

## **REGULAR MEETING OF SEPTEMBER 11, 2007**

Mayor Weinstein called the meeting to order at 7:46 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 Etlar and Tedeschi and Councilmembers Baratta and Trawinski.

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

### **POLICE SWEARING IN**

Manager Metzler stated Robert Iozzia is a graduate of Fair Lawn High School, he spent six years in active duty in the United States Army and one year in the New Jersey National Guard. He has served in Bosnia and in Iraq. He left the military as a Sergeant. He is currently in the Police Academy.

Mayor Weinstein swore in Robert Iozzia as a Fair Lawn Police Officer.

Manager Metzler stated that Christopher Sullivan graduated from Elmwood Park Memorial High School in 1998. He also is a military veteran who served in Operation Iraqi Freedom for one year. He also served one year in Korea.

Mayor Weinstein swore in Christopher Sullivan as a Fair Lawn Police Officer.

### **PRESENTATION BY POLICE CHIEF TO COUNTY PROSECUTOR**

Mayor Weinstein stated they were honored to have County Prosecutor John L. Molinelli with them this evening, for all he does for the County as well as how involved and how excellent a job he did a number of years ago during the Mary Ann Collura situation.

Chief Rose stated that Fair Lawn has had its own tragedy with the loss of Mary Ann Collura. They say in difficult times you learn who your friends are. During that time and the time that followed, the Fair Lawn Police Department learned that they could lean on Prosecutor John Molinelli. During that night, the days and weeks that followed and up until the day that statute out front was dedicated, they have had nothing but unbridled support from Prosecutor Molinelli. For some time now they have been thinking of a small token to give him to show their thanks and support. Captain Cook came to him with a place that

made police cars that look just like the cars they drive right now. Chief Rose thought this was something they could give him. The Prosecutor is a lawyer but is also the highest cop in Bergen County. On behalf of the residents of Fair Lawn and the Police Department he presented the police car to Prosecutor Molinelli. Chief Rose explained that the car is a replica of the cars they drive right now with the exception that it has 902 on it which will never be seen again on a police car because that was the number of the car Officer Collura was driving on the night she passed away. The plaque read, John L. Molinelli, in memory of Officer Mary Ann Collura. He thanked him for his support.

Prosecutor John Molinelli stated that he gets a lot of things during the course of a year and he does have one from Fair Lawn proclaiming John L. Molinelli Day in the Borough. He said this means a lot to him. When he walked in the room tonight the first thing he thought of was Easter Sunday following the tragic death of Mary Ann. He said that every seat was filled with members of the press and concerned citizens. The Fair Lawn Police stood all along the walls. Time goes by so quickly, and he will always have a warm place in his heart for Fair Lawn. It is a wonderful town. He said he was grateful for this honor. He said the residents should be happy with the people that serve the Borough and protect it.

### **AUXILIARY POLICE PROMOTION**

Mayor Weinstein swore in Manan Naik as Auxiliary Police Sergeant.

### **PROCLAMATION - BRITISH BOBBIES**

Mayor Weinstein stated that the Council had a proclamation for the visitors from England, Northern Ireland and Australia. It is a pleasure to have them here especially for September 11. They visited the Borough last year and it is wonderful to have them here again.

### **PROCLAMATION - SAVE A LIFE**

Municipal Clerk Kwasniewski read the proclamation.

### **COUNCIL COMMENTS**

Councilmember Baratta congratulated the new members of the Police Department and the promotion of the Auxiliary Police Officer. Before they started this meeting, they had unveiled the 9-11 memorial outside. She thanked Manager Metzler who helped coordinate that and also to the families present. It was a wonderful showing of support from the people of Fair Lawn. She felt it was hard to think of things to say on September 11, 2007. She mentioned a song she heard on her way to the meeting "Put a little love in your heart" which she felt was fitting for today.

Deputy Mayor Etlar welcomed the British friends from England and the one young lady

from Australia who will be here for several days.

Councilmember Trawinski congratulated the new Police Officers, Robert Iozzia and Christopher Sullivan and also Sgt. Naik on his promotion. He echoed the previous comments and thanked the Manager and those who made the ceremony outside on the memorial to victims of terrorism from Fair Lawn for such a moving event. It struck him that they all tend to focus on September 11 but here in Fair Lawn also had an unfortunate and unique tragedy, probably the first victim of terrorism on US soil, a man named Frank Connor. He was a 33-year-old bank officer at Morgan Guaranty who was murdered in a terrorist bombing of Fraunces Tavern by the FALN in January of 1975. It is hard to believe that terrorism on our soil has been going on since then. He wished that all four victims were here with their families. With this memorial, they have rededicated their purpose to support those victims of terrorism and all of us supporting our heritage as Americans.

Deputy Mayor Tedeschi thanked Manager Metzler for a wonderful job he did in putting this entire program together. He said they welcome the officers from England. He repeated a conversation he had with a young mother this morning who asked what they can do to stop terrorism. He said he did not know if they could stop it at all. The only thing he could think of to tell her was they all have to keep going. They can't give in. The strength of this country is its people. We saw that on September 11. Everyone has to try to do a little better in everything they do. It would make the country stronger.

Mayor Weinstein congratulated the Manager, the staff of the Borough and the volunteers from the Garden Committee for a tremendous job in putting the memorial together. They did a wonderful job. As he said earlier, who could imagine those towers would have such a major effect on our lives later on.

Mayor Weinstein mentioned a few people who meant so much to Fair Lawn, Leonard Knapp, a life long resident of Fair Lawn who was a Fire Chief and worked for the Department of Public Works, and Isadore Freeman who was so involved in Rotary and giving back to the Borough as well as the Sunday night music festivals that were held each year. He extended good wishes for a quick recovery to John Nakashian, also a life long resident of Fair Lawn and involved with so much.

#### **ORDINANCES ON FIRST READING:**

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

#### **Ordinance No. 2088-2007**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 137 ENTITLED "LICENSING", WITH THE ADDITION OF A NEW SECTION 137-9 ENTITLED "RAFFLE AND BINGO LICENSING"**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Etler, Resolution No. 270-2007 introducing Ordinance No. 2088-2007 was discussed.

Attorney Rosenberg explained that his ordinance will allow the Municipal Clerk to be the issuing authority for raffle and bingo licenses without Mayor and Council approval.

There being no further discussion, Resolution No. 270-2007 was unanimously adopted.

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

**Ordinance No. 2089-2007**

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED**

Upon motion by Deputy Mayor Etler and a second by Councilmember Trawinski, Resolution No. 271-2007 introducing Ordinance No. 2089-2007 was discussed.

Manager Metzler explained that this is a salary ordinance for the Municipal Court Administrator to increase that title's salary to that of a Department Supervisor.

There being no further discussion, Resolution No. 271-2007 was unanimously adopted.

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

**Ordinance No. 2090-2007**

**BOND ORDINANCE APPROPRIATING \$84,630 AND AUTHORIZING \$80,600 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 271A-2007 introducing Ordinance No. 2090-2007 was discussed.

Attorney Rosenberg explained this was a bond ordinance for the acquisition of computer hardware and the implementation of a computer networking system within the Borough.

There being no further discussion, Resolution No. 271A was unanimously adopted.

**ORDINANCES ON SECOND READING:**

Upon motion by Deputy Mayor Etlar 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. 2086-2007****AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" TO REGULATE TEMPORARY STORAGE UNITS ON RESIDENTIAL PROPERTIES**

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

Mayor Weinstein stated that both the Planning Board and Building Department gave good input about this ordinance. The Building Department asked for an exception for construction that would be under the supervision of their department. The Planning Board stated that the seven days is too restrictive and as a good compromise, they suggested thirty days. The Planning Board they felt that seven days was so restrictive they might as well ban the pods from being used in the Borough. He felt that thirty days would be a better time frame and asked the Council to table this ordinance until they make that change.

A motion by Mayor Weinstein and a second by Councilmember Trawinski, to table Ordinance No. 2086-2007 was not passed with only Mayor Weinstein voting in favor.

Deputy Mayor Etlar stated this ordinance was discussed with the Council and by the Planning Board members. He felt seven days was adequate to fill up the pod and the residents would be able to get an extension if necessary. He would make a provision in case of a major catastrophe that it would be left up to the Building Department. The object of those pods is to fill them up and take them away. People have left them there on their property for months and months. He felt it was a quality of life issue and an eye sore.

Mayor Weinstein believed that laws were very important but not to put undue burdens on residents. During construction no matter how neat and tidy the area is, it is still a construction site.

Deputy Mayor Tedeschi stated they discussed this ordinance for a long time and he felt the point that the Planning Board did not pay attention to is that it was not the intent to allow pods to be stored for storage. In the discussions that took place, they spoke about the amount of time it would take an individual to fill up the pod and have it taken away to be

stored somewhere else. If they leave them there for thirty days, they have not achieved very much.

Councilmember Trawinski stated that he echoed Deputy Mayor Tedeschi's comments.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 272-2007 adopting Ordinance No. 2086-2007 was passed with Mayor Weinstein dissenting.

## **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 asked about the salary range that was shown on the ordinance and wondered what the time frame was. Manager Metzler it will take three years to achieve the top of the range. This is a salary ordinance that is addressing one title with the purpose of bringing that salary to that of a department supervisor which is consistent with the work duties that are performed.

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

## **RESOLUTIONS BY CONSENT # 22-2007**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeschi, Consent Agenda 22-2007 containing the following items was unanimously passed.

- a. Resol. #273-2007 - Approval of Minutes:
  - Regular Meeting 7/17/07
  - Special Work Session 8/7/07
  - Closed Session 8/7/07
  - Special Meeting 8/7/07
- b. Resol. #274-2007 - Confirming Endorsement of CDBG Application: Bridge Haven Housing - A Project of AAH of Bergen County, Inc.
- c. Resol. #275-2007 - Award of Bid: Removal and Recycling of Loose Leaves
- d. Resol. #276-2007 - Award of Bid: Municipal Building Generator Replacement
- e. Resol. #277-2007 - Award of Bid: Ambulance Corps' Supplies
- f. Resol. #278-2007 - Approval of Raffles & Bingos:
  - HB Milnes School PTA - off-premise 50/50
  - Fair Lawn High School PTA - on-premise 50/50
- g. Resol. #279-2007 - Pesticide Free Zone
- h. Resol. #280-2007 - Appointment to Environmental Commission

- i. Resol. #281-2007 - Special Item of Revenue - Clean Communities
- j. Resol. #282-2007 - Special Item of Revenue - Click It or Ticket
- k. Resol. #283-2007 - Special Item of Revenue - Pandemic Flu Planning and Preparedness Grant Phase 2

**RESOLUTION NO. 284-2007 - PLACE TO PLACE TRANSFER OF LIQUOR LICENSE: F.J.'S RESERVOIR BAR & GRILL, INC. t/a THE DUTCH HOUSE TO EXTEND LICENSE TO INCLUDE PORCH**

Upon motion by Deputy Mayor Etlar and a second by Councilmember Trawinski, the time for public comments was opened.

Mayor Weinstein complimented them for the improvements they did to their porch. Councilmember Trawinski asked if all of the paperwork was in order in accordance with the Division of Alcoholic Beverage Control. Municipal Clerk Kwasniewski stated it was all in order. Councilmember Trawinski agreed their place looks great.

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

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Resolution No. 284-2007 was unanimously approved.

**RESOLUTION NO. 285-2007 - APPROVAL OF RAFFLES & BINGOS:  
St. Anne RC Church - off-premise 50/50**

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Tedeschi, Resolution No. 285-2007 was approved with Councilmember Trawinski recusing himself.

**MISCELLANEOUS PUBLIC COMMENTS**

Mayor Weinstein stated that after what occurred a few weeks ago, he wanted to reemphasize as the presiding officer, it was his obligation and duty to keep decorum in this room out of respect for this institution and out of respect for each one of us. He asked the residents to obey the five minute rule but they will allow extra time if it is important. He asked that everyone respectfully listen when someone is at the podium speaking. He also asks those sitting at the dias not to speak until he recognizes them.

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

Claude Beinstock, 39-11B Broadway, thanked the Council for honoring the victims of 9-11. He spoke about the music programs that the Recreation Department holds during the summer and thought that other types of music should be played.

Mr. Beinstock said he was opposed to the cell towers. If they get approved, it will affect the property values. He suggested the cell towers be put in the business/commercial zone.

Michael Bodner, 8 Lafayette Place, stated that the cell tower issue is very complicated. He stated that he was opposed to the tower being located in a residential area since it does not belong there.

Al Palmieri, 23-33 Arcadia Road, thanked the Mayor and Council for their support at the Freeholder meeting. He mentioned the 9-11 Memorial that was just dedicated and said as a Veteran, they should not forget the 40 plus names that are listed outside.

Arlene Rubinstein, 28 Rutgers Terrace, asked if Attorney Rosenberg reviewed the Zoning Board application.

Harvey Rubinstein, 28 Rutgers Terrace, stated that a week ago the Fair Lawn Community News had an article about smoking ban discussed at the meeting, and it mentioned his name. He did not recall saying what it said.

Mr. Rubinstein talked about Zink/Zerega property that went before the Planning Board in July. The building is worn down industrial space. The developer will refurbish, refinish, redo, and market the warehouse office space to small businesses. He wondered why that was not done with the Kodak building. It is just not the homeowners it is also the small business owners that are affected by the EDC. At the last Work Session, Deputy Mayor Etler read a statement that mentioned tax assessment of small businesses. He spoke about the Dutch House who went before the appropriate boards and got the permits as required. This was all without anyone assessing additional taxes on him or telling him what board to go to. He felt it was time to tell the EDC Study group that they should not insult their intelligence with a mixed use residential proposal. The project is proof that a warehouse manufacturing business environment is not a tired use, but it is profitable. It does not require services that the homeowners of the Borough have to bear.

Mayor Weinstein responded to the comment about cigarette smoking at the pool. Even though he was not at the meeting, Attorney Rosenberg told him about the discussion that took place. The Borough has the machine to clean up the sand. Parents have told him that they are sitting there with people smoking and their children playing there. He thought the children should have the ability to stay there without smoke and have an area where people could smoke. It has nothing to do with cleaning up the sand.

Deputy Mayor Tedeschi stated that the building is an open warehouse with 36 foot ceilings. It is conducive to warehouse space compared to Kodak building which did not have that kind of space. He was surprised that the Planning Board is allowing impervious coverage at 88%. He had taken a walk with George Bate around the facility who felt the problems would be with the trucking and traffic. Mr. Rubinstein said that Mr. Bate was satisfied with the testimony presented. Deputy Mayor Tedeschi said his concern was not the building it was the traffic. Mr. Rubinstein said that the Planning Board did take traffic into consideration and there was a lot of engineering that was requested. Deputy Mayor Tedeschi said there was

also a concern that the traffic will use residential streets to access the property. Mr. Rubinstein stated at the Planning Board meeting last night, he made it a point that a bollard goes up so that trucking goes in and out of the Zerega part. He is concerned about it. Deputy Mayor Tedeschi asked if there were any plans for the Kodak site before any board. Mr. Rubinstein stated no but they all know where that study is going and what the end result of that study will be.

Sheryl Cashin, 1 Glenfair Road, said that at the last work session she heard that it was suggested to go to an outside engineer to look at the sewer system. Manager Metzler stated that it was referred to the Engineer for a cost analysis. Mrs. Cashin said the residents there do not have years to wait to fix this problem. It is important to the people in that area. She felt the town could clean up the school dirt quickly but cannot fix their problems. The residents were left to clean up the sewerage in their basement.

Arlene Rubinstein, 28 Rutgers Terrace, stated they should ask the Democrat members about Bergen County Democratic Chairman, Joseph Ferriero's lawsuit against pay to play. Mayor Weinstein stated he did not support it. It is a moral issue. He gets his support from family and friends. Deputy Mayor Tedeschi said that pay to play does not work in Fair Lawn because it would not have passed without the Democrats voting for it.

Walter Weglein, 18 Ramsey Terrace, thanked the Council for the 9-11 Memorial that was dedicated tonight. He felt they should all be honored that the British Bobbies were here. He questioned the number of Borough Attorneys there were. Mayor Weinstein said there was only one, Bruce Rosenberg. Mr. Weglein wondered who Richard Lustgarten was. Mayor Weinstein advised him that he was special counsel. Deputy Mayor Etler said he is paid per case. Mr. Weglein asked what he does for the money he makes. Deputy Mayor Tedeschi informed him that tomorrow Mr. Lustgarten would be in Trenton at COAH to defend the town against the Landmark Development. Mr. Weglein said he was glad that the Council is unanimously against development of the Heyward tract.

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.

## **ADJOURNMENT**

Upon motion by Councilmember Baratta and second by Councilmember Trawinski, the meeting was adjourned at 8:55 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 Etlar

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Deputy Mayor Joseph Tedeschi

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Councilmember Edward Trawinski