

## **REGULAR MEETING OF JANUARY 30, 2007**

Mayor Weinstein called the meeting to order at 7:30 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

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 15, 2006. 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, Deputy Mayors Etler and Tedeschi and Councilmembers Baratta and Trawinski (late).

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

### **SWEARING IN RESCUE SQUAD MEMBERS AND CERT OFFICERS:**

Mayor Weinstein swore the Rescue Squad Members in along with the CERT officers.

### **SWEARING IN NEW POLICE OFFICERS:**

Mayor Weinstein swore the following new Police Officers in: Robert Manning, Brian Rypkema and Stephen Buskiewicz.

Councilmember Trawinski arrived at 7:40 p.m.

### **PRESENTATION OF POLICE AWARDS:**

Chief Rose acknowledged what the Police Officers do. He said that these awards reflect what had taken place in 2004, 2005 and 2006.

Sgt. Bastinck and Lt. Kneer presented the awards.

Meritorious Service Awards and Bars were given to P.O. Macys and P.O. O'Shaughnessy for taking control of a situation and disarming the suspect without any shots being fired.

Honorable service awards were giving to P.O.'s Vasquez, Wood, Wassel, Taylor and Nagle in regard to responding to a gang related fight at the Empress Diner where they contained 23 actors on the scene. Certificates of Commendation were given to Captain Serrao, Sgt. Annazone & Messina, and Detectives Welsh, Boone, Ietto, Corcoran & Ferreira relating to the same incident.

A Life Saving Bar and certificate was given to P.O. Mecionis for responding to a two-month-old infant in respiratory arrest.

A Service Bar and Certificate were given to P.O. Scott for several arrests made during the year for narcotic trafficking.

An Exceptional Service Certificate and Exceptional Service Bar were given to Detective Corcoran for conducting numerous self-initiated sting operations leading to many drug arrests.

Special Service Awards were given to the following: Range Officers - 10 year award to Lt. Geotz, Simmunition Training - Sgt. Uttel, Radio Tech - P.O. Mergler, DARE Officers - 5 year awards to P.O. Callons, Graziano, Krizek, Boone, Sgt. Metzler and 10 year award to Sgt. Bastinck, College Bar - Sgt. Schultz, P.O. Nagle and Sgt. Bastinck, Webmaster - Captain Cook, Bike Unity Tour - Certificate - Lt. Yirce & Sgt. Schultz.

A civilian award was given to Robert Moore, a U.S. Postal Mail Carrier for reporting and witnessing a burglary in progress.

Honorable Service Awards were given to P.O. Evangelista, Egan and O'Brien for apprehending two individuals in the middle of a burglary.

An Honorable Service Bar was given to Lt. Kneer for an arrest that cleared four stolen cars and seven residential burglaries.

A Certificate of Commendation was given to Dispatcher Rypkema for observing a stolen vehicle at CVS parking lot on Broadway where he blocked the vehicle in and followed the individuals as they attempted to leave.

Certificates of Commendation were given to Dispatcher Buskawitz and Sgt. Patterson for an arrest for a fraudulent Insurance ID card.

Certificates of Commendation were given to P.O. Krizek, Evangelista, Tovbin, Wassel, Graziano for a Motor Vehicle Pursuit/Aggravated Assault/Resisting Arrest.

Certificates of Commendation were given to Sgt. Messina, Lt. Yirce, P.O. Check & Mergler for a Burglary Apprehension.

Certificates of Commendation were given to P.O. Scott, Evangelista, Detectives Corcoran and Ietto for Burglary Apprehension.

Certificates of Commendation were given to P.O. Donohue and Wyka for Burglary Apprehension.

Certificates of Commendation were given to P.O. Krizek, Sgt. LaRosa, Detective Cannici for Burglary Apprehension.

Certificates of Commendation were given to P.O. Krizek and Wyka who responded to a

motor vehicle accident off the Fair Lawn Avenue bridge and removing a woman who was trapped in the partially submerged car.

Certificates of Commendation were given to P.O. Wyka and Det. Sgt. Messina for their participation in apprehending a purse snatcher. Three suspects were arrested in that incident.

Certificates of Commendation were given to P.O. Donohue and Sgt. Schultz, and Detectives Corcoran and Ietto for arresting individuals who had entered several homes.

Certificates of Commendation were given to P.O. Vasquez for a Burglary Apprehension at St. Anne's Church.

Certificates of Commendation were given to P.O. Evangelista and Sgt. Metzler for responding to a pedestrian that was struck by a bus on River Road and Fair Lawn Avenue and giving immediate life saving actions that preserved the woman's life.

A Certificate of Commendation was given to Captain Cook for taking charge of the presentation and documentation of the 75<sup>th</sup> Anniversary of the Fair Lawn Police Department.

A Certificate of Commendation was given to P.O. Manelis for responding to a suicidal male with a weapon in his possession.

Certificates of Commendation were given to P.O. Censullo, Detective Walsh and Detective Sgt. Messina for arrests made in regard to a car burglary.

Certificates of Commendation were given to P.O. Donohue and Wyka for arresting two individuals on multiple charges after spotting a stolen car.

A Certificate of Commendation was given to Detective Walsh for responding to a car burglary and being able to close several other car burglary cases.

A Certificate of Commendation was given to Detective Ietto for clearing false reports of stolen items totaling \$194,000.

Certificates of Commendation were given to Detective Corcoran and Detective Sgt. Messina for an arrest for stealing \$17,000 from Valley National Bank.

A Certificate of Commendation was given to Detective Ietto for assisting the Bergen County Prosecutors Office with a "Cold Homicide Case" from 1983.

Certificates of Commendation were given to P.O. Egan and Macy's along with Reserve Auxiliary Officer Clark who responded to a female in full labor. A baby girl was born in the home.

**RECOGNITION OF CONSTABLE LOU DIGERONIMO'S RETIREMENT**

Mayor Weinstein read the proclamation and the entire Council presented it to Mr. DiGeronimo.

**PROCLAMATION: WEAR RED DAY FOR WOMEN**

Municipal Clerk Kwasniewski read the proclamation.

**COUNCIL COMMENTS:**

Mayor Weinstein stated he had received a memo from Chief Rose about Detective Ietto, P.O. Egan and O'Shaunassey stopping a string of robberies. He commended all of them.

Mayor Weinstein mentioned Sylvia Tedona's retirement. She had worked for the Borough for 27 years and she will be missed.

Councilmember Baratta stated it is a great night to be proud of Fair Lawn. She thanked Lou DiGeronimo for the work he has done as Constable. She also thanked the CERT officers, the Police Officers, the new Police Officers and the Rescue Squad members for the excellent job they do.

Deputy Mayor Etlar stated he echoed Councilmember Baratta's comments. He congratulated Lou DiGeronimo on his retirement as Constable.

Deputy Mayor Tedeschi stated there are many good reasons why Fair Lawn is a good place to live. He felt they should all feel lucky to live in Fair Lawn.

Councilmember Trawinski congratulated Lou DiGeronimo and Sylvia Tedona on their retirement. He wished them the best. He echoed the comments about the respect he has for the Police Officers and what they do every day. He offered his thanks to each and every one of them.

**MANAGER'S REPORT:**

Manager Metzler stated the report was on the table with no changes or additions.

**PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etlar, 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 # 4-2007

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Etlar, Consent Agenda 4-2007 containing the following items was unanimously passed.

- a. Resol. #61-2007 - Refund of Overpayment of Taxes
- b. Resol. #62-2007 - Approval of Minutes:
  - Work Session 10/17/06
  - Special Meeting 10/17/06
  - Closed Session 10/17/06
  - Regular Meeting 10/24/06
  - Closed Session 10/24/06
  - Special Meeting 11/2/06
  - Work Session 11/8/06
  - Special Meeting 11/8/06
- c. Resol. #63-2007- Approval of Raffles & Bingo:
  - Temple Beth Shalom - Off premises 50/50
- d. Resol. #64-2007 - Veteran Exemption - Block 5517 - Lot 51
- e. Resol. #65-2007 - Confirmation of Fire Board Actions
- f. Resol. #66-2007 - Authorizing Issuance of Massage Establishment and Massagists Licenses - BRC Sauna & Spa Inc.
- g. Resol. #67-2007 - Professional Service - Hakim Associates

## MISCELLANEOUS PUBLIC COMMENTS:

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

Harvey Rubinstein, 28 Rutgers Terrace, stated at the last public meeting, Mayor Weinstein implied that he and the three Democratic Councilmembers saved the Borough from over development at the Naugle House and the Mack Brothers on Broadway. He said, not so, the people of the Borough came to Zoning and Planning Board meetings and spoke out against excessive over development since these developments are totally out of character for the neighborhood. He said that just last week the Zoning Board allowed a house to be built to 37 feet high. Neighbors testified that the neighborhoods consist of ranch homes and that the street flooded. In 1990 the Appellate Division of the State Supreme Court said that variances may be refused if the proposed homes clashed with the surrounding neighborhood. They also said that the character of the neighborhood should be preserved by the identity of the type of dwellings. He wanted to know the status of the town's position on the F.A.R. regulations. He believed that under the Appellate Court ruling last week, the ordinance regarding Clariant should be tabled and asked if the Council would do it tonight.

Mr. Rubinstein spoke about his Planning Board membership twelve years ago, referring to minutes from 1990 that said he gave a fair hearing to an applicant with his

thoroughness, interest and skills. With his knowledge he performed the statutory requirements fairly and partially. That is how he tries to act all the time.

Mr. Rubinstein stated as a homeowner and taxpayer, he asked them to hire a consultant to analyze the environmental reports and to provide guidance to the Borough. He read a letter from Burton Engineering which stated the initial process was to amend the master plan, change the site from industrial to mixed use. He felt the Council should study the impact of the Clariant property.

Mr. Rubinstein asked if the Broadway Improvement Corporation supplied the Borough with a written activity type report, and where and when can the public see it. He asked again what the \$265 payment to the Borrgato Hotel in Atlantic City was for. Mr. Rubinstein asked where and when was the budget meeting for last Saturday posted.

Mayor Weinstein stated he never did say the Council saved the day. He said last week that there was a misconception that under this Council and over the last few years, there has been major over-development. He said he would never say that because he does not have control over the boards. Other than appointments by this Council and prior Council's, both boards are independent agencies of the Borough. The last major development was Fair Lawn Commons in 1996. He mentioned Blue Hill, which was not approved by the Zoning Board. They tried to save the Naugle House by purchasing it for \$1 but the developer went to both Planning and Zoning Boards and failed both times. Regarding Clariant, the Council just passed the first reading of the ordinance to move the process which is to go to the Planning Board. He knows that the Planning Board will do their diligence and bring in the experts. He explained that if he is not satisfied with the statements of the environmental experts, he will not vote positively on the second reading of this ordinance. It is going through the proper process.

Mayor Weinstein stated in regard to the F.A.R. ordinance, they had reached a unanimous consensus to move forward with it. Municipal Clerk Kwasniewski stated it is on the February 6, 2007 Work Session where they asked Todd Malkin to be present and have the Borough Attorney prepare a draft ordinance.

Mayor Weinstein stated regarding Broadway Improvement Corporation, last Saturday morning at the Budget Meeting, there was \$30,000 in the budget appropriated for them. The budget has not been passed yet. Mr. Rubinstein said the Manager's report showed they would be getting \$30,000. He spoke about the Kodak property and how the area hospitals are looking for rehabilitation places. He felt it may be a perfect location.

Municipal Clerk Kwasniewski explained that the budget meeting was advertised in The Record, the Borough website and Channel 77.

Arlene Rubinstein, 28 Rutgers Terrace, asked how independent are the Planning and Zoning Boards. She wondered how the Chairman is related to proposed developers for the Clariant site. The Chair appoints the people. As far as Kodak is concerned, she found

it objectionable that people that don't live in Fair Lawn tell them how to spend their money. Now she is hearing rumors about Don Smartt promoting a New Jersey Transit Village and wondered why Fair Lawn should have such a village. She saw no reason for it. She felt Don Smartt does not represent Fair Lawn. The business owners pay money to these SID's. She suggested they get people from Fair Lawn to do what he does.

Mayor Weinstein stated the appointments are done by the Council. He explained that the EDC and Don Smartt are paid projects. At the time, the Council decided that most of the EDC funds would come from the Borough. He knows that the EDC did a study regarding a transit village. Deputy Mayor Tedeschi stated that the architect at the meeting proposed an offsite parking garage. Mayor Weinstein stated that was not recommended by the EDC. Mrs. Rubinstein stated that Don Smartt was promoting it.

Stuart Shaw, 19-32 Chandler Drive, referred to the Mayor Weinstein's comments about the Planning and Zoning Board being independent. The Council built a big elephant with the Community Center. He said the Council should realize the citizen's outcry that all development must stop. The citizens have replaced two Councilmembers sending a message for no more development.

Mr. Shaw spoke about what has been written about the Bergen County Democratic leader, Ferreiro and the County Executive McNerney. It seems things have been improper. He and the community know that Barry Winston works for the County. Ferreiro is the head of the County Democrats and Barry Winston is a source of funding. If they don't vote in favor, they will not get money from the Democratic Committee. He said that Barry Winston has a connection to the developers of the Clariant property.

Deputy Mayor Etlar stated that Barry Winston has no input into this Council. He said that what Ferreiro and McNerney do is a different topic. He said that if he decides to run again, he will raise his own funds.

Councilmember Trawinski stated that Deputy Mayor Etlar should talk in calmer tones. He felt that Mr. Shaw was entitled to an apology.

Mayor Weinstein stated that the only development lately has been Fair Lawn Commons. There have been a lot of discussions about the Clariant site. He plans on living in Fair Lawn for the next twenty years. If he is not satisfied with the environmental experts, he will not vote in favor of it.

Deputy Mayor Tedeschi stated that he had voted for Open Space but felt that somewhere along the line open space has been rewritten. He felt that Mr. Shaw may not like how they vote on different topics. He also said that he was one of the first supporters of CCRF. He mentioned Mr. Shaw's comment about development and wondered what areas they had developed.

Councilmember Baratta asked Mayor Weinstein for a copy of the petition that was given to him.

Robert Gulack, 4 Bancroft Place, stated that at the Library last night there was a meeting of the Democrats. They joined hands and voice to oppose Joseph Ferreiro's stance. Finally, he felt that the Democrats were all reading off the same page.

Mr. Gulack talked about the people who were being appointed to Open Space. He asked who made the decision to go in a new direction. He wanted to know why it wasn't explained to the people who were not appointed. He asked if the Council was afraid to tell these people what they have planned for the community. He wanted to know why it was necessary to fire Mr. Shansky and Mrs. Koplik. He suggested they have honest and open government. He continued that they appoint people who want to make parks into parking lots. Deputy Mayor Tedeschi advised him to question the entire Council because it took place on this dias.

Maureen Moriarty, 14 Burnham Place, asked if the appointments were a unanimous decision. Mayor Weinstein explained that appointments are done in Closed Session but it is not official until they vote for it in public. Councilmember Trawinski said that they all voted for the appointments. Mayor Weinstein explained that if there is a disagreement with an appointment, it would not go on the Consent Agenda. Ms. Moriarty questioned the process on how the appointments were done. Attorney Rosenberg reminded her that all of the appointments get discussed in Closed Session. Ms. Moriarty stated she had a problem with the removal of these people and wondered if they could be added to the committee now. Mayor Weinstein stated the ordinance regulates the number of members. Attorney Rosenberg advised that he would look into it.

Stuart Golding, 14 Rutgers Terrace, felt that there was a good stock of people that want to invest their time and the Council should be careful of whom they get rid of.

Craig Miller, 5 Ramapo Terrace, asked about the temporary parking lot and whether there has been any decision to turn it back to a field. Mayor Weinstein stated he would follow up with that. Mr. Miller thanked the people who worked on the Heyward litigation because he was glad that it went to COAH.

Rita Golding, 14 Rutgers Terrace, wondered how the people are appointed to committees. Do the residents who wish to be put on a committee contact the Council or does the Council contact them. Mayor Weinstein said they send the Council a resume if they are interested or people call and ask to be considered for the committee. Mrs. Golding said they could offer themselves. Deputy Mayor Tedeschi stated as late as 10:00 a.m. today he had received an e-mail asking to be put on a board. He said he may have received two or three so far this year.

Councilmember Baratta stated that she had wanted to introduce an ordinance so that when there were any openings on boards or committees, they could review resumes. She did not see any resumes. Councilmember Trawinski stated that the reality is, politics enter into the mix. The majority on the Council makes the decision. This year there was no give and take. There are some people he would have left on the boards. But this process goes on everywhere. It is the reality of how it goes. He believed that Barry Winston plays a

significant role in the appointments that are made. Councilmember Trawinski continued that he voted for individuals were qualified to hold the position. He felt that some of the people who were not reappointed, should still be on the boards. He thought that they should think about the size of the committees. He said they would have to take into consideration that some of the boards have stated terms. Deputy Mayor Tedeschi stated there are times in the majority when there is not an agreement. Mayor Weinstein stated that when they were in Closed Session, he went around the table and eventually everyone agreed. He also said that no one was picked without a resume.

Robert Gremillot, 1 Bristol Place, stated that Felice Koplik worked from day one to get open space passed. She loves open space and Fair Lawn. Mr. Shansky was also at the inception of the open space committee. He felt they should be reinstated. These people will help Fair Lawn.

Mr. Gremillot said he was glad that Mayor Weinstein would look at the environmental issues at Clariant because that was a major aspect.

Mr. Gremillot stated that four months ago he had brought up parking fees and how Hawthorne raised their parking fees to try to stop out of towners from parking there. Deputy Mayor Tedeschi explained that several years ago when the rates were discussed, New Jersey Transit owns the lots and did not want the Borough to charge higher rates to out of towners. Councilmember Trawinski stated that was correct, they could not do that because of New Jersey Transit's oversight. Mr. Gremillot felt they should look at the fees.

Suzanne Fishbein, 12 Bancroft Place, questioned the number of people on the Open Space Committee. Mayor Weinstein stated there are 15 or 16 members. Ms. Fishbein said they should set goals for open space and if the Council puts people who do not have the same goals will cause division among the members.

Barbara Gremillot, 1 Bristol Place, stated that Felice Koplik is an architect. She wanted to do a dig at the property. She was told by Deputy Mayor Etlar that there would be no dig. Ms. Gremillot asked that they reconsider this.

Harvey Rubinstein, 28 Rutgers Terrace, asked about the ordinance procedure. Attorney Rosenberg explained that after the first reading, it goes to the Planning Board for their review and they have 35 days to report back, then the Council can act on the ordinance. Deputy Mayor Tedeschi stated that if it comes back from the Planning Board with substantive changes they will have to redo it. He felt there was no rush in passing this ordinance. Mr. Rubinstein asked if the Planning Board should hire their own environmental expert and if they did, that would take time. Councilmember Trawinski stated it is for the Planning Board to consider the facts and make their recommendations. He felt that anyone that read the Master Plan would see that even the developer acknowledged that the ordinance was inconsistent. Introducing this ordinance was premature. He felt it should not be left to the Planning Board to tell them they need experts. That is a responsibility that should have been done by the Council. He also wanted to look at what the cost to the taxpayers will be.



and a second by Councilmember Trawinski the time for public comments was unanimously closed.

### **CLOSED SESSION RESOLUTION - Pending Litigation**

Upon motion by Councilmember Baratta and a second 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 pending litigation; 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.

Mayor Weinstein reconvened the meeting.

### **ADJOURNMENT:**

Upon motion by Councilmember Baratta and second by Deputy Mayor Tedeschi, the meeting was adjourned at 11:25 p.m.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

\_\_\_\_\_  
Mayor Steven Weinstein

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Councilmember Jeanne Baratta

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Deputy Mayor Martin Etler

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Deputy Mayor Joseph Tedeschi

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Councilmember Edward Trawinski