on this equipment. She said she viewed their financial expenses and did not see any payments for insurance. Manager Metzler said the equipment is covered in the Borough's insurance. Municipal Clerk Kwasniewski stated the Borough does not insure the building.

Mrs. D'Antonia asked if they paid taxes. Manager Metzler explained they do not because they are a not for profit and are exempt. Mrs. D'Antonia asked what does municipal use mean. Attorney Rosenberg advised that this Council is an independent body. The Zoning Board of Adjustment is an independent body which makes its own legal determinations and its own determinations. This Council has no authority to answer her questions with respect to how the Zoning Board, its Attorney, its members may have interpreted the application that is pending before that Board.

Mrs. D'Antonia asked what responsibility the Borough would have to pay the debt of this organization. If they run into financial problems, would the Borough have an obligation to the house the equipment is stored in. Attorney Rosenberg advised the Borough would not be obligated since they are an independent 501(c)3. Mrs. D'Antonia said the Borough would have to protect the assets. If they were to get into financial distress, the Borough would have to move those assets. Manager Metzler said if he was faced with that today, he would move them down to the DPW garage because it can protect them. There is a concern to have the pumpers protected during the winter months. The Borough would absorb that if one of the Borough Fire Houses went bankrupt. He feels confident enough not to be concerned about them going belly up as a result of the expansion. There is a new fire truck coming in approximately eight months from now and he wanted to make sure there is a place to put it. Now the truck will not fit in that building as it stands.

Mrs. D'Antonia suggested someone review the minutes and check their financials since there are none. They have not given any financials that would make the community feel comfortable. Manager Metzler stated there were concerns raised about the George Street Fire House. He reached out to the leadership. The fact of the matter was the conceptual drawings that were presented to the Council were very different from the ones presented to the Zoning Board. They told him that every property owner in the Borough of Fair Lawn that wants to do something to their house, can seek relief by going before the Zoning Board. When a resident goes before the Zoning Board they are not asked how they are going to pay for it. They are not asked to present financials. They presented evidence and based on that evidence and documentation, the Zoning Board made a determination. The neighbors within 200 feet have an opportunity to testify for or against the project. Then the

Zoning Board makes the determination. All Co. 1, as a property owner, has asked the Zoning Board to ask the Zoning Board for the same relief under the same conditions that they would offer to any other resident of the Borough of Fair Lawn. He believed that is what the position is. It is testimony before the Zoning Board. There is no reason for the Council to be involved with it at this time. As the keeper of the Borough assets, he is monitoring it closely. That is why he reached out to the leadership about his concerns about the truck fitting in.

Mrs. D'Antonia said she is asking the Mayor and Council about the financial security they request of an organization that is housing at least two million dollars of assets.

Mayor Weinstein stated since he has been on the Council there has never been an issue like that. In fact, Rescue wanted to expand their building and when they realized the fund raising would not meet the cost, they backed off. He said there was something she had to understand. Some Councilmembers go to Planning or Zoning Board meetings but they do not have a right to question or judge the information they have to make their determination.

Mrs. D'Antonia asked if the Zoning Board was responsible for the assets of the community. Mayor Weinstein stated the Fire Company is there for a variance right now. Mrs. D'Antonia said they are not looking into their financial stability. Mayor Weinstein stated they came to the Mayor and Council with a plan to swap land. It seemed feasible to them.

Councilmember Baratta said she thought where the confusion lies is that the Zoning Board made a determination that the Fire House is a municipal use. Mrs. D'Antonia said she wanted the Mayor and Council to ask Fire Co. 1 if they are financially able to do this expansion. Mayor Weinstein stated they understand the sale of the land will pay for it.

Howard Mark, 12-23 Ferry Heights, stated he had called the DEP and spoke to the Case Manager for the Heyward tract. He was told the clean up is almost complete but the groundwater will take years to clean up.

Eudice Gersten, 12-11 George Street, asked about the McMansions ordinance since Fire Co.1 falls into that. She felt the expansion would change the character of the street. The height should be looked into.

Sheryl Cashin, 1 Glen Fair Road, stated she was here regarding the sewerage in her basement and on her block. She had contacted the DEP and was told what could happen to sewerage if the temperature rises to 72 or above. The sludge produces high amounts of toxins. She talked about the illnesses that are associated with these toxins. She and her husband were in contact with this sludge in low doses. She called the Health Officer who told her they do not need a Hepatitis shot. The Borough should know the dangers of the fumes that are from the sewer. She will go to every agency and attend every meeting. Mrs. Cashin said she could not imagine that the Mayor and Council would just turn away from them. The Borough did not even pump them out. Through all of this, she and her husband did not feel well but they did not think it had anything to do with the sewerage in their house.

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

Upon motion by Councilmember Baratta and second by Councilmember Trawinski, the meeting was adjourned at 8:30 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

Absent

Deputy Mayor Joseph Tedeschi

Councilmember Edward
Trawinski