

REGULAR MEETING OF DECEMBER 11, 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 Etlar and Tedeschi and Councilmembers Baratta and Trawinski.

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

PRESENTATION BY 4TH GRADERS SUPPORTING THE PRESERVATION OF THE NAUGLE HOUSE

Mayor Weinstein stated first the students were here for a presentation for the preservation of the Naugle House.

Felice Koplik, 6 Reading Terrace, Chairwoman of the Historical Preservation Commission, thanked Mayor Weinstein for responding to an e-mail that was sent to him by Brenda Bolofsky in October about her concerns and ideas about the Naugle House. The Mayor brought Brenda, a fourth grader from Radburn School and the Historical Commission together. She also thanked Councilmember Baratta for bringing the wishes of the students to be here tonight to the Council's attention at the last Work Session. She thanked all of the Council for putting this presentation on the agenda. She named the following students who have been involved with this presentation: Brenda Bolofsky, Brooke Bolofsky, Bridget Maresca, Montana Antonelli, Sara Rosenthal, Alexis Joyce, Samantha Incremona, Alec Incremona, Frankie Mottola, Naomi Shapiro and Inbar Tivon. They had brought their concerns to the Historic Preservation meeting last month about the condition of the Naugle House and what they could do to rebuild the house. They were present at the meeting to share their thoughts with the Council and the residents. The entire Commission was impressed to hear the students at their November meeting exhibit such passion about the Naugle House and its future. They were amazed at the long list of names on the petition that they had started.

For the past two years, Pam Coles has put in applications to Preservation New Jersey to put the Naugle House on the 10 most endangered historic list. She succeeded last year and is now on this important list. These students are fighting for an important and well known historic resource which is on both the national and state registry of historic places. It is also on the list of early stone houses in Bergen County.

Brenda Bolofsky stated as Radburn students they felt it was very important to restore the Naugle House since it and it is a historical landmark that they are all proud of. There is a lot of history in the house. General Lafayette slept there in 1824. She felt it was wrong to tear it down. It was part of the revolutionary war and supposedly part of the underground railroad. It is important to save this house. They would like to clean up the Naugle House and make it into a museum where people could visit. They are in the 4th grade at Radburn School and would like to make this a community project for all of the students in Fair Lawn. They have a lot of good ideas on how to fix it up. They would like to restore it to its natural state. They understand it does not belong to the town but felt it was important. If the Council believed in them, they might be able to save this house. As Radburn students they are proud that Fair Lawn has a house that is on the registry for historic homes. She thought they should preserve our history and not knock it down. She asked that they allow all of the students in Fair Lawn to save this house and keep our history for others to see it as well. It would be nice for other towns to come to Fair Lawn and see the historic beauty. Once it is cleaned up, maybe the 4th graders could visit it on their class trip that goes around town. There are many students and parents who would be willing to roll up their sleeves to clean up this house. Not everyone was able to come to this meeting but they had a list of names of people who support this effort. She asked the Council to let the children of Fair Lawn make a difference in this town.

Miss Bolofsky and the other students stood up and showed photos of how the house used to be and they linked together a paper chain to represent a fence which should be put up to protect what is left of this house before there is nothing left. They were told there was supposed to be a fence around this house and wanted to know where it was.

Brooke Bolofsky stated as students in Fair Lawn, they have a unique opportunity to make a big difference. This is a once in a lifetime chance to preserve the past and protect their future. Her sister Brenda, thought of a great idea to make a museum out of the Naugle House and she immediately agreed and said she would help. The Naugle House is listed by the Borough as a historic site and also listed on the State National Registry of Historic Places. It reminds her of the Betsy Ross property in Philadelphia, PA. The Naugle House is something that every student in Fair Lawn learns about. She and her friends are ready to help restore the property.

Bridget Maresca said she was 9 years old and in the 4th grade at Radburn School. She hoped the Council would help her and her friends save the Naugle House. They would like the Council to put up a fence so that no one could destroy the house. They would also like their help to buy the property so that they could restore it and make it a museum. They have learned about other historical properties in Fair Lawn that have been saved like Garrison Forge, the Cadmus House and the fishing weirs in the Passaic River. The Naugle House was built in the 18th century. General Lafayette stayed in this house for several days in 1824 when he returned to this country after the Revolutionary War. She felt it was very important to have a historical place like this in Fair Lawn. She asked the Council to help them save a part of Fair Lawn's history. They would enjoy saving a part of their community.

Montana Antonelli stated they wanted to save the Naugle House because it is a historic place and it is an old house. She did not want the kids to destroy the house.

Pam Coles, 13-34 George Street, secretary to the Historic Preservation Commission said she was very proud of these girls. Though the history is from the past, it is our future. It is the future of these children who want to preserve this house and put a fence around it. Given that it does have a historic mission, this house has value, and this house has to be cared for.

Mayor Weinstein stated he was on the tour with the children and agrees that the Naugle House should be part of that tour. Right now they are in litigation to save the Naugle House and asked the Borough Attorney about the status of the fence. Attorney Rosenberg stated the Borough is currently negotiating with the current property owner and hopefully they will be able to have the fence up within 30 days. Mayor Weinstein wondered if the Borough could put the fence up in the meantime. Attorney Rosenberg advised that it is private property. They have to work with the property owner.

Mayor Weinstein thanked the children for coming out and making a wonderful presentation. He guaranteed them that this Council would work very hard to save the Naugle House.

PRESENTATION TO FLHS GIRLS VOLLEYBALL TEAM

Mayor Weinstein stated that when he heard the team won he felt they should be honored in some way. He congratulated them for a job well done. He handed out certificates to Coach Peter Zisa, Coach Jason Becker, Coach Teresa Mielnicki, Cindy Okereke, Amy Sharlow, Kim Cramer, Stephanie Samra, Jessica Rea, Nicole Sisco, Chelsea Stahl, Stephanie Segovia, Jennifer Belferman, Jackie Moschel, Alyssa Martinez, Tracy Wright, Kasey Hennecke, Chelsea Benjamin and Jana Nieman.

MANAGER'S REPORT:

Manager Metzler reminded the residents that on Sunday between 11:00 a.m. and 3:00 p.m. the Rescue Squad will be working with the Marine Corps Toys for Tots program to collect unwrapped new gifts on the front steps of the Municipal Building.

PRESENTATION TO MARTY ETLER:

Mayor Weinstein stated this is the last televised meeting for Deputy Mayor Etler. He believed that Deputy Mayor Etler has been known for his extreme and very prestigious way of handling and working with residents of Fair Lawn. He has been an advocate for every resident trying to resolve their issues and has done a tremendous job at it. Also, Deputy Mayor Etler is not known as a shrinking violet. If there is an issue that he strongly believes in, he always stands behind it and saw it to the end because he felt it was the best for Fair Lawn. After the vote, whether it was up or down, he would move on. Deputy Mayor Etler was known for his scooter all over the town. He could also be called from Lil Abner, Marrying Sam because over his time he raised more than \$6,000 for the Library. He

congratulated him for that and presented him with a plaque.

Councilmember Baratta wished everyone a happy and healthy holiday season.

Councilmember Baratta and Councilmember Trawinski presented a few things to give to the Deputy Mayor. Councilmember Trawinski stated that as part of the loyal minority, they did not want him to forget them. He presented Deputy Mayor Etler with a few tokens, one of which was "All About Garage Sales in America." In the same vein, a bumper sticker that said "I brake for garage sales." Councilmember Trawinski stated that he knows he will want to sit back and relax, so they presented him with a robe that was embroidered with Mayor Marty on the back. He said that in the past people has accused Deputy Mayor Etler of being a republican. As a faithful republican, he would contact President Regan's Presidential Library to see if they could get a momentum from someone who had the sense to change from a Democrat to a Republican and Ronald Regan did. They presented a note from Nancy Regan to Marty Etler that read, as he retires from the Fair Lawn Borough Council always remember that thanks to leaders like you, President Regan's values and moral leadership example are now being passed on to the next generation of Americans.

Deputy Mayor Etler stated that many years ago President Regan came to Newark Airport and he and others were assigned to take care of his plan. A photo was taken by the Daily News with the President. When he opened the paper, he saw that he was blocked out. Councilmember Trawinski handed him two stamped change of party affiliation forms for him and Vi. Councilmember Baratta stated they had a few more things. The year that he was Mayor, he became known for a saying - Stand Down. They gave him a t-shirt with it written on it. Councilmember Trawinski said as a memento of his time on the Council, they gave him a kitchen timer with a saying "your five minutes are up" engraved on it.

Councilmember Baratta stated that when she came on this Council, right after she was elected, Marty called her and invited her out to breakfast. As a gentlemen, he opened the doors for her and had a real nice breakfast and said to her, "Babe, we are not going to agree all the time but whatever happens, I will always love you".

Councilmember Trawinski echoed Councilmember Baratta's comments. He added that sometimes he wondered what the heck he was thinking but never doubted for a moment that he always did what he believed to be in the best interest of the people of Fair Lawn. He will always love and respect him for that. He will always think of him on that scooter doing what needed to be done for the people of Fair Lawn. He wished him well.

Deputy Mayor Tedeschi wished him well. He understood his passion and envied his passion. He did not think there has been anyone since Flossie Dobrow who cared directly more for people. They have not always agreed on everything but they can all agree that everything he has done was based on that passion and he respected him for that.

Deputy Mayor Etler stated the Fair Lawn Community Church held an annual sale during the summer and then gives the proceeds to the Health Department. This year they will contribute a check for \$3,000. He felt that was noteworthy and newsworthy. Since this will

be his last public appearance on this Council, he read the following:

It has been his great privilege to serve the people of Fair Lawn for the past 8 years as our Councilmen, Mayor and Deputy Mayor. He began his public service activities in 1975 as a member of the Zoning Board. He has served continuously for 32 years on the Zoning and Planning Boards until now. All that time he felt fortunate to have the public's trust to be able to work in the best interest of the people. For the past 8 years, he was proud to help on the mundane things as well as well as bigger matters. He considered it important to replace fire trucks on a timely basis, to expand the Borough Hall parking lot, to create a new Community Center that would serve both the artistic and recreation needs of our citizens. He helped the Police Department upgrade its equipment and to upgrade its fleet of Patrol cars. He helped Public Works keep its gear up to date to better serve our communities' ever expanding needs.

He rarely mentions his contributions to the Library, which has amassed to quite a sum, but when he performed a wedding, he asked the people to make a donation to the Library in his name. Those funds were put to good use by the able bodied staff of librarians.

After Tropical Storm Floyd ruined Memorial and Walsh Pools, he helped restore them to a level not seen in many, many decades. His goal was to make them premier facilities that appealed to all of the community. Now the pools are just two of the many crown jewels in Fair Lawn.

The Borough went through a few black-outs. We went through the Y2K scares. We went through the untimely deaths of our sister and brother employees: Mary Ann Collura and George Frey. But we got through it all because he had the help and support of thousands of fellow citizens in Fair Lawn, and for that he is most grateful. He could not have accomplished so much without everyone's support and friendship. Today, more government is open and visible to the people than it ever was before and he was proud of that, even though it made some people uncomfortable. He did not mind being only one at times standing alone fighting for his neighborhoods when developers and others threatened to ruin them. He knew he had the support of the people of Fair Lawn and this what kept him going. Eventually, others did see it his way and understood that Fair Lawn is a community whose residents and businesses deserve the greatest amount of respect.

Good government is the continuing ability of those elected to understand their citizens and act in their best interests. He was sure his colleagues will do just that. He wanted to wish them all well as they set sail with Fair Lawn's Ship of State, and to remember there is no substitute for good government.

And so that skinny little 8 year old kid, who lived in Paterson, and soon found his way over the Morlot Avenue Bridge to discover Fair Lawn and grew up to become it's Mayor, is about to go into retirement. Old politicians like old soldiers, don't die, they just fade away. He could only say, "thank you" to the community. He will continue to serve the public in a different way in the future. It has been a privilege to serve. Fair Lawn is still a great place to visit but a better place to live.

Mayor Weinstein introduced Allison from Congressman Rothman's office, who made a presentation to Deputy Mayor Etlar. She stated she was there on behalf of Congressman Rothman who was in Washington tonight but had wanted to be there at the meeting. She presented him with a certificate recognizing all his hard work that he done for Fair Lawn.

Senator-elect Robert Gordon was present and stated that he first met Marty 25 years ago and through the force of his personality they became close friends. Over the last 25 years he has watched with great admiration the way he has served this community selflessly and with distinction. It is going to be hard to imagine the Borough of Fair Lawn without his presence. To recognize his retirement from this Council, he has issued a proclamation in honor of Marty's service to the Borough of Fair Lawn. Senator-elect Gordon read the proclamation honoring him for his retirement from the Borough. He wished him good luck.

Dennis Frank, 16-30 Saddle River Road thanked Deputy Mayor Etlar for his 45 years of service to the Democratic Club and Fair Lawn. In 1975 it all changed when several people began to work on the various boards. Mr. Frank said he was on the Library Board and personally thanked Deputy Mayor Etlar for all of the money he collected for the Library.

Joan Goldstein, 12 Bedford Place thanked Deputy Mayor Etlar for all of his years of service to the Borough of Fair Lawn.

ORDINANCES ON SECOND READING:

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Tedeschi, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2099-2007

“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.”

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

Upon motion by Deputy Mayor Etlar and a second by Councilmember Trawinski, Resolution No. 357-2007 adopting Ordinance No. 2099-2007 was discussed.

Mayor Weinstein stated that the Borough had received funds for barrier free improvements through the County of Bergen, Community Development Block Grant Program.

There being no further comments, Resolution No. 357-2007 adopting Ordinance No. 2099-2007 was unanimously passed.

Upon motion by Deputy Mayor Etler 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. 2100-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED "ADMINISTRATION, DEPARTMENT AND BUDGET AND FISCAL PROCEDURES" MORE SPECIFICALLY SECTION 2-89 ENTITLED "DIVISION OF ELECTRICAL SERVICES"

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

Upon motion by Deputy Mayor Etler and a second by Councilmember Trawinski Resolution No. 358-2007 adopting Ordinance No. 2100-2007 was discussed.

Manager Metzler stated this ordinance eliminates the responsibility of the design of any new electrical installations.

There being no further discussion, Resolution No. 358-2007 adopting Ordinance No. 2100-2007 was unanimously passed.

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.

Harvey Rubinstein, 28 Rutgers Terrace asked about Resolution No. 362-2007 and what it pertained to. Manager Metzler explained that it was for services as needed and it is an annual contract.

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

RESOLUTIONS BY CONSENT # 27-2007

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Consent Agenda 27-2007 containing the following items was unanimously passed.

- a. Resol. #359-2007 - Approval of Minutes:
Regular Meeting 10/23/07
- b. Resol. #360-2007 - Refund of Overpayment of Taxes
- c. Resol. #361-2007 - Professional Services - Engineering Services for the Design, Preparation of Plans and Specifications and Construction Administration for NJDEP Demonstration Project
- d. Resol. #362-2007- Award of Bid: Storm & Sanitary Sewer Cleaning and TV Inspection
- e. Resol. #363-2007 - Keep USS Ling in Hackensack

RESOLUTION NO. 364-2007 - APPROVAL OF MINUTES:

Work Session 11/7/07
Special Meeting 11/7/07
Closed Session 11/7/07

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 364-2007 was passed with Mayor Weinstein abstaining.

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.

Jack O'Neill, 11-06 3rd Street on behalf of the Veteran's Council thanked the Council for all the help they have given them. He also wanted to express their appreciation to Recreation, DPW, the Fire Department, Fire Prevention, the Police Department, the Municipal Clerk's office, the Manager and the Office of Emergency Management. He also thanked Deputy Mayor Etlar for all of the support he has given them through the years.

Joel Berlin, 26-02 Berdan Avenue, asked if they had any plans to correct the flooding on Berdan Avenue and Maynard Place. Manager Metzler explained that the Borough Engineer has been there to evaluate the problem. It seems the flow is two and a half times what the flow should be. There has to be an Engineer project to design relief to the area. He realizes it is a major problem. He did not see relief in the immediate future and suspects they have to look for outside funding. Mayor Weinstein advised Manager Metzler to stay on top of this issues.

Patricia Franzmann, 24 Ryder Road, stated when she moved in her house they had 8 feet of water in their basement. She had taken photos and given them to the Engineering Department. During Tropical Storm Floyd she received money from FEMA. She said there is a catch basin near her house and when it rains heavy the water flows over it. It is a very bad problem and

ongoing. She has researched the area and has seen on maps that there are underground streams that may be causing the flooding. Councilmember Trawinski stated the Borough would

need to take that into account. Ms. Franzmann said she was referring to a survey map from the 1900's which she found in the Johnson Library in Hackensack a copy of which is in the Engineering Department. Councilmember Trawinski stated that he has been hearing about certain areas around town flooding. He felt they should take a look at defining the local flooding areas so when construction is to be done they would be required to have the drainage and groundwater retention included in their plans. He asked that this topic be put on the last Work Session in January.

Harvey Rubinstein, 28 Rutgers Terrace, stated that during the dry part of the summer, there is a pipe off of Berdan that always has water coming out of it. At the last meeting he asked about a water pump that was broken. Manager Metzler explained there was a failure in the cross section of a pipe in a pump house and because of that, the Borough had to purchase larger amounts of water from United Water. Mr. Rubinstein spoke about the children who were at the meeting asking the Council to save the Naugle House. He felt that everyone wants to save the house but the Council would have to save the land around the house too. It has been brought up many times before the Planning Board and Zoning Boards.

Mr. Rubinstein asked again for someone to look at the height of the house being built at 28-15 Rutgers Terrace. He wondered if this was discussed in Closed Session. Attorney Rosenberg advised there was a unanimous decision not to pursue this.

Mr. Rubinstein stated at last night's Zoning Board meeting a young couple came before them with a Zoning application that had problems. One of the Zoning Board members told them to sell their house. He felt this was the worse thing they could have said to a resident. He wondered if this member even went out to look at the property. Mayor Weinstein asked Attorney Rosenberg to look into this. Mr. Rubinstein stated the comment was uncalled for.

Claude Beinstock, 39-11B Broadway, wished everyone a happy holiday. He thanked Deputy Mayor Etlar for his service to the community. He asked for help from the public because he was trying to sell his movies to Hollywood.

Violet Etlar, 15-12 Elmary Place, congratulated Deputy Mayor Etlar on his retirement and thanked him for all the effort he has put in over the years. She said as his wife, "Welcome Home Marty".

Sheryl Cashin, 1 Glenfair Road, commented on how wonderful it was to see the children from Radburn School here wanting to save the Naugle House. She felt these kids could be part of saving the Naugle House. She questioned when the fence would be installed around the property.

Ms. Cashin felt sad and found it hard to hear about these other flooding conditions around town. She felt this was one reason why nothing new should be built because the area is already over developed and that is why the system cannot handle all of the sewerage now. She sees it as

a major problem in Fair Lawn and little by little people are coming forward. When she hears a storm is predicted she gets a sick feeling inside.

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

ADJOURNMENT

Upon motion by Deputy Mayor Etler and second by Councilmember Baratta, the meeting was adjourned at 8:50 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