

## REGULAR MEETING OF MARCH 27, 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 Mayors Etler and Tedeschi and Councilmembers Baratta and Trawinski.

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

### **COUNCIL COMMENTS:**

Mayor Weinstein stated that he would like to compliment the orchestra and all the actors, the actresses and the backstage crew who put on the Grand Hotel this past weekend. Producer DiRese and Director Kafer did a tremendous job. It was an excellent show and the kids were great. They are a credit to our town.

Last week, the Council had an open public forum on the Clariant site. He thanked the public for being there and giving them their input. He sent out letters to thank the experts for coming and spending the evening with them. From the input and the questions answered, there were a lot of new revelations, for example, he did not realize proper development could not take place until 2010. In his opinion, the environmental aspects at that site were the most important aspect. He felt the time was not right for development. He believed that was not the end. He believes that they cannot just leave the property the way it is. They need to be more proactive. He will propose to the Council at the Work Session later tonight, they do just that. They should give the Environmental Commission more authority in the overseeing of the process, so they can be a liaison to the property owners, and the State and to fund them for administrative support, to move this along. He felt the buildings that are there should be knocked down.

Also, his consideration is for the residents who live in the area as well. At the meeting last week, one resident spoke about a red light coming on and he understood why the resident was concerned. He would like to see that end. He felt that right now, the Council had leverage to push the remediation process along but once they change the zoning they would lose some of that leverage. At the Work Session later, he will propose to the Council to not vote on the second reading of the ordinance, and to empower the Environmental Committee to get the remediation done.

Councilmember Baratta announced some upcoming events. On May 5 from 11:00 a.m. to 2:00 p.m. there will be a bicycle rodeo at Memorial Middle School sponsored by State Farm Insurance, the Fair Lawn Police Department, the Health Department and the Alliance for Substance Abuse Prevention. It is a great program. The Police set up an obstacle course for the kids, they check out their bikes to make sure everything is in working order, they will fit them for helmets and if the children don't have helmets they will be able to purchase them for \$10. The proceeds go to the Alliance For Substance Abuse Prevention. This will be held for children from pre-school to 8<sup>th</sup> grade. It will be held in the parking lot and if it rains it will be held in the gym.

Councilmember Baratta announced that on May 24, Fair Lawn will be hosting a town hall meeting on alcohol and substance abuse prevention. There will be a lot of great speakers, there will be a panel there discussing it and giving presentations. It will be held in the High School center hall at 6:30 p.m. She said they will be serving a light dinner. They would like to get a lot of high school, middle school and even grammar school parents involved.

Councilmember Baratta congratulated Kevin Peppitone who competes in the Special Olympics that were just held in Wildwood. He brought home the gold in basketball and street hockey this past weekend and came in fourth place.

Deputy Mayor Etlar said he wanted to comment on statements that were made about Clariant. He felt the clean up of the site was a good thing. He read parts of a letter from Clariant that said they were continuing to meet the DEP expectations for dealing with an industrial site clean up. He believed that the DEP applies different remediation standards depending on the type of use of the property. It is important to note that if rezoning for the residential redevelopment is no longer an option they don't have to clean it up as well as they thought they had to if it was going to be residential.

Deputy Mayor Tedeschi stated that statutorily the Council receives annual reports from the departments and the Borough Manager covering all the highlights of the past year. He hasn't read all of them in detail. He complimented Judge Lafferty and the Borough Manager. Last year the Council hired two new police officers and three dispatchers and that was included in the 2006 budget. He talked about the outcome of those people coming on. He stated in 2005 there were 4,837 tickets were issued. In 2006 there were 10,535. Parking tickets were 5,317 in 2005 and last year there were 7,906. Criminal actions in 2005 were 755 and last year there were 1,181. There were 65 DWI in 2005 and 83 in 2006. The total number of summonses and actions taken went from 11,207 to 20,177 and which he believed, in part, because they put more Police Officers on the street, they have more dispatchers and they have a highly energized Police force and a Court that is able to move the process along.

Councilmember Trawinski thanked Congressman Rothman for taking the time to respond to this Council's resolution regarding their concerns about the Dafur. He particularly thanked him for supporting HR3127 and HR180. HR180 is the Dafur accountability act of 2007. If that legislation is enacted, the United States federal contracts would stop

going to companies in Sudan that directly or indirectly support the genocide in Dafur. It would protect the rights of States to divest their own public pensions from this country. For people who think this is meaningless action, he asked them to recall the situation in South Africa and the position that this Nation and these States took in helping to end the apartheid of South Africa by the same type of divestment act. He is disappointed that Congressman Rothman was the only representative from the United States including their two Senators who felt the genocide in Dafur was important enough to respond to a resolution from this Council.

Councilmember Trawinski acknowledged the good actions of Police Officer Karen Censullo in connection with her duties dealing with a complicated juvenile matter on March 22, 2007 at the Forest School. She received glowing reports from the school administration and child study team praising her for her work and her work ethic. He thanked Chief Rose and Sgt. Schultz for sharing that information with them. All too often people criticize the Police Officers and yet this is the kind of thing that they do day in and day out.

Councilmember Trawinski expressed his condolences to Michael Carolyn and his family. His father suffered a massive heart attack during the last snow storm. When his mother returned home and found her husband dead, she called 911 and Officer Macy's was one of the responding officers. He quoted from Mr. Carolyn's letter to Chief Rose, "Officer Macys could not have been more helpful or more comforting during the time he was with his mom, sister and I. He did everything he could to ease the stress on our family. I wanted you to know from my perspective, Officer Macys is a very fine officer and an asset to your Police Department." Officer Dawicki also responded to the scene. This is remarkable that this family just lost a husband and a father and yet they thought enough of the conduct of the Fair Lawn Police Department to take the time and send them a letter. He congratulated the Police Officers that were involved.

Councilmember Trawinski stated he was very pleased that Deputy Mayor Tedeschi mentioned that the Council in last year's budget authorized the hiring of two new Police Officers. He thought it was important for the people of Fair Lawn to know that their vote in November of 2005 made that difference because in the fall of 2005, the Police Chief made a presentation to the Borough Council, but the Council decided to just leave it. They unanimously at the time authorized what they did. He felt it was a very positive step and thanked Deputy Mayor Tedeschi for pointing that out. For the residents of Fair Lawn, the Council is on target to increase the size of the Police Department at the rate of two officers a year until they get to ten additional officers, subject to budgetary restraints. He thought it made a difference in the traffic safety bureau, in the ability to deal with crime and the ability of the Police to keep us safe and secure, which he believed was one of the fundamental purposes of government.

Councilmember Trawinski stated his last comment was on Clariant. He believed what changed was that a protest petition was received which would make it impossible to adopt this ordinance because they would need four votes. He felt the public process worked. He is grateful to the people of Fair Lawn for participating in this process. He disagreed with

the Mayor about tabling this ordinance. He felt they should actually decided to untable it and formally vote against it so it is dead once and for all. He thought they need to go further. He put on the Agenda the issue of talking to Assemblyman Gordon about the availability of brownfields funding to see whether or not they can find funding to acquire that site. He made a point that the Borough cannot purchase every piece of property that becomes available. There are concerns about this site and whether it would ever be right for any sort of residential development, He did speak to Assemblyman Gordon who did seem in favor of it but was not sure if the funding was available for it. Councilmember Trawinski thought the Clariant site, the Landmark site, the Naugle House, the Malinчек site point out and he hoped they could take the politics out of it and come back and agree that next year they will provide the funding to redo the Borough's Master Plan reexamination. The Borough has been zoning on an ad hoc basis too long in this municipality. He wanted to look forward and fix it. He would start with the Clariant site. They have an obligation that this site is cleaned to the highest possible standards and that may mean on an interim basis for the Council to zone it for residential. He would ask the Borough Attorney for his advice on this.

Deputy Mayor Tedeschi stated he was glad he brought it to his attention about the Police Officers. He wanted to bring it to his attention that while it was unanimously agreed in the budget process that the two Police Officers and the three dispatchers were included in the current budget which you voted against. Also with regard to Clariant, he read from the Minutes of June 13, 2006, where Councilmember Trawinski said that he happened to disagree with Mr. Shanksky. He does not support market rate townhouses, he would prefer to eliminate pure market rate townhouse in Fair Lawn, because you can never catch up with the rateable chase. In this one instance, he did support creating market rate townhouses, a portion of them on this site. Those were comments from Councilmember Trawinski.

Councilmember Trawinski said that was not the case. He was against the project in the form that was proposed from day one. He said he had supported the project as it was proposed by the developer because the developer said in its presentation, that the developer would not undertake development until the remediation was concluded and until the site was clean and the developer would not even seek to demolish any buildings until that occurred. He understood that as a Council that was how they were working. Yet the ordinance that they pushed through in January was an ordinance that contained nothing of the sort, in fact, it would have allowed the developer to start sooner. Had the Council given the developer the ordinance they wanted, he would have supported it. He knew the site would take at least until 2010 to be cleaned up. He said at a prior meeting he asked what was the rush. He felt this ordinance would allow the developer to proceed without the proper remediation. He also had other issues that were pointed out by the Environment Commission, the Historical Commission and the League of Women Voters all of which were ignored.

Deputy Mayor Tedeschi stated that Councilmember Trawinski went on to say "the trade off here for me is that we get a central park in Fair Lawn working together, we give up a little

in density where there has been meeting and some work done by the River Road Corp, not Don Smartt, I sit on River Road, the RRIC met with all of the residents and they indicated that they share the concerns about traffic and over development. But given the trade off they are prepared to accept it over there. He would like to see CCRF continue its focus on what it was originally formed for". The fact of the matter is that he was for it before and now he isn't. Those were verbatim comments that he included.

Councilmember Trawinski said not matter how much spin you put on my words, the antiseden of the word, it, is clear. What he was for was the proposal submitted by the developer which included an age restricted project and included Mt. Laurel units. It wasn't until the developer changed it from that. Most importantly it was for a project as the developer said, upon the completion of the environmental cleanup the buildings are to be demolished and make way for development. Not on an interim basis, that is when he changed his mind.

Mayor Weinstein questioned the comment Councilmember Trawinski made about the developer changing his tune. Councilmember Trawinski stated the developer changed his tune by doing this interim. The developer did not tell them that originally. Mayor Weinstein stated they will continue this discussion another night.

#### **PROCLAMATION: NATIONAL CHILD ABUSE PREVENTION MONTH**

Municipal Clerk Kwasniewski read the proclamation.

#### **ORDINANCES: SECOND READING**

Upon motion by Deputy Mayor Etlar 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. 2074-2007**

#### **BOND ORDINANCE APPROPRIATING \$2,730,000 AND AUTHORIZING \$2,600,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY**

Harvey Rubinstein, 28 Rutgers Terrace, asked if the Borough was borrowing the full \$2,730,000. Mayor Weinstein explained that the amount includes the down payment. Deputy Mayor Tedeschi said the Borough was actually borrowing \$2,600,000.

There being no further comments, upon motion by Councilmember Baratta 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. 122-2007 adopting Ordinance No. 2074-2007 was unanimously passed.

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. 2075-2007**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2007 (N.J.S.A. 40A: 4-45.14)**

Harvey Rubinstein, 28 Rutgers Terrace wondered what it meant to exceed the CAP. Manager Metzler stated it is regulated by the local budget laws.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 123-2007 adopting Ordinance No. 2075-2007 was unanimously passed.

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

**Ordinance No. 2076-2007**

**“AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER XII, ENTITLED ‘WATER’, SUB SECTION 12-4.2, ‘WATER RATES’ ”**

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

Upon motion by Deputy Mayor Etler and a second by Councilmember Trawinski, Resolution No. 124-2007 adopting Ordinance No. 2076-2007 was unanimously passed.

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 2077-2007**

#### **AN ORDINANCE AMENDING ORDINANCE NO. 2071-2007 ENTITLED "AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12, "MISCELLANEOUS FEES" AND CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS", SUBCHAPTER 160-6 "MEMBERSHIP FEES"**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, a motion to divide the question was unanimously passed.

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Tedeschi, Resolution No. 125-2007 adopting Section 160-6A of Ordinance 2077-2007 was passed with Councilmember Baratta and Councilmember Trawinski dissenting.

Upon motion by Councilmember Baratta and Councilmember Trawinski, Resolution No. 125-2007A adopting Sections 160-6D and 160-6 of Ordinance No 2077-2007 was unanimously passed.

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

### **Ordinance No. 2078-2007**

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

Harvey Rubinstein, 28 Rutgers Terrace, said that he has heard rumors that these were new positions and wondered if they were already occupied.

Manager Metzler said that only one position was added which was the Municipal Housing Liaison. The Clerk Typist/Administrative Support Specialist title was on the books but the salary was reduced. Councilmember Trawinski asked why the title was Administrative Support Specialist. Manager Metzler explained that was because that was a Civil Service title. It will be a full time position.

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.



Captain Cook's good work in obtaining grants all of the Borough's auxiliary police officers have vests.

## **MISCELLANEOUS PUBLIC COMMENTS**

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

Arlene Rubinstein, 28 Rutgers Terrace, recommended that the Mayor and Council attend the Zoning Board meetings. There are two members that do not treat the residents very well. At the meeting one of the members had not read the plans and was not aware of what was going on, in another instance one of the residents was grilled about. She felt it was disgraceful. Mayor Weinstein asked Attorney Rosenberg to speak to the Zoning Board attorney.

Stan Hayden, 12 Beekman Place, stated at last week's forum, a man asked him if he was a doctor because his three year old son has cancer who lived near Clariant. He hoped the Council would be responsive for the health and welfare of the residents. He thanked Councilmember Baratta and Councilmember Trawinski for taking the lead in killing this. He thanked Mayor Weinstein for holding the forum and to Assemblyman Gordon for attending. Mr. Hayden said he learned from the meeting that the developers will develop on anything. The upper six acres cannot be built on. The rest of the site cannot be cleaned up by 2010. He felt that Clariant made millions on the site and should put money back into it.

Kathy Moore, 13-16 Plaza Road, asked the Council to have the homes that are to the south of the site monitored by the DEP. If the plume is traveling, it is going under people's homes. The contaminants travel fast. She felt they should push the DEP to test the soil.

Claude Bienstock, 39-11B Broadway, urged the Council to do the best for Fair Lawn. The Borough has a great Police Department. The Council needs to support more funds for what they do. It is necessary because they need good equipment to fight crime.

Howard Mark, 12-23 Ferry Heights, stated that a few weeks ago, the Saddle River went over the banks and headed toward historical land. The Naugle House is on the flood plain. He thought the Council should rezone it back to what it was. Mr. Mark spoke about the State putting trout in the river and how development cannot be done around a trout area. The whole area should be rezoned.

Harvey Rubinstein, 28 Rutgers Terrace, stated that he appreciated Councilmember Baratta and Councilmember Trawinski for protecting the future residents of Fair Lawn. He felt if and when the site gets cleaned up, then they should build on it. He read about Hartz Mountain in New Jersey Business where they spoke about attracting medical, pharmaceutical and biotechnology for their site. Mr. Rubinstein felt the EDC should put together a plan. He thought the Borough was in the heart of a tremendous business market because the Borough has location. He felt they should reach out to those types of business to settle in

Fair Lawn. He spoke about the reason why sites are chosen to as a superfund. Mayor Weinstein stated that he had done research into why Clariant wasn't on the superfund list. He was told that if the State picks up the remediation it is removed from the superfund list and the federal government backs away.

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 the Work Session at 8:44 p.m.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

\_\_\_\_\_  
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