

REGULAR MEETING OF JANUARY 15, 2008

Mayor Weinstein called the meeting to order at 7:35 p.m.

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 14, 2007. 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, Councilmembers Baratta and Trawinski and Deputy Mayors Swain and Tedeschi.

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

Mayor Weinstein stated that the Council will be recognizing Gene Oppenheimer but first there is a special presentation by the President of Bergen Community College, Jeremiah Ryan. He has reached out to the community to tell them a little more about the college and what it has to offer.

PRESENTATION BY JEREMIAH RYAN, BERGEN COMMUNITY COLLEGE

Dr. Ryan thanked them for this opportunity to speak. He has been at the college since last July and one of the things he is trying to do is to visit the communities to give a brief report about what is happening at the community college.

He had given them a printed brochure which summarized some things. It may be a surprise to many but community colleges in this country register more students than all the other sectors combined. They are the largest part of higher education. A lot of that has to do with them being community based. They try to offer programs that meet the community's needs and because of that they attract lots of people.

The college obviously has low tuition and that is because the taxpayers of New Jersey and the property taxpayers in Bergen County subsidize the operation of the college so the students are able to attend for a relatively low tuition. Tuition at Bergen Community College right now is \$68.00 a credit which is less than \$4,000 for two years, comparing that to any institution it is like a bargain.

The college has over 300 full time instructors. Bergen is what he calls a big small college. They have small classes. They function as a small institution but they are large. This year they will have over 25,000 students attending the institution. 15,000 students in degree programs and another 10,000 with customized training that they offer to business and industry. They are a large part of the community. The customized training is something he would recommend to the Borough. If the Borough had employees that need training for anything, they would love to work with them. They

specialize in helping people customize the programs. In addition to that, they have a program called Service Learning which is an opportunity for students to volunteer their time in not for profits and governmental agencies and get college credit for that. If the Borough had some jobs that would be good for students to work on, they would be happy to find some students to work with the Borough.

As he indicated in the brochure, Fair Lawn is a large provider of students to Bergen Community College and for that he thanked them. This past fall, over 500 Fair Lawn residents attended the college. They have an excellent relationship with the high school that sends students to them. The college has courses at the high school. They actually go to the high school and admit the students there to make it easier for them. Fair Lawn is ranked third among the students that come to the college from other towns.

Dr. Ryan stated the college is very appreciative of the support that they do get from the municipal officials, like the Mayor, who in addition to working as Mayor serves on one of the advisory committees of the college. They are always looking for people who are interested in doing that. They have seventy degree programs and they all need advisors.

It is an exciting time at the college. They just accepted bids on a new state of the art science building, which will be started in the spring. They are also beginning to construct another campus in the Meadowlands which will be designed to serve the people south of Route 4 who have a difficult time getting to Bergen Community College. It would also be a training and development facility for the employers in the Meadowlands Complex. The Board of Chosen Freeholders has given them \$32 million to construct that facility. The State of New Jersey gave them the land for \$1.

Dr. Ryan stated he came to Bergen Community College because he knew about the quality, he knew about it's commitment to excellence and diversity and he knew that it served its communities in Bergen. He is very pleased to be here and he looked forward to working with all of them to make sure that Fair Lawn continues to send them 500 or more students.

Mayor Weinstein recognized the other people from the educational field, Vice Principal Tina Lane from the High School and the PTO President Lori Osback, who were present.

Ms. Lane from the High School had additional information about Bergen Community College. At Fair Lawn High School they also offer students an additional opportunity to take courses on campus. If they are seniors it is an option and they can get credit at Bergen Community for those courses. Usually these are seniors who have met the requirements and get to leave after 5th period and go to the college. It serves as a nice transition from high school to college. There are a number of students doing it this year. One of the things she wanted to point out, she researched recently, she happened to see this on the Department of Education website. There are two options to meeting the graduation requirements, one is the normal one of going through high school and take

all the courses they are supposed to and then graduate. The other actually addresses other implementations, on the website there is a chart of examples of the implementation of option two. There you will find Fair Lawn is listed on the website and it talks about the on campus program that students can take courses there and it says Fair Lawn high school students may enroll in Bergen Community College. The class schedules are adjusted to provide such an experience. Ms. Lane said that Fair Lawn High School has made a mark in offering this particular program and students benefit from it and the high school gains recognition from it.

Laurie Osback, President of the Fair Lawn High School PTO, stated she has had children in the district that have done this and the credits are so reasonable. Bergen Community is a wonderful experience for the children to do. It is a wonderful program. She is proud that Fair Lawn High School and Bergen Community College work together so well.

RECOGNITION OF GENE OTTENHEIMER

Mayor Weinstein stated Gene Ottenheimer has been a long time member of the Fair Lawn Emergency Radio Services which was the Fair Lawn Amateur Radio Club for many years. In addition to being a volunteer organization that is located at the Community Center, the Radio Club has been involved in many of the Borough's emergencies over the years, such as Hurricane Floyd, the Memorial Day parade and many other functions that occur in Fair Lawn. He read the proclamation thanking him for his services to the Borough. Mayor Weinstein presented the proclamation to Gene Ottenheimer.

Mr. Ottenheimer stated he was seven years old when he moved to Fair Lawn and has been a resident since then. He got involved with amateur radio through Colonel Koenig who at one time was the head of Civil Defense in Fair Lawn. Part of his training and inspiration was always to volunteer to the town and he always did try to be a good Fair Lawn person and support the town. He appreciated the Council's proclamation.

Ira Marks thanked him on behalf of Emergency Management for all he has done for them and presented him with a gift.

COUNCIL COMMENTS:

Councilmember Baratta recognized Wayne Bojanowski, a Borough employee that celebrated 35 years of working for the Borough. She felt it was pretty good and thought Fair Lawn must be a pretty good place to live and a wonderful place to work. She congratulated Wayne Bojanowski on 35 years employed with the Borough of Fair Lawn.

She mentioned a memo she received from the Chief through the Manager in regard to excellent police work that was done recently. There was suspicious character and suspicious activity in town and it turned out to be a break in robbery. She congratulated

Detective Sergeant Uttel, Sergeant Metzler, Detective Jeffery Welsh, Officer Egan and Office Vasquez for the excellent work.

Mayor Weinstein stated the new COAH regulations have been issued. They are a bit disappointed because one of the most heavily populated counties in the State, Bergen, has not received any scheduled meetings from COAH. He will reach out to Senator Bob Gordon and ask for some meetings possibly here in Fair Lawn. He felt it was important for all of them to understand the rules. It is important to educate the community because there is a major obligation that the Borough needs to fulfill as they move forward.

Deputy Mayor Tedeschi echoed the comments Mayor Weinstein made about COAH because there are competing objectives and COAH seems to have put blinders on with regards to open space and other issues, in an attempt to just satisfy their needs. He found it rather disappointing that COAH is going to six locations throughout the State and they forgot about the largest county. He felt that open space and COAH do not work too well together.

He complimented Mr. Bojanowski on his 35 years with the Borough. He congratulated Mr. Ottenheimer for the wonderful service the Radio Club does for the Borough.

Councilmember Trawinski complimented the members of the Planning Board and Zoning Board. About a year and a half ago the legislature adopted a law that said if they were a member of the planning or zoning board, they must take a mandatory certification course. They exempted Mayors and Mayors designees from that requirement. It is a five and a half hour course. All of the members of both boards with the exception of the new members have completed that requirement. He felt it showed a real commitment.

Councilmember Trawinski echoed the comments about Wayne Bojanowski. Thirty-five years in one position in this day and age is remarkable. Considering how often people change jobs, it is a credit to Wayne and what he has done for the people of Fair Lawn.

Councilmember Trawinski stated the Police Department took a criminal with 33 convictions off the streets and made a Christmas very merry by returning the presents to a family. One of the same officers, Sgt. Uttel, was a recipient of a letter from Bruce Watson, Superintendent of the Board of Education to Chief Rose complimenting him for the cooperation that he and the Fair Lawn Police Department continue to provide the Fair Lawn Public Schools System, citing a recent example that the Chief and Detective Sergeant Uttel spent time reviewing responses to critical incidents. He felt it was important for the people of Fair Lawn to know and understand that this is an ongoing effort in a program between the Fair Lawn Public Schools and the Fair Lawn Police Department to help protect the Borough's most important asset, the children, while they are being educated.

He felt it is important that the people of Fair Lawn know what role the Radio Club played during Hurricane Floyd. He asked Manager Metzler to explain what the Radio Club did during Hurricane Floyd.

Manager Metzler stated Tropical Storm Floyd occurred in 1999. Shortly before this storm, he was Emergency Management Coordinator and had disbanded the radio club as an emergency organization because at that particular time, with cell phones they did not believe there was a need for that type of communication. The phones did not work so all of the emergency communications were done by a runner. It was the Radio Club members and former Councilmember Ahearn who came forward and proved their worth. It was this organization that set up the initial radio communications in the County to Bergen County Emergency Management and to the Red Cross shelter. It was the first link until the phones were restored. Obviously, they reinstated them as part of the emergency response system. Those men and women have increased their training and have all been certified as a CERT member. They are an integral part of Fair Lawn's emergency response team.

Deputy Mayor Swain stated that as a parent of a high school student and one who is going to be in high school next year, she was so pleased to hear about all of the opportunities they will have. Her mother in law, Shirley Bienstock, went to Bergen Community College and then went on to Columbia. It is a great place to get started.

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. 2101-2008

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 24 ENTITLED ALENGTH OF SERVICE AWARDS PROGRAM@ MORE SPECIFICALLY SCHEDULE AA@

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 57-2008 introducing Ordinance No. 2101-2008 was discussed.

Manager Metzler explained that as part of the length of service awards program, (LOSAP), the Borough has approved a point structure to make sure that those volunteers that are receiving this benefit are active volunteers. The Fair Lawn Ambulance Corps. through the LOSAP Committee, made a request to the Council for a point schedule change because they eliminated the position of Associate member. This ordinance reflects the points change.

There being no further discussion, Resolution No. 57-2008 was unanimously adopted.

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

ORDINANCE NO. 2102-2008

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SUBSECTION 232-11, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Resolution No. 58-2008 introducing Ordinance No. 2102-2008 was discussed.

Manager Metzler explained that this ordinance will allow parking along the westerly side of Elmary Place. There has been an ongoing problem with the commuters taking over the parking spaces. This will allow for handicap parking which all of their vehicles have a handicap placard.

There being no further discussion, Resolution No. 58-2008 was unanimously adopted.

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

ORDINANCE NO. 2103-2008

"AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, BY AMENDING CHAPTER 241, ENTITLED "WATER", SUB-SECTION 241-50, ENTITLED "WATER RATES"

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 59-2008 introducing Ordinance No. 2103-2008 was discussed.

Manager Metzler stated this ordinance will allow a waiver of the delinquent water fee at his discretion.

There being no further discussion, Resolution No. 59-2008 was unanimously adopted.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

estimate of the water charges. He wondered why there was such a great over estimation, to what account was the money deposited and from which account will it be paid back.

Municipal Clerk Kwasniewski explained that they are all different individual accounts. It is not just one account. Mr. Rubinstein stated it was all the same party. It could be different properties but the amounts are all great. Municipal Clerk Kwasniewski stated it had nothing to do with an overestimation of a water bill. She explained the refunds were due to a tax court judgment. The Borough has been ordered to pay that money back.

Mr. Rubinstein questioned Resolution No. 64-2008 which was the award of bid for Ambulance Service. He wondered if the Borough would be charged the \$150 plus the \$5 charge a mile. He wanted everyone to understand this private ambulance service and the lack of volunteers for the town's emergency services. Manager Metzler did not think it was a fair characterization of the emergency services to say lack of volunteers or lack of emergency service personnel. Fair Lawn does have an emergency ambulance corps. and there are times when the Borough is unable to get an ambulance out so the private service had to be called in. There have been times where either the Ambulances have been on the road or on occasion have been unable to get volunteers to man those ambulances. They have reached out to Mutual Aid communities and they were unable to provide ambulances. This provides a relief valve for the volunteers and more importantly for the residents. The \$150 fee is paid by the patient's insurance carrier to the Ambulance Service as well as the mileage fee. Mr. Rubinstein stated that he was not chastising the volunteers. Mr. Metzler said he took the exception because when this was first introduced, this was a very controversial topic. It was obviously a major concession on the volunteer's part to accept this type of program. The Ambulance Corps has doubled the size of their membership. They responded to nearly 2,800 calls a year. Mr. Rubinstein said he heard there was a lot of abuse using the ambulance as a taxi service.

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

RESOLUTIONS BY CONSENT # 3-2008

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda 3-2008 containing the following items was unanimously passed.

- a. Resol. #60-2008 - Refund of Overpayment of Taxes
- b. Resol. #61-2008 - Change Order: Municipal Building Security System

- c. Resol. #62-2008- Approving Participation with State of New Jersey Division of Alcoholic Beverage Control Program (Cops in Shops)

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- d. Resol. #63-2008- Authorizing Renewal of Massage Establishment and Massagist Licenses - A1 Style
- e. Resol. #64-2008 - Award of Bid: Ambulance Service
- f. Resol. #65-2008 - Endorsement of Care Plus New Jersey Inc. CDBG Unprogrammed Funds

RESOLUTION NO. 66-2008 - APPROVAL OF MINUTES:

Closed Session 11/20/07
Work Session 11/20/07
Closed Session 11/20/07
Regular Meeting 11/27/07

Upon motion by Councilmember Trawinski and seconded by Deputy Mayor Tedeschi, Resolution No. 66-2008 was passed with Deputy Mayor Swain abstaining.

MISCELLANEOUS PUBLIC COMMENTS

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

Harvey Rubinstein, 28 Rutgers Terrace, expressed concern that his request for a tree buffer in the multi-million dollar redevelopment application by the Lea & Perrin's property in the industrial park along the railroad tracks was dismissed as absurd. A tree buffer would separate residents from industrial sites is in the Borough's zoning regulations. It is also in the Route 208 study that just came out.

Mr. Rubinstein spoke about the letter he received from the Mayor and Council saying they were constantly reaching out to get other points of view. He hoped those different points of view for the Planning Board will not be made with the words absurd to the Borough regulations.

Mr. Rubinstein stated noticed a while ago that the command vehicle was sitting outside the Ambulance Corps. and the last two days he noticed there were fire engines parked there. He suggested if that is the staging area for those trucks that they go out and get canvas to put over the trucks because of the equipment that is on those fire engines.

Manager Metzler said to his knowledge every piece of fire apparatus that is owned by the Borough of Fair Lawn has a quarters to be placed in. They could have been doing CPR training. He has no knowledge of fire apparatus being stored on that site. The Ambulance Corps has just begun a major construction project that will address that situation.

Weinstein felt this could be a location that the clean community people could go out to.

Konstantin Salnikov, 25-38 Berdan Avenue, spoke about the flooding issue. Two
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months ago the Manager made a comment that he would have a discussion with the Engineering Department to see if something could be done. Being an Engineer himself, he felt there was a solution to resolve the problem. He was requesting a meeting with the Manager and the Engineering Department to solve this problem. They are not talking about a flood that happens every few years, this happened four times last year. He knows the State has allocated funds to fight the flooding situation and there is FEMA money to be applied for. He is requesting them to ask the State and FEMA for money to fix this problem. Attorney Rosenberg advised that the Manager and the Engineer can meet with this gentleman without prejudice to the Borough's rights with respect to any further action that may be brought since the gentleman has filed a TORT claim against the Borough. Mr. Salnikov asked how he goes about this because he has left messages with the Manager that have been unanswered. Mayor Weinstein asked the Manager to set up an appointment with Mr. Salnikov.

Claude Bienstock, 39-11B Broadway, stated he supports the preservation of the Naugle House. There were some eloquent speakers who spoke in defense of the house. He did not think these older homes should be destroyed to make room for development. He said a few years ago he spoke about Eric Hsu from The Record who was removed from covering Fair Lawn. He is no longer employed by The Record. Deputy Mayor Tedeschi reported that Mr. Hsu is now going to law school.

Craig Miller, 5 Ramapo Terrace, thanked the Manager for telling him to go online to get the old style recycling calendar. His mother and neighbors are a lot happier now. He hoped they go back to the old style next year.

He noticed other towns have message boards where they put down the number of calls they responded to in the previous year. He felt the Borough should do the same.

Sheryl Cashin, 1 Glenfair Road, wondered about the fence that was supposed to be up at the Naugle House. She believed that the thirty days have passed. Attorney Rosenberg advised that the Planning Board acted yesterday with respect to the ongoing issues at the Naugle House. He believed that the fence would be erected within the next thirty days. Ms. Cashin questioned a discussion in the 2007 budget meetings where it was said there would be an evaluation for the infrastructure. She wondered when they would see that happen. Mayor Weinstein stated budget meetings will be coming up in the next few weeks. The Council has will be discussing it.

Sylvia Zasloff, 9 Maltese Drive, stated that she lives next door to the Armenian Church where they are now building a gymnasium. Through the years they have had problems with the catering hall. She asked if people call up and complain about noise coming from one of the facilities on the religious institution's properties, does the Mayor and

Council know about these complaints. Mayor Weinstein stated they eventually know if it continues. Ms. Zasloff said one night she wanted to go to bed early and there was so much noise coming from the catering hall, she went to the Police Department and they

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told her there had been a number of complaints but they were supposed to keep the doors and windows closed. The doors and windows were not closed. The Police said if she wanted to file a complaint she would have to come back the next day but suggested she talk to the church first. So she talked to the secretary at the church who said their maintenance man was supposed to be monitoring it. Ms. Zasloff felt even if the doors and windows were closed it would still have been noisy. She suggested if there are a number of complaints coming into the Police Department from any area in town, it would be proactive on Mayor and Council's part to be aware of the problem instead of waiting for something to blow up the way it has with the Jewish Center. She felt that with any type of building such as a church, synagogues, nursing home, etc. it would behoove the government to enforce at least those regulations that exist in a residential zone. It would be a good idea to think in a general way of how to handle these issues.

Mayor Weinstein stated right now it is before the Planning Board and they are doing an investigation regarding the sizes of these properties and what they are going to hold. He knows the Planning Board just had a discussion about this based on what the Council told them.

Councilmember Trawinski added as a result of the Jewish Center's situation, but not targeting the Jewish Center situation, the Council should take a look at all the ancillary uses that religious institutions and nursery schools and those types of uses are allowed to have or not have, so they can be proactive and zone for it and hopefully avoid these types of situations in the future. He thought she made a very good point because he did not think they necessarily get the complaints unless the citizens complain directly to the Council or unless it hits the boiling point. He asked to put on a future Work Session Agenda a policy change for the Council to ask the Manager that if there are more than a certain number of complaints or if it is apparent that there is a situation developing, that the Council be advised at the earliest possible moment that this is going on.

Manager Metzler stated that if the Police Department sees a pattern in the complaints, they give it to the Community Policing Officer whose function is to mediate these types of situations. Under the current structure if the residents that are voicing their displeasure with the noise, do not feel they are getting satisfaction from the Police Department it ends up in his office. When it gets to his office he could easily get that in a report to the Council so they could jump on it a little quicker. Ms. Zasloff stated she has only lived in that complex a short time but based on what the Police Officer told her, there had been a pattern of complaints from the residents around the church.

Sergey Shevchuk, 15 Gurney Terrace, wondered how the Recreation Center functions. His father worked diligently with George Frey and is currently working with Jim Graff. He founded a very successful badminton club. He felt it was very unclear about the

criteria the management of the Recreation follows regarding the time the gym can be open. It appears that successful programs that attract a lot of residents which require more time and additional days do not get any attention from the Recreation Center

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management. At times there is a huge gym that is only occupied with a few people. He wondered how management decides who gets the time at the center, which is paid by all of the residents of the town. His father approached management asking for additional days and time for the successful badminton program. The Borough has an opportunity to have national exposure with the badminton program. They are getting support from the United States Badminton Association who would be ready to provide insurance and consider supporting statewide and nationwide championships in the gym just because badminton requires high ceilings. The Recreation Center has those high ceilings. They only have use of the gym for two hours a week. He felt the Recreation Center management was not guided for the best use of the facility for the people. He would really like to see some type of action be taken.

Mayor Weinstein asked Manager Metzler to sit down with Mr. Graff to understand the scheduling of the activities of the gym.

Harvey Rubinstein, 28 Rutgers Terrace stated the real work of the government is not done at a public meeting it is done at the Work Session and Planning and Zoning Boards. When the Armenian Church made an application to the Zoning Board two years ago for this gym, many residents spoke about noise. The end result was the resolution says at either 10:00 or 10:30 p.m. the activities must stop. If it needs to be enforced, go to the resolution.

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

CLOSED SESSION RESOLUTION – Attorney Client Privilege – Fair Lawn Speaks

Upon motion by Councilmember Baratta and seconded by Councilmember Trawinski, the Closed Session resolution was unanimously passed.

WHEREAS, the Open Public Meetings act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss attorney client privilege; and

WHEREAS, these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS, minutes will be taken during this closed session and once the need

for confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the
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Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

Mayor Weinstein reconvened the meeting at 9:00 p.m.

ADJOURNMENT

Upon motion by Councilmember Trawinski and second by Councilmember Baratta, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC,CMC,MMC
Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski