

## REGULAR MEETING OF SEPTEMBER 8, 2009

Mayor Weinstein called the meeting to order at 7:30 p.m.

**PRESENT:** Deputy Mayor Swain, Deputy Mayor Tedeschi, Councilmember Baratta and Councilmember Trawinski

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

### COUNCIL COMMENTS

Mayor Weinstein stated that the Fire Department Open Houses were as follows: Company #4: Sunday, October 4<sup>th</sup> from 2:00 to 4:00 p.m.; Company #2: Sunday, October 11<sup>th</sup> from 1:00 – 3:00 p.m.; Company #1: Tuesday, October 13<sup>th</sup> from 7:00 to 9:00 p.m. and Company #3: Sunday October 18<sup>th</sup> from 1:00 to 3:00 p.m.

Councilmember Baratta stated that the Borough was holding a Food Drive on October 4<sup>th</sup> in conjunction with Action against Hunger, sponsored by North Jersey Media. She encouraged residents to drop off canned items, as the Health Department was facing increased numbers of people in need.

She stated that schools were open, and congratulated her daughter on starting high school. She wished all students a happy, safe and healthy school year. She reminded residents to stop when they approach a school bus loading or unloading passengers, and not drive around the bus.

Deputy Mayor Tedeschi did not have any comments.

Councilmember Trawinski stated that the ADA Committee will meet on September 25<sup>th</sup> at 7:00 p.m. The Committee is soliciting volunteers for its Snow Busters program, which provides snow removal assistance for those in need. Interested volunteers should contact Jim Van Kuiningen in the Borough Manager's office.

Deputy Mayor Swain reminded residents to shop locally and support Fair Lawn businesses. She encouraged residents to enjoy the weather by walking whenever possible or parking a little further away and walking to their destination.

### ORDINANCES ON FIRST READING:

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

#### ORDINANCE NO. 2165-2009 (RESOLUTION NO. 296-2009)

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" MORE SPECIFICALLY SECTION 125-40B ENTITLED "TEMPORARY STORAGE UNITS."**

Upon motion by Deputy Mayor Swain and a second by Councilmember Trawinski, Resolution No. 296 -2009 introducing Ordinance No.2165 -2009 was discussed.

Attorney Rosenberg stated that the amendment increased the size of the temporary storage container permitted on a property and allowed the container to be placed on the lawn, in addition to a driveway or approved paved area. The duration of the permitted time would be increased to an initial term of three months with a three month renewal. After a six month term, extensions on a monthly basis would be permitted at the discretion of the Zoning Officer, not to exceed 12 months total. The fee structure was also changed to \$100 for the first three months, and three months thereafter and \$25.00 per month for each additional month thereafter.

Councilmember Trawinski stated that he would support the introduction of this resolution to allow it to proceed, but felt there were a few items that were omitted. He suggested they mandate by ordinance that a copy of the Temporary Storage Unit Ordinance be given to anyone who obtains a Building Permit. Mayor Weinstein agreed. Acting Manager Kwasniewski confirmed that that this was going to be done.

Mayor Weinstein stated that although this was a quality of life issue, he felt more flexibility of time was needed. He agreed that several issues needed to be tweaked. Acting Manager Kwasniewski stated that the Planning Board would need to receive this information by tomorrow in order to review it at their next meeting; otherwise, they do not meet again until October.

There being no further discussion, Resolution No.296 -2009 introducing Ordinance No. 2165- 2009 was unanimously passed.

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

**ORDINANCE NO. 2166-2009  
(RESOLUTION NO. 297-2009)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF  
FAIR LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE  
DEPARTMENT", ARTICLE XVIII, JUNIOR FIREFIGHTER  
PROGRAM, AMENDING 13-79.F.**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Resolution No. 297-2009 introducing Ordinance No.2166 -2009 was discussed.

Mayor Weinstein stated this amendment would require the Junior Firefighters to follow the same procedure as the Junior Rescue Squad members. Duties for Junior Firefighters will not include participation during the regular school term or while school is in session. Junior Firefighters will not be called between 11:00 p.m. and 6:00 a.m. on nights when school is in session and shall not be called between 12:00 a.m. and 6:00 a.m. on weekends, holidays or during summer recess.

There being no further discussion, Resolution No.297-2009 introducing Ordinance No. 2166- 2009 was unanimously passed.

#### **ORDINANCES ON SECOND READING**

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

#### **ORDINANCE NO. 2162-2009 (RESOLUTION NO. 298-2009)**

**“AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITALIMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE.”**

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 298-2009 adopting Ordinance No. 2162-2009 was discussed.

There being no discussion, Resolution No.298-2009 adopting Ordinance No. 2162-2009 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 and open the time for public comments.

#### **ORDINANCE NO. 2163-2009 (RESOLUTION NO. 299-2009)**

**“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 FROM THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION THEREFORE.”**

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 299-2009 adopting Ordinance No. 2163-2009 was discussed.

There being no discussion, Resolution No. 299-2009 adopting Ordinance No. 2163-2009 was unanimously passed.

Upon motion by Deputy Mayor Swain 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. 2164-2009  
(RESOLUTION NO. 300-2009)**

**“AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR  
LAWN, 2000, SO AS TO INCLUDE A NEW CHAPTER 129, ENTITLED “LAWN  
FERTILIZING”**

Harvey Rubenstein, 17-38 Chandler Drive inquired if property owners along the river will receive a copy of the ordinance so that they are not caught short when their landscapers fertilize their properties. Acting Manager Kwasniewski stated that letters would be sent.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 299-2009 adopting Ordinance No. 2163-2009 was discussed.

Councilmember Trawinski stated that he was supporting this ordinance because the State mandated this; however, he wished that the State Mandate/State Pay Council would help reimburse the municipalities for the cost of implementing required ordinances. He suggested copies of the ordinance be given to landscapers as well.

There being no further discussion, Resolution No. 300-2009 adopting Ordinance No. 2164 was unanimously passed.

**PRESENTATION OF CHECK FOR OPEN SPACE BY ASSEMBLYWOMAN WAGNER**

Mayor Weinstein stated that the Open Space Committee was formed in 2005, and was awarded a State Planning Incentive Grant. They have already received \$500,000 in funding and have now been awarded \$750,000. He introduced Assemblywomen Voss and Wagner.

Assemblywoman Voss stated that this was the enjoyable part of being in the State Assembly; bringing aid to the towns that she represents. This funding was important as 98% of the State has been developed. It was a pleasure to present this check to Fair Lawn.

Assemblywoman Wagner stated she was very proud that two of the towns in her district have received Open Space funding. She asked voters to support the Open Space question on the November ballot, as they are running out of money. Assemblywoman Voss stated that they are the most densely populated State in the United States. The passage of this bill was very important.

**PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

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

Harvey Rubenstein, 17-38 Chandler Drive inquired about Resolution 312-2009 - Annual Audit Report. Mayor Weinstein stated that they will have a post-engagement meeting with the Auditor to discuss recommendations and questions on the report. He stated that Acting Manager Kwasniewski recommended that they approve the report. Acting Manager Kwasniewski clarified that the statute required that each Councilmember sign a statement indicating they have read the audit; this is what they were doing. Steve Weilkotz, the Auditor, will be coming next Tuesday to meet with the Council and CFO Eccleston to discuss their Action Plan, which is a separate part of the statute.

Mr. Rubenstein wondered if the State organization referenced in the report was the office from which CFO Eccleston took direction. Mayor Weinstein stated that the State of New Jersey is one of the few states that do not follow generally accepted accounting principles, so there is a different agency that sets the guidelines in New Jersey.

Mr. Rubenstein inquired if the Resolution appointing the Chief Financial Officer was part of the Consent Agenda. Acting Manager Kwasniewski stated it was not.

Bob Gulack, 4 Bancroft Place stated that it was crucial that the Minutes of May 12, 2009 in Item A reflect that he asked Special Counsel Lustgarten four times about a non-commercial developer building COAH units on Hayward and note that each time, Special Counsel Lustgarten responded as if he was talking about a commercial developer, suggesting this idea was impractical. This is the testimony that Mayor Weinstein endorsed later in the summer and that Special Counsel Lustgarten withdrew on July 21<sup>st</sup>. He inquired as to how these questions and answers were referred to in the minutes, as he felt it was important that the voters be able to review the minutes and compare Special Counsel Lustgarten's testimony on May 12<sup>th</sup> with his comments on July 21<sup>st</sup>. He asked to have a copy of the minutes read back to him.

Attorney Rosenberg stated it was not appropriate or necessary for Mr. Gulack to read the minutes as they are not verbatim. If the Minutes are satisfactory to the Council, they can be adopted on Consent. If any Councilmember feels the minutes do not accurately represent what occurs, they can ask that the minutes be removed from the Consent Agenda so that they can vote individually. Mr. Gulack asked if there was an opportunity for the public to read the minutes before they were legally adopted. Deputy Mayor Tedeschi advised Mr. Gulack that he could make any comments after the minutes are adopted.

There being no further 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 #301-2009**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, Consent Agenda 301-2009 containing the following items was unanimously passed.

- a. Resol. #301-2009 - Approval of Minutes:
  - Work Session 5/5/09
  - Special Meeting 5/5/09
  - Closed Session 5/5/09
  - Regular Meeting 5/12/09
  - Work Session 5/12/09
- b. Resol. #302-2009 - Refund of Overpayment of Taxes and Water Charges
- c. Resol. #303-2009 - Approving Fire Board Actions
- d. Resol. #304-2009 - Authorizing Inclusion in the Bergen County Community Development Program
- e. Resol. #305-2009 - Award of Bid: Project #2165 – Roadway Improvements 2009
- f. Resol. #306-2009 - Approving Change Order – Project #216-2009 - Shade Tree Building Repairs (Removed)
- g. Resol. #307-2009 - Confirming Endorsement of CDBG Application – Care Plus Inc. – Children and Family Services
- h. Resol. #308-2009 - Appointment to the Fair Lawn Borough Garden Committee
- i. Resol. #309-2009 – Appointment to the Advisory Committee on the Americans with Disabilities Act
- j. Resol. #310-2009 - Appointment to the Zoning Board
- k. Resol. #311-2009 - Appointment to the Competitization Committee
- l. Resol. #312-2009 - Annual Audit Report
- m. Resol. #313-2009 - Requesting Approval of a Special Item of Revenue – Drunk Driving Prevention Grant
- n. Resol. #314-2009 - Requesting Approval of a Special Item of Revenue – Municipal Court Alcohol Education
- o. Resol. #315-2009 - Requesting Approval of a Special Item of Revenue – GDL Education Grant
- p. Resol. #316-2009 - Requesting Approval of a Special Item of Revenue – Click It or Ticket

Councilmember Trawinski asked that Resolution #306-2009 be pulled from the Consent Agenda, as he has a question. He asked Acting Manager Kwasniewski if the \$1,000 listed for additional painting was the result of a project being done that wasn't anticipated. Acting Manager Kwasniewski stated that was her understanding. She spoke with the Borough Engineer, who informed her that once they got started they needed to do additional painting so that the work did not look piece meal.

Upon motion by Councilmember Baratta and a second by Councilmember Baratta, Resolution #306-2009 was unanimously passed.

**RESOLUTION NO. 317-2009 – APPOINTMENT OF THE CHIEF FINANCIAL OFFICER**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 317-2009 was discussed. Mayor Weinstein stated that they conducted interviews after receiving the five final resumes recommended by CFO Eccleston, Acting

Manager Kwasniewski and Councilmembers. Finalists participated in a second round of interviews. He felt that Ms. Palermo was well qualified and would be able to step right in. She was open minded and patient. He felt there would be a continued sense of longevity, since Ms. Palermo had worked in Tenafly for ten years. Ms. Palermo will begin working with CFO Eccleston, who is leaving at the end of October.

Councilmember Trawinski echoed Mayor Weinstein's comments. He thanked Acting Manager Kwasniewski, Assistant Municipal Clerk Bojanowski, the Council and CFO Eccleston for the time and energy that was devoted to this process. The candidate search was well done and very thorough. They are fortunate to have Ms. Palermo.

There being no further discussion, Resolution No. 317-2009 was passed, with Deputy Mayor Tedeschi abstaining.

#### **RESOLUTION NO. 318-2009 – AUTHORIZING SETTLEMENT WITH WILLIAM YIRCE**

Upon motion by Councilmember Trawinski and a second by Mayor Weinstein Resolution No. 318-2009 was discussed.

Councilmember Trawinski stated that he was supporting this resolution reluctantly, since laws can sometimes have unintended consequences. The Council was advised by Attorney Rosenberg, their labor attorney, Brian Giblin and the attorney for the Municipal Excess Liability Insurance (MEL), that the residents of Fair Lawn ran the risk of having to pay not only the Plaintiff's alleged damages, but also his legal fees. The system was changed in this particular area of law by the State legislators. If they are going to be in a system where each party pays his or her legal fees, no matter what, the legislators should fix this law and change it back. He believes this settlement is in the best interest of the Borough of Fair Lawn. He did not want to gamble with the taxpayers' money.

Mayor Weinstein stated that this was an extremely difficult decision for him, but he did not want to take a risk. He was not happy with the disciplinary situation or the settlement amount, although the insurance fund was contributing \$152,000. He did not want to take the chance that Fair Lawn taxpayers would have to pay \$500,000 for legal fees, which was equivalent to one tax point. He made a business decision to reach a settlement to protect the residents of Fair Lawn.

Deputy Mayor Tedeschi stated that he would be voting against this settlement. He was disappointed that the MEL stated in their contract that the Council does not have any control over this. He felt that other Councilmembers opted to settle because of experiences they have had in other towns. He felt strongly that they could have defended this suit. He thought it was unfair to taxpayers and unfair to the officers in the Police Department.

Deputy Mayor Swain stated that she supported this settlement reluctantly, as it was an extremely difficult decision for her. She thought about the potential risks to 32,000 residents versus one employee.

Councilmember Baratta stated that she agreed with each of her fellow Councilmembers, including Deputy Mayor Tedeschi, but had decided to support this settlement.

Deputy Mayor Tedeschi stated that it was abundantly clear that there was mismanagement as to how this employee was treated over a four year period. He found that to be very disappointing and noted that the Council would be looking into this issue further to prevent this type of behavior in the future.

There being no further discussion, Resolution No. 318-2009 was passed, with Deputy Mayor Tedeschi dissenting.

### **PUBLIC COMMENTS**

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

Robert Gulack, 4 Bancroft Place stated that the Council and Borough attorneys have provided confusing and misleading information to residents. He stated that Special Counsel Lustgarten left the impression at the May 12<sup>th</sup> Council Meeting that eminent domain against Hayward could not be considered due to legal impediments. He pointed out at subsequent Council Meetings that Special Counsel Lustgarten had left the false impression about the legal issue. The Council did not take any steps to correct Special Counsel Lustgarten's testimony. Mayor Weinstein even stated that Special Counsel Lustgarten testimony was accurate. On July 21<sup>st</sup>, he was able to illicit from Special Counsel Lustgarten the testimony that in reality he had no legal opinion regarding the Hayward option. He is assuming that since Special Counsel Lustgarten has backed away from his May 12<sup>th</sup> testimony, Mayor Weinstein no longer endorses it.

When he offered that 162 was the amount of units that could be developed, Special Counsel Lustgarten denied it on camera. On July 21<sup>st</sup>, however, he elicited from Special Counsel Lustgarten that 162 was indeed the correct number. In June, Mayor Weinstein announced that he had the right to tell people what topics they could or could not talk about during the public comments section, and he was forced to explain that the Mayor did not have that power.

Mr. Gulack stated that Councilmember Trawinski, who is an experience land use attorney, offered the opinion on August 18<sup>th</sup> that "there is no objective benefit to Fair Lawn in refusing to move solely against Hayward. Hayward is the lynch pin". He went on to say that Councilmember Trawinski stated that condemning Hayward, not Daly, was his "first and preferred choice". He stated that Mayor Weinstein has never explained why, in spite of Councilmember Trawinski's opinion, he reached the opposite conclusion. On August 18<sup>th</sup>, after public comment was closed, Councilmember Trawinski attacked the remarks he made during the public comment period. He asked for the right to respond, but was wrongfully denied that right by Mayor Weinstein. It is obvious that the primary responsibility for Fair Lawn's catastrophic decision making lies with Mayor Weinstein and Deputy Mayor Tedeschi, and not Councilmember Trawinski.

Deputy Mayor Tedeschi was concerned as to why two people on the Council, which voted unanimously through this entire process, were now responsible for the votes of the other two councilmembers. Mr. Gulack clarified that there were four votes on bonding. On the actual eminent domain, the vote was three in favor, with Mayor Weinstein and Deputy Mayor Tedeschi being the majority of the three votes.

When asked why Fair Lawn had not introduced expert testimony on traffic issues, Special Counsel Lustgarten informed the public that there was a reason that he could not discuss due to litigation. Councilmember Trawinski offered a different answer on August 18<sup>th</sup> when he stated that the traffic issue was not relevant to the legal issue being decided by Judge Harris. In his June 1<sup>st</sup> report, the Special Master thought that the traffic issue was very relevant. He indicated that the sole issue remaining to be decided in July was whether Landmark's proposal was consistent with good planning, which included considering the probable impact on traffic.

Joan Marks, 0-54 Yost Place stated that Mayor Weinstein's letter in the July 15<sup>th</sup> Community News indicated that anyone who wished to have their name removed from the Recall Petition should contact the Recall Committee or the Municipal Clerk. Although the Committee did not receive any requests, she wondered if the Clerk had received any requests, other than Ms. Wilder's. Assistant Clerk Bojanowski stated one additional request was received.

Ms. Marks stated that she received a call on August 28<sup>th</sup> from the Community News reporter asking her to comment about the complaint filed against the Recall Committee, but she was unaware of any complaint. When she received the Community News on September 3<sup>rd</sup>, she learned that it was Deputy Mayor Tedeschi who had filed the complaint. The article mentioned a Ms. Wilder, who had requested that her name be removed from the Recall Petition. Ms. Marks was disturbed that a reporter knew about the complaint before the Committee chairperson. Acting Manager Kwasniewski stated that a letter was sent to Ms. Marks and the other Committee members. Ms. Marks inquired when the letter from Ms. Wilder was received. Assistant Clerk Bojanowski stated she did not remember.

Ms. Marks inquired as to when the Council knew about the complaint. Attorney Rosenberg stated that she should ask the Clerk as the Recall Election official; the Council has nothing to do with the procedure or protocol of the recall. He advised the Recall official to take her time and respond to Ms. Marks questions formally. Ms. Marks reiterated her concern that she was the last one to know about this complaint. She compared this situation with the leaking of closed session information when former Manager Metzler was let go. Mayor Weinstein stated that it was not appropriate to discuss Mr. Meltzer. Her facts were incorrect about what happened that day and it was not fair to the residents or Mr. Metzler to discuss this matter now.

Ms. Marks stated that she received a letter from the Acting Manager the day after the newspaper article, advising the Committee that one of the petitioners may have misled Ms. Wilder about the purpose of the petition. It was determined that Ms. Gremillot was the petitioner in question. She stated that each signer was required to check a box indicating that they reviewed the information on the first page of the petition. They often had to explain the recall and talked supporters of Deputy Mayor Tedeschi out of signing in error.

Mr. Rubenstein, 17-38 Chandler Drive stated that Memorial Pool was beautiful during the summer, but was now a disgrace because of goose droppings. He referenced the

new fence that was going to be installed and suggested saving the existing green fence for use around the pool when school was in session. This might allow them to open the pool on weekends from Memorial Day until the start of the season. Councilmember Trawinski explained that they kept the pool closed because they could not get lifeguards.

Mr. Rubenstein referenced closed session items about the Police being leaked to the press. He noted that Chief Rose was at the July 14<sup>th</sup> Work Session to discuss how drug forfeiture money was used. In response to a question from Deputy Mayor Tedeschi, Chief Rose replied "because I'm not going to jail". He wondered why that comment didn't make the paper. Mayor Weinstein stated that portion of the meeting had to do with money that comes from the County and the proper process and procedures; they were not in closed session. Deputy Mayor Tedeschi clarified that Chief Rose's answer to a previous question had been "I cannot spend this money to buy anything that is in the budget". The Chief was then asked if he could buy the item if it wasn't in the budget, and Chief replied that he "was not going to jail". It was made clear to Chief Rose that no one was asking him to do anything wrong. He felt it was wrong for Mr. Rubenstein to use the Chief's comment out of context.

Mr. Rubenstein stated there was an Appellate Court ruling regarding East Hampton Township that eviscerated the COAH rules, our Zoning rules and attacked the MLUL laws. He felt it would be more economical if they had an attorney who could work fulltime at the Borough and take care of their Zoning and MLUL laws. He thought that this ruling would create a lot of problems for the town.

He stated that when they discussed the storage container ordinance before it was passed, the containers were always referred to as PODS. He suggested that PODS be referenced somewhere in the ordinance, as contractors may not think of PODS as storage containers. Mayor Weinstein agreed this was a good idea.

Mr. Rubenstein inquired if there was a Borough policy regarding the H1N1 flu virus. Acting Manager Kwasniewski stated that Health Officer Wagner has been to numerous state-mandated meetings. She has been to the LEPC, which is under the direction of OEM. The State has changed its mind several times about procedures. First they were going to distribute antibiotics, but changed back to vaccines. The Governor had considered declaring a state-of-emergency, which would have given them more latitude as to how things could be done and would have protected doctors from liability. Until this is decided, many doctors will not commit. Ms. Wagner and Mr. Marks are working diligently on this. The regular flu shots will be given out earlier this year so that they are ready to proceed when the H1N1 vaccine is received. Mr. Rubenstein asked how residents could find out information about the flu shots. Acting Manager Kwasniewski stated that this information will be posted on the website once the final information has been confirmed.

He inquired about the maintenance of the Borough parking lot across from the train station. Acting Manager Kwasniewski stated that the Property Maintenance official has checked out the lot on Pollitt Drive and an Engineer was sent there as well. She has not yet received their report.

Barbara Gremilot, 1 Bristol Place stated that she received a letter from Acting Manager Kwasniewski, dated September 2, 2009 without a copy of the complaint and the letter from the complainant. Acting Manager Kwasniewski did not give her the courtesy to respond. The letter makes a conclusion without an investigation; this is unfair, political and unprofessional.

She stated that she joined the Recall Committee based on what had transpired in Fair Lawn while Deputy Mayor Tedeschi was in office. When he was appointed to fill Owen McCarthy's seat, he signed a pledge to the Democratic Party that he would not run again in 2011, yet he denied it. She stated that he pursued Manager Metzler relentlessly. She wondered who was behind the numerous leaks to the press. The paper printed a story about a complaint filed by Deputy Mayor Tedeschi when the Committee knew nothing about it.

Mayor Weinstein asked Mrs. Gremilot if she had proof that Deputy Mayor Tedeschi leaked information to the press. Mrs. Gremilot stated that she did not. Mayor Weinstein pointed out that she was upset about people accusing her of doing things, yet she was doing the same thing to Deputy Mayor Tedeschi. Ms. Gremillot stated that she was merely asking a rhetorical question.

She continued that the thousands of people who signed the petition were more than willing to do so. Many asked for transparency in government. The committee heard stories about Deputy Mayor Tedeschi's intimidation and the fear factor of losing Borough jobs or being denied summer jobs.

She referenced the full page ad in support of Deputy Mayor Tedeschi, which used the words "duped" "misled" and "lies". She felt that these words more accurately describe him rather than the Recall Committee.

Claude Bienstock, 39-11B Broadway reminded everyone about the meeting taking place this Saturday at 3:30 p.m. sponsored by the Police Department and End Violence Now.

He suggested they install additional lighting near the band shell as it gets dark at the concerts after 8:00 p.m. He commended Bob Young, Supervisor of the Parks Department, for attempting to obtain Bob Memphis as a performer. Mr. Memphis is well known in Hollywood. He urged the Council to continue supporting the summer concerts.

He concluded by saying that he supports Deputy Mayor Tedeschi and opposed the recall efforts to remove him from office.

Arlene Rubenstein, 17-38 Chandler Drive stated that she finds it objectionable that Mayor Weinstein interrupts people when they get up to speak, causing them to lose their train of thought. She felt Deputy Mayor Tedeschi always had to have the last word. Residents should be allowed to speak without being interrupted by comments, as they are limited to five minutes. Protocol should dictate good manners.

Craig Miller, 5 Ramapo Terrace inquired if there was any action on a permanent Borough Manager. Mayor Weinstein stated not at this point. Mr. Miller asked if they were still advertising the position. Mayor Weinstein stated not at this point. Mr. Miller stated that there was tremendous support for the previous Borough Manager. He felt the residents should be allowed to decide if they want the Manager or not, as Council chose to ignore the outpouring of support for Manager Metzler.

He referenced the article in the Community News that stated the PBA Building was in dire need of repairs. Acting Manager Kwasniewski clarified that it was not the PBA building; it was the building at 97 Heights Avenue that was used by the Rescue Squad, the Auxiliary Police and the PBA. The building was not being used currently. The Council will decide what to do, although she will not recommend spending any money on the building.

Robert Gulack, 4 Bancroft Place stated that the Special Master made it clear in his June 1<sup>st</sup> report that traffic was a relevant issue. The Special Master invited them to give traffic testimony and they had strong information to offer. He noted that Councilmember Trawinski had previously stated they were unanimous in finding there would be catastrophic impact on traffic congestion. Landmark's traffic expert would surely submit evidence that was misleading. Under these circumstances, they should have provided the testimony if only to rebut the misleading analysis being provided by Landmark's expert.

He thanked the residents who came up to him around town and thanked him for his efforts before the Council. He hoped Mayor Weinstein understood that voters have been watching these meetings and are not satisfied with his refusal to provide the voters with his reasoning concerning the choice of Daly Field, not Hayward. He would like to hear the Mayor's reasoning. He reiterated his request from August 18<sup>th</sup> that Special Counsel Lustgarten attend a Council Meeting to answer the question he was asked on May 12<sup>th</sup> about non-commercial developers on the Hayward property. He noted that Special Counsel Lustgarten stated on July 21<sup>st</sup> that he did not know the answer to that question. He did not feel that was a suitable response; the question should be answered properly.

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

Deputy Mayor Tedeschi stated that the residents watching this meeting should not interpret his silence as acceptance of the misstatements spoke tonight. He was following his attorney's advice, as there has been interference at his employment by some members of the Recall Committee. He apologized for not being able to discuss these matters. Righteous indignation when someone says "I didn't know about it" is interesting as he didn't know about it when someone went to his employer and tried to get him fired.

Councilmember Trawinski stated that since the Community News went to its new delivery system of being distributed in The Record, he has not received the paper in six weeks, as he does not subscribe to The Record. He would like to hear from other residents who are having the same problem. This is the one local paper for our community and he felt it is important that the residents get to read what is happening in our town.

Deputy Mayor Swain stated that several residents have inquired about the Borough Calendar. Acting Manager Kwasniewski stated that the calendars were delivered by the printer today. They will be sorted and taken to Paramus for processing in accordance with the new postal rules. The calendars will then be picked up and returned to Fair Lawn for mailing. She felt the calendars would be received by the residents by the weekend.

Mayor Weinstein stated that the Fair Lawn High School Football Team has its first home game this Friday at 4:15 p.m. He encouraged residents to come support their team.

**ADJOURNMENT:**

Upon motion by Deputy Mayor Tedeschi and second by Deputy Mayor Swain the meeting was adjourned at 8:55 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 Lisa Swain

\_\_\_\_\_  
Deputy Mayor Joseph Tedeschi

\_\_\_\_\_  
Councilmember Ed Trawinski