

WORK SESSION OF NOVEMBER 8, 2006

Mayor Etler called the meeting to order at 7:30 p.m.

PRESENT: Mayor Etler, Deputy Mayors Tedeschi and Weinstein, Councilmembers Baratta and Trawinski.

ALSO PRESENT: Acting Manager Engineer Garrison, Municipal Clerk Kwasniewski and Attorney Kates.

RELIGIOUS AND HOLIDAY DISPLAYS ON PUBLIC PROPERTY

Mayor Etler announced that the purpose of this meeting is to receive the public's input on an important subject. The Mayor and Council have received requests in the past to place a menorah on Borough property. The Council has denied this request in the past. Advocates for and against have strong beliefs on this subject. The Council wants to hear comments. They will accept letters and emails on this subject. The purpose is to get a sense of the public's feelings on this issue. This meeting is not a debate. The purpose is for the Council to hear from the public. He suggested that the comments focus on the questions should a menorah be placed at Borough Hall, should a creche be placed at Borough Hall, should the Council maintain the building lights and find another suitable place or these displays and should there be other symbols that should be displayed. He urged everyone to remain civil.

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

Scott Lippe, 7-08 Fair Haven Place stated that he has traditionally sent a letter requesting the placement of a menorah for the past eight years. For seven of those years, the request was denied. The Supreme Court has determined that a menorah is a secular symbol. The holiday tree is a secular symbol so he did not understand why they cannot have a menorah. Fair Lawn should be inclusive. The Jewish population is not a minority in Fair Lawn. The town should accurately reflect the population. He pointed out that there is a menorah at the Hackensack State House, at the White House in Washington, D.C. and at the Kremlin. He thanked the Mayor for holding this meeting and concluded that he looked forward to lighting the menorah.

Boris Zaltzman, 16-23 Split Rock Road indicated that he was in favor of the menorah. He urged them to have the menorah.

Carole Feingold, 14-05 Plymouth Drive stated that Hanukkah represents a miracle. It is a personal holiday. It should not compete with Christmas. They are to separate celebrations which have nothing to do with each other. She wondered if they would to erect other religious symbols. She believed in separation of church and state and did not support placing a menorah at Borough Hall.

Jonathan Woll, Temple Avoda, 10-10 Plaza Road read his email in which he expressed his opposition to displaying any religion's symbols on public property. The menorah belongs in homes and synagogues.

Rabbi Levi Neubort, 8-09 Plaza Road expressed his appreciation for the opportunity to comment on this issue. He thought there was no conflict between state and church in this issue. He

mentioned Halloween and Thanksgiving which have their roots in religion but are now traditions. He urged them to allow the menorah to be placed at Borough Hall.

Maxine Harellick, 9-05 Plymouth Drive stated that when Rabbi Neubort was before the Council three years ago, the former attorney referred to the Supreme Court decision in Allegheny. Allegheny permitted the menorah to be placed by the Christmas tree. The nativity alone was impermissible but if there were sufficient secular symbols it was permitted. She did not feel they have to have a menorah but because the tree is lit every year, she would like to have a menorah. It did not have to be lit which makes it more religious. The tree is a Christmas tree regardless of what they choose to call it. The holiday events are sponsored by the Borough and are being paid for by taxpayers. She thanked the Council for giving them the opportunity to comment on this issue.

Evette Reichel, 12-01 Bellair Avenue stated that if they wanted to have no involvement with displays, then there should be nothing at all which is not American. He thought it was absurd to call the tree a holiday tree. It is a Christmas tree and it should be there. The menorah is a symbol of victory. Forty percent of the community is Jewish, yet they are not being represented. A menorah sitting beside a Christmas tree is not terrible. The White House has a menorah by the Christmas tree. This is a community of cultural diversity and that diversity should be represented. It is time that the Borough had a menorah.

Menachem Zaltzman, Bris Avrohom, 16-26 Alden Terrace explained that the menorah is a celebration of the miracle of the lights and the victory of the few over the many. The menorah is a symbol of freedom. He does not want the Borough to pay for the menorah. The synagogues will pay for it.

Mark Moerloen, 5 Chittenden Road stated that he did not have an issue with having a tree with lights but most people think it is a Christmas tree. He does not think it should come down. The menorah is a symbol of freedom from persecution. The White House has a menorah because it is a symbol of freedom. The menorah next to the Christmas tree is perfectly legal. He offered to pay for the cost of the sign which says liberty. This community is diverse and they should have a menorah at Borough Hall.

Burt Kioorf, 86 Garwood Road stated he was a member of the Jewish Community Council and an officer of the Jewish War Veterans. Since 1984 the Fair Lawn Jewish Council has opposed a menorah on Borough property. The Jewish War Veterans always had a public menorah. The menorah is a religious symbol. When their building was sold, the menorah was given to another synagogue. He felt that all the menorahs should be on Jewish property.

Peter Kortright, 16-24 Ellis Avenue stated that religion is a very private matter. The separation of state and church is very important. He is an all or nothing person. It is a Christmas tree not a holiday tree. It should be removed. If the menorah is displayed, then all the other religions must be displayed. The Borough should have nothing. He urged that they have equal protection for the other symbols. The Borough is not just Christians and Jews.

Dr. Abraham Kuperberg, 2-31 stated that Fair Lawn has a substantial Jewish population. He wanted to know why they cannot be represented. Everyone recognizes that the lights are Christmas lights. Everyone should feel welcome. Menorahs represent freedom from

oppression. He asked them to celebrate diversity and allow Fair Lawn to have a menorah at Borough Hall.

Joan Goldstein, 12 Bedford Place stated that when she lights her menorah she says prayers. It is a religious symbol. She read from a letter she sent in February. She remembers when there was a nativity scene which was removed as a compromise leaving the tree. She does not feel persecuted by the lack of a menorah. She suggested that the menorah be moved off public property. She thought they should leave the lights on the municipal building. Not having a menorah is not religious persecution.

Rabbi Mordechai Kanelsky, 30-02 Fair Lawn Avenue stated he was born in the former Soviet Union so he always had a fear of municipal officials or policemen. In the United States he enjoys the freedom to practice religion in any way he wants to. Other municipalities have a menorah. He believes the menorah should be in the most public place possible. The menorah should be paid for by private citizens or organizations not with public funds.

Reverend Kevin Coffey, 2-06 31st Street felt that this issue is not a matter of the separation of church and street. Calling the tree a holiday tree is wrong. It is a Christmas tree that has nothing to do with the birth of Jesus. It has been stripped of its religious connotation. It is not appropriate to have religious symbols at Borough Hall.

Reverend Jeffrey Leininger 1-16 17th Street expressed his gratitude for the public forum. It has been said that the menorah is a symbol of freedom. It is a very Jewish freedom. The cross is a symbol of freedom. The menorah is part of the Jewish worship. It is part of the Jewish temple and it is treasured as a religious symbol. It is not a secular symbol.

Craig Miller, 5 Ramapo Terrace pointed out that the Fire Houses and the Ambulance Corps. have symbols and he does not hear anyone complaining about that. He did not understand how one lit tree could cause so much controversy. It only has lights. There is no star or angel. Mayor Etler stated that three of the four firehouses are privately owned. They are not owned by the Borough.

Jon Taner, 0-30 Hamlin Court suggested putting up a sign saying "Holiday Greetings". They do not need religious artifacts at Borough Hall.

Jeff Pomerantz, 3-06 Summit Avenue stated that he as appalled that they call the tree a holiday tree. It is a Christmas tree and everyone knows it. He is indifferent to the menorah. If it is not hurting anyone, it should be done. The menorah will not hurt anyone. Forty percent of the population is Jewish although there are many Jews who do not want the menorah at the Borough Hall.

Eleanor Berge, 16-03 Lucena Drive stated that she owns a menorah. Religious symbols are beautiful. They should not need public displays to sustain them. Fair Lawn is becoming culturally diverse. There is nothing to be gained by having religious symbols at Borough Hall. She thought they should work together toward peace. Menorahs belong in the homes and places of worship.

Arnold Mazurek, 5-11 2nd Street stated that he has lived in Fair Lawn since 1970 in a Jewish environment. The Christmas tree should remain. He thought everyone should have the opportunity to see a menorah displayed.

Yan Rusanov, 28-10 Fair Lawn Avenue stated that Fair Lawn is a Judea-Christian town. People come to Fair Lawn to experience that culture. Town Hall does not look like their town. He did not think the Christmas tree should be removed. Everyone should be represented as long as it is peaceful.

Yevgenly Gerlants, 10A Townley Road felt that the Christmas tree was a religious symbol. He thought they need to be fair to everyone. They should not remove the tree but they must add the menorah.

Aron Gesthalter, 334 Plaza Road North stated she loved the display at Fair Lawn. It would have real meaning to have a menorah.

Judith Schwarcz, 10-02 Mason Place who moved here from Israel thought everyone should be treated equally. A menorah should be at the Borough Hall.

Nick Messina, 12 Wyckoff Terrace stated that the Christmas tree is not a symbol of Christmas. It does not mean the same thing as a manger. If they put up the menorah, they better put up a creche. Freedom is the expression of everyone not just one person. They should put up the tree, the menorah and a creche.

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

Deputy Mayor Weinstein stated they have received many emails and letters and they have asked that people who were not present to send their comments. There are strong arguments for both sides. It is the Council's goal to reach a decision that is fair to all. It is a hard decision. He thought it was now time to weigh the comments, letters and emails before making a decision.

Councilmember Trawinski thanked those who spoke for their civility. The US Supreme Court has told them that if they allow one group they must allow all groups whether they are secular or religious. He respects the concept of all or nothing. He has listened and he is as undecided as he was 10 years ago. He will continue to listen and try to do the fair thing. He is concerned about the economic impact that there would be if the municipal lawn becomes a place of assembly. Then they will be spending tax dollars to keep those whose opinions they do not want to listen to but they would have to.

Councilmember Baratta thanked everyone for attending for sending their letters and emails. It will be one of the most difficult decisions to make. It is emotional and personal.

She listened to everyone and both sides made valid points. She has questions. She wants to think about it and talk to more people.

Deputy Mayor Tedeschi stated that in 1994 he supported a menorah. He has not changed his

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opinion. They are not a Judea-Christian town. Thirty-five languages are taught in Fair Lawn schools. It is a changing community. The test of democracy is the ability to say what one believes in and not worry about consequences. Fair Lawn is a community that listens to each other and respects each other.

Mayor Etler stated that is a passionate subject. There were many good comments on both sides. He will be thinking about it and they will come to a fair conclusion. He thanked everyone for coming.

SPECIAL MEETING:

Upon motion by Councilmember Baratta and a second by Deputy Mayor Weinstein, the meeting was recessed to the Special Meeting at 8:55 p.m..

Mayor Etler reconvened the Work Session at 9:00 p.m.

PUBLIC COMMENTS:

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

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

Adjournment:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Martin Etler

Councilmember Jeanne Baratta

Deputy Mayor Joseph Tedeschi

Councilmember Edward J. Trawinski

Deputy Mayor Steven Weinstein