

WORK SESSION OF JULY 9, 2013

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

PRESENT: Mayor Cosgrove, Deputy Mayors Baratta and Trawinski, Councilmembers Peluso and Swain.

ALSO PRESENT: Acting Manager Van Kruijning, Municipal Clerk Kwasniewski and Attorney Mondello.

Deputy Mayor Trawinski stated that he would like to add the misleading article that appeared in today's Record to tonight's agenda under Open Space.

There was unanimous consensus to add this item to the agenda.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the following closed session resolution was unanimously adopted at 7:35 p.m.

WHEREAS; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel - Police Officer Intergovernmental Transfer; and

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

Mayor Cosgrove reconvened the meeting at 7:55 p.m.

CHARLES VOGEL GEORGE STREET PARK:

Ex-Chief Jim Wensel and Glenn A. Mohring, President of Fire Company #1 were present.

Acting Manager Van Kruijning reported that the contractor has started the 2013 Roadway Improvement project, which includes excavating, curbing and sidewalk work at Vogel Park next to Fire Company #1. The sidewalk and apron in front of the firehouse is deteriorating. Engineer Garrison recommended replacing the curbing and sidewalk along the entire length of the Fire House to bring everything up to code. Mr. Wensel and Mr. Mohring agree. There is enough funding in the Roadway Improvement fund to cover the additional \$10,000 cost.

Deputy Mayor Trawinski thought it made sense to do it, as long as everyone acknowledges that this was based on unique circumstances. The requests from the other two firehouses not owned by the Borough will be taken on a case by case basis. Acting Manager Van Kruijning noted that they followed the same procedure at the Rescue Squad Building as part of the 2011 Roadway Improvement project.

There was consensus to approve the paving and curbing of the sidewalk in front of Firehouse #1, with Mayor Cosgrove recused.

Gaelic Communications, LLC – CELL TOWER:

Mayor Cosgrove stated that this item will be moved to a future Work Session, as representatives from Gaelic Communications could not be present due to a family emergency.

Attorney Mondello offered to read the letter from the CEO, Mr. O'Scanlon that the Council received. Councilmember Swain stated that she read the letter and did not feel they needed to discuss this matter until something more formal occurs with the carriers. Deputy Mayor Trawinski agreed.

There was unanimous consensus not to reschedule this matter at this time.

REVIEW OF TENTATIVE AGENDA:

Municipal Clerk Kwasniewski stated they are postponing the salary ordinances and the authorization to sign the agreement for the Supervisors' Association of Fair Lawn. The Acting Manager had hoped to wrap this up but there was another question, so the supervisors agreed to wait until August to provide time for him to check with the Labor Attorney. She explained that the ordinances were tied in to the date of the signing because someone was an existing employee up until the contract date and those hired after that date is a new employee.

She is adding a professional services resolution for the inspection of the construction work on the water tower. They are going out to bid next month and the work is expected to be completed sometime after Labor Day. There is a request for an endorsement of treatment works application for Landmark at

Radburn for the installation of the sewer system. They will be awarding a bid for the ductile pipes and another for the trailer to mount the generator. Thursday's packet will include minutes from the June 11 and June 18 meetings.

COUNCIL LIAISON REPORTS:

Councilmember Swain stated that the accessible table at Memorial Pool has a small "wheelchair accessible" sign that is barely visible. The table, which has an extension for a wheelchair, is always occupied by others who are not aware of its purpose. She asked that the sign be replaced with a larger, more visible sign. She also expressed concern that many adults and children are standing on the ADA ramp, so that it cannot be used. Acting Manager Van Kruijning stated that he will speak to the pool staff.

The Green Team is meeting on July 25th, at which time she will receive more information regarding the Green Awards. The Arts Council had its first meeting and will meet again tomorrow night. Their first exhibit will be a collection of photo images entitled "A Week in the Life of Fair Lawn" which can be submitted between September 8th and September 14th.

She concluded by stating that the fireworks were nice. The pool always looks great and it's wonderful to swim there.

Councilmember Peluso echoed Councilmember Swain's comments about the fireworks. He thanked the Recreation Department, the volunteers from the emergency services and the Police Department. Everything was handled well.

The Alliance for Substance Abuse Prevention is always looking for new members to participate. The Garden Committee is busy mulching. They also welcome new members.

Deputy Mayor Trawinski reported that the Planning Board met last night and memorialized its approval of the office building next to Acorn Tire on Maple Avenue. There was a myriad of conditions that addressed the concerns of nearby residents. The Board continued hearing the application on the car wash on River Road, although he does not know the results as he was recused due to a conflict. The Master Plan sub-committee is continuing to meet and is receiving two to three updated reports each month from the consultants. They hope to have public hearings sometime in September through October and possibly into November. The chairman is hoping to have a draft by December, which may not be an achievable goal.

The Open Space Committee met on June 24th. Pam Coles volunteered to be the secretary and take minutes. He thanked the acting secretary, Joan Goldstein for

doing a good job. As a result of the meeting, he placed the Dube property, Blue Hill property and Columbia Heights property on tonight's agenda.

He stated that he read a misleading article in The Record which he felt came about because Mr. Gelfand, who attended the Open Space meeting as a Fair Lawn resident did not like what he heard. It bears no resemblance to reality or truth. He suggested that residents concerned about the Naugle House check the agenda, as there is nothing on it about demolishing the Naugle House nor is there anything about a zone change. He reported to the Open Space Committee that the Council had preliminarily indicated they were not inclined to change the zone for the developer of the Vanderbeck property but would leave the applicant to its legal remedies before the Zoning Board, which the applicant has every right to pursue.

He concluded by stating there was an update on the amount of dollars available if they were to acquire the Dube property on an at risk basis. There will be another Open Space meeting on July 22nd. There will also be a special Planning Board meeting next Monday night on Fair Lawn Promenade concerning amendments to its application for signage and to eliminate the condition of the age restricted and COAH housing because they are paying for that to go to the Maple Avenue/River Road site.

Deputy Mayor Baratta stated that the Environmental Commission was due to meet on July 3rd but they could not get a quorum. They will try again in August.

Mayor Cosgrove stated that the Fire Board meets tomorrow. The Truck Committee from Company 1 and Company 4 have been making visits to the manufacturer in Pennsylvania. The trucks should arrive in late September, early October.

The Property Maintenance Committee is meeting tomorrow. He reminded Attorney Mondello to review the ordinance to make sure they are allowed to enforce more than just lawn cutting and include maintenance such as painting and repairing.

OPEN SPACE ISSUES:

DUBE PROPERTY

Deputy Mayor Trawinski reported that there was consensus from the Open Space Committee to ask the Council to acquire the Dube property on an at risk basis. Lisa Stern indicated that if the Borough does this and the environmental preliminary assessment report and further analysis comes back and meets the DEP's standard, Green Acres will reimburse the Borough. If not, there is no reimbursement and they will be at risk for half of the funds they laid out. Although he did not think so originally, he now feels they should acquire the Dube property on the at risk basis

as soon as possible as the Dubes have been patient and cooperative. The risk applies to dollars and not pollution that may or may not exist on the site. It will be a long time before the site is environmentally clean because of extensive overflow of the Passaic River.

If they acquire the property, the Dube house should be demolished and they should deed restrict the property against any further development. They should also put an earthen cap on the property if there is contamination so it can be used as open space. Mayor Cosgrove asked what their exposure would be if they do not get reimbursed. Deputy Mayor Trawinski thought it would be in the area of \$250,000, although they have \$681,000 in the Open Space fund which could be used.

There was unanimous consensus to authorize a resolution to acquire the Dube property on an at risk basis.

Attorney Mondello will draft a resolution including Lisa Stern's directives. Deputy Mayor Trawinski stated that the samples were sent to the lab a month ago. Attorney Mondello will follow up to see when they can expect the results.

BLUE HILL PROPERTY

Deputy Mayor Trawinski stated that they never had a ribbon cutting ceremony. He proposed that Acting Manager Van Krüningen arrange a date and obtain the required signage from the DEP indicating the property was acquired with Open Space funds. Acting Manager Van Krüningen stated that he already put in a request for Blue Hill and the Naugle House but the DEP is out of signs and has to reorder them. Councilmember Swain noted that Zachary Weinstein made a sign for the Naugle House. Deputy Mayor Trawinski stated that he had no objection to asking if students at the High School wanted to make signs. Acting Manager Van Krüningen will schedule the opening for late September so that they can acquire signage.

Municipal Clerk Kwasniewski asked if they will be holding a ribbon cutting ceremony for the Sovran property at the same time. Deputy Mayor Trawinski felt that made sense.

COLUMBIA HEIGHTS

Deputy Mayor Trawinski stated the Open Space Committee supports making the property a pocket park. The neighbors also agreed. Acting Manager Van Krüningen clarified that it would be a passive park. Deputy Mayor Trawinski suggested dedicating the land as a park and deed restricting it against development.

There was unanimous consensus to support this recommendation.

ARTICLE IN BERGEN RECORD

Deputy Mayor Trawinski stated that he was appalled by the half truths that appeared in an article in The Record about the Naugle and Vanderbeck houses. He was personally offended because during the four years he was off the Council no one donated more free legal time to Concerned Citizens for Radburn to fight for the preservation of open space in the Borough than he did.

He asked the Council to authorize the preparation of their own Op-Ed article. He would like to ask prior Councilmembers such as Joe Tedeschi, Steve Weinstein, Owen McCarthy and Marty Etlar who also supported this cause to join in the article, which he would have reviewed by legal counsel. The preservation of the Naugle House was truly a non-partisan, bi-partisan effort by the Council and everyone's input was welcome. The article in The Record was a disgrace.

The article bears no resemblance to the report presented by Ray Richter or the position of the Historical Preservation Commission. The article says that they should be facilitating survival of these facilities with protective covenant, which is exactly what they are doing. They have put the appropriate deed restrictions on the Naugle House and have acknowledged to the developer that they have no right to swap property with them without the developer going to the State House Commission. They also said that they would not do it until they heard the views of the Historic Preservation Commission.

He took exception to many of the statements in the article. He wondered where Mr. Gelfand, a former Fair Lawn resident was during the ten years they fought to preserve Daly Field, since he never attended or spoke at a single meeting. People have asked where Mr. Gelfand was when Farmland Dairies and other properties in town were sold. It has been the Councilmembers, the Open Space Committee past and present and Concerned Citizens for Radburn who have fought to preserve our history and open space.

He did not know what the writers based their statements on. To say "preservation as historians, citizens, school students and politicians worked for years to save" is offensive to him. It was a group effort by committed public servants and elected officials. It was a cheap shot and he hoped that Mr. Gelfand stayed at James Madison University and never set foot in Fair Lawn again. To say that "they applied for Green Acres and Open Space Trust Funds in good faith in order to purchase the Naugle House and a large piece of property around it in order to preserve the house and the surrounding area" is also misleading. The Council knew there was ten acres there but they fought to acquire 1.7 acres and not a large piece of property. They did it to be able to keep the Naugle House as a historical context and location. To say that "some of those public officials who facilitated that

purchase were not and are still not committed to preserving open space or historic property" is an absolute affront to everyone on the Council that he has served with for the last eight years. He reiterated that every single Councilmember has fought for preservation of open space and historic property.

They have had their differences over the Radburn property and whether they should spend money on it, but it doesn't lessen the commitment of every single Councilmember that has fought for the preservation of open space and historic property. The article says that "while they were contemplating purchasing property the developer gave right of way access to tiny Dunkerhook Road to cross the historic Naugle property". Dunkerhook Road was a public right of way. They did not give anyone access to the road; they had legal and lawful access from the beginning. Shame on The Record and anyone else responsible for this OP-Ed piece for not checking facts.

The article states that the right of way was sold for \$1.00 to the owner of the neighboring property and implies that it was the Council who sold it, which was not true. The developer who owned the property at the time granted a different right of way across the property and not through Dunkerhook Road.

The article states "this proposed development requires Fair Lawn to rezone the property from residential to a category that would allow the assisted living facility". The Council met several weeks ago and said that they would not rezone the property and that the developer would have to apply for a use variance from the Zoning Board. It doesn't require them to do anything and to the contrary, they said they wouldn't do it. The article also states that several large homes could be built on the property. The Council knows that. The prior Council had zoned it for 13 townhouses, which they all fought against to change and stop. The article continued that "it would preserve the property owner's right to realize the current value of the property". There is something called the constitution and the right of private property. The Borough asked the property owner twice if she would be willing to sell the property and both times she said no. After she passed away the heirs were approached and they also said no. They have every right to sell the property and use it however. The article implies that the Borough was somehow negligent in not pursuing that, but they did try.

He continued reading "to make matters even more egregious, the Borough is considering requesting from New Jersey a land swap for its open space land to facilitate the developer's plan to surround both the Vanderbeck and the Naugle houses with parking lots". He noted that it would be impossible to do that because of their location. The developer's concept plans propose giving the Borough more acreage than they would be losing. However, nothing is approved yet because they were waiting to hear from the Historic Preservation Commission, who met with the developer and was considering the developer's request.

The Borough never indicated they were considering a land swap; in fact, Mr. Gelfand heard him say that the Borough would not make such a request to the State House Commission because it would have to come from the developer. He also pointed out how difficult it would be to get the request approved. He noticed that the article stated that Fair Lawn officials were expected to address this issue at a meeting tonight. He called the Mayor to ask about it and learned that it was not even on the agenda. He felt Mr. Gelfand did that to inflame passions and encourage people committed to open space and historic structures to make an unnecessary trip to tonight's meeting.

The headline states that two pieces of history were facing demolition in Fair Lawn. The current and prior Councils have worked hard for the past eight years to save the Naugle House. They are trying to work out a plan, if the Historic Preservation Commission agrees to get the developer to give the Borough the Vanderbeck House for free and possibly provide funding for its preservation. They have worked closely with the Commission to let them know that they were talking about the adaptive re-usage. However, whatever they decide to allow will be encompassed in deed restrictions and covenant.

He concluded by reiterating his belief that the article was a shame and that he hoped Mr. Gelfand never comes back to Fair Lawn again. He thanked the Council for listening and asked for support to prepare an Op-Ed piece.

Deputy Mayor Baratta supported writing a letter. She stressed that the present and previous Councils take this matter very seriously. There may be people in the room who think it is amusing, but she has been working on this for the last eight years. She got involved in Fair Lawn when they were losing Lamring Dairy, but no one was there for that. This is not funny; is insulting to her and every member of the Council to read a headline that says "two pieces of history facing demolition" when they have worked tirelessly to preserve the Naugle House. She was extremely upset when she read the article.

Councilmember Swain stated that she also felt strongly about this. She was Mayor when they had the ribbon cutting for the Naugle House, which took place under threatening skies the day before Hurricane Irene. The next day she went back to see the Naugle House still standing, despite flooding in the area.

Councilmember Peluso stated that he would like to read the article before taking a vote. If they would like to have a consensus he will abstain.

Mayor Cosgrove stated that he received phone calls from residents who wanted to know why they fought so hard to keep the Naugle House if they were going to knock it down. The Commission has met on two or three occasions with the developer, whose latest plan could allow them to save the Vanderbeck house. The article portrays the Council as not being good stewards of history and that is

totally unfair. He supports a consensus to write a letter, correcting the headline first. The article did not mention that the developer bought the property for \$2.2 million. They all want to preserve history but he cannot place that financial burden on the taxpayers. They asked Mrs. Vander Plaaf if they could buy her house and they asked her relatives but they all said no.

He clarified that the developer talked about restoring the Naugle House, not the Vanderbeck House. The architect at the Historic Preservation Commission meeting advised that restoration could cost up to \$500,000.

Attorney Mondello stated that he spoke to Lisa Stern, who commented that Fair Lawn's record regarding open space and historic preservation was the best in the County, if not the State in acquiring open space.

Deputy Mayor Trawinski stated that he was willing to give Councilmember Peluso an opportunity to read the article. If need be they can continue this matter until next week and schedule a brief work session. Councilmember Peluso stated that he was okay with getting the article started.

There was unanimous consensus to have Deputy Mayor Trawinski write a letter to the Editor of The Record.

Councilmember Swain noted that the Open Space consultant sent an email to the Committee. She wondered if that was within the purview of their decision regarding the interaction of professionals and liaisons with committees. Deputy Mayor Trawinski stated that it was not. He had raised the topic with the professional and advised him that only the Council liaison, Manager or Borough Attorney if authorized by the Council were to request the professional to do something. He intended to call the consultant.

NAMING OF THE STREETS IN PROMENADE

Acting Manager Van Kruiningen explained that the developer has requested that the official road connecting Route 208 to Pollitt Drive be named Promenade Boulevard. This is the road that will be identified with street addresses on the official tax map. There is an internal crossroad which can be named on a ceremonial basis. Mayor Cosgrove suggested naming the street after William Grieder, a 40 year member of the Fire Department and former Fire Chief. Councilmember Swain wanted some time to think about this it. Mayor Cosgrove noted that there will be other naming opportunities at Landmark and the senior housing developments. Deputy Mayor Baratta asked about Collura Street. Mayor Cosgrove suggested the Council submit names for consideration.

SPEED TABLE – RAMSEY TERRACE TRAFFIC ISSUES (LANDMARK):

Acting Manager Van Kruijning stated that the Attorney for the Landmark developer is requesting the installation of a speed table and no left turn restriction on Ramsey Terrace. Traffic Safety Officer Franco responded that since there is no positive indication that traffic speeds will increase beyond 25 miles per hour on that street, he did not recommend a speed table at this time. Additionally, he felt the site distance for that intersection might improve after development and did not recommend restricting left turns. The Planning Board has revisited site plans in the past after completion of the project to address any possible adjustments based on real data. Traffic Safety Officer Franco recommends a review after one year to make adjustments, if necessary.

Councilmember Swain stated that while she appreciated Traffic Safety Officer Franco's analysis, she did not want to wait for crash history. She felt that prevention was key and that calming devices should be installed now. She suggested asking the developer to put money in escrow in case they need to implement the devices in six months. Deputy Mayor Trawinski believed there was a provision in the developer's agreement that allows the developer to put up a fair share as determined by the Borough Engineer and Developer's engineer. The developer has told the Planning Board that he will not pay the entire bill. He shared Councilmember Swain's concerns. The amount of traffic that will take place on Plaza Road between Berdan and Fair Lawn Avenue is going to substantially increase and the improvements for the traffic light at Berdan and the Route 208 off ramp will also compound the traffic. They heard the residents' concerns about increased traffic on Ramsey Terrace and he did not want to wait to put in a speed table.

Traffic Safety Officer Franco has suggested waiting before dealing with Plaza Road, but the site lines approved by the Board were predicated upon improvements being made. The Borough Engineer and the applicant's engineer agreed that if they widened or restricted the flow to the easterly side of Plaza Road, it would help ensure that the site lines were met. He felt they should proceed with the improvements. Deputy Mayor Baratta agreed. It is a dangerous curve even without the development.

There was unanimous consensus to request the installation of a speed table and a no left turn restriction as requested by the developer.

SPECIAL MEETING:

Upon motion by Deputy Mayor Trawinski and second by Deputy Mayor Baratta, the Work Session was recessed to Special Meeting at 8:45 p.m.

Mayor Cosgrove reconvened the Work Session at 8:59 p.m.

MISCELLANEOUS PUBLIC COMMENTS:

Craig Miller, 5 Ramapo Terrace stated that the Planning Board approved the car wash application with the stipulation that the outgoing traffic is angled towards River Road. He expressed concern that Plaza Road has become a speedway. There is no enforcement on Plaza Road.

Walter Tuers, 17 Richmond Avenue, Ridgewood stated he appreciated Deputy Mayor Trawinski's comments and clarification, because he came tonight based on what he read in the paper. He has a personal interest in this issue because his third great grandfather built the house and his great grandfather lived in the Naugle House, where his grandmother may have been born.

His father knew Mr. Vander Plaat very well and while they were alive there was no issue with preserving the area. His father told him there was an understanding that the place would be preserved, which the heirs do not understand or were not told by their parents. He urged them to research Mr. Vander Plaat's legal papers to see if he had put it in some type of covenant. Deputy Mayor Baratta stated that he did not. Mr. Tuers found that to be surprising because of Mr. Vander Plaat's concern when he was alive.

He would like to see the home called the Vanderbeck House, which is how it is listed in the Library of Congress. The Naugle family came along and it became known as the Naugle House, which is a misnomer. General Lafayette visited when the Vanderbeck's were living there. Mayor Cosgrove stated that he also knew Mr. Vander Plaat very well and was in the house numerous times. He suggested that Mr. Tuers speak with Larry and Felice Koplick to give them more history about the house. He thanked him for his comments. Mr. Tuers stated that he hoped the Borough could get possession of the house. He felt it would make a good museum for the County. Mayor Cosgrove stated that they spoke to the County, but they are not interested in purchasing the house.

H. Gelfand, 230 Hall Street, Harrisburg, Virginia stated that he was sorry Deputy Mayor Trawinski was so upset about his interpretation and understanding of things.

Deputy Mayor Trawinski stated he was excusing himself because one misleader and continued misleader just leads to another misleader and continued misleader. They can let him know when the misleading stops.

Deputy Mayor Trawinski left the meeting at 8:45 p.m.

Mr. Gelfand stated that they had no control over the article's title, which was determined by The Record. Mayor Cosgrove asked if the title was a lie. Mr. Gelfand stated that they both agree that it was. Mayor Cosgrove stated that he spent his time today answering phone calls generated from a headline that was

not true and which came from information which Mr. Gelfand supplied. He felt an apology to the Council and Fair Lawn residents was in order, since there is now a firestorm about a house that the Council has worked very hard to save.

Mr. Gelfand stated that their goals were to have an open discussion about what was happening with the property and have public awareness about the Vanderbeck House, which the article has achieved. One of the things that was not properly disclosed at the Open Space meeting was what the developer's plan actually is. He saw the plans, which put the Vanderbeck House either with parking lots on two sides or demolished and leaves the Naugle House surrounded on all sides.

Mayor Cosgrove stated that the developer said he did not have to put in a paved parking lot, but he added it to the drawing because he thought they might want parking. Mr. Gelfand stated that the point is the plan that is going to go forward, supported by a vote of the Historic Preservation Commission is the plan which leaves the Vanderbeck House surrounded on two sides by a parking lot and leaves the Naugle House surrounded on four sides. He was happy about the preservation efforts for the Naugle House, but he didn't think any of them worked on the house to have it end up in the middle of a parking lot.

Mayor Cosgrove reiterated that the discussion with the Historic Preservation Commission was to discuss a possible land swap. The developer communicated with the Historic Preservation Commission before he submitted any plans, which is different than what has happened in the past in this community. The developer still has to go through the Zoning Board and the State. If he moves the units towards the front, residents on Landzettel Way and Fox Court will be looking at the Vanderbeck House and it would be saved, instead of looking at the back of an 80 unit assisted living facility. The frontage would be on Fair Lawn Avenue. There are a lot of positives. He reiterated that this is what the discussions were about.

Mr. Gelfand concluded by saying that the developer stated repeatedly that if the State does not approve the land swap, his intention was to bulldoze the house. Mayor Cosgrove said that the developer paid \$2.2 million dollars for a piece of property that he wished to develop. He is not saying that it is right or wrong, but the developer is trying to work with the Borough to save the house.

Deputy Mayor Baratta advised Mr. Gelfand that his arrogance and sarcasm is duly noted for the record and it is not appreciated by the Council. He can continue to laugh and snicker. She felt he owed Deputy Mayor Trawinski an apology.

The Council works extremely hard. He wanted to create an open discussion, which is why he wrote his article of lies. There have been many open discussions at Work Sessions that he did not attend where the meetings with the developer were discussed. Mr. Gelfand was not involved in those meetings; he should not have

written something as if he was an expert. The public reads something and thinks it is true. There is a petition online to save the Naugle House which came about because he made it sound like they were going to bulldoze it. That may not have been his intent but that is what he did.

She asked if he understood the meaning of private property. If she wants to sell her house she has every right to do. No seller would want the Council or any Government entity to tell them who they can or cannot sell to. The Council is doing whatever it can to try to save both houses, which is what they have been doing for many years while Mr. Gelfand was not present. Had he been in the room for the last eight years he would not have his arrogance and sarcasm because he would know how hard they worked.

Deputy Mayor Trawinski returned to the meeting at 9:05 p.m.

Peggy Norris, 1 15th Avenue, Elmwood Park reiterated that they did not write the headline. She discussed the plan that was filed with the deed for the purchase of the house and the 40 foot right of way from Dunkerhook Road to the park, which would be very detrimental to the house and the site. The fact that they were looking at options was positive but it all depends what the map looks like. No one spends \$2.2 million dollars on a property without feeling they will be able to get what they want. She hoped that the discussion takes into account the preservation of open space that was purchased, creating a better site for the Naugle House and incorporating the Vanderbeck house, which would be best used as a residence. Private property owners take care of their property and value the homes they live in. It would not become a burden to the tax payers. She appreciated talking to the Council and advised that she will be attending the Historic Preservation Commission meeting tomorrow night. She hoped they can make some progress.

Deputy Mayor Baratta thanked Ms. Norris for coming to her first Fair Lawn Council meeting. She was glad that Ms. Norris would be attending the other meeting. While she has every right to write anything that she liked, she would have appreciated if she had attended a meeting beforehand and spoke to the Council so she could have written a more accurate opinion piece.

Deputy Mayor Trawinski stated that for the record, he would like to dispute the unfounded statement that no one spends millions of dollars on property and doesn't get what they want. He and his brother spent several millions of dollars on property near the Pequannock River and they were asked by the late Ella Filipone if they would consider donating it to the Passaic River Coalition and they did. They didn't get what they wanted. There are many examples of developers who work with towns. They are lucky that they have a developer who is working with them.

Howard Mark, 12-23 Ferry Heights stated that he has been involved with this issue since he saw the For Sale sign in September, 2003. One of the main reasons he wanted to preserve the area was to keep a visual buffer and to protect the habitat for wildlife.

Mr. Mark asked about the land swap. Mayor Cosgrove explained that they wanted to trade the property they bought where the Vanderbeck house is and take the property that is closer to Fair Lawn Avenue, leaving the Vanderbeck and Naugle house standing. This would give them the Vanderbeck house. The Borough cannot afford to hold the house, so they would try to sell it. They do not have the funds to maintain the house. They have to make an investment in the Naugle House so that it can be restored.

Felice Koplick, 6 Reading Terrace, Chair of the Historic Preservation Commission hoped that she was hearing that the Council would continue its support of historic preservation. Deputy Mayor Trawinski confirmed that. He was upset that she would raise the question after he put his heart and soul into CCRF when he was not on the Council and how he donated hundreds of hours to fight for this cause and continue to fight for those causes.

Ms. Koplick stated that she, Mayor Cosgrove and Mr. Gelfand were at the meeting with the developer. They all heard him say that according to his contract, he would demolish the Vanderbeck House if he was unable to make a land swap with Green Acres approval. Mayor Cosgrove stated that the developer wants to try to facilitate the swap. Ms. Koplick stated that this process could take many years. The Commission is not advocating for the Borough to purchase the Vanderbeck House. They would rather see the house purchased by a private entity and have an historic easement placed on it. The Jewish Historical Society of North Jersey is very interested in this building. They visited the Naugle House with the group's architect and then the Vanderbeck House. The group could utilize this space. Mayor Cosgrove reminded her that the Vander Plaats relatives own the land. Ms. Koplick stated that it was important for the Jewish Historical Society to continue dialogue with the developer. Deputy Mayor Trawinski stated that no one on the Council ever said that the dialogue shouldn't continue. Some people wrote a piece of fiction that omits there has been an ongoing dialogue.

Mayor Cosgrove reiterated that the developer said that he would move the Naugle House to put the two historic homes together. When Ray Richter from the Commission stated he did not like that, the developer agreed to leave the house where it is. Mayor Cosgrove did not know how the developer is going to feel when he reads the article. He could come back and say that he is going to knock down the house.

Barbara Dube, 4-50 2nd Street expressed her appreciation for the Council's help. She would like to come back to Fair Lawn and this is the only way they can.

Attorney Mondello explained that they will still need to do a closing but the resolution should come very quickly. Deputy Mayor Trawinski wished the Dube's the best of luck.

Ms. Koplik, 6 Reading Terrace asked if the Council will discuss putting a moratorium on demolition. Deputy Mayor Trawinski stated that they did in the case of CCRF and the Radburn property and they were advised by Attorney Lustgarten that they couldn't legally do it. Zoning moratoriums are prohibited by statute. They could put a moratorium on demolition but they would have to pay the developer for whatever the economic impact is for a delay of up to one year. Ms. Koplik thought they did it with the Naugle House. Deputy Mayor Trawinski stated that they did not.

Councilmember Peluso asked to have Attorney Mondello research this further. Attorney Mondello stated that not that long ago he gave the opinion that it would really have to be some type of health risk in order for the Council to impose a moratorium. He researched several cases, which he will send to the Council, but it is his opinion that the Council cannot impose it.

Michael Roney, 14 Burnham Place expressed concern about the site line. He asked if there will be an independent survey that will definitively confirm as to whether or not there is a 309 foot site line. Deputy Mayor Trawinski stated that there normally is not, but the Council has the authority to do that if it is so inclined. They can ask the developer to pay for it but they cannot force him to do so. Mr. Roney stated that it is a safety issue and many residents are concerned that they will not have the required site line. Deputy Mayor Trawinski felt they could ask the developer before they obtain their final C.O.

Mr. Roney stated that he recognized the article headline as being deceptive. He realized they were seriously constricted by budget. Many people are bothered by the notion of the property being paved over and having trees cut down to build an assisted living facility.

Howard Mark, 12-23 Ferry Heights suggested putting in a vegetable garden instead of a parking lot, which could be used by the residents of the facility. Mayor Cosgrove stated that they can give that idea to the developer.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the following closed session resolution was unanimously adopted at 9:30 p.m.

WHEREAS; the Open Public Meeting act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel - Planning Board, Garden Committee, Civil Service Appointment Waiver; and Attorney/Client Privilege - Review Status of All Pending Litigation; and

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

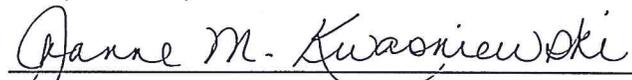
WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, the Work Session was adjourned at 10:05 p.m.

Respectfully submitted,


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

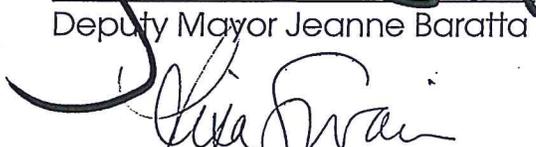
The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



Deputy Mayor Jeanne Baratta



Councilmember Lisa Swain



Councilmember Kurt Peluso



Deputy Mayor Trawinski