

REGULAR MEETING OF SEPTEMBER 9, 2008

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

PROCLAMATIONS: HONORING JOHN NAKASHIAN ERIC PINEIRO

Municipal Clerk Kwasniewski read the proclamation for John Nakashian. Mayor Weinstein stated that one of the first people he met when he joined the Council seven years ago was John Nakashian. He has always been there for the Chamber of Commerce to the Rotary, and the Broadway Improvement Committee. Mayor Weinstein expressed his appreciation to John for everything he has done for this Borough.

Councilmember Trawinski stated that Broadway is markedly different without Nakashian Carpet store there. It looks so strange and different. He thanked him for all that he has done as a volunteer and for everything he has done for the people of Fair Lawn.

Deputy Mayor Tedeschi stated that John Nakashian was in his father-in-laws wedding and that was 61 years ago. He is Fair Lawn. Fair Lawn is lucky that he was there. Deputy Mayor Tedeschi felt he was truly a gentleman. He thanked him for everything he has done for the town and for the things he has done for his wife's family and is still doing.

Deputy Mayor Swain thanked him for keeping the carpets in her kids rooms clean and congratulated him and his family on being a wonderful member of the community of Fair Lawn.

Councilmember Baratta stated that his presence on the Zoning Board is going to be missed. As a regular at the meeting she will miss the stories he shares at the meeting. She will miss his compassion towards the residents because sometimes it can be a little scary. He always made everyone feel at home. She thanked him for his service to the Borough of Fair Lawn for many, many years. He does things anonymously as Deputy Mayor Tedeschi said he is a true gentleman.

Mayor Weinstein asked if there were any members of the Zoning Board that would like to comment.

Doug Charipper, 14 Godwin Avenue, stated he was on the Zoning Board and felt that Mr. Nakashian was a class act and a true gentleman. He has a lot of respect for him and he will be truly missed.

Joe Meer, 42-16 Union Street, stated he served as Zoning Board Secretary for 15 years and it has been an honor and a privilege to be on the Zoning Board with Mr. Nakashian who is very dedicated and who has always tried to help people. He will be sorely missed on their board.

Benny Solarno, 1 Barry Place, stated that when he started on the Zoning Board he was not sure what he was getting into but Mr. Nakashian immediately became a mentor to him. He will be missed sorely.

Marvin Diner, 13-15 Plaza Road, stated he was new to the Zoning Board. They previously heard the other Zoning Board members that Mr. Nakashian was the one who sets the tone and compassion at times for the residents that come before their board. He is a mentor and will be missed by everyone.

Harvey Rubinstein, 28 Rutgers Terrace, stated he has never served on the Zoning Board but whenever he has gone before the board, he always felt there was a man sitting there and listening. His warm smile and handshake always made him feel at home at the Borough of Fair Lawn. His common sense, his compassion and intelligence will surely be missed by the Borough.

Mayor Weinstein stated the Chairman of the Zoning Board could not be here tonight because of an emergency in his family.

The Mayor and Council presented Mr. Nakashian with the proclamation.

Mayor Weinstein stated the next proclamation is for Eric Pineiro who was not present to receive it but his family and friends were here. Over the last number of years they have gone to the homes of gentlemen and women who have returned home from Iraq and Afghanistan. This time one of the neighbors reached out to Councilmember Baratta and they thought it was a great idea to thank them while they are there to give them encouragement and support.

Councilmember Baratta thanked the Council from the Pineiro Family and from Mr. Berber who phoned her. She knew that the Pineiro Family did not want to be here but their neighbor called and told her about a wonderful family and about their son who was serving in Iraq decided the Council let him know that his hometown knows he is there and are proud of him and thinking of him.

Municipal Clerk Kwasniewski read the proclamation.

The Mayor and Council presented the proclamation to the Pineiro Family.

COUNCIL COMMENTS:

Mayor Weinstein reported that Fair Lawn won first place in the Annual Canoe Race in Paterson. Emil DeLucia and Todd Newman brought the trophy home to Fair Lawn. He thought it was actually very competitive. There were three canoes of Paterson Police Officers, Bob Vida from Passaic Valley Water whose canoe actually turned over and he fell in and the Mayor of Paterson who thought he was prepared by having a new canoe. Fair Lawn came in first and this trophy will remain in Fair Lawn until next Labor Day.

Councilmember Baratta thanked everyone for coming out to honor two wonderful gentlemen. She also thanked the volunteers at Fair Lawn TV. They are taping the meeting right now and it is being shown live. They don't see them because the cameras are in the ceiling. Fair Lawn TV is in the basement and is filming the meeting.

Deputy Mayor Swain stated she was very impressed with the Fair Lawn Community Center's theater season schedule. She felt they have a wonderful community center with fabulous entertainment. Manager Metzler stated if anyone wants a copy of the schedule they can contact his office. They will also put it online.

Councilmember Trawinski said they were fortunate not to use the excellent work and preparation this past weekend by the Emergency Management team, the Director Ira Marks, the Deputy Director Jim Van Kruiningen and the staff assistant, Wendy Demeraski. During the storm the Council was given updates on the forecast and the possible impact on flooding. He thanked them on behalf of the Council and the residents of Fair Lawn.

Deputy Mayor Tedeschi stated the heroes of this country are not the politicians or the people who make the speeches, they are young people who raise their hand and swear to the constitution and then do it.

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. 2124-2008

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND

SUPPLEMENTING CHAPTER 232 ENTITLED AVEHICLES AND TRAFFIC@, ARTICLE II, APARKING@, SUBSECTION 232-11, PARKING

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PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS, SUBSECTION 232-13 PARKING TIME LIMITED ON CERTAIN STREETS SUBSECTION 232-14 AND ALTERNATE SIDE PARKING TIME LIMITED ON CERTAIN STREETS

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Resolution No. 251-2008 introducing Ordinance No. 2124-2008 was discussed.

Mayor Weinstein stated this ordinance relates to Grunauer and Cyril Avenue. Manager Metzler stated it will allow parking on Grunauer between 8:00 a.m. and 6:00 p.m. but will be restricted to two hours. Mayor Weinstein felt this would give some relief to the business owners along Broadway and Grunauer to allow their customers who patronize their stores to park there. It is a little bit of help and relief to the business owners without affecting the residents on Grunauer.

There being no further discussion, Resolution No. 251-2008 introducing Ordinance No. 2124-2008 was unanimously adopted.

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

ORDINANCE NO. 2125-2008

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" TO PERMIT TEMPORARY REAL ESTATE DIRECTIONAL SIGNS ON BOROUGH RIGHTS-OF-WAY.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 252-2008 introducing Ordinance No. 2125-2008 was discussed.

Mayor Weinstein stated after the input and concern from some real estate brokers in Fair Lawn along with some residents, the Council has unanimously decided to pass this ordinance to help with the sales of real estate in Fair Lawn. Now the real estate signs will be allowed to be in the right of way of the Borough.

Councilmember Trawinski stated there were a number of realtors that brought this to the Council's attention and how it could impact upon the residents who are trying to sell their homes. He thanked Charlie Coviello for stepping forward and suggesting this would be a way to help the people of Fair Lawn sell their homes in these tough times.

There being no further discussion, Resolution No. 252-2008 introducing Ordinance No. 2125-2008 was unanimously adopted.

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PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT #23-2008

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda 23-2008 containing the following items was unanimously passed.

- a. Resol. #253-2008 - Approval of Minutes:
 - Closed Session 6/27/08
 - Emergency Meeting 6/27/08
 - Special Meeting 7/8/08
 - Closed Session 7/8/08
 - Work Session 7/15/08
 - Special Meeting 7/15/08
 - Closed Session 7/15/08
 - Special Meeting 7/18/08
 - Closed Session 7/18/08
 - Regular Meeting 7/22/08
 - Closed Session 7/22/08
- b. Resol. #254-2008 - Authorizing Execution of Agreement with Bergen County for Automated Emergency Telephone Alerting Services (C3)
- c. Resol. #255-2008 – Confirmation of Fire Board Actions
- d. Resol. #256-2008 - Award of Bid: Roadway Improvements 2008
- e. Resol. #257-2008 – Award of Bid: Ambulance Corps Supplies
- f. Resol. #258-2008 - Appointment of Elizabeth M. Twiggs as Alternate Deputy Registrar

RESOLUTION NO. 259-2008 – Approval of Minutes

- Work Session 6/10/08
- Regular Meeting 6/10/08
- Regular Meeting 6/24/08
- Closed Session 6/24/08
- Special Meeting 7/1/08

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 259-2008 was passed with Deputy Mayor Tedeschi abstaining.

PUBLIC COMMENTS:

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

Claude Beinstock, 39-11B Broadway, questioned what was happening with the Oceanos property and Williams Street with the park and the land. Attorney Rosenberg stated the matter was still in litigation. The County is working on negotiations with the owners of Oceanos and the Borough.

Bernice Katz, 2-22 Saddle River Road, felt the Competivization Committee was a duplication of services that are already provided to the Borough. She felt prohibiting people on the committee from running for office for two years is absurd.

Ms. Katz stated that she discovered that Oceanos was able to get permission from the County to build a fence. The Building Department, based on the letter from the Parks Department, issued the permit for the fence. The fence was installed in 2006 but only recently was the gate locked. This error has caused all these problems. She felt no one was aware of the Bergen County Parks Department causing the error. Ms. Katz said the owners of Oceanos were using this as their bargaining chip for the zoning issue, which she knows is a separate issue.

Evelyn McHugh, 15-21 Raymond Street, stated she was one of a number of people who were at the Planning Board meeting the night before in regard to a 17 unit apartment building which is supposed to be built on River Road. The building is oversized. One of the requirements of the variance was that it should be a 39 foot building but the building will be 42 feet tall because it has decorative features. She noted that one of the things that kept coming up when the applicant was discussing this building was his vision of River Road. Apparently part of this vision was having access to all of the buildings on River Road from the rear. Also having them share the parking which included access to and from the parking are using the Chase lot and having access through the B&B Building. She is very concerned seeing change of this magnitude being permitted on River Road. Ms. McHugh understood development and ratables are needed. If she knew when she purchased her house that she would be living two blocks from a 42 foot building she would have never bought her house.

Ms. McHugh stated another issue came to her via an e-mail about Peter Kortright who is employed by the Bergen County Economic Corporation. Mayor Weinstein stated he

is employed by the County. Ms. McHugh felt that being Chairman of the Planning Board was a direct conflict of interest.

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They definitely have to revisit the Master Plan because if this man's vision of River Road is what they are going to see she is so sorry for this town and for the people who live in it. She is very disgusted.

Harvey Rubinstein, 28 Rutgers Terrace said he was at the Planning Board meeting and had gotten up and gave suggestions. They heard all the arguments against it especially traffic which is the largest problem. What they can do is review the plan if they see fit. They could ask the builder to reduce the size of the building or go to Court over it.

Mr. Rubinstein stated the Council is elected by the people to govern the budget and he has gone through the process with them in their budget meetings. He appealed to the minority of this Council, Councilmember Baratta and Councilmember Trawinski, asking them not to approve of this committee. He believed it was their job to take care of the budget. There are three major expenses in the Borough that show up in the Manager's Report. One is the cost of garbage collection which is constantly rising. There was a suggestion to stop picking up twice in the summer time. The other large expense has been PSE&G. He made suggestions and never heard anyone say it was a good idea and they would look at it. The third biggest expense is the personnel of this Borough. He could foresee a committee coming in and suggesting that so many people get fired. He did want this Council or a future Council to say that a committee suggested it.

Larry Greenberg, 15-21 Raymond Street, expressed outrage at several traffic incidents caused by drivers using cell phones. He is angry that the Police do not enforce the law. He asked what they could do to put some teeth into this law.

Councilmember Baratta stated that the Council recently received statistics that Fair Lawn did a big crackdown on using cell phones while driving. She believed that the Police are taking this very seriously. Manager Metzler believed Sgt. Bastinck's monthly report showed the statistics.

Craig Miller, 5 Ramapo Terrace, expressed concern about the bus stop on Plaza Road located near Ramapo Terrace and wondered why New Jersey Transit moved the bus stop to that location. He thought the ADA Committee should review the plans for the building on River Road.

Pam Coles, 13-34 George Street, stated she was heartbroken for this town because of what the Planning Board has allowed. The height of the building is setting a precedent for River Road. This project should have never been approved. She objected to the Council agreeing to lease parking spaces in a lot that was already crowded. She expressed her outrage that the Planning Board does not represent the residents. She concluded that there is far too much development going on in the Borough.

Kortright, III. He asked if it was true that Mr. Kortright was Deputy Director of the Bergen County Economic Development Council. Mayor Weinstein stated it was true that he is a professional planner and is employed by the County. He was in the Planning Department but they need assistance in the Economic Development Corporation so he was transferred to that Department to assist with his expertise in Planning. Mr. Ruggles asked if Mayor Weinstein felt that was the appearance of impropriety. Mayor Weinstein felt it wasn't. Mr. Ruggles said Mr. Kortright was listed as the Deputy Director which sounds like a permanent position. He is very concerned about his continued leadership on the Planning Board while holding that conflict position. Mayor Weinstein stated there is not a conflict.

Deputy Mayor Tedeschi asked Attorney Rosenberg what options Mr. Ruggles has as a citizen when they believe a conflict of interest exists. Attorney Rosenberg advised they have the option to raise that at the County Ethics Board or the local Ethics Board. Mayor Weinstein stated Peter Kortright was appointed a number of years ago to the Planning Board and at that time he was only a professional planner in the Planning Department in the County. He has only within the last year been switched to the Bergen Economic Development Corp. Mr. Ruggles felt he should have recused himself when there appears a conflict of interest.

Mr. Ruggles suggested the Competitization Committee be called Efficiency Leaning the Organization. He shared with them an article that gave examples of public sector entities both on the municipal and county levels using something called lean enterprise. Durham, NC and Fort Wayne, IN that are using lean thinking techniques to reduce or eliminate waste. He felt this could be done in the purview of what they intend to do. He offered his help in any way he could.

Bernice Katz, 2-22 Saddle River Road, questioned if Mr. Kortright lives in Fair Lawn. Mayor Weinstein stated he is a resident and could not be on the Board without being a resident.

Pam Coles, 13-34 George Street, wondered what the code was regarding the height of buildings and allowing for parking zones around a specific height. Councilmember Trawinski stated the part she was referring to is that 33 feet is the permitted heights. The fire zone is a different issue and not necessarily related to height. Ms. Coles stated her concern about the height of this building and the fire safety issues. She was afraid for people's lives. Councilmember Trawinski stated this was not a fair statement. It is not near the height of the Plaza Building. However, in the Fire House on George Street, there is a piece of equipment that can access any location in that building during a fire. He is satisfied that piece of equipment can handle that building. Ms. Coles asked if the

truck could go around the building. Mayor Weinstein stated it could go over the building.

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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.

Mayor Weinstein stated that he personally would like to get a transcript of the last meeting regarding the River Road Condominium. He has heard a lot about this tonight and would like to find out more about it.

Deputy Mayor Swain stated that there were a tremendous amount of people present at the meeting in support of this project. It was nice to see new people come out and speak up.

Councilmember Trawinski suggested they also get all of the items that were marked into as evidence. He would like to discuss it at a Work Session. He thought they should instruct the Borough Attorney to track the time for appeal does not expire so that they can make a conscious decision of what they may or may not want to do. He does have questions on the height issue although Cathy Hochkeppel is very capable on evaluating whether it belongs before the Planning or Zoning Board but would still like to see it. He has concerns about the six variances. He will reserve comment until he finds out more information.

Councilmember Trawinski stated he did not know that Peter Kortright worked for the Bergen County Economic Corporation and he did not think anyone on this Council knew that. To his knowledge Peter Kortright has always been a fair, independent minded individual. He has been an asset to the Planning Board with his planning experience and background. Mayor Weinstein agreed. Councilmember Trawinski believed that his integrity and honesty were beyond reproach. He may disagree with him on planning and political issues but Peter is a person with the highest degree of integrity and honesty. Councilmember Trawinski understood Mr. Ruggles concerns but there is an avenue that could test whether or not this is a conflict.

Councilmember Trawinski spoke about a letter to the editor that was written against him from a suggestion at a Council meeting. It is unfortunate that the individual did not show up at other Council meetings to see the context of the discussion. Deputy Mayor Tedeschi proposed a Competivization Committee. They were to come back to a subsequent meeting with ideas and concepts. What they did was have a frank and open discussion about different ideas for the committee. Deputy Mayor Tedeschi and the Mayor felt it was very important that this committee not be political and he agreed with them. He suggested that if they had a volunteer on this board to help insure that it does not become political that they ask them not to run for office. He picked up that

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss Attorney Client Privilege – Omnipoint Litigation, McDonalds Litigation, and Personnel Hiring Freeze; and

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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 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.

ADJOURNMENT

Upon motion by Councilmember Baratta and seconded by Councilmember Trawinski, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant 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

