

WORK SESSION APRIL 7, 2009

Mayor Weinstein called the meeting to order at 7:34 p.m.

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 16, 2008. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and work sessions.

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

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

Superfund Site

Mayor Weinstein stated that Health Officer Carol Wagner and Borough Engineer Ken Garrison were present. Deputy Mayor Tedeschi said that he wanted the following letter to be incorporated into the minutes. He said that the letter accurately outlines the problems that exist. He questions the motives of the Environmental Protection Agency (EPA) and he believes that their desire is to get this location off of their Superfund list and he asked Ms. Dabney to write this letter is because he believes this is a Council concern that must be addressed.

Dear Mayor Weinstein and Council:

4/3/09

I am writing this letter in my capacity as the Chair of the Fair Lawn Environmental Commission. The Fair Lawn Environmental Commission would like to share our perspective on the proposed remediation plan for the Fair Lawn Well Fields.

The impetus for this project is to have the site delisted from the EPA Super Fund List. While on face value, this seems to imply that the remediation of the site is nearing completion, this is most certainly NOT the case.

While the 'potentially responsible parties' (PRPs) have stated that the original site of contamination, located within the FL Industrial Park, is now clean, we remain skeptical of the proposed preliminary work plan that is intended to determine the absence or presence of contaminants that may have migrated beneath homes in the vicinity of the well fields. The proposed plan of investigation only includes homes on or near Eberlin Drive, which are adjacent to, but above grade of the original site of contamination.

In contrast, the homes surrounding the contaminated drinking wells are not on the preliminary sub slab testing list, nor were these residents given letters of notification about possible testing at their homes. These homes are below grade. Specifically,

Wells 10 and 14, for which individual pretreatment testing is available from our own water department, continue to show VOC contamination.

When asked about testing the areas around the wells during earlier meetings, it was implied that if Eberlin Drive was clean, further testing might be unnecessary. The EPA Remedial Project Manager and Environmental Engineer, Michael Zeolla, said if Eberlin Drive came up clean, we 'could assume that the contamination hadn't migrated.' Yet we know that it HAS been in wells 10 and 14, which are way beyond the primary site and Eberlin Drive, since the 1970s.

Langin Engineering, the firm contracted by the PRPs was aware that each of these individual wells showed pretreatment VOCs. They were aware of this prior to the Mach 17 and 18 public information sessions. The EPA Remedial Project Manager and Environmental Engineer, Michael Zeolla, WAS NOT aware of this critical information as late as the last day of the public meetings, which I confirmed with him and Mr. Garrison, at the final meeting. Yet to my knowledge, neither the EPA nor Langin Engineering has responded with a revision of the Preliminary Work Plan (PWP) to include the homes near Wells 10 and 14.

The EPA would be turning over the implementation of the PWP to Langin if it is approved. We, as a Commission, object to a plan that does not provide for immediate sub slab testing of homes surrounding Wells 10 and 14, in addition to the Eberlin area testing. Our Health Department is currently charged with the responsibility of maintaining the thousands of documents required for all of Fair Lawn's brownfields. It lacks the space and the manpower to archive these documents in an easily accessible manner. Who will provide the oversight that Fair Lawn's citizens demand and deserve when the site is delisted? In addition, Fair Lawn assumed the cost of maintaining the stripping towers after the first ten years. This expense must be resumed by the PRPs. These funds would be better spent to provide environmental oversight by Fair Lawn.

As you know, testing for vapor intrusion is a relatively new concept. We also know from our experience at the Topps's site that the method of determining plume direction is inexact. It would be unconscionable to deny immediate testing in homes where VOCs could have been present for decades. We request that the Council do whatever is within its power to get the additional testing underway.

Respectfully submitted,

Wendy S. Dabney RNC
Chair, FLEC

Deputy Mayor Tedeschi stated that two things became obvious during the presentation. The technology regarding vapor intrusion was not a priority for the EPA and it doesn't seem as though the EPA and DEP are on the same page. The Borough of Fair Lawn must formulate a plan to bring the sites together and manage them. He expressed concern that the second day of the meetings was devoted to de-listing the site from the EPA Superfund Site. Wendy Dabney thought the EPA should be doing some under the

slab testing at Cadmus Place because if the problem has spread to Eberlin Drive the residents will be dealing with this for two additional years.

Councilmember Trawinski recommended specifically asking the EPA not to de-list the site and then listing the reasons. He asked if the EPA de-lists the site, does the VOC issue go to the DEP; and, if it does, the Borough has another concern and will have to approach them concerning the consequences over time. Archiving of materials become very important if the site is de-listed and the DEP takes charge.

Regarding the stripping of towers by Westmoreland Fields, Councilmember Trawinski said that he doesn't understand why the taxpayers should be paying for the party that caused the pollution. He suggested that Attorney Rosenberg research this to find out if there is any way the Borough could sue the PRP or could the regulatory authorities pursue the PRP for the cost of the stripping or could funding be provided for administrative help to maintain the archives. The archiving is important if the DEP gets involved.

Councilmember Trawinski questioned what should be done regarding the homeowners who may have disclosure obligations under New Jersey law and has the PRP created a headache for them. He stated that the EPA should be encouraged not to de-list the property and they need to find out what would happen if the site is de-listed. There are concerns about water quality and the vapor intrusion issue seemed to slip through the cracks as far as the EPA was concerned.

Councilmember Baratta asked if there had been any research into cancer clusters in the E street areas. Health Officer Wagner said that she could check into this with the National Cancer Institute, however, they would probably give information on Fair Lawn but not a neighborhood by neighborhood breakdown. Councilmember Trawinski said that a lot of these things seem to affect pre-natal health and pregnancies and he wondered if they could get information on miscarriages which could be a better indication. .

Engineer Ken Garrison stated that there are funds coming out of the Superfund Site and the EPA's selection of some of these areas is based on the USGS Ground Water Study. Fair Lawn discovered the Westmoreland site in the late 1970s and it was placed on the Superfund Site list in the 1983. He noted that there are other facilities and wells throughout the Borough and the USGS did a five year study to track them. If money is funded through the Superfund Site further testing and investigation will go forward..

Engineer Ken Garrison stated that there are few towns with as an extensive amount of background information as Fair Lawn. Mayor Weinstein summed up stating that a letter needs to be drafted with major input by Ms. Dabney, the Borough Attorney and the Acting Manager. Attorney Rosenberg recommended that the letter be signed by a Professional Engineer. Deputy Mayor Tedeschi agreed but added that the community's collective concerns must be enunciated to the DEP.

After further discussion, Attorney Rosenberg said that it might be best for the Mayor and Council to sign off on the letter. Mayor Weinstein stated that a draft of the letter regarding this item will be placed on the work session for April 22nd.

Closed Session:

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following Closed Session resolution was unanimously adopted at 7:55 P.M.

WHEREAS; the Open Public Meetings 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 Pending Litigation / Attorney Client Privilege – Landmark, Naugle House and COAH interrelationship

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 Weinstein reconvened the meeting at 8:55 p.m.

Review of Tentative Agenda

There were no changes to the agenda at this time.

Council Liaison Reports

Deputy Mayor Swain recommended that everyone attend the exhibit at the Library “Hidden Children of the Holocaust.” The exhibit consists of artwork done by the artists who survived and were hidden as children during the Holocaust.

Deputy Mayor Swain reported that she and Councilmember Trawinski attended the Historic Preservation meeting. There were representatives from many municipalities in Bergen County and Fair Lawn was recognized for organizing the meeting. She added that it was nice to see everyone at the Beefsteak Dinner and she mentioned John Cosgrove and Benny and Mary Salerno.

Councilmember Baratta stated that the date of June 6th for the River Regatta has been confirmed. She reported that the Garden Committee has been working on the Farmer’s Market. Attorney Rosenberg has been speaking with the New Song Korean Church.

The market is being planned for Wednesdays. The possibility of having a spot for a Fair Lawn business that would rotate weekly as well as not having to pay was discussed.

Councilmember Baratta stated that the Garden Committee has been discussing lilacs with Mr. Paek who had offered to donate lilac trees to the Borough. She said that they were thinking of giving these bushes away during the plant sale sponsored by the Garden Club that is usually held during the week before Mother's Day. Councilwoman Baratta stated at the last meeting of the Tree Committee a resident of Glen Rock made a presentation about the Glen Rock Arboretum. The reconstruction of this arboretum began in 1986 and it has now become a learning tool for children as well as a location that is rented out for weddings, etc.

Councilmember Baratta stated that there is a clothing bin without an ID behind the Brunch Club. She added that there is a problem with young people skateboarding up and down the steps at the Library and a sign here may be appropriate. Deputy Mayor Swain said that this is an old problem that seems to have resurfaced and agreed with the sign.

Councilmember Baratta reported that she and Deputy Mayor Swain attended the Local Emergency Planning Committee (LEPC) meeting on March 19th. DPW Superintendent Ron Conte presented a program on the sewer system, which was an informative meeting. Councilmember Baratta stated that the Alliance for Substance Abuse Prevention will be taking the registration fees and providing breakfast for the River Regatta. She said that the Assembly is trying to pass Bill 3686 which would change the Alliance funding because several towns participating in the Governors Council on Alcohol and Drugs weren't using the funds correctly. The bill would place the Alliances in the hands of New Jersey Division of Addiction Services. The money would be distributed via a complete request for proposals which would force every town to submit a proposal for this money. Private agencies would also be eligible for this money. Fair Lawn would lose out on this money because of the inability to use grant writers to fight for this money.

Assemblywoman Connie Wagner, one of the sponsors of the proposal, held a meeting which was extremely well attended and people came in droves to show opposition to this bill. Ms. Wagner said that she would look into it further and she had no idea that a new bill would draw this much attention. Councilwoman Baratta asked that the Council consider opposing bill 3686.

Councilmember Trawinski stated that the ADA meeting is scheduled for April 16th and the BIC meeting is on Thursday night, however, the Council can move forward with the low hanging fruit on Broadway. He mentioned a tractor trailer that is parked at the Brunch Club. Attorney Rosenberg said that this is a temporary situation in connection with Passover.

Deputy Mayor Tedeschi reported that River Road Improvement Corporation met last week to try to put together a coupon program. Columbia Bank will sell coupons that can be used on River Road to encourage new customers. He said that posters advertising

the program have been put together. Acting Manager Kwasniewski stated that Don Smartt called her to explain the concept which is that people spend a certain amount of money for the coupon such as \$5 and they are then able to purchase \$10 worth of merchandise. The program is subsidized by the merchants on River Road but the purpose is to bring people into the stores and encourage people to shop in Fair Lawn.

Acting Manager Kwasniewski stated that Mr. Smartt reminded her that they are doing a photo opportunity tomorrow at 2:30 by Modern Bagel Shop on Fair Lawn Avenue to celebrate receiving the awning grant.

Mayor Weinstein stated that he spoke to Chief Carney regarding solar panels on roofs. They have been sending him information on businesses and residences in the Borough that have solar panels and concerns regarding fire issues.

Countoffs at Fair Lawn Avenue and Plaza Road

Acting Manager Kwasniewski gave a quick update stating that they have the requirements from the County and Borough Engineer Garrison is getting quotes from vendors. They will be able to move forward when this information is received and funding will come from the road ordinance.

Phil Plotch, 17 Bancroft Place, stated that the countdowns are a great idea. He said that popular shopping destinations usually have streets that are easy to cross. It is not easy to cross at the intersection of Fair Lawn Avenue and Plaza Road. This is a densely populated area with narrow sidewalks and wide streets and four empty stores. Mr. Plotch distributed drawings of Fair Lawn Avenue and Plaza Road. He pointed out the attractive median on Plaza Road containing trees and flowers; however, there is no green sense on Fair Lawn Avenue. He stated that the Task Force suggested widening the sidewalk and making the area more attractive while helping the environment. Councilmember Baratta said she recalled that years ago the area and the traffic pattern was different and there had been a grassy area on Fair Lawn Avenue.

Deputy Mayor Swain stated that these are great suggestions and she agreed that it is difficult to walk when approaching this intersection. She would like to see this idea move forward. They need to come up with some concrete solutions regarding improvements in this area.

Deputy Mayor Tedeschi questioned the five lanes, two in one direction and three in the other. Mr. Plotch stated that their traffic engineer said that three lanes in one direction was unnecessary. Councilmember Trawinski said that solutions for the situation up and down Fair Lawn Avenue as well as Plaza Road exist in the engineering report that was done by RBA. He recalled that around 1999 some of the suggestions were deemed too costly. Acting Manager Kwasniewski has the report and Councilmember Trawinski suggested that Councilmembers be given the executive summary section with photos

Mayor Weinstein said that they had hoped for a State grant to improve this area. Councilmember Trawinski recalled being advised that having the report from RBA was

supposed to be advantageous for pedestrian and bicycle safety. He said that there is money from the stimulus package for bicycle paths and the timing is now right to move forward.

Naming of Berdan Grove Park in honor of John Nakashian

Mayor Weinstein said that he and Deputy Mayor Tedeschi have been discussing this name change and asked for input from the Council as well as the Rotary and the Chamber of Commerce since Mr. Nakashian was involved with these two organizations.

Councilmember Trawinski recalled that the Council had received an email in September regarding naming a pocket park in honor of Marty Etlar. Mayor Weinstein indicated that this could be put on the next agenda. He added that Mr. Etlar is also very involved with the Rotary and the Chamber of Commerce and the Council should illicit their input on this suggestion also.

Council Discussion re Volume of OPRA requests

Councilmember Trawinski explained that he is involved with OPRA requests with the Good Government Group in New Jersey and it has come to his attention that Municipal Clerks and their staffs are overburdened dealing with OPRA requests in some municipalities. He wanted to find out how many and what kind of OPRA requests are being handled by the Clerk's Office in Fair Lawn and he was astounded to learn of the volume of OPRA requests comes from attorneys. Marianne and Marilyn spend a significant amount of time complying with these requests and they have suggested that the lawyers submit the requests once a week rather than every day because this detracts from their normal duties.

Councilmember Trawinski suggested that the council begin a process to analyze whether or not the Clerk's Office needs assistance in processing these requests. He did not foresee the volume decreasing in this age of transparency in government. He asked Joanne and Marilyn if the problem was as significant as it appears to him, and if so, what suggestions would they have to deal with the problem.

Acting Manager Kwasniewski said that the biggest portion of the OPRA requests are accident reports. The Police Chief discovered a service that South Brunswick is using for accident reports and she wants to discuss this with Attorney Rosenberg to see if this could be used in Fair Lawn. If someone is interested in obtaining an accident report they go to a specific website where they are issued a password that enables them to download the report. This service does not cost the Borough anything and an annual service charge is paid by the person or company downloading the pertinent information. Acting Manager Kwasniewski said that this type of service would significantly impact the amount of time spent by Borough employees, however, the Borough would have to provide the service if an OPRA request was filed.

Deputy Mayor Tedeschi asked for an estimate of how many OPRA requests were filed by lawyers and Acting Manager Kwasniewski said that the amount would be between

half and three quarters of the requests. Councilmember Baratta asked how these accident reports are transferred to the internet. Acting Manager Kwasniewski said that the police department would scan the report which is then transferred to a data base. Attorney Rosenberg said that this would appear to be a supplemental service and Councilmember Trawinski added that he is certain that attorneys don't want to wait seven days for a report when they can get it almost instantaneously. Acting Manager Kwasniewski said that this is the answer if this can be done legally.

Memorial Day Parade – Order of Marching

Councilmember Trawinski asked if the order of marching in the Memorial Day Parade could be changed so that the veterans lead off. Deputy Mayor Tedeschi said that the veterans deserve to be first because it is their parade.

Status of Riparian Buffer Ordinance

Attorney Rosenberg distributed a draft ordinance along with an attached map prepared by the Engineering Department to show the areas of possible impact. Councilmember Trawinski suggested giving this to the Planning Board for an informal review. This will be scheduled on the next work session agenda in two weeks for discussion.

Sidewalk Improvements on Plaza Road under Route 208 Overpass

Acting Manager Kwasniewski said that this will be included in the 2009 Paving Program when the budget is approved. Councilmember Trawinski stated that Mr Lippei raised the question that since the sale of Temple Avadad, there are events in the new facility as early as Passover and he is asking if anything can be done temporarily for the many people crossing the site on Friday and Saturday nights. He is hoping for additional signs about pedestrian volume.

Mayor Weinstein suggested cones and commented that this is a very wide area and drivers do not always look both ways. Deputy Mayor Tedeschi suggested the temporary "Yield to Pedestrians" sign that is used by the police. Acting Manager Kwasniewski was advised to inform Mr. Lippe about what the Borough will be doing.

Status of the Proportionality Ordinance

Attorney Rosenberg stated that after the Floor Area Ratio (FAR) ordinance was adopted, Councilmember Trawinski suggested amending the ordinance to integrate a proportionality concept whereby a homeowner could obtain a FAR bonus if the home was designed within certain proportions. An ordinance incorporating this suggestion was prepared and Deputy Mayor Tedeschi suggested including LEED bonus items as well. Attorney Rosenberg stated that the LEED concepts are quite complicated and he suggested referring this back to the FAR Committee.

Mayor Weinstein said that the Council should get some input regarding how well the FAR ordinance has been working over the past year. The Council agreed with these recommendations.

Request for a Copy of Attorney Rosenberg's letter to Judge Moses or Assignment Judge re Inconsistent Policies of Municipal Courts Enforcing Stay Provisions of MLUL

Attorney Rosenberg stated that this issue concerns the enforcement of the modification to Section 40:55D-75 which states that when there is a modification to the Zoning Code or Zoning Ordinances that requires an appearance in front of a Board, that while the hearing is pending the enforcement action by the municipality is stayed. Attorney Rosenberg said that he wrote a letter to Bill Dressel, Head of the League of Municipalities, regarding an amendment of the State Law.

Councilmember Trawinski recommended following up with this because it is unfair to have the taxpayers of Fair Lawn saddled with a stay when municipal court judges in other towns chose to ignore the stay and their taxpayers get the benefit of tougher enforcement. In the same state and county, the same law should apply and this should be brought to the attention of the assignment judge. A policy is needed so that all of the municipal judges are uniformly applying state law. Councilmember Trawinski indicated to Attorney Rosenberg that he would get the pertinent information regarding the Oakland statute to him in order to move forward.

Establishment of Process for Scheduling Interviews of New Manager

Mayor Weinstein said that they have received resumes and he asked that the advertisements be stopped. He recommended putting together an employment package and contract so that the Council will be ready to make an offer and this should be discussed at a future work session. Councilman Trawinski said that the terms of the contract should be discussed in Closed Session and Councilmembers unanimously agreed.

Distribution to Councilmembers of Attorney General's Guidelines on Internal Affairs Investigations

Councilmember Trawinski stated that it has come to his attention that the Attorney General has published guidelines regarding internal affairs investigations. He said that he has never heard of any guidelines and he said he would like to know and understand details about these guidelines. Attorney Rosenberg said that this is public record and Acting Manager Kwasniewski will give these guidelines to Councilmember Trawinski.

Broadway Vision Plan

Acting Manager Kwasniewski reviewed the Vision Plan and reported that there are many things in the plan that are parking related and have nothing to do with zoning. She has identified four areas that do not affect the Master Plan and she suggested

turning them over to the Traffic Safety Officer who will work on their implementation with the Broadway Improvement Committee.

Councilmember Trawinski referred to Whitehall Street and said that this will become a cut through or a raceway. Acting Manager Kwasniewski said that the Engineering Department needs to review this and it may not be the right thing even though it was recommended by the Planner.

Deputy Mayor Swain noted that there were other good recommendations for signs contained in the plan. Mayor Weinstein pointed out that New Jersey Transit was supposed to give the Borough \$100,000 to do a pedestrian walkway by the train station. Councilmember Trawinski said that there was some involvement with Elmwood Park on this, however, Fair Lawn can move forward without involving Elmwood Park and he will recommend this at the meeting with the Broadway Improvement District. .

Mayor Weinstein stated that the consensus is to have the Traffic Safety Officer and Engineer look at the issues and to change the cooperative parking ordinance. Councilmember Trawinski spoke regarding Whitehall Street and said this has a significant adverse impact for the residents.

Use of Walsh Pool – Borough of Haledon

Acting Manager Kwasniewski stated that the Borough of Haledon has again requested the use of Walsh Pool. She said that there have never been any problems and this usually only involves five or six families. She recommended allowing Haledon to continue this use and Councilmembers agreed. Deputy Mayor Tedeschi asked if Walsh Pool would be closed two weeks early again this year. Acting Manager Kwasniewski said that the pool will be closed as soon as the camp program is finished. Deputy Mayor Swain said that the residents of Haledon need to know this in advance.

Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program

Acting Manager Kwasniewski said that this grant is different because the Borough receives this grant and then has to apply for it. She stated that Paramus is taking the lead on this and there has been meetings of the thirteen police departments to make sure they all get the paperwork submitted. Fair Lawn will receive \$23,239.00 exclusively for the Police Department and a resolution is necessary. There are no matching funds required. The Council has to decide how the funds will be used. Acting Manager Kwasniewski suggested that the funds could be used for a fourth car or laptops. After some discussion, the consensus was to use the money exclusively for laptops.

Professional Services – Dr. Wisch

Acting Manager Kwasniewski stated that for a number of years Dr. Wisch has done pronouncements and other things for the Health Department. At one time he was listed

as an employee; however, the CFO said that he falls into the category of professional service. Dr. Wisch was asked to prepare a proposal and he is asking for \$5,000.00 to do death pronouncements along with the immunization clinics, blood screening and coordination of points of distribution in the event of a virus outbreak.

Councilmember Trawinski asked if this service was really needed and Acting Manager Kwasniewski said that using Dr. Wisch is cheaper than using Valley Hospital. The consensus was to use Dr. Wisch.

Request to Revise Clothing Bin Ordinance

Acting Manager Kwasniewski said that the Cystic Fibroses Association is concerned about the clothing bin ordinance because it will cost them several thousand dollars which takes away from the money that is being raised.

Attorney Rosenberg noted a memo from Planning Board Secretary Cathy Hochkeppel which stated that an organization like Cystic Fibroses would not have to apply for site plan approval. The problem is the noticing requirements which doesn't allow for informal Planning Board review. In her memo of March 12, 2009, the Planning Board is asking that the ordinance be amended for these applications only and the public notice requirement would be waived. This would save the applicant the cost that is associated with a full blown public site plan application.

Councilmember Trawinski said that this type of an organization would come in with a conceptual plan and ask for a waiver on the spot. They would not have to put money in an escrow account but would still be required to pay the fee. Councilmembers agreed to this revision.

Ambulance Corps Flagpole

Acting Manager Kwasniewski has received a request from the Ambulance Corps to move their flagpole. Borough Engineer Garrison looked at the plan that was provided by the Ambulance Corps and said that there is not a problem. No action is needed by the Council. He did say that they have to be careful not to place the flagpole too close to the electrical wires. This will not impact the right of way. The Council agreed to the relocation of the flagpole.

Pay to Play Ordinance

Attorney Rosenberg recalled that Victory 2006-2007 was discussed last December and an analysis was done of the Borough ordinance as well as the ordinances of other towns. He was asked to revise sections of the code addressing the issues of joint candidate committees. As a result, he has drafted an amendment to the ordinance dealing with that issue along with an alternate provision that would integrate the non-circumvention provisions which is taken from the Franklin Lakes ordinance. He distributed copies to the Councilmembers for discussion.

Attorney Rosenberg said that there was specific discussion regarding the Joint County Candidate Committee identified as Victory 06 and Victory 07 and the interplay with the Bergen County Democratic Organization (BCDO). Version 1 identifies any Bergen County Party Committee and any Bergen County Joint Candidate Committee as prohibited entities. Any committee formed for the primary purpose of supporting or promoting Borough candidates or office holders also has to be eliminated. Attorney Rosenberg concluded that In order to deal with the Joint Candidate County Committees, the Version 1 amendments to the ordinance must be integrated.

Mayor Weinstein said that the ordinance already in place has worked for the most part. Any monies received amounted to one third of the amount received in 2005 to 2007. The anti-circumvention provision clearly states what the professionals are not allowed to do. Mayor Weinstein said that if they as Councilmembers are going to preach no pay to play, they must practice it wherever they go no matter where they are. He asked that a resolution be passed stating that no candidate is able to receive more than \$300 from anyone. He added that this is a prudent way to go in these economic times. Mayor Weinstein concluded stating that he favors passing an ordinance with an anti-circumvention section and a resolution that no candidate can receive in excess of \$300 from any individual.

Attorney Rosenberg stated that there is no prohibition on candidates taking a pledge to limit contributions to a certain amount. Councilmember Baratta asked if this can be incorporated into a resolution and she thought that any resolution would have to be more specific to state that the \$300 would also include any entity, corporation, etc.

Councilmember Tedeschi pointed out that the ordinance was limited to Bergen County and he asked what would happen if Passaic County wanted to make a contribution. Attorney Rosenberg said that the non circumvention part of the ordinance speaks to intent. Councilmember Baratta asked if the two ordinances should be merged together. Mayor Weinstein stated that the resolution is sufficient because it states that the sole intention is not to help a Borough candidate and the anti-circumvention clause explains what the situation is. A specific amount will not be part of the ordinance but will be included in the resolution.

Councilmember Baratta said she would like to be able to review the revisions prior to voting.

State Mandates

Acting Manager Kwasniewski stated that the Court has security issues and there will be additional costs due to retrofitting. Additionally, there will be continuing costs involved in implementing all of the state mandates such as paying a police officer to do security checks. An auxiliary police officer could man the equipment; however, an armed officer has to be on hand in the event that an alarm goes off. Councilmember Trawinski said that they should question the Joint Insurance Fund (JIF) on this. There have been extensions granted but sooner or later the Borough will have to implement the mandates.

Councilmember Trawinski questioned the incurring costs for the COAH Administrator. Acting Manager Kwasniewski said that the Borough would be doing three quarters of these state mandates on their own regarding police and fire and in many cases Fair Lawn goes beyond State requirements. She added that part of the problem with the mandates is that they are hard to quantify in real dollar costs. Deputy Mayor Tedeschi said that the Borough would want to do things like elevator inspections. He again referred to his conversation with the Tax Assessor where he learned that the mandates cost the Borough \$151,000 which is broken down as follows: the county is deprived of \$14,000; the Board of Education is deprived of \$95,000; and the Borough is deprived of \$41,000.

Deputy Mayor Tedeschi suggested to Connie Wagner that a freeze be implemented on any new mandates. If new mandates are added, the State should either fund or reduce a mandate that is acceptable. He suggested passing a resolution telling the state to put a freeze on these mandates while they review them again. Councilmember Trawinski said he would fully support a resolution and he said that the State must stop imposing mandates on municipalities without providing the funding because this is just a disguised way of raising taxes. The Board of Education has been faced with a huge amount of mandates and they have had no choice but to raise taxes. Councilmember Trawinski said that if the State believes strongly in the service they need to provide the funding.

It was the unanimous consensus of Council that a resolution be prepared for next week's meeting.

Public Comments

Craig Miller, 5 Ramapo Terrace, said that he remembered a small island on Fair Lawn Avenue. He added that anything done on Fair Lawn Avenue would require County approval because it is a County road. Mr. Miller was told that Mr. Plotch was referring to Plaza Road. Regarding the Memorial Day Parade, Mr. Miller said that he was concerned about people breathing in fumes from idling trucks on Chandler Drive. Acting Manager Kwasniewski said she would check into this.

Mr. Miller was concerned about the area of Plaza Road and Coopers Way and he said that additional signage is needed in this area to prevent an accident. Acting Manager Kwasniewski will send Tim Franco to look at this.

Mr. Miller referred to the search for the Borough Manager and pointed out that the previous manager used an old police car for transportation and now an SUV is being used. Acting Manager Kwasniewski said that this was the only car that was available and this is not a new car.

Anna Dinardo, 13-06 Second Street, said that she is concerned with pedestrian safety. She often walks into Radburn and the section that crosses over Route 208 is the most dangerous area in the Borough. There is a screen over the over pass as well as a barrier, however, the barrier pushes the pedestrian out by the curb and two people

cannot walk side by side. She said that if the barrier was on the other side they could walk closer to the safety of the overpass. She also mentioned the large amount of salt on the overpass during the winter.

Ms. Dinardo said that a car can still fit through some of the areas by the Ambulance Corps building on Cooper Way. She asked when sign up will take place for the canoe race. Mayor Weinstein said that sign up can take place now. Councilmember Baratta said that information on the sign up will be on the website and in the Community News. Ms. Dinardo asked about the heart that is taped on the top of Fair Lawn Avenue at the overpass. Deputy Mayor Tedeschi said that James Croucher does this on a volunteer basis and some of this property is still owned by the Croucher family. Upon questioning regarding maintenance of the exit ramps by Ms. Dinardo, Mayor Weinstein asked the Acting Manager to look into when the State employees would be coming to cut the grass on the ramps to Route 208.

Maureen Moriarty, 14 Burnam Place, thanked the Council for their support of the recent Historic Preservation presentation. She thanked Deputy Mayor Swain and Councilmember Trawinski for attending the presentation. Ms. Moriarty asked whether the COAH plan that was submitted to the State was a public document. Councilmember Trawinski said that this is a public document and Ms. Moriarty could get a copy through the Planning Board.

Sylvia Zasloff, 9 Maltese Drive, said that she realizes some of the offices in the Municipal Building are small and there should be a posting that offices are closed between 12 noon and 1 p.m. Acting Manager Kwasniewski said that most of the offices are open but there are several one person offices or offices manned by two people which are reduced to a one person office if someone is on vacation or out sick. She said that 95% of the time the system works and if an office is short handed the hours are posted. Mayor Weinstein suggested that people should call ahead especially if they are coming from a long distance.

Harry Poster, 13-10 Second Street, asked if there is a way to know whether or not someone has a permit to remove a tree. Councilmember Baratta said that he can check with someone in the Municipal Building about whether a tree removal permit has been issued.

Mr. Poster said that the strip of grass and trees in the Radburn area is attractive and is a nice idea but it seems to be an area for dog walkers. Mayor Weinstein said that people should be cleaning up after their dogs.

Mr. Postern mentioned TV satellite dishes and said that there is a house on Century Road with a 6' tall pole with a dish on top that is a foot inside from the sidewalk. He asked about the requirements for a dish and Councilmember Trawinski said that the Borough doesn't have jurisdiction over satellite dishes that are one meter or less. This is regulated by the FCC under the Telecommunications Act of 1992. Mayor Weinstein asked the Acting Manager to have someone check into this.

Harvey Rubenstein, 28 Rutgers Terrace, said he recently noticed that in the area of the power station and the cell tower by the Ambulance Corps building almost all of the trees have been taken down. He asked if any of the Councilmembers knew why. Councilmember Trawinski said that part of the property is the highway ramp and owned by the State, part if the area is public right of way and the other part is Ambulance Corps property. He guessed that it was probably the Department of Transportation that removed the trees.

Mr. Rubenstein asked why contract terms are closed to the public. Mayor Weinstein said that the terms are made public at the conclusion of negotiations.

Mr. Rubenstein referred to two basketball back guards that were broken at the Recreation Center. He has been told that it will cost \$1,000 to \$2,000 to replace the backboards and he asked if the Borough will pay for the replacements. Mayor Weinstein said that Jim Graff is looking into this and if he finds out who did it, that person will be liable. Deputy Mayor Tedeschi said that the Borough should do what the Board of Education does which is that the parents are responsible for payment of any repairs or replacements if they can find out who damaged the item.

Councilmember Baratta said that she heard that the same child broke both of the basketball backboards and this child is not a Fair Lawn resident.

Closed Session:

Upon motion by Deputy Mayor Swain and a second by Councilmember Baratta, the following Closed Session resolution was unanimously adopted at 10:24 P.M.

WHEREAS; the Open Public Meetings 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 Attorney Client Privilege – Request for Attorney Advice re: Contractual Non Disparagement Obligations of the Borough Towards the Former Borough Manager and a Request for Attorney Advice re: Recall Procedure Conflicts of Interest; and Personnel – Environmental Commission, Library Board

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 Deputy Mayor Swain and second by Councilmember Trawinski the meeting was adjourned at 11:00 P.M.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski