

REGULAR MEETING OF OCTOBER 14, 2008

Mayor Weinstein 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 annual notice identified the times and locations of the Council meetings and work sessions.

PRESENT: Mayor Weinstein, Councilmembers Baratta and Trawinski (late) and Deputy Mayor Swain.

ABSENT: Deputy Mayor Tedeschi.

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

COUNCIL COMMENTS:

Mayor Weinstein wished everyone a happy new year! He stated that Deputy Mayor Tedeschi was not present due to a family emergency. He expressed his condolences to the Pettineo family on the passing of Lucille Pettineo. He announced that a one hour program on understanding a pandemic flu and how to protect the family will be offered on the following dates, Thursday October 23 from 7 to 8 p.m. then Tuesday October 28 between 7:30 and 8:30 p.m. at the Fair Lawn Rescue Building.

Councilmember Baratta stated that she had attended the Columbus Day Poster Contest at the Knights of Columbus. This contest is sponsored every year by the Knights and the Cosmos Club with help from the Recreation Department. She congratulated all the children that participated in the program.

Councilmember Baratta stated that the food pantry is extremely low. She asked everyone to donate a non perishable item. She spoke about a program that some of the schools are doing in conjunction with the World Series where the children bring in cereal and they put in under the team they want to win. All of the cereal will be donated to the food pantry.

Councilmember Baratta mentioned a letter a woman wrote about Liz Twiggs saying that she helped her and inspired her to go back to school. Councilmember Baratta thanked Liz for that and all of the Borough employees who go the extra mile.

Deputy Mayor Swain stated on Sunday she had the honor of attending an Eagle Scout ceremony for Nicholas Vanni, which was very impressive. She heard that Fair Lawn

has the highest amount of Eagle Scouts in the country. She congratulated all of the Eagle Scouts that have come before and will be in the future.

Councilmember Trawinski arrived at 7:40 p.m.

ORDINANCES ON FIRST READING:

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

ORDINANCE NO. 2129-2008

AN ORDINANCE TO AMEND ORDINANCE NO. 2105-2008 AND 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

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta, Resolution No. 279-2008 introducing Ordinance No. 2129-2008 was discussed.

Mayor Weinstein stated this was a housekeeping item. The original ordinance for barrier free improvements was in the amount of \$10,000 when it should have been \$25,000.

There being no further discussion, Resolution No. 279-2008 introducing Ordinance No. 2129-2008 was unanimously adopted.

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

ORDINANCE NO. 2130-2008

“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.”

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 280-2008 introducing Ordinance No. 2130-2008 was discussed.

Mayor Weinstein stated this was an ordinance for the receipt of funds from the New Jersey State Department of Transportation for improvements to be done on Plaza Road North in the amount of \$140,000.

There being no further discussion, Resolution No. 280-2008 introducing Ordinance No. 2130-2008 was unanimously adopted.

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

ORDINANCE NO. 2131-2008

AN ORDINANCE TO ESTABLISH A NEW CHAPTER 93 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, TO BE ENTITLED "FAIR LAWN SPECIAL IMPROVEMENT DISTRICT"

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 281-2008 introducing Ordinance No. 2131-2008 was discussed.

Mayor Weinstein explained that this is the initial passage of the Fair Lawn Economic Development Corporation's Special Improvement District ordinance. It would take into consideration the business districts other than River Road and Broadway. It will not include owner occupied two family homes. It will not include businesses that are located in other than business zones. It is the first step to make the EDC a self funding operation with the funds raised from the business districts involved.

Councilmember Baratta added there will be a hearing on November 25, 2008.

Attorney Rosenberg pointed out that it covers the business zones and industrial zones.

There being no further discussion, Resolution No. 281-2008 introducing Ordinance No. 2131-2008 was unanimously adopted.

ORDINANCES ON SECOND READING:

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

ORDINANCE NO. 2127-2008

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 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 Councilmember Baratta, Resolution No. 282-2008 adopting Ordinance No. 2127-2008 was discussed.

Mayor Weinstein stated this was also a receipt of \$300,000 from Bergen County for the Dobrow Field Renovations. Before they go further, it would be tested environmentally.

Councilmember Trawinski stated that Fair Lawn is the fourth largest town in Bergen County. At some point he is going to put on a Work Session agenda how much the residents have paid in Open Space Taxes opposed to how much they had received. It seems to him that throughout the years they have not received their share. He felt it was something they should look at and possible do better.

There being no further discussion, Resolution No. 282-2008 adopting Ordinance No. 2127-2008 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, 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 Deputy Mayor Swain, the time for public comments was unanimously closed.

RESOLUTIONS BY CONSENT #26-2008

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda 26-2008 containing the following items was unanimously passed.

- a. Resol. #283-2008 - Approval of Minutes:
 - Closed Session 8/12/08
 - Work Session 8/12/08
 - Special Meeting 8/12/08
 - Closed Session 8/12/08
- b. Resol. #284-2008 – Amending Resolution 189-2008 Goodwill Industries
- c. Resol. #285-2008 – Authorizing Tax Appeal Settlement – CK Bergen (Medco)

- d. Resol. # 287-2008 – Confirming Endorsement of CDBG
Application – Bris Avrohom E.S.L. Youth Program
- e. Resol. # 288-2008 – Confirming Endorsement of CDBG
Application – Bris Avrohom E.S.L. – Cultural and
E.S.L. Program

RESOLUTION NO. 283A-2008 - Approval of Minutes - Regular Meeting 8/19/08

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, Resolution No. 283A-2008 was adopted with Mayor Weinstein abstaining.

RESOLUTION NO. 286-2008 – Authorizing Tax Appeal Settlement – Exxon

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, Resolution No. 286-2008 was passed with Councilmember Trawinski recusing himself.

RESOLUTION NO. 289-2008 - Award of Bid: Solid Waste Collection

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 286-2008 was discussed.

Councilmember Trawinski questioned that they had confirmed this in the Work Session but he wanted to do this in public that any judicial restraints that were imposed upon them to prohibit them from awarding this bid have indeed now been lifted and they are free to award this bid. Attorney Rosenberg stated that was correct.

There being no further discussion, Resolution No. 289-2008 was unanimously passed.

PUBLIC COMMENTS

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

Cathy Hockeppel, 11-03 5th Street, an employee of the Borough of Fair Lawn, indicated she got to know Manager Metzler during Fair Lawn's 75th Anniversary celebration where they both served as volunteers. He had a strong work ethic, the true spirit of volunteerism and a real sense of fiscal responsibility, which are qualities she greatly admires.

Ms. Hockeppel stated she has worked for several Managers in Fair Lawn and Manager Metzler is one of the finest, if not the finest. He has big picture vision and he has the planning and organizational tools to get it done.

Although most employees are not vocal, she could honestly state that most are in favor of Manager Metzler's management style. There is only a handful of complaining, unhappy individuals. She did not think it was easy for Council to get a true sense of what employees feel because the average employee will not speak frankly because of the Mayor and Council's position of power. Manager Metzler was responsible for increasing morale in the Borough. Morale has suffered. She understood their right to be political but she really thought it was time to consider what the best thing for Fair Lawn and its residents.

Manager Metzler is well known to the residents of Fair Lawn not only for his 30 years of volunteerism but his responsiveness to every person who walks into his office to every complaint, no matter how small, as Borough Manager. She felt he was one of them who made this community a better place to live long before it became his livelihood.

Fair Lawn voters are fairly savvy and they do not always vote along party lines particularly in local races. Fair Lawn is under the Faulkner Act which provides for a strong manager who makes business decisions that are fiscally responsible for the residents and that is what the citizens of Fair Lawn want. She did not think it was too late for any of the Council to change their minds and do the right thing for Fair Lawn. She suggested they keep the current manager who is knowledgeable, hard-working, has the integrity beyond reproach and is greatly admired by the citizens of Fair Lawn.

Bernice Katz, 2-22 Saddle River Road, reminded them there is a Freeholder's meeting tomorrow. They want the pedestrian access only. She is very disappointed to see them doing nothing.

The Planning Board Chairman Peter Kortright has a dubious position, she is not sure what it is but felt that according to rules a County employee should not take part in political issues. He is a professional planner and wants the growth of businesses and housing in each of the towns in Bergen County. They don't know who he represents when he is sitting as Chairman of the Planning Board. There should be some type of disclosure of who his clients are because his office is located in the County building. His business is private but sanctioned by the County.

Mayor Weinstein informed her that Mr. Kortright is an employee of the County. He works for the Bergen County Economic Development Corporation which is a not for profit business and does not own it.

Ms. Katz said she did not see that on his W-2, and she does not know where his money is coming from. Mayor Weinstein said from the County. Ms. Katz said the County did not have him on their payroll when she looked into it. She felt he should recuse himself until they know who he is working for. Mayor Weinstein stated he does not have private clients. Ms. Katz stated if he is doing this for the County they should know. Mayor

Weinstein stated Mr. Kortright was going to check it out in regards to recusing himself on particular cases. Ms. Katz said they would like to know who he represents because it may influence what is going on.

Ms. Katz wanted to know what was done about the Library not letting her hand out flyers while she was getting signatures for a petition. She was on the steps. Mayor Weinstein stated she brought this issue up last week and the Council hasn't met yet to discuss this.

Councilmember Trawinski stated they had referred this to the Borough Attorney. He is going to do his research and report back at the next meeting.

Mayor Weinstein stated there were by-laws in effect, Councilmember Trawinski brought up some issues that the Borough Attorney is going to research and bring up at a Work Session but they haven't met yet.

Ms. Katz questioned Ordinance 2131-2008. Mayor Weinstein stated River Road has an improvement district; Broadway also has an improvement district. Ms. Katz wondered if this was mentioning a certain area or just a general area. Mayor Weinstein stated it is the other business districts in town other than River Road and Broadway. Ms. Katz wanted to know where. Mayor Weinstein said like the Radburn business district. There will be a public hearing next month and she can voice pro or con for this special improvement district.

Claude Beinstock, 39-11B Broadway, wondered if the Mayor had any additional comments to make to the public right now about this issue. Mayor Weinstein stated under the statute at the appropriate time comments could be made. They will be discussing this further in Closed Session what the date will be and at that point the Manager will have the opportunity to address the issues and the Council at that time will have the right to respond or not respond. Mr. Beinstock wondered if the public could come and speak out. Mayor Weinstein stated it will be televised so the public could see it.

Arlene Rubinstein, 28 Rutgers Terrace, stated that Tom Metzler is the perfect definition of the word mensch and for those that don't know what that means, it is a passionate human being who always does the right thing and does it well. The same cannot be said for the members of the Council who voted to fire him because of trumped up charges.

Ms. Rubinstein claimed that Deputy Mayor Swain broke her one and only campaign promise to be independent and have no obligations to anyone. Since she has been on the Council she has yet voted her own conscience. She has proven to be a puppet whose strings are pulled. Mayor Weinstein stated she did not have the right to slander anyone up here, there is proper protocol. Deputy Mayor Swain stated Mrs. Rubinstein

has not checked her facts; she has not looked at every single vote. Mrs. Rubinstein does not know that Deputy Mayor Swain has voted with Councilmember Trawinski and Councilmember Baratta. Mrs. Rubinstein said only when it was approved by Mayor Weinstein and Deputy Mayor Tedeschi. Mayor Weinstein stated she always said that about him as well, that is her way, if she does not have the facts on the issue she brings in collateral stuff, which is her right but he will not stand there and listen to slander of any Councilmember. Mayor Weinstein asked Attorney Rosenberg is there a right to slander anyone. Attorney Rosenberg said no. Mrs. Rubinstein asked if she was slandering anyone. Attorney Rosenberg stated the Mayor is asking for decorum, in your presentation to the Council, as the Chair of the meeting he is entitled to do that. Mrs. Rubinstein said that was fine but she is not engaging in any arguments and would like her time to be suspended. Mayor Weinstein stated that he is presiding over the meeting and if she is not going to follow the rules, she will not have the full time and if she dares to slander anyone, she will not have the rest of the time.

Mrs. Rubinstein then spoke about Joe Tedeschi, the former Bergen County Utilities Authority Commissioner who was chastised by the former Bergen County Assignment Judge, Peter Torino, for purchasing a personal computer via the BCUA. Even though he paid for the computer he used the BCUA. Mayor Weinstein stated Deputy Mayor Tedeschi was not here to defend himself or respond. He is not going to allow her to continue and let her comments hang out there. He does not like the connotations that she is saying and will ask her to sit down if she continues.

Councilmember Trawinski asked the Borough Attorney if what Mrs. Rubinstein was expressing was a fact and he believed she is entitled to express a fact, however distasteful it may be to any of them. Mayor Weinstein stated he has never heard of this as the person that is being discussed is not even here to defend himself.

Attorney Rosenberg advised those are statements that are being made, being proffered by this particular person and the public can hear those statements with all due respect. She is not being out of order with the statements she is making that have a source that she identified. Mayor Weinstein stated he stood corrected.

Councilmember Trawinski stated he did not want this to be misunderstood. He believed that Deputy Mayor Tedeschi has an absolute right to respond but the fact that he is not here tonight does not limit the right of the public to address it. As painful as it may be to any one of them and he understood the desire to split the difference between defamatory statements and what the Borough Attorney has advised.

Mrs. Rubinstein stated this action was not illegal but it does raise some serious questions about his judgment. This is the same Deputy Mayor Tedeschi that raised the cargate question.

Mrs. Rubinstein stated that Mayor Weinstein, who along with David Ganz, was responsible for the Community Rec Center being built at a great expense to Fair Lawn taxpayers without a vote of the taxpayers. The same Mayor Weinstein and then former Mayor Ganz hired the Bergen County Democratic Chair's grant firm who is under federal investigation.

Tom Metzler has done more for Fair Lawn than these three combined. These three have made Fair Lawn the laughing stock of Bergen County. They have attempted to give Fair Lawn to developers who wanted to make Fair Lawn a city.

Bruce Rosenberg was hired to be the Municipal Attorney; he was not hired to be an Attorney for the three Democrats paid for by the taxpayers of Fair Lawn. He evidently offered the defamatory allegations against Manager Metzler in the resolution terminating him. He did it according to the Council majority without an input from the Council minority; he then tried to blame the Borough Clerk. He has become the prosecutor and judge for the Council majority instead of acting as the Municipal Attorney for the people of Fair Lawn. She would strongly urge them to stop splitting Fair Lawn apart and at least one them change their vote not to terminate Tom Metzler. This town adores Tom Metzler. The number of people that came out to speak in his defense was unbelievable. She strongly urged them to do the right thing for the people of Fair Lawn and not for their own personal feelings.

Albie Palmieri, 23-33 Arcadia Road, stated he was there to talk about the Arcadia Road flooding. It was the fall of 2006 Fair Lawn started their piece of the project and as he stated in previous meetings they thought it was the light at the end of the tunnel. As it turned out because the County did not do their part, it made matters worse. In the early spring of 2007 the Council arranged for the Fair Lawn bus to take residents of Fair Lawn to the Freeholder Meeting. The Freeholders said the project was up for bid for design. Here it is the fall of 2008 and they have not seen a shovel hit the ground. Last fall Fair Lawn repaved Arcadia Road which is now getting potholes and starting to sink again. All the work that Fair Lawn put in to it is going to cost the taxpayers more money because it has to be fixed again. Mayor Weinstein stated recently he sent an e-mail and he will follow up again. Mr. Palmieri said he emailed each Freeholder and did not get a response. Mayor Weinstein stated he also reached out to Mayor Mola and Mayor D'Arminio so that they would have a meeting like they had a year ago to see where they are in the project in their particular towns. Mr. Palmieri said he said the work Fair Lawn did and now it will cost the town more money to redo it.

Councilmember Trawinski thought it was going to require another concerted effort from the Council. They are all going to have to go to the Freeholder meeting and ask to be heard. They need to put that on an Agenda to put pressure on the Freeholders along with Maple Avenue which is long overdue.

William Ruggles, 2-10 Saddle River Road stated the Beaver Damn neighborhood held a task force steering committee meeting with quite a bit of discussion about the certified letter from Neglia Associates for Bergen County that many of the neighbors did receive but unfortunately a lot of them did not get. They are going to be challenging the validity of that notice.

Mr. Ruggles stated they had concerns also about the cost of this project which does not include the cost of purchasing the properties. They were wondering if any Open Space or Green Acres funds would be used for this space. The topology of the fields will need a lot of leveling. They would like landscaping at the entrance.

Mr. Ruggles concluded saying they would like the assistance of the Mayor and Council in trying to get answers to these questions. Mayor Weinstein asked Attorney Rosenberg to look into the notification of the residents within 200 feet and to reach out to the County. Attorney Rosenberg said he would certainly do that.

Councilmember Trawinski stated he looked at the plans in the Engineering Department. He saw the general permit application but also saw an application for an individual permit. It is almost impossible for a private developer to get an individual permit from the DEP for anything. He is concerned precisely what they are looking to do environmentally to the site that would warrant the seeking of an individual permit. He felt there is a gross over-design and unnecessary impervious coverage in the cul-de-sac before the parking lot. He thought the questions Mr. Ruggles group was raising along with questions this Council will raise will enable them to address the concerns. The final concern he has is the narrowing of Brookside and does not understand the logic there. He would like to hear from a Traffic Expert whether or not it would be better to leave Brookside alone.

Mayor Weinstein said they had concerns about people making u-turns. Councilmember Trawinski felt it would be better to redesign the exit out on to Saddle River Road so that you can only make a right turn out of the park but he is concerned about the people living to the north of that entrance and those residential streets. The Engineering Department is fully aware of this. He intends to put on the next Work Session to make sure that the Borough Engineering Department reviews this and possibly the Planning Board. Mayor Weinstein said he definitely agreed to have it on the next Work Session agenda. Councilmember Trawinski the Environmental Specialist should also take a look at this to see if there are any environmental impacts playing into this area.

Howard Mark, 12-23 Ferry Heights, felt the Council was slandering Manager Metzler. He asked Mayor Weinstein and Deputy Mayor Tedeschi to resign.

Harvey Rubinstein, 28 Rutgers Terrace, stated that there is an application going before the Planning Board calling for a major project on River Road. The application was

signed by Stewart Liebman the attorney for the applicant who has presented many cases before the Zoning and Planning Board. His source tonight was the Federation Newsletter, regarding the treatment of people. He suggested that they talk to the Chairmen of the Zoning and Planning Boards.

Mr. Rubinstein expressed concern that Mr. Kortright and Todd Makin are not objective.

He questioned how the Economic Development Corp is going to provide administrative and other services to benefit the Borough businesses as stated in the ordinance. He also would like to know if the Chamber of Commerce has been given a copy of this ordinance, other than being mentioned here or published in the newspaper. He also felt it would be fair for small businesses to opt out.

He showed Mayor Weinstein a political photo of the Mayor, Deputy Mayor Swain and Deputy Mayor Tedeschi, mentioning tax stability, sound fiscal planning and budgets. He felt that Manager Metzler and CFO Eccleston prepared the budgets and sound planning.

Barbara Gremillot, 1 Bristol Place, stated that at the Closed Council Meeting, Councilmember Baratta reported that the Democratic members felt volunteerism was nothing.

If Manager Metzler's volunteerism means nothing then his credentials mean nothing. He instills confidence in everyone that deals with him. He is prompt and thorough to answer any and all problems. His monthly manager's reports are excellent. His rapport with all that comes into contact with him cannot be matched as well as his manager's skills. He has shopped around for vendors who can save the Borough money.

Ms. Gremillot felt the Mayor's reasons for letting Manager Metzler go were bogus. She mentioned the Municipal Clerk's notes of a Closed Session regarding the charges were submitted to the Borough Attorney; however, the notes did not match either Councilmember Baratta or Councilmember Trawinski's notes. She asked the Mayor if the Municipal Clerk was going to take over the Borough Manager's job. Mayor Weinstein stated none of them have ever said anything to minimize the efforts of the volunteers of Fair Lawn. He has always supported them. Furthermore, Closed Session discussions should never be disclosed. Ms. Gremillot stated that Councilmember Baratta made a public statement.

Robert Gremillot, 1 Bristol Place, stated the whole premise of the car was the Mayor was not notified of it. They also were looking for information regarding a procedure, but there was no such procedure. At the end of the meeting the Council decided there should be a policy in place to purchase vehicles. Then there was an article in The Record and from that article someone can deduce that he bought this car for his own

personal use, which was not true. The purchase of this vehicle was a couple thousand dollars more than expected but Manager Metzler was man enough to admit that he should have mentioned it to the Mayor and Council. Other things have been done incorrectly such as the Recreation Center.

Ron Coll, 10 Ramapo Terrace, stated that he has enormous respect for Tom Metzler. His work has brought him the public recognition and the approval of the people of this town. What he has done in a few short years in his job did make a difference. He hoped that things change and he stays but he urged him to hold his head high.

Mr. Coll stated he felt they have forgotten to listen to the wishes of the majority of residents of this town. They are no longer working for the people.

Pamela Coles, 13-34 George Street, spoke about the River Road Condominiums and about the Planning Board minutes. Mayor Weinstein stated he was going to read it. Ms. Coles spoke about a resolution that was passed without Mayor and Council input. Attorney Rosenberg stated that the Mayor and Council have no input before either the Planning or Zoning Boards in regard to the memorialization or adoption of the resolution.

Ms. Coles spoke about a fire truck that cannot go around the building. Manager Metzler believed this new vehicle is a tower ladder which means it can go up and go left and right but it is not a snorkel and does not have a pivot point in the middle. Councilmember Trawinski stated since he and Councilmember Baratta were on that truck it can go up and down and then bring it down to a certain point. Ms. Coles wondered about a fire truck fitting in the back of the condominiums. Manager Metzler said he did not personally see the plans and wanted her to be aware that Fair Lawn has two aerial apparatus, one at Co. #1 and a 75 foot ladder which would fit behind the building. There is a member of the Planning Board that was a fire fighter and he knows from his own experience on the Board that when he saw plans he went out to view the site and that was on his mind that a piece of apparatus would be able to get on the site.

Ms. Coles stated she has real concern about them being able to fight a fire if there ever was one from the back. The only basis they went on was a letter from the Fire Chief. They should have looked to see if the building would be up to code to save anyone's life. Based on that, she had serious considerations.

Ms. Coles concluded that Manager Metzler has made mistakes, just as everyone has.

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.

Councilmember Trawinski stated that fire safety and the ability to fight fires is always a paramount concern of this municipality. He did not think it was fair for the people watching to think that the Planning Board would approve something that was less than the fire codes require. Even if they did the Building Inspector would not allow it. The process that this town has followed for at least the last 30 years that input is always solicited from the fire department and Construction Department. He assured her that the fire truck would not go behind the building they would fight it from the front. Very rarely do they take fire trucks behind burning buildings. The bucket on that fire truck is big enough to take people out of the building if need be. The residents are protected in terms of equipment and in terms of fire safety. That should not be interpreted that he as a Councilmember has a say in it or supports the granting of substantial number of variances. After he goes through the other transcript he hoped that he could persuade the other Councilmembers to take the extraordinary step of suing the Planning Board to have a Court set aside those variances.

**CLOSED SESSION RESOLUTION – Personnel – Borough Manager
Contract Negotiations – PBA/SOA
Attorney /Client Privilege –
Williams Street**

Upon motion by Deputy Mayor Swain and seconded by Deputy Mayor Tedeschi, the following Closed Session resolution was passed at 9:10 p.m.

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 Personnel – Borough Manager, Contract Negotiations – PBA/SOA and Attorney Client Privilege – Williams Street; 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 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 Trawinski and seconded by Deputy Mayor Tedeschi, the meeting was adjourned at 9:45 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