

REGULAR MEETING OF AUGUST 19, 2008

Deputy Mayor Tedeschi called the meeting to order at 7:31 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 notice identified the times and locations of the Council meetings and work sessions.

PRESENT: Deputy Mayors Swain and Tedeschi, Councilmembers Baratta and Trawinski (late).

ABSENT: Mayor Weinstein

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

SWEARING IN OF NEW AUXILIARY POLICE OFFICERS:

Auxiliary Police Chief Nicholas Magarelli introduced the new officers who just graduated from the Police Academy. They took a sixty hour course where they learned basic law, patrol, hazmat, first aid and note taking. The Auxiliary Police can assist the Office of Emergency Management. Deputy Mayor Tedeschi swore in Joseph Sproviero, Daniel Fontana, Steven Milnes and Thomas Spears.

PROMOTION OF AUXILIARY POLICE OFFICERS:

Auxiliary Police Chief Nicholas Magarelli promoted Lieutenant Frank Bello to Captain, Sergeant Stuart Alpart to Lieutenant, Officer Paul D. Fucci to Sergeant and Officer James Magarelli to Sergeant. Deputy Mayor Tedeschi swore them in.

Councilmember Trawinski arrived at 7:44 p.m.

HONOR LIFE MEMBER OF AUXILIARY POLICE:

Municipal Clerk Kwasniewski read the proclamation honoring Lt. Kenneth Pfeifer as a Lifetime Member of the Fair Lawn Auxiliary Police organization having been a member for 43 years.

Auxiliary Police Chief Magarelli stated he has a lot of respect for Ken Pfeifer who was one of the officers that trained him. Now that he is the Chief, Ken speaks and he listens. He has a lot of knowledge from all these years of service. He gave him a badge that states his name and that he has served since 1965. He also presented him with a plaque from the organization.

Kenneth Pfeifer thanked them and felt they were a great bunch of guys.

**HISTORICAL PRESENTATION ON THE NAUGLE HOUSE BY FELICE KOPLIK,
CHAIR HISTORIC PRESERVATION COMMISSION:**

Felice Koplik, 6 Reading Terrace read an article that was titled "General La Fayette's Visit to Dunkerhook" written by Eric Bal, First Mountain Chapter NJSSAR. The article spoke about Lafayette's visit in 1784 clarifying other reports that he visited in 1824. In the article Mr. Bal thought the historical plaque should be changed to reflect the correct year. Mrs. Koplik stated this article would be on the Fair Lawn Historical website. She thanked Mr. Bal for writing this article. She said the commission also thanked him for the time he put into this and the time given to them.

Councilmember Baratta thought it was very interesting and will read it thoroughly at another time.

Deputy Mayor Swain thought it was a great article.

Councilmember Trawinski thought it breathed life into the Naugle House since it is a living piece of history. This will help everyone remember our nation's history.

Deputy Mayor Tedeschi complimented the article and said that he envied their passion they have for the Naugle House. He said the Naugle kids are writing history with the house. Mrs. Koplik stated there is very real history in this house.

MANAGER'S REPORT:

Manager Metzler said the report was as submitted.

COUNCIL COMMENTS:

Councilmember Baratta thanked the Historic Preservation Commission for bringing that report to the Council. She also thanked the kids for coming out tonight to hear it. She congratulated all of the Auxiliary Police that were here this evening. They are an integral part of what makes Fair Lawn such a great town.

Councilmember Baratta stated that on the Borough's website there is a notice of a seat open on the Zoning Board. If anyone is interested, they can send a resume to the Municipal Clerk via e-mail. She hoped this was something they would continue to do when they need more volunteers. Fair Lawn is a great volunteer community.

Deputy Mayor Swain thought that tonight would be a good opportunity to say thank you, especially in light of the report they just heard. She thanked all of the volunteers that have helped the Borough. It is really the residents that come forth who make Fair Lawn

what it is today. When things are not working right the residents are the ones that make suggestions to the Council and this is something they want to continue. She thanked all of the Councilmembers because she thought they were working well together. She thanked the residents for helping them make Fair Lawn a better place.

Councilmember Trawinski congratulated all of the Auxiliary Police Officers. He reminded the parents and drivers that school is starting in a few weeks so it is time to focus again on pedestrian safety and student safety around the schools.

Councilmember Trawinski stated they received a note from the Commander of the American Legion Post 171, Albie Palmieri. The American Legion is a group that consists of former and current servicemen and women in all of the branches of the military including National Guard. For obvious reasons in the post World War II environment as the veterans have been aging and passing on membership has slipped. On behalf of the Commander, he wanted to remind all past and current military that they are eligible to participate in the post and while they are on active duty, the post will pay their dues. Please consider joining the American Legion if you are eligible to do so.

They received a note about a good samaritan, Borough Employee Ralph Rinaldo who stopped on Wagaraw Road on a Sunday evening to help an older couple who had some difficulties. Ralph, a volunteer fire fighter, called an Ambulance, drove the car home and comforted this gentlemen's wife. He acknowledged him. A lot of times, Borough Employees take a rap for all kinds of things but this is an example of one human being dealing well with another human being. On behalf of himself and the people of Fair Lawn, he offered his congratulations to Ralph Rinaldo.

Deputy Mayor Tedeschi congratulated the Auxiliary Police and thanked them for everything they do. He also thanked Mrs. Koplík again. He thanked the kids too. He extended his thanks to Ralph Rinaldo who he has known for over 20 years. For as big as he is, is as good as he is. He is a real asset to the Borough.

Deputy Mayor Tedeschi stated that the Community School has moved to the rear of the High School in the gray trailers. If you need their services, they have moved.

ORDINANCE ON SECOND READING:

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Ordinance No. 2119-2008 was removed from the table.

Upon motion by Deputy Mayor Swain 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. 2119-2008

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" TO READOPT SECTION 125-32.C. REGARDING ENLARGEMENT OF VALID NONCONFORMING RESIDENTIAL BUILDINGS OR STRUCTURES"

Attorney Rosenberg advised that the Planning Board has supported adoption of this ordinance.

There being no further 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 Mayor Weinstein and seconded by Deputy Mayor Tedeschi, Resolution No. 233-2008 adopting Ordinance No. 2119-2008 was 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. 2121-2008

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 13 ENTITLED "FIRE DEPARTMENT" SO AS TO CREATE THE RANK OF A BATTALION CHIEF AND ASSISTANT CHIEF WITHIN THE BOROUGH AND TO CODIFY OTHER AMENDMENTS TO THE ORDINANCE REQUESTED BY THE FAIR LAWN VOLUNTEER FIRE

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

Upon motion by Mayor Weinstein and seconded by Deputy Mayor Tedeschi, Resolution No. 234-2008 adopting Ordinance No. 2121-2008 was discussed.

Councilmember Trawinski stated that the Fire Department has enthusiastically endorsed this ordinance.

There being no further comments, Resolution No. 234-2008 adopting Ordinance No. 2121-2008 was passed.

Upon motion by Councilmember Baratta 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. 2122-2008

BOND ORDINANCE APPROPRIATING \$2,642,000, AND AUTHORIZING THE ISSUANCE OF \$2,516,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY.

Jane Diepeveen, 14 Ryder Road, questioned the life of turn out gear. She suggested when they have many items like this they should establish a fund to draw on. She felt it would save the taxpayer's money on the interest on the bonds. It would not cut taxes in the year that you started the fund but in the long run it would. Deputy Mayor Tedeschi asked Manager Metzler to put that in the back of his mind.

Harvey Rubinstein, 28 Rutgers Terrace, spoke about this bond and felt this was as a result of Borough employees sitting down with their department heads to determine what is needed for each department. He felt these people work for the Borough they use their skills and knowledge to save money for the Borough. Deputy Mayor Tedeschi stated in the area where they are requesting equipment for their daily work he was correct.

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

Councilmember Trawinski stated that the public should understand for this bond ordinance to pass it requires four affirmative votes of this Council. He does intend to support this. He believed that this ordinance coupled with the bond ordinance they did last year represents a return to fiscal responsibility. Although as Ms. Diepeveen pointed out they do have a ways to go yet. They have had some discussion about whether items should be bonded or whether they should appear in the operating budget. He knows they are going to continue that discussion. He believed that this Council working together has taken Fair Lawn away from the track of excessive borrowing and excessive and unnecessary spending along with the good work of the Manager and CFO and the cooperation of the departments.

Deputy Mayor Tedeschi thought it was their third year of fiscal responsibility.

Upon motion by Councilmember Baratta and seconded by Councilmember Trawinski, Resolution No. 235-2008 adopting Ordinance No. 2122-2008 was passed.

Upon motion by Councilmember Baratta 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. 2123-2008

BOND ORDINANCE APPROPRIATING \$92,400, AND AUTHORIZING THE ISSUANCE OF \$87,900 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS WATER SUPPLY AND DISTRIBUTION SYSTEM IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY.

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

Upon motion by Councilmember Baratta and seconded by Councilmember Trawinski, Resolution No. 236-2008 adopting Ordinance No. 2123-2008 was passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

Harvey Rubinstein, 28 Rutgers Terrace, questioned Resolution No. 244-2008 asking if that was that the seven parking spaces that was discussed at the Work Session. Attorney Rosenberg advised it was.

Councilmember Baratta stated that they stipulated in what they sent to the Planning Board that this agreement in no way condones the application. Attorney Rosenberg advised that he and Municipal Clerk Kwasniewski made sure the language in the resolution makes it abundantly clear that this is not an endorsement by the Council of the project that is being presented to the Planning Board. Deputy Mayor Tedeschi stated that was in writing to the board. Attorney Rosenberg stated it will be when they send the resolution to the Board. Councilmember Trawinski suggested that they should ask the Borough Manager to have the Board secretary read this resolution in its entirety so that the Board is aware of the Council's action by the terms of this resolution is not deemed an endorsement of the application. Deputy Mayor Tedeschi suggested that the Borough Manager use whatever means necessary to allow the secretary to the Board to fully explain to the members of the Planning Board what their intentions were. Manager

Metzler said he would. Deputy Mayor Swain stated as a member of the Planning Board she assured everyone that she would convey this information accurately.

There being no further 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 # 21-2008

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda No. 21-2008 containing the following items was unanimously passed.

- a. Resol. #237-2008 – Approval of Minutes:
 - Regular Meeting 5/13/08
 - Closed Session 5/13/08
 - Regular Meeting 5/27/08
 - Closed Session 5/27/08
 - Work Session 6/10/08
 - Closed Session 6/10/08
 - Closed Session 6/17/08
 - Work Session 6/17/08
 - Closed Session 6/17/08
- b. Resol. #238-2008 - Refund of Overpayment of Taxes
- c. Resol. #239-2008 – Award of Bid: Industrial Supplies
- d. Resol. #240-2008 – Authorizing Renewal of Massagist License – Marisol Fitzgerald
- e. Resol. #241-2008 – Requesting Approval of a Special Item of Revenue – Pandemic Flu Planning & Preparedness Grant Phase 3
- f. Resol. #242-2008 - Requesting Approval of a Special Item of Revenue – GDL Education and Enforcement Grant
- g. Resol. #243-2008 - Requesting Approval of a Special Item of Revenue – Public Health Priority Funding
- h. Resol. #244-2008 - Approval of Knights of Pythias Circus
- i. Resol. #245-2008 – Cooperative Parking Agreement for River House Condominiums
- j. Resol. #246-2008 - Appointment to Environmental Commission
- k. Resol. #247-2008 - Award Contract for the Sale of Recyclables

RESOLUTION NO. 248-2008 – Approval of Minutes

Work Session 5/27/08

Upon motion by Councilmember Baratta and seconded by Deputy Mayor Swain, Resolution No. 248-2008 was approved with Councilmember Trawinski recusing himself.

PUBLIC COMMENTS

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

Bernice Katz, 2-22 Saddle River Road asked the Council to consider getting an injunction against Oceanos for access to the park. The park is a public facility and the residents should have access to it. She felt this issue was directly related to their application before the Zoning Board. She urged the Council to consider getting an injunction to gain access through Oceanos parking lot.

Jane Diepeveen, 14 Ryder Road, spoke about the Naugle family descendents and where they lived in Closter, Ridgewood and Paramus along with Fair Lawn.

Joe Berlin, 26-02 Berdan Avenue, spoke about articles he read in The Record about the Police Department's cache of semi-automatic weapons. He felt there was no need to have these types of weapons. Manager Metzler explained the Police Department was in the process of doing an analysis of weapons. The department is leaning towards replacing the carbines with a weapon that when the trigger is pulled it fires 2 to 3 times. They believe the threat to them and to the town is great with the drug route that is going through it.

Mr. Berlin referred to part of the article where the Alpine Police Department suggested they did not want to be outgunned. With the crime statics in New Jersey he wondered how many times the Alpine Police or any Police Department in Bergen County has been outgunned. He wondered if the residents are required to pay for these automatic weapons why then as law abiding citizens are they not trusted to own them. The Record article spoke about three accidental discharges which were from cleaning or disassembling the weapon. If they don't know enough to clear the weapon before they are cleaning it that is a problem. He did not suggest that happened in Fair Lawn but did happen in Bergen County. Then there are the Police who say they cannot wait for the County SWAT team and that is why they need these automatic weapons but if the Police cannot wait for the County SWAT team to arrive why should the resident expect to wait for the Police to arrive. He said he was not criticizing the Police Officers or the Police Chief but he was talking about how they are allowing these guys to run the department. The price of these weapons and the need for them is really the question.

Manager Metzler responded that some of the questions he asked were philosophical as opposed to addressing the issue of the automatic weapons. He firmly believes that the residents of Fair Lawn should feel confident in the fact that the Police Department began the research on semi-automatic weapons two years ago. He did not know if they are prepared to make a recommendation yet. They have allowed the officers to try different models. He knew they were leaning towards a model that is an offshoot of the M16 and the reason for that is there have been hundreds and thousands of them made

and believe that parts will be easy to acquire for a long time. They have looked at what the impact of the round is after it has been fired. Speaking specifically about the SWAT team, one of the results of the Columbine incident was the thinking in law enforcement at that time was to wait for special weapons and tactical units to come in and then scan the school. It is believed as a result of that it resulted in additional student deaths. The common belief throughout the County is for a school shooter is use up to 5 officers to scan the school and seek out the shooter. He will not go into the specifics but this Police Department spends a lot of time training with the school district on that very type of incident when school is not in session. He felt very confident that when the time comes when the Police Department is prepared to make a recommendation on replacement of semi-automatic weapons they will be fully prepared to answer the Council's questions.

Mr. Berlin responded about school shootings and believed after Columbine there was belief that the officers should be armed so as not to wait for a SWAT team. He just read recently in Texas the Governor has approved teachers for concealed carry. Manager Metzler said that was for only one district. Mr. Berlin felt it made sense because a responsible adult would be on the scene to take care of any potential incidents. He stated that he had a request for information and listed the items he was seeking.

Deputy Mayor Swain stated when the first article came out a few weeks ago she spoke to one of the Fair Lawn officers who indicated that they do have problems with people coming from other areas who come through Fair Lawn and are armed so she thought the Police Officers need to be trained and they need to be well equipped in order to take care of the risks they face in protecting the citizens of Fair Lawn. On the other hand, she thought the Country was turning into the wild, wild, west and too many people are carrying guns who are not trained. Police Officers go through very thorough training and know how to use these guns but when ordinary citizens start carrying guns that is when you have the problems. Mr. Berlin said he was not prepared to address this but it was his understanding that wherever they do have concealed carry where private citizens are licensed to carry a firearm that the crimes do go down. He thought it was important to see what those statistics actually are so that they do not assume to know. His understanding is actually the opposite because having an armed citizen protects against crime. There are quite a few states that allow concealed carry.

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

ADJOURNMENT

Upon motion by Councilmember Baratta and seconded by Deputy Mayor Swain, the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Absent
Mayor Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski