

## **REGULAR MEETING OF FEBRUARY 14, 2006**

Mayor Etler called the meeting to order at 7:36 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 14, 2005. 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 Etler, Deputy Mayors Weinstein and McCarthy, Councilmembers Baratta and Trawinski.

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

### **PRESENTATION BY PASSAIC VALLEY SEWERAGE COMMISSION**

Mayor Etler announced that Passaic Valley Sewerage Commission was supposed to make a presentation tonight but could not make it. They will make it at a future meeting.

### **COUNCIL COMMENTS:**

Deputy Mayor Weinstein complimented DPW Superintendent Conte and the whole department for the great job shoveling and plowing the streets of Fair Lawn. On Monday the streets of Fair Lawn were in better shape than some communities where they weren't even plowed.

Councilmember Baratta stated that last week's Work Session Councilmember Trawinski proposed a Planned Community Democracy Ordinance. However that ordinance is not on the agenda tonight because there was a three to two-vote not to introduce this ordinance. She was hoping that after a week's worth of thought, this Council would put it back on the Agenda for some more discussion and an introduction. Over the last week she has been overwhelmed with telephone calls, e-mails and personal contacts urging her to not drop this important discussion. She has not received one contact that people are happy that it was defeated. She took it as the majority in Fair Lawn want to see this pursued. Some Councilmembers say this is a Radburn issue and a Radburn issue alone. To that she said there are many issues that come before the Council that only affect pockets or neighborhoods or even just streets in Fair Lawn, yet the Council gets involved and offers assistance to those residents. For example during the last two Work Sessions, they discussed what was happening between McDonald's and IHOP. Technically this is a private property issue. The Council does not have to get involved but they are. What is happening between these two businesses is putting a blemish on our town. It is affecting the nearby residents and as a Council they are dismayed and would like to see a solution.

Councilmember Baratta said the same applies to the situation in Radburn. She implored them to reconsider their vote from last Tuesday, introduce this ordinance, discuss it in detail, work on the language together as a community and not shut the door on democracy for our neighbors.

Deputy Mayor McCarthy complimented everyone from the Borough Manager down on the snow removal over the last weekend.

Councilmember Trawinski echoed Councilmember Baratta's comments. The Borough Attorney says that this ordinance is not an appropriate exercise of Municipal power, it seeks to address procedures by a private community and there is no a threat to health, safety or welfare. Not withstanding that the Radburn Association is representing a number of homeowners in the Borough. Governing is about setting priorities and there is no great priority for him then democracy.

He hears the argument that litigation will surely follow and that litigation will cost the taxpayers money. There is no doubt in his mind that litigation may indeed be a waste of the taxpayers time and money. Councils have litigated issues in the past and lost.

Councilmember Trawinski said to the specific test that the Attorney lays forth on the third page of his memo, is there a public interest comparable to the Teaneck case which dealt with the block busting in the early 1960 and 1970's, he believed the answer was yes. The right of people to vote is paramount. If Louise Orlando or Bob Matule would sit down and take this ordinance to heart, there would be no need to litigate.

He disagreed with the last line of the Borough Attorney's opinion. He thought the Borough Attorney may have misspoke because he should have said, they should not legislate not that they cannot legislate. He would like to bring a motion in a public session that this ordinance be placed back on the agenda with Councilmember Baratta seconding it.

Mayor Etler said he would defer this to Attorney Kates.

Attorney Kates stated that procedurally the Administrative Code of the Borough in Chapter 2-13 says the following: All matters to be considered at the next regular meeting should be reviewed at the work session and the agenda shall be prepared at that meeting, other matters may be added to the agenda after the Work Session with the approval of the Council. That other matters reference means that any matter can be brought up by the Councilmember. There could be an argument made that since in the Work Session they did have a consensus vote and they determined not to introduce the ordinance. He thought they should be liberal in the process and allow the motion to be voted on.

A motion by Councilmember Trawinski with a second by Councilmember Baratta to put the Planned Community Democracy back on the agenda failed, with Deputy Mayor McCarthy, Deputy Mayor Weinstein and Mayor Etler dissenting.

Deputy Mayor Weinstein stated they respectfully deferred to the Borough Attorney, who

incidentally was brought to them by Councilmember Trawinski. Deputy Mayor Weinstein said he was not an attorney so who else was he going to rely on but the one who took time to research this case.

In a letter they received from Congressman Rothman who talked about being a federal representative and therefore does not have jurisdiction over this case. They are all for democracy and the issue, and the fact is, that they have a fiduciary responsibility to the whole town, they do not have the right to dispense public funds for private issues, especially as the Borough Attorney states there are remedies that the private citizen could take upon themselves.

Deputy Mayor Weinstein stated that these by laws of the Radburn Association are State regulated and it should be State regulations that try to change it. He does support a resolution that was brought up by Deputy Mayor McCarthy last week in the Work Session to support the bill that Assemblyman Gordon is bringing to the State legislature for the reform in Radburn. He urged Radburn to work things out before State legislation comes down to do it for them.

Deputy Mayor McCarthy stated this issue was discussed at length during the last Work Session and based upon the opinion of the Borough Attorney, he did not believe they have the authority as a governing body to be involved. The decision of the Appellate Division's sixty seven pages which he took the time to read several times. It was a Committee for a Better Twin Rivers against the Twin Rivers Homeowners Association. There has also been talk about the cost of litigation. As an attorney primarily involved in the area of insurance law, he would question whether if they ignore the advice of our Borough Attorney and got involved in this area and lawsuits were filed, would there even be insurance coverage. Most comprehensive general liability insurance policies specifically exclude coverage for intentional or illegal activities. Mr. Kates is one of the most respected attorneys in the area of municipal law. He defers to him and his experience in this field. As he stated last week, he does support putting a resolution forward encouraging the State legislature to move forward on this. He felt they were the appropriate authority to get involved with this.

Deputy Mayor Weinstein proposed that resolution. Mayor Etler advised him to wait until the Work Session. Borough Attorney Kates stated that he could add it to the agenda, if he so chooses.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, the resolution supporting State legislature for the reform in Radburn was unanimously passed.

Mayor Etler read an open letter to the residents of Fair Lawn that he was sending to The Shopper and to The Record. It read, Dear Neighbors, as you may know from recent press reports there has been a contentious and ongoing debate regarding the governance of Radburn, a private community association here in Fair Lawn. Councilmember Trawinski has proposed a municipal ordinance to address this problem. On February 7 at the Council Work Session, he voted against this measure. He would like to take this opportunity as your Mayor to explain his decision as well as the decisions of his fellow

Councilmembers Steven Weinstein and Owen McCarthy, who also voted against the proposed Planned Community and Democratic governance ordinance. As Americans and Democrats, they embrace democratic governance for all. He himself has served this Country for over four years with 18 months in the Pacific and 7 months in Europe for that very purpose. He had devoted a great deal of his time to public service and to the betterment of Fair Lawn. However, this ordinance conceived from the frustration that many Radburn residents feel towards the system under which they currently live, is neither prudent for Fair Lawn nor will it bring immediate and lasting relief to Radburn. It also sets a bad precedent. It can create the view that the municipal government is responsible for resolving internal conflicts for any private entity. This Council will always move quickly whenever the health, safety and welfare of our citizens are at stake. Now of these are in evidence in Radburn. This ordinance as proposed would bring instant litigation. After thorough research our Borough Attorney, Michael Kates, advised this Council that this ordinance is not an appropriate use of municipal power. Furthermore, there is no compelling case law to defend this proposal in Court. Most likely the Radburn Association could and would file a suit against Fair Lawn for usurping their powers thus cost this Borough thousands of dollars in legal fees. Such a lawsuit would be a financial burden to Radburn residents who would bear the legal costs of both sides in this dispute. Fair Lawn is currently defending itself against two lawsuits by Radburn's developer, Landmark Inc. We feel the defense is justified due to the fact that the fate of Daly Field and the Heyward tract directly effects traffic, town services and the quality of life. However, they see Radburn governance as an internal dispute within the Radburn Association and some of its residents. The 33,000 residents of our Borough should not be penalized for this disagreement. He asked the Radburn community to be patient. The State legislation that is sponsored by Assemblyman Gordon will provide the necessary frame work and impetus for reform while allowing Radburn to obtain it's unique character. We also ask Radburn's leadership to embrace internal reform and work with it's residents to achieve a consensus on Radburn's government for the greater good of all concerned. It is his hope that the residents of Fair Lawn and Radburn understand that they are not abandoning Radburn but on this particular issue, Deputy Mayor Weinstein and Deputy Mayor McCarthy and himself have a greater need and that is to put Fair Lawn first. Thank you.

Councilmember Trawinski stated that with all due respect, the decision whether or not they continue this evolves around the Council and not just Mayor Etlar. Like it or not, the Borough of Fair Lawn is involved in the internal regulation of Radburn. A Zoning Board resolution approved in May of 2004, provided that as a condition of that approval, the Borough could not issue a building permit until the applicant had met the conditions of the Radburn Association Architectural Review Committee. If the Borough cannot interfere with Radburn, he would suggest that they as a Council instruct the Zoning Board attorney that no such condition should ever appear in a future resolution of the Zoning Board. In that case, under the advice of then president of the Radburn Association who was the Zoning Board's attorney, the Zoning Board imposed that condition. Clearly the Zoning Board Attorney at that time, believed that the Borough could interfere. Councilmember Trawinski said if they would not spend taxpayers money defending litigation that gives people democracy, they should not spend taxpayers money having the building inspector figure out whether someone has complied with the architectural guidelines of the Radburn

Association.

Councilmember Trawinski pointed out that often times Attorney's are wrong. Two attorneys that he knows and respects opined last year that no way could the planned real estate community full disclosure act, be held to have a retroactive affect. That was the position that the Radburn Association took before the New Jersey Department of Community Affairs. One of the attorneys was himself. He did not believe that the act was retroactive and he took a timid approach to viewing that act. Yet in no uncertain terms, the Appellate Division of this State in the Twin Rivers case, said he was wrong and the other attorney was wrong. He is just grateful that they have attorney's that are not timid and leaders who are not timid, like those who brought the case in Twin Rivers, so that the system of prudence can advance despite nay sayers to the contrary. He strongly disagrees with them.

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

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

##### **Ordinance No. 2044-2006**

#### **AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12, "MISCELLANEOUS FEES"**

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor McCarthy, Resolution No. 88-2006 introducing Ordinance No. 2044-2006 was discussed .

Mayor Etler stated this ordinance proposes to adjust pool fees.

There being no further comment, Resolution No. 88-2006 introducing Ordinance No. 2044-2006 was passed.

#### **ORDINANCES: SECOND READING**

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

##### **Ordinance No. 2041-2006**

#### **AN ORDINANCE TO AMEND CHAPTER 120 OF THE CODE OF THE BOROUGH OF FAIR LAWN, ENTITLED "HISTORICAL PROPERTIES" AND MORE SPECIFICALLY SECTION 120-4.C.**



Consent Agenda 6-2006 containing the following items was unanimously passed.

- a. Resol. #91-2006 - Award of Bid: Uniforms - Public Works
- b. Resol. #92-2006 - Refund of Overpayment of Taxes
- c. Resol. #93-2006 - Approval of Raffles & Bingos: Fair Lawn Rotary on-premise mdse.
- d. Resol. #94-2006 - Administration of Fair Lawn Commons Affordable Rental Units
- e. Resol. #95-2006 - Approval of Fair Lawn High School Annual Marathon
- f. Resol. #96-2006 - Authorizing Issuance of Massage Establishment and Massagists License - Sole Spa
- g. Resol. #97-2006 - Authorizing Issuance of Massage Establishment and Massagists License - Massage Spa, LLC
- h. Resol. #98-2006 - Appointment to Environmental Commission

**RESOLUTION NO. 99-2006 - Appointment to Zoning Board**

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor McCarthy, Resolution No. 99-2006 was discussed.

Councilmember Baratta stated the reason she is going to vote no is not because of the person or her qualifications, it is the way it is done. When positions open on the boards, it does not get advertised. As she recalled there were many other names that could have been chosen. Before the Council discusses the appointment, it is a done deal. Every time this happens she will voice her concern.

Deputy Mayor Weinstein stated that these appointments are discussed in Closed Session so they do not embarrass the person. Tonight they are appointing Jane Spindel to the Zoning Board. She is more than qualified having sat on the board as a member before.

Councilmember Trawinski stated that he supported this appointment. He was not in favor of the process. Deputy Mayor Weinstein stated that they put announcements on Channel 77 and the Borough website.

There being no further discussion, Resolution No. 99-2006 was passed with Councilmember Baratta dissenting.

**RESOLUTION NO. 100-2006 - APPROVAL OF MINUTES:** Work Session 11/1/05, Closed Session 11/1/05 and Regular Meeting 11/14/05

Upon motion by Deputy Mayor McCarthy and a second by Deputy Mayor Weinstein, Resolution No. 100-2006 was passed with Councilmember Baratta and Councilmember Trawinski abstaining.

**RESOLUTION NO. 101-2006 - RESCINDING RESOLUTION NO. 86-2006**

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Baratta, Resolution No. 101-2006 was discussed.

Acting Borough Manager stated that because they entered into a 90-day trial period with Life Star Response of New Jersey the Borough adopted a resolution that was sent to the Division of Local Government Services for their approval. The Division of Local Government Services has advised the Borough that their approval is not required. The Borough will just have to declare an emergency in Fair Lawn. Beginning tomorrow, Life Star will be sent on calls if Fair Lawn Ambulance cannot respond. This does not mean that they have lost respect for our Ambulance Corps. They are answering about 2,700 calls a year. There has been a tremendous strain put on the volunteers during the day time hours this problem is not just in Fair Lawn, our neighboring communities are experiencing the same difficulties. When Fair Lawn cannot respond some of these other towns cannot help either. In 35-45 days if they decide to move forward and if this is the resolution to the problem they will develop specifications to go out to bid for this type of service.

There being no further discussion, Resolution No. 101-2006 was unanimously passed.

#### **MISCELLANEOUS PUBLIC COMMENTS**

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

Mayor Etler stated he wanted to caution everyone tonight that there will be a five minute time limit on speaking and if they intend to speak more than five minutes, they will be shut off. Deputy Mayor McCarthy stated that he knows there are many people here with strong opinions but they were in a public forum and it is being televised and asked that they speak in a professional manner and try to keep civility while speaking about these issues.

Arlene Rubinstein, 28 Rutgers Terrace, said she resented what Deputy Mayor McCarthy just said because members of the public are always courteous. It is members of the Council who lose their cool with a short fuse.

Mrs. Rubinstein thanked Councilmember Baratta for really being honest and not becoming a politician upon election to the Council. They need more Councilmembers that are not politicians but are Fair Lawn residents first. She knew exactly what Councilmember Baratta was talking about with the Zoning Board appointment. There is no one that likes Mrs. Spindel more than she does or thinks greater of her than she does, however when she spoke to Mayor Etler during the week, it was a done deal. Mayor Etler asked her not to put words in his mouth. Mrs. Rubinstein also found it interesting that the Democrats refuse to vote for democracy. She said they want people who care about Fair Lawn and not who have their orders given to them by people outside of the Borough. The people of Fair Lawn voted out the type of dictatorial type of government that David Ganz created. She said she respected Mayor Etler's service in the Armed Forces but he has no more power than any of these four other Councilmembers. She said he was not elected Mayor by the public. He was elected Mayor by three of the Councilmembers and he can't have Closed

Session with three people voting for the Zoning Board appointment. Mayor Etler stated she was wrong.

Mrs. Rubinstein stated she had made a request that when Don Smartt makes a presentation before the Council he hang around for public comment instead of hitting and running. She asked how much Don Smartt or any of his corporations made last year in Fair Lawn. Mayor Etler stated he would find out for her.

Kenneth Ayres, 4 Arlington Place, read the following statement. It seems to us, my life partner, Jerry Gould and I, that the issue respecting the planned community ordinance involves a small vocal minority of Radburn property owners. This group seems to be taking an enormous amount of time away from the important vital civic concerns the Mayor and Council and Planning Board must address. We say small minority based on our understanding that the CCRF candidates only received about 16% of the total votes in the recent Radburn Board election. We are unaware of any ordinance or law, municipal or county, state or federal that orders anybody or organization, company or corporation to change it's election rules under threat of fine or jail for failure to comply. He has heard of no political body, including the Congress of the United States that threatens its members with such punishment for failure to vote in favor of change of law or regulation. Indeed, abstaining from voting is a time honored legally recognized option indicating presence but unwillingness to take either side of an issue for whatever reason. It is never considered a no vote. Respecting closed meetings, every Mayor and Council, Planning Board of Adjustment in New Jersey as well as private organization subject to State law, regularly and legally hold closed meetings. He is certain that Fair Lawn's regulatory body also meet in closed session as permitted by law. Specifically regarding Radburn from the meetings and various social functions we have attended during our six years as Radburn homeowners, we are not aware that the majority of property owners are dissatisfied with it's management. In fact, they find it well managed, budget, personnel, grounds, architecture, community activities and responsive to the reasonable concerns of the residents. If indeed the members of CCRF are concerned about the democracy why do they exclude Jerry and me from distribution of their bulletins and letters and their tirades. Of course, since we made it known that we disagree with them on many issues. We are not shocked by their limited definition of democracy. And speaking of democracy and candidates, we are aware that Radburn trustees invite those people who are up for election to the board to be active in not only Radburn's life but also in the much broader areas of public service and civic responsibility. We know of no organization that deliberately ignores productive, constructive memberships.

Further, adult residents of Radburn can submit any name, their own or anyone else's, for nomination. In fact, in 2004, one of the candidates submitted their name and ran. As to their understanding of the issues he has discussed, he speaks from experience as a Councilmember for five years and a member of the Planning Board for eighteen years and finally six years on the Zoning Board in Cresskill. Jerry Gould served for twenty-five years on the executive board of her co-op, the largest in the State of New Jersey. Because of their many years of community service, he and Gerry chose to take it easy when they moved to Radburn and to let another generation to fulfill the communities needs. We do

however, it is our duty to speak out when we see what we believe to be harmful acts that have gotten out of hand. We urge you not to pass this ordinance. Thank you.

Robert Gulack, 4 Bancroft Place, handed Mr. Ayres a notice from the CCRF. He stated the proposed Planned Community Democracy Ordinance reflects a simple common sense thought that a planned community and the people who live there who contribute to run the common facilities should be able to consider the way their money should be used. It is their money, it is their community, they should be able to make their own decisions. There is no guarantee that the State executive or legislative branches will come to their aid. They could sue and plunge the community into years of expensive and decisive litigation that would impact the property values and Fair Lawn's. They have paid their property taxes for seventy-five years and they deserve Fair Lawn's assistance. Fair Lawn will be able to impress the Radburn Association with the need to resolve this issue. There is no alternative to democracy. Any other system is a form of absolute power.

Mr. Gulack stated that tonight we heard Mayor Etlar and Deputy Mayor Weinstein ask the Radburn Trustees to reach out to the community and offer some kind of compromise.. He wanted to see if any of the trustees respond to the Mayor and Deputy Mayor about reaching out to the residents.

Jerry Gould, 4 Arlington Place, stated for a couple of years she has not received any notices from the organization and the grandstand gesture to give them the notice tonight was inexcusable. She said they spoke about abstaining from a vote, talking about the ordinance you contemplate. Three of you she believed abstained from a vote and asked if they would be penalized, would this be recognized as a no vote, will they be sent to jail, will they have to pay a fine.

Joan Goldstein, 12 Bedford Place, stated that a lot of people were not happy when they wanted to sell Daly Field but felt this Planned Community Democracy Ordinance does not belong in the Fair Lawn arena. She was embarrassed by what the people have been doing at these meetings and they should all act like adults. Ms. Goldstein felt it was time for Radburn to take care of what they have to take care of.

Stewart Shaw, 19-32 Chandler Drive, felt if this ordinance was in place when the developer that wanted to build 170 townhouses, Fair Lawn would not be sued. He thought Fair Lawn Commons was ugly. These developments are being welcomed by Barry Winston. He also felt it was a conflict for him to be sitting as Chairman of the Planning Board when he is the boss of the these three Councilmembers.

Mr. Shaw spoke about the new judge that does not live in Fair Lawn and who contributed \$23,000 to the Democratic campaign. He felt the Councilmembers abandoned Fair Lawn. He will be looking at taking action to do a recall.

Kathy Moore, 13-16 Plaza Road, stated that the Mayor and Council talk about the health, safety and welfare of the residents but what about the pollution they have under their house on Plaza Road. The same trustees in power knew about this and didn't let anyone

know.

Ms. Moore stated that in regard to CCRF, they do not represent everyone. She felt in a democracy the residents would have been able to vote on this development. Democracy is very crucial. The Democrats in Fair Lawn are not supporting the residents. The night they were sworn in they said they would help us, but where are they now?

Howard Mark, 12-23 Ferry Heights, stated that democracy would not limit the amount of speaking time. He asked them to consider their vote on the Planned Community Democracy Ordinance. He felt the Councilmembers who votes against it were going against the rule of the people.

Mr. Mark discussed the Naugle House. He presented a signed contract that the Council said they could not rezone the area without it.

Rose Borodkin, 13-18 Plaza Road, stated that recently residents voted for Kathy Moore and Felice Koplik. The number of voters was a greater percentage than the general election. Unfortunately, these people are not allowed to represent her, they cannot attend a Radburn meeting or see the financial statements of the Radburn Association. There is no democracy in Fair Lawn. She found it interesting the people in Radburn that will not speak to her because she is in favor of the Planned Community Democracy Ordinance. In regard to the safety issue that was brought up, it is interesting that the manager of the Radburn Association knew about the pollution since 1995. She felt it was a safety issue. The manager made a decision not to inform anyone.

Craig Miller, 5 Ramapo Terrace, commended the DPW on the way they plowed after this recent snow storm. He attended the budget meeting and was appalled at only being allowed to speak for five minutes. He offered several suggestions to lower the budget such as replacing the Police vehicles with six cylinders and questioned the amount of signs on the Borough DPW trucks.

Eric Meeks, 33-17 Southern Drive, stated that his concern was that he sees this as a self perpetuating democracy. Absolute power corrupts.

Rita Golding, 14 Rutgers Terrace, stated that she is ready to volunteer on a committee to serve the community made up of homeowners and present and past trustees. She felt democracy has to come from within.

Martha Paszek, 6 Bedford Place, stated she was against the ordinance. She gave many reasons why but her point was that there are 33,000 residents to only 3,000 who want this ordinance. She felt it was a payoff to CCRF. This is political pandering. She thanked the Mayor and Council for their support of Assemblyman Gordon's legislation. She asked Radburn's residents to be patient. Councilmember Trawinski asked if her husband has a job with Fair Lawn. Ms. Paszek said he was the Zoning Board Attorney. Councilmember Trawinski said this was the first time he was getting attacked for living up to his promises.

Barry Winston, 19-11 Greenwood Drive, stated he was tired of getting pounded by Mr. Shaw. Councilmember Trawinski was the attorney for the Planning Board when Fair Lawn Commons was approved. He asked Councilmember Trawinski what he would call the contribution he made to the Mayor of Boonton. Councilmember Trawinski stated that he made a \$500 contribution to him. He was glad that he brought it up. He has been there since 1989 and he was a candidate he supported. Mr. Winston stated that he engaged in it just like the Democrats did. He said that Councilmember Trawinski based the new judge who needs the respect of the community. Mr. Winston thought they should work to bring the people together instead of attacking one another.

Igor Yeliseyev, 6 Bancroft Place, stated he came from Russia sixteen years ago and has lived in Radburn since 1993 but felt this is the same situation as in Russian. He felt there was more democracy in Russia than in Fair Lawn. He asked them to straighten this problem out.

Claude Beinstock, 39-11B Broadway, saw there was a slanderous write up in The Record on his friend, Steven Schechter. He gave the write up to Councilmember Baratta. He said that Fair Lawn was lucky to have her as a Councilmember because of her concern, her compassion and her understanding.

June Meyerson, 15 Ballard Place, spoke about the Planned Community Democracy Ordinance and how she strongly supported this ordinance. After being on the board, she cannot understand why the members are so against it. As far as having 75 years of stability and quality of life, she felt it has deteriorated. The sale of Daly Field brought residents to their feet. It seemed foolish for Radburn not to take heed with the Twin Rivers decision. She felt it was the Council's duty to support this ordinance.

Pam Cole, 13-34 George Street, stated this is a public issue that affects everyone not just the people in Radburn. The sale of Daly Field will impact our lives and she is not a Radburn resident. These people are hurt, angry and dismayed. They live with no voice and no vote. Radburn is in conflict right now. Ms. Cole asked the Council to revisit the vote they just had not only for Radburn but for all of Fair Lawn.

Ron Coll, 10 Ramapo Terrace, stated he was a forty year resident of Radburn and up until two years ago when the news sprung about the sale of Daly Field, he touted all of the wonders of the community. He like others voted in favor of open space. The Radburn Trustees will not talk to the residents. He would love to see the Mayor and Council pass this ordinance and to pass a directive to the Radburn Trustees to talk to the residents. They should give them 60 days notice to start making progress, then pass an ordinance to force their hand. They need help because these people have absolute power and they don't talk to us.

Liz Griffen Marcus, 12 Barry Place, stated she is a fourteen year resident and she wanted to say that she is outraged to hear her neighbors constantly say a majority of Radburn feel this way. She has never been polled. Most of them wish it would just go away. She called Mayor Etler yesterday because she was tired of reading in The Record or in The Shopper Page Thirteen

what she as a Radburn resident think. She also realizes that Councilmember Trawinski was CCRF's attorney. It seems to her that he has a very strong conflict of interest. Councilmember Trawinski stated that the Courts have ruled that the people have the right to elect people who support their position. He has no conflict of interest here. He ran openly on a position and is standing by that position. Ms. Marcus said this was all just politics. She thought it should be made very clear so that everyone in Fair Lawn knows. Councilmember Trawinski stated that to the extent of bringing democracy to Radburn is about politics then yes it is politics, but it is politics in the finest sense of the word. He noticed that some of the Radburn Trustees were in attendance but failed to say they will work to solve the problem in Radburn. He also noticed that the funds of the taxpayers of the Borough of Fair Lawn are being expended on litigation, litigation brought about by the ill conceived plan to sell Daly Field. He was elected by these people to do something and he is going to do something the best he can. He will use all of his power to persuade Mayor Etlar, Deputy Mayor Weinstein and Deputy Mayor McCarthy to change their minds.

Robert Gremilot, 1 Bristol Place, stated he has been a Radburn resident since 1962. He asked the Council to reverse their decision and pass the Planned Community Democracy Ordinance.

Barbara Gremilot, 1 Bristol Place, asked the Mayor and Council to reverse their decision on the Planned Community Democracy Ordinance since the Twin River's case has been decided. She asked if Ms. Orlando thinks she would be out of a job if there is an election. The residents want a fair and open voting system in Radburn.

Crystal Robbins, 12 Randolph Terrace, spoke about when she bought her house in Radburn, one fifth of the dues that came in the Radburn Association spent on litigation. She didn't know it was going to get this contentious.

Sol Robbins, 12 Randolph Terrace, stated that when he bought his house, he didn't know that the bylaws of the Radburn Association were going to be part of the closing.

James Robbins, 12 Randolph Terrace, said that he was really upset over this. He is only 16 and sees that this issue is driving the town apart. He stated that people have died to keep this a democratic society.

Michael Rooney, 14 Burnham Place, stated he was a former Radburn Trustee. The citizens association formed a committee, and they will be polling all of the residents of Radburn to see if they want this Planned Community Democracy Ordinance. He hoped that the residents participate in the survey. He felt this could have been settled if the trustees had talked to the citizens. He said it was too bad that it had to come to this.

Maureen Moriarity, 14 Burnham Place, stated she was a Democrat. This is not a partisan position. Councilmember Trawinski and Councilmember Baratta walked the streets and talked to people. They contacted the DCA who informed them they had to make a complaint. The DCA did not take formal action so here they are again with no voice. Ms. Moriarity said the residents did not know about the pollution under their houses. She felt

the Council should move forward with the resolution brought up by Assemblyman Gordon. She also felt that there should be equal representation on the Radburn Association's board.

Steven Kiel, 2 Bedford Place, said he was a former trustee. He thanked the members of the Council for the time they put into this. He hoped that the citizens and the Radburn Association work this out. He spent ten years on the board and could not understand why people are saying they don't talk to the residents. The board is made up of the citizens that live in Radburn. They live in a community that they all love. The parks and play areas are all in good condition. The Radburn Association does a lot of hard work.

Walter Weiglein, 18 Ramsey Terrace, asked why the Radburn Association sold Daly Field.

Peter Kortright, 16-24 Ellis Avenue, said that he sees a lot of fighting. He felt they need to come together. They have a consensus on Daly Field to keep it green. The number one job of the Council is to look at the budget. The Borough has a revaluation coming on along with other budget items such as amending the Master Plan. He felt they have to keep the taxes in order. He suggested that they have to come together on this issue.

June Meyerson, 15 Ballard Place, said she had brought a motion from the Citizens Association early last year asking to meet with the Board of Trustees. It did not happen. They did say to come back with a list of people that she would propose and to also list the questions they would have. She brought back the names of the people who would participate and also some of the questions, and again nothing happened.

Kathy Moore, 13-16 Plaza Road, stated Ms. Meyerson is the liaison between the people and the trustees and many times she was asked to give the message to the board that they wanted to meet. 79% of the Radburn districts supported the Open Space Tax. The Open Space Referendum was brought to the Council by CCRF. They are the people that went out and got the signature and did the work. She asked that perhaps the Borough can pass an ordinance requiring Radburn Association to supply the by-laws at the closing. If they cannot give them democracy, make these people be truthful to future homeowners so they do not have to be abused like the rest of them have been.

Robert Gulack, 4 Bancroft Place, the information that Radburn does not allow meaningful elections so that the people who live there get to vote for candidates those people have picked is all in the by-laws. To this day, the Radburn Association has not posted on its website the by-laws and does not make it a practice to hand out the by laws to people considering buying. The by-laws are on the Radburn Citizens Association website. They are not hiding the facts from the community.

Mr. Gulack said they heard the comments of Mr. Kiel that is it the fault of the community for not reaching out to their trustees. It is the policy of the Board of Trustees that every single one of their regular monthly meetings is closed to the community. If the Board of Trustees has any interest in hearing from the community, a valuable step would be to hold meetings where the community is invited but instead they refuse to have any form of open

meetings. Months ago the State of New Jersey told the Radburn Association that PREDA

applied to them and the meetings had to be open and for three months delegations have gone to the monthly meetings and have asked to be admitted and have been turned away or locked out in the cold. It is stunning that Mr. Keil said why don't they come talk to us. Maybe if the door was unlocked, they would have come in.

Mr. Gulack said that in February 2004, there was a secret contract, which has still not been shown to the Radburn community attempting to sell Daly Field. In the contract there was an amount of units possible to go up on the site. For months it was discussed how many units would go up and finally in the fall they were told 175 units were proposed. He wondered why it was withheld from the residents. They have been waiting for them to make a compromise. All of Fair Lawn can see they are not prepared to offer a compromise.

Stewart Shaw, 19-32 Chandler Drive, stated that it seems the Mayor and Council are controlled by the Borough Attorney's opinion. No one has told the public what that opinion is. In the mean time, the Twin River's case was decided. Deputy Mayor McCarthy stated that he did take that into consideration when he made his decision.

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

**ADJOURNMENT:**

Upon motion by Deputy Mayor Weinstein and second by Councilmember Trawinski, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Martin Etler

\_\_\_\_\_  
Councilmember Jeanne Baratta

Deputy Mayor Owen McCarthy

\_\_\_\_\_  
Councilmember Ed Trawinski

Deputy Mayor Steven Weinstein