

WORK SESSION SEPTEMBER 15, 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.

Closed Session:

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain the following Closed Session resolution was unanimously adopted at 7:35 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 – Messina.

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.

Audit Review

Mayor Weinstein thanked the auditors, Sean Ferguson and Steve Wielkocz, for attending the post engagement portion of the meeting and asked for questions regarding the financial statement. Deputy Mayor Swain referred to page 2 which states that the financial statements referred do not conform with acceptable accounting principals and she asked for an explanation. Mr. Wielkocz explained that New Jersey is the only State that doesn't follow accepted accounting principals but utilizes a

comprehensive basis of accounting which are regulatory financial statements. This is a clean statement and Mr. Wielkotz said that the audit was fine. Several comments and recommendations were received but that is typical and there is nothing that is materially wrong with the fiscal operations of the town or the financial statements.

Deputy Mayor Tedeschi asked if Mr. Wielkotz would agree that Mr. Eccelston is leaving the books clean and accurate on his retirement. Mr. Wielkotz said that this is the case and added that this is the way his books have always been.

Councilmember Trawinski asked if LOSAP is required to be audited within a certain time period. Mr. Wielkotz said that if there are any concerns there is a State requirement for a review which is analytical in nature and within the purview of the governing body. Upon further questioning, Mr. Wielkotz said that he sees nothing that would warrant a review. Mayor Weinstein indicated that the checks and balances are in place and Mr. Eccelston added that the LOSAP numbers are audited through the Manager's Office. Mr. Eccelston stated that a list of who qualifies is posted at the Fire House.

Councilmember Trawinski asked for a clarification of the difference between debt, net debt and gross debt and why is the difference relevant in doing the analysis. Mr. Wielkotz stated that the schedule is statutory. He explained that the overall debt of the town includes the school district, the utility and the general debt. School district debt is deductible from net debt and it is important to know gross and net in order to calculate borrowing capacity. Mr. Wielkotz pointed out that Fair Lawn's net debt percentages are lower than other similar sized communities.

Councilmember Trawinski referred to page 50 which compares tax levies and current collections. Mr. Wielkotz said that Fair Lawn has been able to have healthy surpluses, which are put back into the budget to stabilize property taxes. Fair Lawn has managed to use aggressive tax collection while keeping the reserve at a level that allows for a regeneration of the surplus.

Councilmember Trawinski said that he noticed that the Competivization Committee was asking for collection ratios and percentages of collections. Acting Manager Kwasniewski said that she and Mr. Eccelston are meeting with the Committee tomorrow to answer their questions. Mr. Eccelston will point out that some of their recommendations are already in place. Mayor Weinstein said that they need to understand this fundamental issue.

Councilmember Trawinski referred to the current fund along with what has been used in prior years and what is available for utilization. He asked if this ratio makes sense for a municipality of this size. Mr. Wielkotz said it does because in 2004, less surplus had been used and the surplus slowly increased to the \$9 million mark which is better for cash flow and for the way the rating agencies will look at the Borough. The budget will grow every year and rating agencies like to see a 5% to 8% surplus to budget ratio and incremental tax increases because stability is what keeps the rating healthy.

Councilmember Baratta asked what happened to the water utility in 2005. Mr. Wielkotz said that since 2005 the water utility has run at a bit of a deficit every year. He explained that this is becoming quite common in municipalities because over the past few years the costs of chemicals, electricity, etc. have spiked and, even though rates have been increased, people are using less water. Councilmember Trawinski said that although conservation is commendable rates ultimately go up. Many industries have successfully found ways to conserve water and that rates cannot be increased enough to offset the reduction in usage.

Councilmember Trawinski said that he didn't understand why some of the figures in December 31, 2007 deferred revenue accounts receivable and the December 31, 2008 columns are negative while others are positive. Mr. Wielkotz explained that in some cases money has been spent on projects and the Borough has not yet received the full amount due from grants. If the grant money comes in after the end of the year, it will be included in next year's statement depending on the type of grant.

Councilmember Trawinski questioned what "bail on account" means as opposed to "bail account". Mr. Wielkotz stated that the "bail account" is an actual checking account and "bail on account" comes from the ACS system. The system prints out a monthly report which reflects what the system has as a balance and there is a difference. The bail account is short \$1,600 and the only repeat comment from last year is that something has to be done about this. He suggested that the Municipal Court could take a check from the fines account and reduce the contribution to the municipal fines and costs for a month.

Deputy Mayor Swain asked how this message would have been communicated last year. Mr. Eccelston stated that after he receives the audit comments he sends a letter to the department and asks that a corrective action plan be sent to him. According to the Court Administrator, the State system doesn't look at interest earned on their checking accounts or transactions that come from other towns that don't happen in that month. She had indicated that she would keep a separate ledger to reconcile those transactions that don't audit.

Mayor Weinstein spoke about the Library's discretionary fund and said that they are required to use the same purchase order system as the Borough. The recommendation is to close that fund and bring it into the Borough's system. Mayor Weinstein asked if that would be problematic for the Library because this fund is used for books, CDs, etc. Mr. Eccelston said that this is a petty cash fund for small items and this is why a voucher and purchase order wasn't done. Mr. Eccelston's office will now run the general ledger account. Mr. Wielkotz said that it is better to have fewer people and departments writing checks.

Deputy Mayor Swain noted in number 9 that the Recreation Department is utilizing change funds in excess of the approved amount. Mr. Eccelston explained that about a year ago the State required that municipalities collect sales tax from parking lots and recreation fees. The resolution was changed in 2007 to increase the petty cash fund by \$250 so that the Recreation Department could give change for sales tax. In the middle

of the year the State decided to change the law back and the fund was brought back to \$1,000, however, the Recreation Director held the money. The \$250 has now been deposited back and everything is in compliance with the 2008 ordinance. Mr. Wielkotz repeated that there is nothing wrong with the audit and these are helpful recommendations to do certain things to tighten controls.

Councilmember Trawinski thanked Mr. Wielkotz for his comments on the CFO recommendations he provided when he contacted Mr. Wielkotz earlier.

Update on Use of Borough Right-of-Way Lt. James I Platt Post No. 651

Mel Kaplan, of the Jewish War Veterans Post No. 651, said that his group is proposing to place a bench on the southwest corner of Plaza Road and Berdan Avenue. A monument dedicated to veterans is already there. A bus stop is located about 20 ft. to the south. He said that there is not enough room to put bench next to the bus stop. The bench could be set back from the monument. Mr. Kaplan indicated that he had received a report that there is opposition to this proposal from the Council.

Acting Manager Kwasniewski said there is no opposition only safety concerns. Mr. Kaplan indicated that Mr. Kilo took the plan to the Engineer who said it was fine. Mayor Weinstein stated that the Council felt the bench was too close to the curb. Mr. Kaplan said the bench will not be at the curb. It is set back behind the monument. The Jewish War Veterans will pay for the bench and the Borough would own it.

Councilmember Trawinski said that he now understands the setback which hadn't been clearly indicated previously. Mayor Weinstein stated that if the Engineer doesn't have a problem and there is clarification that the bench is being set back a safe distance he would agree to the proposal. Councilmembers unanimously approved the bench.

Council Liaison Reports

Deputy Mayor Swain reported on a lengthy Planning Board meeting she attended last night. There was a discussion on the number of parking spaces that should be used at the Peace Korean Reformed Church. There was no resolution on this and it has been postponed. She said that they need a portable microphone and Acting Manager Kwasniewski said that there is one available and she will speak to the Planning Board Secretary.

Councilmember Baratta stated that the Property Maintenance Committee met last week. Art Cummings reported that during June there were 467 inspections and 24 summonses issued. In July there were 270 inspections with 6 summonses being issued; and, in August there were 355 inspections with no summonses issues. Mr. Cummings advised that he was successful with all of the cases that went to Court. The Committee questioned how much money was generated by the fines and Acting Manager Kwasniewski said that they are not broken down and the fines go into a general fund.

Councilmember Baratta questioned the peeling situation on the new Morlot Avenue Bridge. Acting Manager Kwasniewski said that the County has been notified. Mayor Weinstein said he sent a second letter yesterday. Councilmember Baratta said the Committee wondered why there wasn't a plaque or signage by the new bridge. Acting Manager Kwasniewski said that the Engineering Department has indicated that the County is fighting with the contractor because the contractor is responsible for the condition of the bridge.

Councilmember Baratta said that the Property Maintenance Committee had advised that the Morlot Avenue electrical box has been wrapped in yellow tape for a long time. She wasn't sure who was responsible for repairing it. Acting Manager Kwasniewski will check. The Committee is requesting a status report on the dumpster survey. Attorney Rosenberg said he will follow up with Ann Peck and Dennis Kolano tomorrow. Councilmember Baratta distributed a copy of the new PODS ordinance to the Committee and told them that the Council will be making some changes to it. She stated that Art Cumming pointed out that mobile homes longer than 18 ft. are not allowed in the Borough and wondered if this could conflict with this ordinance. Attorney Rosenberg pointed out that these are two separate ordinances

Councilmember Baratta received a call from Pam Coles regarding Dr. Berger's property next to the Bank of New York. The property is being cleaned up and every tree has been removed from the property. Ms. Cole said that according to the resolution trees were to be saved, however, the contractor showed her permits that he received from the Borough. Councilmember Trawinski confirmed that every tree was cut down and he suggested that the Council get the plans, the resolution and the minutes to see if there was a violation. If a violation has occurred, the contractor should be required to replace the trees. Mayor Weinstein asked the Acting Manager to send a memo to the Council before the next meeting explaining what was approved and allowed. Deputy Mayor Swain said she recalled discussing this at the Planning Board and she didn't remember the Board giving permission to take down all of the trees.

Deputy Mayor Tedeschi asked Attorney Rosenberg if the Council has the right to force the contractor to remedy the situation with like trees. Attorney Rosenberg thought that the Council had that authority. He will research the approvals contained in the Planning Board resolution and compare them to what the contractor did. Councilmember Trawinski said he couldn't imagine that this was approved by the Planning Board. Attorney Rosenberg reminded that Council that they approved shared parking for this project. Councilmember Baratta stated that her concern is that many times things are discussed that are never incorporated into the final resolution.

Councilmember Baratta suggested sending a letter of support for American Legion Day to Steve Rothman. After a short discussion, Councilmembers agreed to have this resolution ready for the next meeting.

Councilmember Trawinski referred to a memo from the Acting Manager stating that they attended the BIC meeting. The BIC wants to know if the Council would approve the addition of "Broadway District" to the two DOT green overhead signs that now just read

Paterson. People on the BIC wondered why the signs couldn't read Fair Lawn; however, the signs have to warn individuals prior to arriving in Fair Lawn. Conceptual authorization was given by the DOT for a sign slightly further to the west on Broadway that will be a different color and will read "Welcome to Broadway District Fair Lawn". The significantly sized sign will be located to the west on the portion of the highway that is elevated and goes over Route 208. Mayor Weinstein wondered if it could be spaced down so that it wouldn't look like it was all one thing. Councilmember Trawinski pointed out that the red and white sign matches the branding colors of the Broadway Improvement Corporation.

Councilmember Trawinski stated that a report was received on the grants and the grant balances. The report noted that there were 23 grant applications for façade grants processed and completed in 2009 and there are 14 potential applications that are being processed. He commented that it is good to see that businesses are taking advantage of these grants.

Councilmember Trawinski reported that he and Deputy Mayor Swain attended the Lubovitch ribbon cutting and when he was returning to his car on the west side of Plaza Road he noticed bushes coming down from the slope of the Route 208 overpass encroaching into the walkway. He added that there is a piece of guardrail in this area that sticks into the pedestrian walkway. Councilmember Trawinski recommended that the bushes be trimmed as part of the sidewalk project. This ramp is extremely dangerous to cross and he suggested that some sort of pedestrian signal be installed. Acting Manager Kwasniewski said that people from the Lubovitch won't push the button and she doesn't know if the technology exists to activate the signal in some other way.

Councilmember Trawinski suggested greater signage or a differential in the pavement at the end of the ramp that would indicate that this is a pedestrian crossway. Acting Manager Kwasniewski said she would have Engineering look at this again.

Councilmember Trawinski said that on Broadway near the train station the DOT has created a break in the guardrail at the median. They have continued the pedestrian walkway across and as a result pedestrians who are crossing don't have to climb over the guardrail.

Deputy Mayor Tedeschi reported that he attended the Environment Committee Meeting which was also attended by Attorney Rosenberg and Michael Hakim. Attorney Rosenberg stated that an Environmental Resource Inventory (ERI) will be performed using a grant from ANJEC. The ANJEC representative gave good examples of other ERIs that have been done and this will be a useful guide for Borough residents and for the Borough Boards. Attorney Rosenberg stated that the inventory will become part of the Master Plan.

Mayor Weinstein said that he was invited to a meeting of the All Sports Boards where background checks were discussed. He told them that there don't seem to be any State grants to support this program. Finger printing will be taking place in Paramus and he tried to find out whether they could be moved to Fair Lawn, however, that is not

possible. They have continued to look and may have found a grant through the Megan Foundation. It will cost \$26 per person to have this check done and with 400 coaches this would cost around \$10,000.

Acting Manager Kwasniewski said that in some towns the coaches have to pay this themselves. Mayor Weinstein told the All Sports Boards that the Council supports their efforts and to see if there is anything they can do such as offering the services of the Borough's grant writing service to obtain the grant and possibly a portion of SEED money.

Deputy Mayor Tedeschi said that he didn't believe background checks are an option. Coaches in All Sports must be certified every year. In the absence of the grant, he suggested that the cost of the background check be split three ways between All Sports, the Borough and the coach. Deputy Mayor Swain suggested that the parents pay but Deputy Mayor Tedeschi said that that parents pay a registration fee that goes towards uniforms, equipment, field maintenance trips, etc. Mayor Weinstein said that he wanted the Council to be aware that All Sports is moving forward with these checks.

Mayors Against Illegal Guns

Mayor Weinstein said that he, the Borough Attorney and the Police Chief resident met with a resident who does not agree with this group. Mayor Weinstein felt that he should support this group. Councilmember Trawinski said he had read all of the background information and he agrees with the resolutions of principals of the Mayor of New York and Miami that they support the rights of law abiding citizens under the Second Amendment to bear arms. This resolution is focused against illegal guns and criminals who obtain illegal guns. A study was done that showed that many illegal guns used in the commission of crimes come from seven or eight states with lax gun laws. Councilmember Trawinski said that he couldn't understand why any law abiding citizen wouldn't support stricter gun enforcement rules.

Councilmember Baratta stated that she can't seem to find the NRA's position or counter point on this matter. Councilmember Trawinski said that he supports Mayor Weinstein and is glad that Fair Lawn is a member.

Request for Contribution to EDC

Mayor Weinstein said that he and Acting Manager Kwasniewski attended the EDC meeting. He explained that that way they budgeted means that they will be \$250 short next year which would call for an audit and insurance. The EDC is asking the members on the Board to contribute to the EDC which means that the Borough's contribution would be \$1,200. River Road and Broadway Improvement Corporation would be contributing \$1,200 each. The Chamber of Commerce has agreed to \$600.

Upon questioning by Councilmember Baratta, Mayor Weinstein explained that this money would help them in terms of the budget. The money would help pay for commercials for the community or businesses. The total amount of money they are

looking for from all of the trustees is \$5,850. Councilmembers agreed to the contribution of \$1,200 for the EDC.

Temporary Storage Units

Councilmember Trawinski commented that Attorney Rosenberg had done a good job on this resolution considering the limited input he received from the Council. He agreed with the substance but he said that there needs to be some reference regarding the need to control PODS in the resolution. He asked if the duration of allowable time for the PODS or storage unit could be tied to the length of the project not to exceed 6 months. Attorney Rosenberg said he grappled with that, however, to expect the Building Department to monitor the project on a day to day basis is not realistic.

Deputy Mayor Tedeschi asked if this could be tied to the final Certificate of Occupancy. Acting Manager Kwasniewski said that a building permit is valid for two years. Mayor Weinstein agreed with three months and at the end of that time they should have the ability to explain to the Building Department why the PODS should remain. He added that construction could be ongoing after three months but the homeowner may not necessarily need the unit

Councilmember Trawinski questioned Attorney Rosenberg about the duration period being related to the issuance of a valid building permit. Attorney Rosenberg pointed out that the PODS could also be used for moving. Councilmember Trawinski said that the intention of this ordinance revision was to relate the PODS solely to construction projects and he suggested that the permit for the PODS be linked to a valid building permit. Attorney Rosenberg said that there could be a distinction between a unit for moving and storage and a unit for construction. A permit for a PODS for an extended duration could only be issued if it is accompanied by a building permit. After more discussion, Attorney Rosenberg stated that the permit for the PODS could only be issued for three months and following that the resident would have to demonstrate the need for the monthly extensions.. The permit would not allow for a unit to be situated on a property in excess of 12 months.

The Council discussed the fee structure that would have to be put in place. Councilmember Trawinski suggested \$100 for the first six months with an additional \$25 per month after that. Acting Manager Kwasniewski stated that the ordinance will have to be published and go to the Planning Board for their review. It would not be adopted until a Council meeting in October.

Amend May 12, 2009 Minutes

Deputy Mayor Tedeschi referred to the comments of Ms. Moore and asked that they be put into the Minutes. Councilmember Trawinski said that he wanted to listen to the meeting again because he may suggest further changes. Councilmembers agreed to wait on approving the amendment until hearing from Councilmember Trawinski.

Parking Around the High School

Mayor Weinstein reported that he contacted the Mayor of Glen Rock and learned that the permit parking at Glen Rock High School is for teachers due to the construction. Deputy Mayor Swain said that no date has been set to meet with the parking committee.

Update on Sephardic Center

Acting Manager Kwasniewski stated that a permanent Certificate of Occupancy (CO) has been issued because everything had been completed according to Boswell Engineering in August. This approval was sent to the Building Department who issued the CO. Appropriate plantings were installed along the southern and western buffer areas which had been the only outstanding issue.

Catastrophic Leave Policy – Donating Time

Acting Manager Kwasniewski referred to this policy and said that if the Council agrees to it she will no longer have to bring it up on an individual basis every time it is necessary. The practice has been successfully used in the past and is voluntary. A notice goes out to employees explaining that there is a specific person in need and anyone who wants to donate time can choose to. Councilmember Trawinski said that this policy is positive for morale and there is nothing negative about it. Councilmembers agreed to the policy.

Energy Audit Proposals

Acting Manager Kwasniewski reported that a Request for Proposal (RFP) had been sent to the five State approved contractors. Three proposals were received and the State has indicated that the lowest bidder must be selected unless there is good reason not to. Therefore, Acting Manager Kwasniewski is recommending the low bidder. Councilmember Trawinski commented that he couldn't see much of a difference in the substance of the proposals. The highest bidder was 85% higher than the low bidder and Camp Dressler was within \$3,000 of the lowest bidder which indicates that the low bid is reasonable. Attorney Rosenberg noted that it would be inappropriate to use Camp Dressler because they have been hired by Clariant.

Acting Manager Kwasniewski said that the formal application for approval has to be sent before the contract can be executed. She noted that the time frame will work well because the funds can be transferred in November. Deputy Mayor Swain pointed out that the Library had been omitted from the list of municipal buildings included in the energy audit. Councilmember Baratta said that the Library could be done another year. Councilmembers agreed to move forward with the audit proposal.

Request for Plantings

Acting Manager Kwasniewski stated that some residents in the 20th Street and Eastern Drive area abutting Route 208 approached the State about evergreen plantings to

provide a natural sound barrier. They need permission from the Borough to clear the area. It is part of the Good Neighbor project. This will be done at no expense to the Borough; however, they asked that the Borough take over the maintenance after a year has passed.

Councilmember Baratta stated that the other side of the ramp had been done last year and these residents will be thrilled to have this work done. Acting Manager Kwasniewski said that since concrete barriers are not being considered this will provide some protection from the noise. Councilmember unanimously approved this request.

Community Development Block (CDB) Grant

Acting Manager Kwasniewski reported that three applications are being submitted for CDBG grants which include a \$20,000 grant for ADA walkways into the pool; an \$80,000 grant for a mini bus and a \$25,000 grant for barrier free curb improvements. She said that resolutions are needed for next week's meeting.

Mayor Weinstein said that the Engineer had suggested installing a change of surface at various intersections instead of using the cones as traffic calming devices. He added that the cones are not permanent and he agreed with the Engineer's suggestion. Deputy Mayor Tedeschi said that he understood that a report on the cones is overdue. Acting Manager Kwasniewski thought that a report had been due in the spring and upon questioning she stated that no additional cones have been added, however, the color has changed.

Mayor Weinstein asked that Acting Manager Kwasniewski speak to the Engineer regarding his suggestion and he said that this change in surface could be tried at several intersections. Councilmember Trawinski said that there is a need to install the appropriate warning signs for the three lanes that narrow headed eastbound on Fair Lawn Avenue in front of the CVS Shopping Center. Acting Manager Kwasniewski said that she will talk to traffic and engineering about this issue.

Request by Chamber of Commerce for Use of Recreation Center Gym

Acting Manager Kwasniewski stated that the Chamber of Commerce is holding "A Taste of Fair Lawn" and as part of the event, they are proposing to have wine tasting, which requires permission from the Council since it involved alcohol. John Cosgrove is also asking that the fee to use the facility be waived because the proceeds from the Taste of Fair Lawn will be donated to the Food Pantry. Councilmembers agreed to waive the fee.

Public Comments

Howard Mark, 12-23 Ferry Heights, pointed out that for religious reasons the Jews are not allowed to push the button on the traffic signals. Councilmembers indicated that they are mindful of this.

Mr. Mark said that he is on the Tree Committee and he offered to talk to other members about the situation at Dr. Berger's property. Mayor Weinstein stated that the Borough Attorney is handling this along with the Acting Manager and they will review the Planning Board resolution to see what is required.

Mr. Mark asked for a list of the members on the ADA Committee. Councilmember Trawinski said that the names and addresses of the members are public record but it is up to individual members to disclose their phone numbers. Councilmember Trawinski said that the Committee is meeting in two weeks and he will make sure that the Committee revisits whether or not to list member's phone numbers.

Harvey Rubenstein, 17-38 Chandler Drive, referred to the PODS issue and said that the house next to Councilmember Baratta on Fair Lawn Avenue has had a dumpster there all summer. Councilmember Trawinski said that this is an ongoing construction project and the Construction Official decided he didn't want the dumpster placed on Fair Lawn Avenue because it is a heavily traveled road.

Mr. Rubenstein suggested that the Planning Board resolutions should contain a clause that reads "subject to the approval of the Borough Engineer". He referred to a Property Maintenance Committee meeting when he had suggested that an award being given to Fair Lawn Properties. He asked if this had been discussed and Councilmember Baratta said that it wasn't but she will bring it up at the next meeting. Councilmember Trawinski said that new plantings have been installed diagonally across from the new parking lot at Fair Lawn Properties. He added that this parking lot has a substantial amount of island area with trees that has been planted at the expense of additional parking.

Jane Diepeveen, 14 Ryder Road, asked about the fines for cutting trees. Attorney Rosenberg referred to the new ordinance which states that individuals, corporations or associations violating the ordinance shall be punished by a fine not exceeding \$1,000 per offense, or per tree, or imprisonment for a term not to exceed 90 days. Mayor Weinstein said that the Council worked on this ordinance for a year and a half.

Ms. Diepeveen said that she appreciates the traffic calming devices. She told the Council that her husband had barely missed being hit by a car and upon contacting the police with the license plate number he was told he had to contact the Court Administrator. The Court Administrator said that it is necessary to have the names and address of the driver and she is prohibited by law to look up someone's name and address using a license plate number. The Court Administrator told Ms Diepeveen to call the Department of Motor Vehicles and Attorney Rosenberg agreed that this is the new procedure. Councilmember Trawinski said that this is absurd and he would bring this to the attention of Senator Gordon. Ms. Diepeveen said she contacted Senator Gordon about this and told him that the new procedure makes it difficult to report careless drivers.

Craig Miller, 5 Ramapo Terrace, spoke about the Broadway sign on Route 4 and said that this is a State road. Mayor Weinstein said that they want to make this a pedestrian friendly destination to shop. Mr. Miller asked Councilmember Trawinski which ramp he

was referring to and Councilmember Trawinski confirmed that it was the ramp further away from the traffic light and the bushes are underneath the highway.

Closed Session

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following Closed Session resolution was unanimously adopted at 10:00 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 – Acquisition of Property – Naugle House, OPRA North Jersey Media Group; Personnel – Wassel, Manager’s Office; Attorney/Client Privilege – Lease Negotiations – Chase Bank.

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, seconded by Councilmember Baratta, the meeting was adjourned 10:55 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