

REGULAR MEETING OF OCTOBER 9, 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.

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

MANAGER'S REPORT:

Manager Metzler stated that the Borough has an emergency telephone system. He encouraged anyone who had an unlisted number to contact the Office of Emergency Management leaving their name and unlisted number and so that in the event of an emergency they will be notified by Fair Lawn's phone system.

Manager Metzler stated this past weekend code enforcement was done on the Sign Ordinance pertaining to open house signs. Forty-four signs were taken off the street on Sunday between the hours of 12:00 p.m. and 4:00 p.m. The realtors have been notified that their signs have been confiscated and have been going through the process to recollect those signs.

Manager Metzler stated that the Zoning Department with the assistance of the Police Department and Health Department did some analysis in the area around the Fair Lawn Jewish Center neighborhood. The Health Department has reported that the decibel readings that were taken at that location did not exceed the noise ordinance but after 10:00 p.m. the noise certainly would have exceeded it. Additionally, the Police Department monitored the area as a result of a number of complaints about traffic violations. Nineteen summonses was issued. Mayor Weinstein stated that the Fair Lawn Jewish Center did close down at 10:00 p.m. Mayor Weinstein said there was concern about the use of flares. Manager Metzler stated that two Police Officer came in on different shifts. The second shift of officers because there were little or no traffic violations, decided to set up a checkpoint for seatbelt violations. The officers were in the road so the flares were set out. He pointed out that of the twelve vehicles stopped, six received summonses for not wearing their seatbelts. Mayor Weinstein stated the flares were for the safety of the police officers. They were not targeting the residents or the Jewish Center and actually the officers there were doubling their duty by being more efficient with a checkpoint.

COUNCIL COMMENTS:

Councilmember Baratta urged everyone to pre register with the Health Department for flu and pneumonia shots. The clinics will be held on Wednesday, October 31 and Wednesday, November 7, 8:00 a.m. to 9:45 a.m. in the Health Department in the Municipal Building. Councilmember Baratta mentioned that the Fair Lawn Historic Preservation Committee was hosting the History of Fair Lawn Day on Wednesday, October 10 at the Library. There will be terrific speakers talking about the history of Fair Lawn and the fish weir on the Passaic River.

Councilmember Trawinski stated they received a copy of a letter from Superintendent Watson which was sent to the parents and guardians of the Edison School students. Superintendent Watson commended the administration and staff, the Police Department and the Office of Emergency Management for the professional manner the evacuation of the school was handled on September 28, 2007.

Councilmember Trawinski stated for the residents that do not know, the current Manager, Tom Metzler, was the Emergency Management Coordinator. He created and established a program which provides for emergency evacuation of all of their schools. This program has been recognized nationally and it was done long before September 11. The plan continues to be effective for the school children. He thanked Emergency Management, the Police Department and the Administrator in the school system who for a job well done.

Councilmember Trawinski stated they have just returned from the 7th class of the Citizens Police Academy which has graduated more than 300 residents. It seems to him that volunteerism in Fair Lawn is alive and well and he encouraged any resident that might think about participating in that program to contact the Police Department.

Deputy Mayor Tedeschi stated he was the Administrator who found the package at Edison School. It was not fun. It was very scary. He said the Police Department, Emergency Management, the staff and the kids all responded appropriately. He was very proud to live in Fair Lawn because what was a difficult situation was made easy. This situation does not happen every day and people showed up and held their hands. The Police took them through the whole process. There were no rumors and the kids were fantastic.

Deputy Mayor Tedeschi spoke about the Concert of Thanksgiving on Saturday, November 24. The proceeds of the concert will be used by local charities in Fair Lawn. They have now partnered with a number of volunteer organizations and those organizations will get 80% of the ticket sales. He mentioned the High School musical group, the Knights of Pythias, the Veterans of Foreign Wars, Fair Lawn Rotary, the Council of Jewish Women, the Filipino American Association of Fair Lawn and the Cosmos Club.

Mayor Weinstein spoke about the Hearts program. Not only was there an incident at Edison School, but there was also one at TJ Middle School, and as well as the over all scare in Bergen County. He complimented the Chief of Police, the Superintendent of the Board of Education, the office of Emergency Management Coordinator and the Manager for a job well done.

He also mentioned that Memorial Field is being taken out of service in a combined effort by the Board of Education, All Sports and the Borough of Fair Lawn. They are going to try, in the future, to put fields out of use each year in order to have some better rehabilitated fields for the people who use them.

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. 2095-2007

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SUBSECTION 232-11, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, Resolution No. 303-2007 introducing Ordinance No. 2095-2007 was discussed.

Manager Metzler stated the purpose of this ordinance was to remove the ban on parking between the hours of 8:00 a.m. and 10:00 a.m. on both sides of Brookside Avenue from Saddle River Road to Margaret Court, on both sides of Margaret Court the entire length, on both sides of Northern Drive from Saddle River Road to Leonard Terrace, on both sides of Pellington Drive the entire length and on both sides of Pickett Place the entire length. This ordinance will prohibit parking between 7:00 a.m. and 9:00 a.m. on both sides of Lucena Drive from Fair Lawn Avenue to Leslie Place.

There being no further discussion, Resolution No. 303-2007 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. 2091-2007

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 94, ENTITLED "FEES" TO
PROVIDE FOR FEES TO BE CHARGED FOR FILMING WITHIN THE
BOROUGH OF FAIR LAWN**

Manager Metzler explained that this ordinance establishes a daily fee of \$500.00 for filming fees. The Borough will also be reimbursed by the filming company for the costs incurred by the Borough for equipment and oversight for all filming activities.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 304-2007 adopting Ordinance No. 2091-2007 was unanimously passed.

Upon motion by Deputy Mayor Etler 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. 2092-2007

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 204, ENTITLED "RECYCLING
PROGRAM" TO INCLUDE ELECTRONICS AS A MANDATORY
RECYCLABLE**

Manager Metzler explained that this ordinance will make electronics a mandatory recyclable. It also identifies the enforcement agents.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 305-2007 adopting Ordinance No. 2092-2007 was unanimously passed.

**MAYOR'S APPOINTMENT: Historic Preservation Commission -
Raymond Richter**

Mayor Weinstein announced the appointment of Raymond Richter to the Historic Preservation Commission.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

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

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

RESOLUTIONS BY CONSENT # 24-2007

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Etler, Consent Agenda 24-2007 containing the following items was unanimously passed.

- a. Resol. #306-2007 - Approval of Minutes:
Work Session 9/4/07
Closed Session 9/4/07
- b. Resol. #307-2007 - Refund of Overpayment of Taxes
- c. Resol. #308-2007 - Award of Bid: Tree and Stump Removal
- d. Resol. #309-2007 - Award of Bid: Tree Trimming
- e. Resol. #310-2007 - Special Item of Revenue: Child Passenger Safety Education
- f. Resol. #311-2007 - Special Item of Revenue: Drunk Driving Enforcement Fund
- g. Resol. #312-2007 - Special Item of Revenue: Recycling Tonnage Grant
- h. Resol. #313-2007 - Audit Report
- i. Resol. #314-2007 - Tax Settlement - CK Bergen, Block 4708/Lot 16
- j. Resol. #315-2007 - Tax Settlement - CK Bergen, Block 4901/Lot 2
- k. Resol. #316-2007 - Tax Settlement - Route 208 Associates, Block 4904/Lot 1
- l. Resol. #317-2007 - Endorsement of Community Development Block Grant Application - Advance Housing, Inc.
- m. Resol. #318-2007 - Endorsement of Community Development Block Grant Application - Bris Avrohom E.S.L. Inc. and Cultural Events Program
- n. Resol. #319-2007 - Endorsement of Community Development Block Grant Application - Bris Avrohom E.S.L. Inc. Youth Program
- o. Resol. #320-2007 - Establishing the Fair Lawn Cultural Diversity Day Committee

MISCELLANEOUS PUBLIC COMMENTS

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

Leonard Kaufmann, 7-09 2nd Street, stated that the Fair Lawn Jewish Center has been a mainstay in this community for more than fifty years. It was a major reason why people move to this community and why people stay in this town. Yet there are some in this town, some in this room, who have chosen to make the Jewish Center a target, who have used half truths, who have acted in an arbitrary and irresponsible manner, who have sought to inflame a situation for their own personal or political agenda when they should have worked to resolve it. This has to stop. It is important for the Council and the public to know that the Fair Lawn Jewish Center had violated no ordinances. They had made an attempt to compromise above and beyond what they were required to do by law. Although they have expressed an interest in continuing a dialog with their neighbors it is the neighbors who refuse to speak to the Jewish Center. There are those who have made them a pawn in their political game and have wrongly sought to harass them.

Mr. Kaufmann they have attempted to compromise. Anyone who says they have not tried, that they have not been cooperative, that they have not done more than they are required to do, is not telling the truth. Mayor Weinstein has offered to mediate this dispute and he thanked him for that and they have readily accepted it but their neighbors did not. There are those on the Council that make accusations and have made up their mind without even talking to the Jewish Center to hear their side of the story. He felt the Council had prejudged them.

They have investigated the Jewish Center not to find facts but to find them guilty. They have created divisiveness. He urged them as a Council to find a way not to pull citizens apart but to bring them together. He objected to the Police presence on Sunday.

Mr. Kaufmann urged them to let the legal process takes its course. They will abide by the decision made according to the law, a law which they have not violated in more than fifty years.

Richard Rosen, 10-10 Norma Avenue, stated he has been a resident of Fair Lawn for twenty-two years and President of the Fair Lawn Jewish Center. He thanked Mayor Weinstein for his attempt at mediating this issue concerning the Fair Lawn Jewish Center and it's neighbors before it escalated to this level. Unfortunately, this Council has escalated this to a much greater than expected level. After listening to the audio tapes from the past two meetings, he wondered how many of the Council officials have come to the Fair Lawn Jewish Center and witnessed the alleged complaints. It was said by Councilmember Baratta that the Fair Lawn Jewish Center has shown "no-good faith at this point and that the quality of life for these neighbors has diminished". He wondered how the quality of life has been diminished. He was part of the mediation session with the Mayor and their legal counsel and witnessed first hand the attempts at being a good neighbor. He also received a certified letter from the Mayor dated October 2, 2007 offering to act as a mediator in further discussions. As President of the Fair Lawn Jewish Center, he responded immediately in the affirmative, however, to date he has not heard from the Mayor that these neighbors are willing to come to the table for further discussion.

Michael Wallstein, 46 Berwyn Place, stated he was a member of the Fair Lawn Jewish Center, and a member of its Board of Directors. He thanked Mayor Weinstein for his efforts in trying to mediate the dispute between the Fair Lawn Jewish Center and their neighbors. He said he wanted to assure this Council as Mr. Kaufmann and Mr. Rosen have already done that they will work with their neighbors to resolve this dispute as long as they are willing to work with them. The Fair Lawn Jewish Center has always been a positive contributor to the Fair Lawn community and this Council should be confident that they will do the right thing in this case. However, they are very concerned that some Councilmembers have already decided this case against them without having all of the facts. These issues should be resolved privately through mediation and not in Court. With the exception of Mayor Weinstein and Deputy Mayor Tedeschi no one on the Council has made any effort to contact them to hear their side of the story. Yet several Councilmembers have pressured the Zoning Officer to issue a cease and desist order that has no factual or legal basis. They are at a complete loss to understand the reasons for these actions. They are a house of worship with a gymnasium and they have been that way for decades. They have a right to exist in peace. They only ask the elected officials to give them the same consideration and respect as they have given to their neighbors and not take sides against the Fair Lawn Jewish Center or single them out for investigation and persecution.

Holly Levy, 6-06 Mansfield Drive, twenty year resident of Fair Lawn and a member and an officer of the Fair Lawn Jewish Center, thanked the Mayor and Council for listening to them tonight. It is quite disturbing to her as an officer of the Fair Lawn Jewish Center Congregation B'Nai Israel and as a resident of this town that she is seeing the town Councilmembers act on the complaint of a few people who put pressure on the Borough Attorney, Mayor and Council at the September 25 Council meeting. She watched Mayor Weinstein ask the neighbors to give the Council and the Attorney time to review reports that were received that evening before the meeting so they would be able to take appropriate actions in fairness to all parties concerned. Councilmembers then jumped in and pressed for action based on the complaints to date without time to review the reports. At that time, it was decided to act on these complaints across the hall after the public portion was completed. Action was taken without regard to the answers and accommodations made by the Fair Lawn Jewish Center and in a way that seems grossly unfair to them. They believe they have the right to be heard and seen and frankly, they followed protocol that was presented to them by the town. They did not come to the Council meetings or rebut the issue as presented, but followed each meeting with action based on the presentation to them. It is unclear what makes some people issues more actionable than others. Surely the Fair Lawn Jewish Center should be allowed the same time and attention as those who are only looking for their complaints to be acted on to best suit them. The Fair Lawn Jewish Center is a good friend to the Fair Lawn community at large and would like to be recognized as such and not as people who ruin other people's lives. It has never been their intent. They only wanted to do good for the community.

Stuart Rubinstein, 17 Gurney Terrace, stated he was a resident for more than twenty years. He is a former member of the Rescue Squad, former member of the Ambulance Corps, a member of the Fair Lawn Jewish Center and a member of the Board of Directors. He

attended services on Sunday night. When he turned the corner and found the Police checkpoint set up not more than ten yards from the Jewish Center, it reminded him of his two grandparents who perished during the Holocaust. They have an issue, let the legal system run its course. He asked that they not take these tactics that are reminiscent of Nazi Germany. It was probably not the intent but that was the perception.

Melissa Wallace, 11-06 Alexander Avenue, agreed with the other speakers about the Police presence. She has listened to Mr. Kaufmann and Mr. Rosen, who have referred to the non cooperation that has occurred by their neighbors. This is grossly inaccurate. They had meetings on June 14 and June 26 with the President and Attorney for the Fair Lawn Jewish Center. They have tried desperately to reach a compromise about this basketball league. All she wants to do is live in her home in peace. She doesn't want to hear basketball games from 2:00 p.m. to 10:00 p.m. and sometimes later. They have made every attempt to compromise. They have not initiated any type of litigation. She felt it was unfortunate that it has come to this. She thought another compromise should be attempted.

Robert Wallace, 11-06 Alexander Avenue, stated they did have two meetings with Mayor Weinstein, Attorney Rosenberg and Manager Metzler. They came to conclusions at those meetings. They tried to come up with a compromise to see if they could work it out. Daily reports were given to Mr. Metzler of what was happening. He was not interested in politics. He was interested in the best person to do the job. All he was interested in was being able to sit in his family room, to lie in the bedroom and read a book and not hear whistles, to not have fights breaking out in the parking lot, to not have a threat of a shooting happen in that parking lot. They have families. There are young children in the neighborhood. He is a retired police officer. He takes seriously any type of violent threats or violence. These things are warning signs.

Mr. Wallace said the Jewish Center has been an excellent neighbor. His problem is the basketball league that is run there. They are not controlling their tenant. It is not the congregants of the Fair Lawn Jewish Center, and it never was. He felt if someone was on their front lawn threatening to shoot someone, he was sure they would become concerned. The games go on until 10:15 p.m. He understood the noise did not exceed the limits when it was checked but when there is whistling going on for 213 basketball games in a two-month period, and it wears on them. He is open to mediation. He said he did receive the Mayor's letter but had to go over it with six other residents. Mr. Wallace said he understood the legal process. The people who have spoken do not live there day in and day out.

Mayor Weinstein asked Mr. Wallace to call his office in the next couple of days. Mr. Wallace said he would try to get everyone together. He did not want to make this a political issue. He said they were being worn down by the basketball league not the congregants. He did not mean anyone any ill will.

Carolyn Shenberg, 4-52 Grunauer Place, stated she has lived in Fair Lawn for thirty-nine years. The leagues they are talking about are kids from Paterson. They play basketball. She is in the temple a lot. Her husband is there every single day. These kids have always

been respectful. It is blatant prejudice because these kids are black. Other people are in their building. They have never had a problem before. She felt people were harassed going to worship and coming out. It is disgusting.

Jeffrey Herrmann, 12 Chittenden Road, stated basketball has been played at the Fair Lawn Jewish Center for fifty-five years without any governmental interference. At no time did anyone question the right to play basketball in the gym or claiming any way any ordinance was violated. Now suddenly they face a cease and desist order issued by the Zoning Office. He understood that Walsh Place was the shortest street in Fair Lawn and wondered why they were checking for speeding there. He thought they could resolve this dispute. He knew that Mayor Weinstein and Deputy Mayor Tedeschi suggested mediation and they immediately agreed to that. Prior to this evening, he understood that the neighbors refused but he heard Mr. Wallace that they were willing to agree to mediation. He is sure that they can, together, reach an amicable resolution.

Mayor Weinstein stated he was confident that they will resolve this dispute.

Olga Hadji Yannitsadis, 9-01 Walsh Place, who lives in the house directly across the street from the Jewish Center stated her family has lived in Fair Lawn for more than forty-two years. They have never taken issue with what has gone on at the Fair Lawn Jewish Center. When high holy days came they knew they had to be flexible. Many people even requested to park in their driveway. They allowed it because they knew it was a holiday and wanted to relieve some of the parking pressure. They always minded their own business except when they bought two new cars. Both cars were vandalized in their driveway. There was \$5,000 worth of damage on each car. Her mother's car roof caved in with large sneaker marks. Two to three months later, the same thing happened to her car in her driveway. Nothing like this has happened before. There is loud music playing outside, and children sometimes blocking their driveway. She thought the Fair Lawn Jewish Center had to be more firm in how they handle their tenant. Her father received a ticket too. It was not just the Jewish Center that was affected, but it was also the residents in the area as well. The issue is not the Jewish Center or its congregants. It is the gym which seems to have become an athletic facility for just this basketball league. She suggested someone stay there on a Sunday or in the summer to witness what goes on.

Daniel Paul Heskin, 37-27 Hillside Terrace, who has lived in Fair Lawn more than twenty years stated he is a member of the Fair Lawn Jewish Center, is on the Board of Directors and a past officer. He found it astounding that a government in the United States of America is taking action to prevent a house of worship from earning money so it can do its good work. Non profits need to be able to use the few resources and assets they have to earn money to offset their expenses. As long as they follow the rules within the laws of the town, non profits need to be able to use what facilities they have and make money to do what they set out to do as a house of worship. A gymnasium is one of their assets. The gym has been in existence for decades. It has been rented out for the past few years. Basketball has been played there for a very long time. The sound of basketballs games

are nothing new in that location. He objected to the Police presence by the Fair Lawn Jewish Center. He asked that the discussion between the parties continue and that the Council facilitate the discussion.

Ann Brodsky, 11-12 Norma Avenue, stated the Jewish Center Rabbinic Administration is aware that she first contacted the Jewish Center four years ago. She told Ms. Aranoff and Rabbi Glazer that she wanted to try to solve this problem amicably, privately and she waited more than three years before it became embroiled in a public dispute. A house of worship has an obligation to be a good neighbor as well as to do the other good works. It may be the shortest street in Fair Lawn but the residents are also entitled to a quality of life. Their quality of life has been virtually destroyed by this basketball enterprise. The noise is audible five days a week for hours at a time. The residents cannot enjoy their yards, verandas and porches. While she was sensitive to the concerns of the Fair Lawn Jewish Center membership, she did not believe that anyone else lives in close vicinity of the synagogue. The residents live there. It was her right as a citizen to protect her right the peace enjoyment of her property which she has not had for four years. No one has contested that the gym has been in existence for many years. They would have never complained about an occasional game or weekly game but this is a commercial enterprise that has entirely changed their quality of life. They are subjected to a ceaseless barrage of noise that makes an expected standard of living impossible. She has four years of correspondence between herself, previous Borough administration and the Jewish Center showing her willingness to try to work this out. She wanted to deflect the notion that the neighbors are not willing to mediate or talk about this.

Maureen Moriarity, 14 Burnham Place, felt this issue did not have to do with the Jewish Center. It was about the basketball league. She wanted to know what the cease and desist order was.

Attorney Rosenberg stated as a result of the issues raised by the neighbors, the Zoning Officer asked for a legal opinion with respect to whether or not there were grounds to a cease and desist against the Jewish Center. That cease and desist order was issued. The matter is now going before the Zoning Board and is scheduled for November 19.

Ms. Moriarity asked if he made the decision to cease and desist and was it appropriate or legal to do. Attorney Rosenberg said the cease and desists order rests squarely within the jurisdiction discretion of the Zoning Officer and that is what the Zoning Officer elected to do.

Ms. Moriarity thanked him for the information and thought it was that simple. Mayor Weinstein said it was not that simple.

Deputy Mayor Tedeschi stated that on 9/25 the entire Council decided to go into Work Session to continue that discussion. Mayor Weinstein added he had asked the Borough Attorney to take that information and do other research but the pressure of the other three Councilmembers was to move ahead then. Ms. Moriarity asked Deputy Mayor Tedeschi if

he thought it was a political maneuver that three Councilmembers did something to help the neighbors. Deputy Mayor Tedeschi said could it have been political. He felt she is continuing the politicization because her husband is a candidate for the Council. She came here with baggage. Ms. Moriarity said so did he because he is a candidate also.

Deputy Mayor Etlar stated he is a registered Democrat. As far as he was concerned, he listened to the people and this has turned out to be a quality of life issue. The people who live in that area have said time and time again that they have tried to quell the noise from the basketball league. He believes that the Jewish Center did not respond adequately enough to the concerns of the people living there. The process has moved to the Zoning Board. Anyone that says this was done for political reasons is absolutely wrong.

Councilmember Trawinski stated that he took exception at the suggestion that it was done for political reasons by three members of the Council. If it were done for political reasons he could have done nothing about it. The smart politician would have been to leave it be because the votes from the Jewish Center far outweigh the number of votes of a few residents. He did not think that was his job as a Councilmember. His job was to listen to the complaints of the residents and attempt to address those complaints. He proposed that the Manager conduct a thorough investigation by whatever resources he deemed appropriate and not just accept what was on the Police reports. Every night for the last two months he has driven by the Jewish Center, parked the car and listened to the noise emanating from the gymnasium. He did not agree that a non profit can conduct whatever commercial activities it wants. The Veterans of Foreign Wars are appearing before the Zoning Board, pleading their case to be able to save their facility because they want to put up a cell tower on that site. If the Jewish Center wishes to conduct a commercial basketball league, it should come before the Zoning Board and let the Board make the decision. To raise the specter of racism is unconscionable. He did his due diligence on Bob Wallace who is a former Elmwood Park Police Officer. Mr. Wallace was highly respected by Hispanics, Caucasian, African Americans and by the Indian citizens. He applauded the willingness of the Jewish Center to undertake mediation again. He was glad the residents have reconsidered and are willing to mediate

Councilmember Trawinski apologized if any members of the Jewish Center thought it was a Police state. He did not see it but heard about it. He believed it was a bit overboard and was shocked at it. The Mayor or Council did not make that decision. Under this form of government the Manager is the one who makes that decision and then it is between him and the department heads.

Mayor Weinstein stated he wanted to hold off to do more research before they had to get to the cease and desists position. He asked Attorney Rosenberg if they could stop the legal process. Attorney Rosenberg advised that it is in the process and would be inappropriate for the Council to comment, specifically on the application itself before the Zoning Board.

Mayor Weinstein stated he also got word about the meeting last week where Councilmember Trawinski was pushing for the imminent danger situation and claiming that the Zoning Officer did not do his job and put pressure on the Manager to do this monitoring effort this weekend. To imply that the Manager did this on his own was out of line. Mistakes have probably been made but they still have the opportunity to make amends within the community of the Fair Lawn Jewish Center and the residents on Manor, Alexander and Walsh.

Walter Weglein, 18 Ramsey Terrace, stated that he was a former member of the Fair Lawn Jewish Center and lived in the town for forty-five years. He was also a survivor of Nazi Germany. He is shocked at the size of the crowd.

Councilmember Baratta stated she was stopped by the Police on Alexander Avenue and luckily she was wearing her seatbelt. She was taken aback by the flares in the street. She thought something terrible had happened there. No one on this Council instructed for that to happen. She was elected by the people to listen to the people and that is what she is doing. These residents have been coming to them since April. They have listened for many months. The reports that she received from Manager about the meetings they have had said that certain things were going to happen such as the doors and windows would be closed, the league would end at a certain time and at one point there was talk about an off duty police officer being there. The residents came back to them a number of times telling them that the leagues are still going on and she saw the windows and doors open, she heard the noise. If she ignored those people, she would not be able to do what she is supposed to do. If she offended any of them, she apologized. When she listens to the people, it would be wrong of her not to help them.

Richard Rosen, 10-10 Norma Avenue, wondered if Mr. Metzler could identify the noise decibel recorded that evening. Manager Metzler stated he was responsible for the day to day operation of the Borough and its employees. There have been allegations of excessive noise, cars going down one way streets and speeding. The Health Officer was asked to go to two particular locations and take decibel readings.

Two Police Officers were assigned from 1:00 p.m. to 10:00 p.m. They were instructed to do enforcement regardless of whom it was. This was not targeted enforcement, but it was information gathering and enforcement. As has happened in other areas in town, a number of neighbors were ticketed for speeding on their own street.

Manager Metzler said there was not many speeders. The officers took it upon themselves to set up a seatbelt checkpoint. He wished they didn't use flares but their safety guidelines say they must. He would not discourage his officers from using them.

He has not gotten the official report but could tell them that the decibel readings were below the commercial standard. The Environmental Officer indicated that she believed that after 10:00 p.m. they would exceed the allowable noise rate.

Pat Friedman, 10-12 Alexander Avenue, was upset by references made to the holocaust and to racism. She wanted them to focus on the bigger issue which is the number of times the Police had to come to the Jewish Center because of problems in the parking lot with the basketball league. Until this year, the only time she saw a cop car was when someone fainted. It is not a racism issue. Those cops are not there because someone is black, those cops were there because there is too much violence in the parking lot. She sincerely hoped that the same spirit of genuine brotherly love that they are trying to establish here is taken to all aspects of this.

Richard Cashin, 1 Glenfair Road, stated that he has been at Work Sessions and has seen the Council work together trying to solve the problems. He felt the Zoning Officer should shut the basketball league down.

Attorney Rosenberg stated that the Jewish Center has filed an appeal of the Zoning Officers' determination and the issuance of the cease and desist. There will be full due process before the Zoning Board of Adjustment. The Jewish Center will be able to proffer whatever testimony or witnesses they elect to proffer during the presentation to the Zoning Board. All members of the public would have the opportunity to ask questions and make statements before the Zoning Board.

Jeff Herrmann, 12 Chittenden Road, stated there has never been a summons issued by any Police Officer to the Jewish Center. They have heard many allegations and one would think it was the wild west. Those who work for non profits or civic organizations take time out of their busy days to help out. He senses that each evening they come here they face angry people who come and criticize them. On behalf of all of them, he thanked them for all the hours and years they have put in. He has known Deputy Mayor Etlar for many, many years. He knows that it is true that they put the best interest of the town first. He thought they may be able to resolve this among themselves.

Deputy Mayor Tedeschi said he realized that if everyone wanted to talk, then it will happen. It would be good to have it resolved neighbor to neighbor. Councilmember Baratta thanked Mr. Herrmann for his comments because she appreciated what he said.

Lisa Swain, 6 Fernwood Drive, stated she was running for Council and a lot of people have expressed their desire to have an astro turf track.

Maureen Moriarity, 14 Burnham Place, informed Ms. Swain that the Open Space Committee had already applied for grants through the State and County for astro turf.

Robert Wallace, 11-06 Alexander Avenue, thanked Councilmember Trawinski for his comments. He was a Police Officer for 25 years. Race and religion were never an issue for him. What does matter is the quality of life they have and the safety of his family and neighbors.

Sheryl Cashin, 1 Glenfair Road, stated she was not happy about the resident's verbal attack earlier on Councilmember Trawinski.

Deputy Mayor Tedeschi stated that last week someone said the Borough was deeply in debt. He wanted to correct that notion. According to Moody's the Borough has an AAA3 bond rating. Last year the Borough had 5.1 million dollars in surplus. The person who made that remark should have the facts. He congratulated Manager Metzler and Chief Financial Officer Eccleston for the good job they have done.

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

ADJOURNMENT

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etler

Deputy Mayor Joseph Tedeschi

Councilmember Edward Trawinski