

## WORK SESSION OCTOBER 6, 2009

Deputy Mayor Swain called the meeting to order at 7:38 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:** Deputy Mayors Swain and Tedeschi and Councilmembers Baratta and Trawinski.

**ABSENT:** Mayor Weinstein

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

### **Closed Session:**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following Closed Session resolution was unanimously adopted at 7:39 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 – Tax Appeals.

**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.

### **Review of Tentative agenda 10/13/09**

Acting Manager Kwasniewski reported that Carol Wagner, the Director of Health and Human Services, received the application for the Municipal Alliance Substance Abuse Prevention Grant. Fair Lawn will receive \$15,759 for 2010 which is a decrease of 6%. The Borough has to provide 25% towards the grant which is slightly less than last year.

She will add the resolution of approval for the grant application to the next meeting agenda.

### **Council Liaison Reports**

Councilmember Baratta reported on the Alliance Meeting and said that a theatre group proposed using the Community Center for a presentation. The Alliance turned them down because the play did not contain a drug and alcohol related message and was out of the scope of the Alliance. Councilmember Baratta referred to an editorial in the Bergen Record written by a high school senior in Bergenfield about her experience on alcohol poisoning. Councilwoman Baratta said that the problem is that kids are afraid to get help for their friends because they think they are going to get into trouble. There is legislation that would offer immunity to two people if they call the police or parents in order to help someone out. Councilmember Baratta said that this will be discussed at the next Alliance meeting.

Councilmember Trawinski stated that ANJEC is having the 36<sup>th</sup> Annual Environmental Congress on Saturday, October 17<sup>th</sup> at Cook College at Rutgers University. He recommended having the Environmental Commission look at the Master Plan in terms of green incentives from a land use perspective. He said that there are several towns in New Jersey with a green ordinance and the Master Plan re-examination would be the ideal time to do this.

Deputy Mayor Tedeschi spoke about the 501(c)3 and said that they are working on maintaining the building and the video games. Jim Graff is contacting Betson Industries to try to find a new service provider for the video games. The 501(c)3 is looking at bringing in Rainbow Theatricals who put on shows primarily for Senior Citizens during business days. They would come into the Community Center during the day to perform and a box lunch would be provided. Deputy Mayor Tedeschi asked how they would reach out to the Senior Citizens Clubs. Acting Manager Kwasniewski suggested starting with the senior citizens in Fair Lawn and seniors who don't belong to the clubs. She said she spoke to some residents about this and asked how they felt about a \$26 charge. They did not think this charge was unreasonable for lunch and a show and were excited about it.

Deputy Mayor Tedeschi said that the theater holds 170 people and it breaks even if 83 people attend. There would be no municipal funds used for this activity and the 501(c)3 would be making money if over 83 people attend. There are about 70 senior citizen centers throughout the County and the idea is for them to come for an afternoon without driving too far to enjoy themselves. The shows would be rotated about every six weeks and there is an audience that would be returning every six to eight weeks to see a new show. Deputy Mayor Tedeschi said they hope to get the first show up and running slowly in December. He reiterated that there is no downside whatever to the 501(c)3.

Councilmember Baratta stated that one of the members of the 501(c)3 was going to talk to the theatre company because the costs seemed a little high. Acting Manager Kwasniewski said that the attorney for the group wanted to see other contracts. Deputy

Mayor Tedeschi said that the attorney was going to use the Skyline contract as an example for this contract. Deputy Mayor Swain suggested promoting a special package such as for three shows a year in order to get some money up front.

Deputy Mayor Tedeschi reported that River Road had a promotion where merchants gave out almost \$5,000 in gift certificates. This will be repeated and Shoprite has agreed to donate \$250.

Deputy Mayor Tedeschi said that they will be discussing some accounting issues concerning when advance payments are made when the budget comes up. Attorney Rosenberg said he is not sure whether or not the 501(c)3 should be paying professionals in advance.

Councilmember Baratta announced that the 501(c)3 is having a beef steak fund raiser on October 17<sup>th</sup> from 7 P.M. to 11 P.M. honoring Travis Fragala. Tickets are \$50 each and they are also looking for people to donate items.

Councilmember Baratta said that she received a call today from a Zoning Board applicant located on Broadway. The applicant received a letter from the Broadway Improvement Corporation (BIC) stating that they need to secure BIC approval before they get approval from the Borough. Acting Manager Kwasniewski stated that this is incorrect; the BIC can only advise applicants. The River Road Improvement Corporation wants the checklist amended to read that it is mandatory that applications be given by the River Road and Broadway Improvement Corporations. Deputy Mayor Tedeschi stated that the BIC complaint is that they are not aware of the application until after the fact. Councilmember Trawinski suggested that the Council require the Board Secretary send a copy of the application to the Corporation as soon as it is received.

Deputy Mayor Swain reported that she also attended the Senior Follies and she encouraged everyone to attend next year. She noted that both shows were sold out. She supports Deputy Mayor Tedeschi's idea and said that the seniors need an economical venue where they can enjoy themselves. Deputy Mayor Swain said that the League of Women Voters recently put on an interesting seminar on elections.

Deputy Mayor Swain reported that there was a good turn out at the initial Green Team meeting. They will meet again at the beginning of November. There were many great ideas including the importance of educating children in school and the educating residents on how to make Fair Lawn a more sustainable community.

Deputy Mayor Swain attended last night's Planning Board Meeting where the PODS ordinance was discussed. There was a discussion of ordinance enforcement issues particularly concerning the size of signs. Signs are initially approved, however, significantly larger signs are put up later and there was a question as to whether the Borough needs additional help in terms of enforcement. Deputy Mayor Swain explained to the Planning Board that the Borough relies on the residents to report violations because it is difficult to be proactive. Acting Manager Kwasniewski said that there is a Zoning Officer, an Assistant Zoning Officer and an Enforcement Officer who have a lot

of ground to cover. Recommendations are also made by the Property Maintenance Committee as well as the other inspectors. Deputy Mayor Tedeschi said the employees have to be actively involved because many neighbors don't want to fight with each other over issues. The Property Maintenance Officer must be pro active and Acting Manager Kwasniewski said that he is out every day. Councilmember Baratta agreed and said that he divides the town into sections and goes out every day but he is only one person and he doesn't handle commercial properties. She noted that a lot of his time is spent in Court.

Councilmember Trawinski asked if the Planning Board was mainly interested in property maintenance issues or in the enforcement of issues that are put in resolutions. Deputy Mayor Swain said they are interested in the resolutions and Councilmember Trawinski said that violations should be caught on commercial buildings before a Certificate of Occupancy is issued. Councilmember Baratta said that their concern is what happens a year or two later. Councilmember Trawinski said that Planning Board Members should report these violations to the Property Maintenance Official, Zoning Officer or the Manager's Office.

Deputy Mayor Swain reported that Peace Korean Church was denied on their application because of inadequate parking. Councilmember Trawinski explained that the Borough may be at risk for legal fees under LUPA. He suggested that the Borough Attorney speak with the Planning Board Attorney on this and a memo should also be prepared and issued to Planning Board members regarding the Religious Land Use Institutionalized Persons Act. Deputy Mayor Swain encouraged Councilmember Trawinski to read the transcript of the hearing. Councilmember Trawinski commented that they are walking on thin ice as a municipality by denying the applications of religious institutions based on inadequate parking. Every religious institution in town has inadequate parking and historically religious institutions are located in residential zones in this country where there is inadequate parking. This is a violation of the Federal Civil Rights Act and Judge Harris could order the Borough to pay for the applicant's court costs and expert fees.

Deputy Mayor Swain stated that the vote was 5-2 and she added that in previous meetings she suggested improvements to the parking situation but the applicant didn't follow up on anything. Attorney Rosenberg said he would follow up on this with Doug Bern tomorrow.

### **Borough Building on Heights Avenue**

Deputy Mayor Tedeschi asked if there were plans available for this building. Acting Manager Kwasniewski said she couldn't find any plans probably because the building is so old. She discussed the possibility of leasing of the property to the PBA with the PBA President if the Council would be willing to go that route. The PBA would demolish the building and build something else that they would own.

Deputy Mayor Tedeschi said that the building should be razed if the town has no use for the building which is in disrepair. He suggested that it be added to the Open Space inventory.

Councilmember Trawinski said that this makes sense as long as the Manager is satisfied and can give an analysis acknowledging that there is no use for it. Deputy Mayor Tedeschi said that his concern is that if the building is left vacant in a residential area it could become infested with animals and vermin. He indicated that he favored Councilmember Trawinski's idea, which makes sense. Turning the property into Open Space would best serve the community.

### **Update on H1N1**

Councilmember Baratta said that Fair Lawn will be getting the inoculations and not the nasal spray according to Carol Wagner. The Governor has not made this a State of Emergency and the Council has to be concerned about liability and who can give out these vaccinations. The vaccine is being offered to everyone such as clinics and doctor's offices; however, the doctors don't want to deal with the paperwork and inputting information into a data base in order to track the disease. This work will fall to the Borough and it appears that the vaccine will not be available until some time in November.

Councilmember Baratta stated that a grant of \$147,022 has been received; however, a portion must be shared with Ridgewood and Ho-Ho-Kus. Acting Manager Kwasniewski stated that she has authorized an increase of eight hours a week for the part time nurse so that she can get in those things necessary for this grant while still being able to do the other parts of her job. Ms. Wagner has included additional monies for professional health nurses in the grant. The first stage of the money should be coming in November with another round forthcoming later.

Deputy Mayor Tedeschi asked if any provisions are being made for training in terms of inputting data into the data base. Acting Manager Kwasniewski said that Nancy Brouca, Liz Twiggs and Carol Wagner have been sent for training. The goal is to have most people go to their private physicians and the Borough will deal with those who don't have insurance. No one will be turned away. It is difficult to try to calculate how many people want the vaccine.

Councilmember Baratta said that for the first batch of the vaccine has to be given to pregnant women and small children. She said that she is concerned about staffing because of the other towns the Fair Lawn is responsible for. Valley Health Care will be swamped because every other town will want their assistance. Acting Manager Kwasniewski pointed out that Fair Lawn has a contract with them and they have assured her that they are hiring additional nurses to handle the situation.

Councilmember Baratta indicated that Nancy Brouca has other responsibilities such as home health care, pronouncements, screenings and clinics. She has researched this and concluded that cost wise it is better to have Ms. Brouca here instead of the nurses from Valley. Acting Manager Kwasniewski stated that they can only reduce the cost of

Valley but they can't be eliminated and this is why the increase to 8 hrs. a day for until the end of the year for Ms. Brouca will help. There is a provision in the contract with Valley Health Care that Fair Lawn will have to pay extra for duties they perform connected with swine flu. She added that some of the previous grant money has been used to purchase a laptop computer so that information can be entered as the vaccination is being administered. Ms. Wagner, Ms. Brouca and Ms. Twiggs have spent a lot of time getting prepared and keeping up with the changes in order to handle this. Councilmember Baratta said she is concerned about Fair Lawn lagging behind and she said they are not sure how many people are going to want the shots.

Acting Manager Kwasniewski stated that Ms. Wagner has also been working with the schools. Councilmember Baratta said that there is no liability coverage for school nurses and they don't want to get involved in administering the shots. Acting Manager Kwasniewski said that if the Governor had declared this an emergency liability wouldn't be a factor.

### **Chase Bank Parking Lot**

Attorney Rosenberg has contacted representatives from Chase Bank to let them know that a proposal from the Borough will be coming momentarily. He asked Jim Van Kruiningen and Tim Franco to thoroughly analyze the lots and make recommendations and he will subsequently recommend a new lease to the Council. Deputy Mayor Swain wondered if the River Road condominium complex next door should provide for ingress and egress through the lot consistent with the purpose of shared parking. It does appear that, as part of the approval of the River House Condominium project, there are curb cuts that were part of the site plan approval which envisioned this configuration being part of their application. Deputy Mayor Tedeschi recalled that there were 82 parking spaces with the bank controlling 52 spaces and the Borough controlling 30 spaces. Acting Manager Kwasniewski said that there are options for the Council to consider such as permits and two hour parking. Councilmember Trawinski recommended that Ken Garrison evaluate the lot to see if there could be a more efficient layout of the spaces.

### **Request by New Jersey Water Environment Association**

Acting Manager Kwasniewski stated that the Water Environment Association would like to rent the gym to hold a Beef Steak dinner. The question is whether or not the Borough would allow beer and wine to be on the tables. They would bring in about 250 diners and would be responsible to pay the rental fee and insurance. The Association is looking at potential dates of November 19th or December 3rd. Attorney Rosenberg said that the Borough would be liable for full host liability in this case.

Councilmember Trawinski said that this has been allowed for local groups; however, he is not sure whether this activity warrants putting the taxpayers at risk. Deputy Mayor Tedeschi agreed and Councilmember Trawinski said that in the case of a local group renting the gym under these circumstances, the Council has a better idea of who they

are dealing with. Councilmember Baratta and Deputy Mayor Swain agreed that the gym should not be rented out to this group.

### **Policy on Tree Planting**

Acting Manager Kwasniewski said that this is fall planting season and several locations in Radburn have been identified as having a good planting strip for trees between the road and the sidewalk. The question is should the trees be planted whether the resident wants it or not. Councilmember Baratta recalled that the last time this was done the residents were given a choice. Acting Manager Kwasniewski said that some trees were removed after they had been planted because people didn't want them. Councilwoman Baratta said that the trees that were removed were actually on people's front lawns and not on the planting strips. She said that the 4 ft. wide strips are a good size and there shouldn't be a problem.

Deputy Mayor Swain recommended that people be notified about the plantings and the residents could be given an opt out. Councilmembers agreed with this recommendation.

### **Retirement Luncheon**

Acting Manager Kwasniewski reported that there will be several retirements by the end of the year and there is money in the budget to hold the annual retirement luncheon. The Council agreed to hold the luncheon on December 18<sup>th</sup>.

### **November Meeting Dates**

Acting Manager Kwasniewski suggested a work session on November 10<sup>th</sup> and a regular meeting on November 24<sup>th</sup> for the month of November. The Council agreed to this schedule.

### **Endorsement of Community Development Block Grants:**

Councilmembers unanimously agreed to the endorsements for Community Development Block Grant applications for the AAH of Bergen County, Inc. and the Fair Lawn Jewish Community Center.

### **Community Development Representatives**

Acting Manager Kwasniewski stated that that Mayor Weinstein and Deputy Mayor Tedeschi are the Community Development representatives. Their terms expire in January and they have agreed to continue. Councilmembers unanimously agreed to their reappointment.

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the meeting was adjourned to the Special Meeting at 8:54 P.M.

Deputy Mayor Swain reconvened the Work Session at 8:56 P.M.

**Public Comments**

Harvey Rubenstein, 17-38 Chandler Drive, referred to the report on the 501(c)3 that has been ongoing for over a year. A truck had hit the front of the building by the auditorium and bricks were knocked out. If seniors were brought in for one of the shows discussed earlier they could trip and fall. No one seems to be addressing this problem or can decide whose is responsible for repairs. Acting Manager Kwasniewski said she hasn't notice this at the building and Councilmember Trawinski said he thought it had been fixed.

Regarding the Planning Board, Mr. Rubenstein spoke at the meeting and told the Board that they have no idea about what goes on after a resolution is passed. He hopes that the members will now have a better understanding. He asked if the enforcement officers were permanent employees and Acting Manager Kwasniewski said they are permanent, full time employees. Mr. Rubenstein knows that they go out and the Manager's report notes how many inspections are done and how many summonses are written.

Mr. Rubenstein recalled that there had been a discussion regarding a tank or water truck that could be used to water the trees that had been planted. He said that the Borough should consider using water bags and not rely on the home owners. Councilwoman Baratta said that the bags are called gator bags and they are not in the budget, however, the real concern is not hitting them with lawnmowers or weed wackers.

Jane Diepeveen, 14 Ryder Road, asked what the 501(c)3 would do with any money they make on the performances for seniors. Acting Manager Kwasniewski said that this money can only be used for the Center and would pay for the general maintenance of the center and the various amusements, gym equipment, air conditioning, etc.

Ms. Diepeveen pointed out that Dunkin Donuts had put one of their signs next to the street sign on Radburn Road. They also have a banner which she doubts was approved.

Ms Diepeveen asked if the building on Heights Street, discussed earlier, was a former fire house. Councilmember Trawinski indicated that it was and Ms. Diepeveen said the County considers this to be a historic building. She also pointed out that the streets noted for tree planting are not in Radburn and Councilmember Baratta confirmed this.

Ms. Diepeveen questioned the purposed of the endorsement of the Community Development projects. Councilmember Trawinski explained that this is the renewal of the annual grant application for permanent existing supportive housing and meal deliveries.

Phil Plotch, 17 Bancroft Place, said that in New Jersey every homeowner's association except one is run similar to this Council. There are open meetings and records and any homeowner can run for office. Radburn is the only association in New Jersey where

residents can't nominate people to be on the Board of Directors. He distributed a petition.

Mr. Plotch stated that the heading on the petition reads "Democracy Petition" and he has found overwhelming support of democratic elections in the community. Several years ago Radburn's Board of Trustees nominated four candidates for two open seats and residents voted by mail, however, many residents didn't like the choices and they wrote in names. The top two write in candidates received 199 votes each. Those write ins didn't win election because the Board only counts votes for people they nominate. Petition signers want a say in choosing the people who make the rules in Radburn.

Mr. Plotch said that if voters can be trusted to choose the leader of the nation they can be trusted to choose responsible leaders in Radburn. In 2006, the Council passed a resolution to support Radburn democracy and urged the Assembly to pass a bill to ensure democracy in Radburn. The bill passed the Assembly but there was never a vote in the Senate. He asked the Council to again show its support for democracy in Radburn by passing a similar resolution. The state legislature needs to pass a simple bill that would say that if you are a resident of a homeowner's association you are a member and can nominate someone to run for the Board.

Mr. Plotch stated that when he moved to Radburn he was told about the restrictions, rules and the required dues but not about the rules for electing board members. He asked the Council to again show unanimous support by passing a resolution which will ensure that Radburn residents can have the fundamental right of open elections.

Ron Coll, 10 Ramapo Terrace, stated that there are two Radburn trustees in the room who have been democratically elected over the past five years. June Meyerson was elected by a vote of 3 to 1 over the opposition. The Radburn Association does not want a survey to be conducted. He stated that one of the more peculiar aspects of Radburn democracy is dealing with Don Morris who is the head of the Radburn Board of Trustees. Mr. Morris has been appointed and not elected five times by the trustees to serve as president and Mr. Coll alluded to the fact that Mr. Morris is a liar.

Councilmember Trawinski warned Attorney Rosenberg that Mr. Coll was getting close to the point of defamation. Mr. Coll apologized and said that the point is that Radburn is about as far away from democracy as Iran. He stated that Mr. Morris was on the Board of Trustees twenty years ago when the first abortive attempt was made to sell Daly Field. Mr. Coll said that they desperately need the American kind of democracy in Radburn.

Pam Coles, 13-34 George Street, referred to the property on River Road where trees have recently been taken down. She was there when the trees were being removed and said that there was no site plan available. She asked if the Council had been able to locate a finalized site plan. Acting Manager Kwasniewski said that the developer met with the DPW Superintendent who oversees tree permits. The Superintendent went to the site and reviewed with the developer every tree that was supposed to be removed in addition to three dead trees. Acting Manager Kwasniewski explained that the site plan

showed all the trees that were permitted to be removed in order to do the construction. Ms. Coles said that she will get a copy of the minutes or the transcript. She said that there was one very tall tree that was supposed to be incorporated into the site. Councilmember Baratta again requested a copy of the resolution.

Regarding the Chase parking lot, Ms. Coles recalled that when the application was approved last September there were numerous interested people from other areas of Fair Lawn in support of this site. Because it is cooperative parking Todd Malkin requested signage for designated parking. She asked that someone look at the site this since it has become designated parking rather than cooperative parking. Attorney Rosenberg stated that the seven spaces given to River House Condos fall under the cooperative ordinance which means they are not designated. Ms. Coles said that Todd Malkin wanted signage put up identifying those spots. Councilmember Trawinski said that this was beyond the authority of the Board and not consistent with the shared parking ordinance, however, he asked Attorney Rosenberg to look into this. He told Ms. Coles that at the beginning of the meeting Acting Manager Kwasniewski reported that Tim Franco, Jim Van Kruiningen and Ken Garrison went to the site and counted the number of spots and they are now working on what is a fair allocation which is why the parking agreement has been rescinded.

Ms. Coles said that this parking lot is packed on a Saturday morning. Councilmember Trawinski said that this is because of the diner and the people living in the apartments. Ms. Coles asked what will happen when the seventeen units go up since this lot is insufficient for what is being created. There should also be a loading zone or a designated area for trucks.

Deputy Mayor Tedeschi agreed that the demand for space at this parking lot exceeds the capacity. The bank has a disproportionate number of spaces at 52 spaces which leaves 30 spaces for the Borough. The Empress Diner was supposed to provide 8 off site parking spaces when it was approved in 1962 which it does not. It comes down to enforcement. Councilmember Trawinski said that they have taken action and they are aware of the situation. His other concern relates to the failure of having a site plan on site while construction is taking place. He added that if the Planning Board allowed all of the trees on this site to be removed why does the Borough bother with a tree ordinance and site plan review. Acting Manager Kwasniewski stated that the resolution calls for tree planting. Councilmember Trawinski said that they need to review the tree ordinance relating to site plan review. He also asked to see the site plan.

Deputy Mayor Tedeschi asked the Borough Attorney to submit a memo to the Planning Board asking for an explanation of the site plan, trees, etc. so the Council could get a better idea of what is going on and how these things are resolved.

Craig Miller, 5 Ramapo Terrace, said that he understands that the Borough considers Radburn as private property, however, the Borough pays for improvements such as sidewalks. Councilmember Trawinski explained that the Borough supported Radburn's grant applications but does not pay for sidewalks.

Mr. Miller stated that there has been pressure for Radburn to open their meetings. The procedure at the meetings now is that the public can speak but only on restricted subjects. Any other comments are sent to Citizen Associations.

Mike Rooney, 14 Burnham Place, stated that he is a former Radburn trustee. He noted that the presidents of the Citizen Associations are the only openly elected officials in Radburn. He explained that every year the trustees nominate four people to run for the Board of Trustees and the vote happens at a members meeting where two people are elected. In addition, the members appoint two other trustees to serve on the Board of Trustees for a one year term. Every two years the Citizens Association democratically elects a president who also serves on the Board of Trustees. On any sitting Board, there is one member who is openly nominated and elected by the citizens.

Mr. Rooney said that a lack of democracy in Radburn results in a lack of accountability which has resulted in the Daly Field debacle, the treasury being depleted from over \$300,000 to nothing, a deficit budget, and out of control legal fees. This is not only about democracy but about the largest investments residents have made in their lives. Radburn residents bought into the community anticipating that they would be able to control how their money would be spent and now everything is out of control. Mr. Rooney asked what the next step would be for the Council. He asked if there were any initial thoughts or feedback on where the residents should go from here.

Councilmember Trawinski said he would be prepared to vote for a similar resolution as the one they unanimously voted on in 2006. The Council can support legislation that would give full democracy to the residents of Radburn. He wished the residents luck with their Court case and he said he will ask the Council if there is a consensus to put this on the Consent Agenda.

Councilmember Baratta agreed and said she supported this resolution once and would support it again. Deputy Mayor Tedeschi asked that this be put on the next work session with the full Council present as well as people who have sent communications opposing this resolution. He would like to ask Senator Gordon why he isn't supporting this legislation when he previously did. Mr. Plotch said that they have reached out to the State Senator and Assemblywoman. The Assemblywoman stated that draft legislation has been forwarded to the Assembly Majority Leader's office. There has been no response from the State Senator.

Deputy Mayor Tedeschi questioned tenant's rights in this instance. Mr. Plotch said that it should be up to the Homeowners Association to make that decision. The legislation should be written in a way to give flexibility.

Councilmember Trawinski stated that they need to wait until Mayor Weinstein is present to do a resolution. Deputy Mayor Tedeschi indicated that he would like to have Senator Gordon present, as well as those who were present tonight, in order to have a meaningful discussion. He wants to hear the whole story and his concern is that this is the only homeowners association in New Jersey in this situation. The Court's decision states that this may not be fair but it's legal.

Mr. Plotch said that he is personally not involved in the case but in his opinion this is the right thing to do. He stated that if the Legislature clarified their intent there would be no case and the community would save a lot of money and angst.

Michael Rooney stated that oral arguments are scheduled for November 17<sup>th</sup> in Trenton.

June Meyerson, 15 Ballard Place, stated that there are nine trustees. One becomes a trustee as a result of becoming President of the Citizens Association who serves a two year term. Of the other eight, two are appointed annually by the members of the association and those members are only those who are current or former trustees supposedly living in Radburn. The other six trustees rotate for three year terms and two are elected each year. They are appointed by the nine current trustees. There are four that are put on a ballot, two of which are elected for three year terms. You may only serve for five years and for two of those years you would have to be appointed by the members. After a three year hiatus you can be appointed or run again. Ms. Meyerson said there is an election and the Radburn residents have the opportunity to vote for those four who have been selected by the trustees.

Regarding the tenants, Ms. Meyerson said they are given the same benefits as homeowners and are allowed to use all the facilities. Therefore, she felt the policy should be changed to allow tenants to become voting members.

Maureen Moriarty, 14 Burnham Place, stated that the vast majority of people in Radburn want democratic elections. Many of the Russian immigrants in the area value democracy and it is difficult to understand why people in the community don't want democracy and don't trust it. She expects two thirds of the homeowners to sign the petition. Ms. Moriarty said that there is no good reason why people don't want democracy in Radburn.

Ms. Moriarty remarked that there is a group of people in Radburn who are defaming the intent of the founders of Radburn. Clarence Stein, one of the founders of Radburn, wrote a book in 1951 stating that all homeowners should be members of the homeowners association. Radburn's founders wanted Radburn to evolve into democratic elections but they didn't say when or how.

### **Closed Session**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the following Closed Session resolution was unanimously adopted at 9:50 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 Personnel – Police Department; DPW; and, Negotiation of Employee Benefits;

**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 Trawinski, seconded by Councilmember Baratta, the meeting was adjourned at 10:16 P.M.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Absent  

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Mayor Steven Weinstein

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Councilmember Jeanne Baratta

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Deputy Mayor Lisa Swain

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Deputy Mayor Joseph Tedeschi

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Councilmember Ed Trawinski