

WORK SESSION OF APRIL 22, 2008

Mayor Weinstein called the meeting to order at 7:31 p.m.

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

ALSO PRESENT: Manager Metzler, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg:

Review of Tentative Agenda (4/22/08):

Assistant Municipal Clerk Bojanowski stated she had two additions to the agenda which were the award of bid for radio repair and maintenance and also a proclamation for Child Abuse Prevention Month.

Councilmember Trawinski stated he was tentatively alright with the minutes that are going on the Consent Agenda because he has not had a chance to read them. Mayor Weinstein asked that he let the Municipal Clerk's office know if there is an issue.

Attorney Rosenberg stated that on the discussion regarding 24 hour businesses depending upon how Council decide to proceed, they may want to introduce it on first reading at Tuesday night's meeting. Mayor Weinstein stated he wanted to get input from River Road, Broadway, the EDC and maybe the Chamber of Commerce.

Mayor Weinstein stated that the League of Women Voters thought this was a regular public meeting and have asked for a few minutes to speak regarding Route 208.

Elaine Winshell, 7 Beekman Place, Chairperson of the League of Women Voters, stated they looked at the draft ordinance for the Fair Lawn Promenade and the proposal for the former Kodak property.

At this time, Councilmember Trawinski recused himself for this discussion.

Ms. Winshell continued that the members concurred with the report of the study group. The study group found that there were some deficiencies and grave concerns in both, especially in the following areas: traffic impact on Route 208 and Fair Lawn streets, it was not studied in the FLP report, density of residential housing, uncertainty about the environmental status of the property, insufficient green space, insufficient parking for residences, and commercial uses included as permissible would exacerbate any parking and traffic issues inherent in the proposed ordinance and plan, as well as the existing traffic on Fair Lawn Avenue.

She stated the League of Women Voters could not recommend either the zoning ordinance as written, nor the plan for the development as it is currently proposed. They would be willing to come back to the next work session to discuss this further. Mayor

Weinstein asked that the report be given to the Planning Board because they will be discussing this at their next meeting.

Council Liaison Reports:

Deputy Mayor Swain stated at the last Planning Board meeting the Fair Lawn Ambulance Corps' extension was approved. The plan was exactly the same but since they did not have everything in order in time they needed an extension. They also approved an extension for a sign for Mondello property on 27th Street. They also talked about several things going on River Road, only in a conceptual state right now.

Councilmember Baratta stated the Garden Committee benches for 9/11 would be installed shortly. Thanks to the new POD ordinance the Garden Committee had two PODs donated to them from residents who needed to get them off their property. They had asked her to find out if sprinklers for the Library were included in the budget. Manager Metzler believed they were included.

Councilmember Baratta stated she attended the Property Maintenance Committee meeting for Mayor Weinstein. They thanked Attorney Rosenberg for giving them information about the clothing bins. The DARE boxes at TJ Middle School were unsightly. Art Cummings had been at the meeting and said he was enforcing the three and a half inch house numbers and that was going well. They are in favor of keeping the area between the street and sidewalk green. They wanted to know if the new business owner pamphlet was still given out to business owners. Mayor Weinstein stated no. Councilmember Baratta said they had a revised one. Manager Metzler said he would follow up with that.

Councilmember Baratta stated that she, Mayor Weinstein and Manager Metzler attended the canoe regatta meeting on April 16, and fliers were sent home to students in grades 6, 7 and 8. Mayor Weinstein stated there are 24 enrolled.

Councilmember Baratta stated the Historic Preservation Commission would give tours that day, also the Alliance for Substance Abuse Prevention is getting involved by providing breakfast and also the Chamber and the two Rotaries are getting involved. The Rotary, River Road and Broadway are doing t-shirts.

The 501C3 contacted her about the dedication of the two rooms. Manager Metzler said it would be done in late June. The gymnasium will be named in honor of John Cosgrove and the Weight Room in Benny and Mary Salerno's name.

Councilmember Trawinski stated that the EDC had a meeting today which he could not attend but since they were discussing the various items that are internal to the EDC having a Councilmember there might inhibit them but that was not the reason he did not attend.

The ADA meeting will be held in May.

Deputy Mayor Tedeschi stated that Broadway Improvement Corp met on April 10th and they are continuing to work on the Master Plan and moving along to hold a public meeting.

Deputy Mayor Swain stated that since today was Earth Day, she happened to get complaints about litter. There was excessive litter on the sidewalk at CVS. and at the intersection of Plaza Road and Route 208.

Mayor Weinstein stated that on May 3rd, the Recreational Facility Committee will be doing a tour of all of the parks. One of the issues is litter and other types of improvements. Adopt a Park Day is also the same day as well.

He attended the Fire Board Meeting and they were pleased to hear that the Council instituted through the Health Department the health checkups. He thought at some point they would have to coordinate that. Manager Metzler stated that in the course of the budget review, Deputy Mayor Tedeschi brought to their attention Valley Hospital who gave the Borough a proposal. He also reached out to Occupational Medical who we currently have a professional services agreement with. He believed they could move forward with Occupational Medical because their prices were better. They have a series of physicals that are given. There is an ordinance that requires fire fighters over 55 to have a physical. He will be sitting down with Carol Wagner in the next few days. Currently the Health Department monitors the Right to Know training and the Blood Borne Pathogens. He felt there will be an issue when a volunteer fails but they will have to cross that bridge when they come to it.

Mayor Weinstein stated he met with the Manager about the turf fields and went out to the field to look at it. With all of the issues surrounding this, he felt they should have an independent engineer prepare the specifications. It should not be the contractor itself. There are a lot of issues, drainage, etc. Manager Metzler stated he spent several hours on the internet and found information from the Indiana Gazette. Where they have identified lead it is from one manufacturer. It is a particular product that was unique to that manufacturer. The name of the company was Astro Turf. They are still in business. He has ascertained that there are three major manufacturers whose product is manufactured in the United States. There are a number of companies that have locations in Asia. He wants to put together a written recommendation. He did not think it would be necessary to hire an Engineer but he would like to do a written report with all of the supporting documents and then giving everyone a chance to read it, and then move forward.

Mayor Weinstein stated that Cablevision requested a meeting regarding their customer service store on River Road which they want to expand which would require a revision of the Borough ordinance. They would take away the studio and have offered the

Borough their equipment. They are sending more information and when he gets the information he will put it on a Work Session.

Deputy Mayor Swain asked what Manger Metzler had planned if one of the volunteers fails their physical. Manager Metzler explained they would be assigned as drivers only so they were not doing the strenuous part of the task. The recommendation from the doctor gets attached to their record. Deputy Mayor Tedeschi wondered if they give an individual an examination and found not fit for duty and the individual was injured, would the Borough be responsible. Attorney Rosenberg advised he would investigate that.

Appointments as a Result of RFQ's:

Bond Counsel: Mayor Weinstein stated the Borough had received RFQ's from four companies. He was looking at the ones that were recommended by the CFO and Borough Attorney. Deputy Mayor Tedeschi stated based on the experience he has, he felt they should accept the CFO's recommendation for Hawkins, Delafield and Wood. Councilmember Trawinski stated that based on his experience with them and the years they served this Borough they have done a phenomenal job. Mayor Weinstein felt that all four of the companies are top bond counsel.

There was a unanimous consensus to appoint Hawkins, Delafield & Wood as Bond Counsel for the year 2008.

Environmental Expert: Councilmember Trawinski questioned the Mayor and Council hiring an Environmental Expert so does this not impinge on the Planning or Zoning Board applications that they deem appropriate to have a consult to make the applicant pay for. Mayor Weinstein stated if a development comes in to town, like Clariant or Kodak, he felt the Borough should have its own expert which they should pay for to advise the Council. Councilmember Trawinski stated the Borough had the right to do that anyway when someone is seeking a zone change. He hoped that the Planning or Zoning Boards would look first at the Environmental Expert that the Borough saw fit to hire. That way the efforts would not be duplicated.

Mayor Weinstein stated the top three were Malcolm Pirnie, Dewberry and Mazer. They seem to fit the criteria for environmental issues. All the fees are comparable. He recommended hiring Malcolm Pirnie since they are located in Fair Lawn.

Councilmember Trawinski stated they awarded a bid to Malcolm Pirnie where they were not the lowest bidder. He was not in position to support Malcolm Pirnie. He felt they would have a conflict. Mayor Weinstein asked Borough Attorney Rosenberg if there was a conflict. Borough Attorney stated the goal of Malcolm Pirnie was to advise the Borough regarding the pilot water project contract. It is a contract paid for by the State. The State has made it clear that the Borough runs the project. The money comes from the State. Deputy Mayor Tedeschi asked if it would be issue to issue. Attorney

Rosenberg stated if it came to it, Malcolm Pirnie would have to recuse itself. Councilmember Trawinski stated since they have two other companies they could be more flexible about this. Councilmember Baratta felt she would rather be safe since all three are comparable. She would prefer to go with one of the other two.

Deputy Mayor Swain said she signaled out a few that would not be good for the job and felt the others were capable. She will defer to them since they have worked with them in the past.

Mayor Weinstein stated he would go with Malcolm Pirnie since they are a Fair Lawn firm. He did not see it as a conflict.

There was a consensus to appoint Malcolm Pirnie as Environmental Expert with Councilmember Baratta and Councilmember Trawinski dissenting.

Discussion of River Road Old Interstate Glass Location and 24 Hours Businesses:

Mayor Weinstein stated that Don Smartt was at one of their Work Sessions a few weeks ago and spoke about the situation with the old Interstate Glass property. Previously when this type of business wanted to come into town, there were residences above and now there would be no residences above. He recommended with the Borough Attorney's advice, since they abut residential housing and there is a B4/B5 zone in River Road. That an ordinance be prepared to prohibit 24 hour businesses there. He also wanted to get more input from River Road itself, the EDC, Broadway and even the Chamber of Commerce. He did not want any fear to be out there in any business district that this would become policy across the board.

Councilmember Trawinski thought that from a constitutional perspective, they need to determine whether or not there are other zones where there are 24 hour businesses that might abut residential because he thought when they had the other issue they received a case or two that if they discriminate among different zones but similarly situated businesses.

Councilmember Baratta felt they need to do this in a more broad sense than a narrow sense because she believed this was also the same applicant.

Councilmember Trawinski stated whether it is from the same applicant or not, it has nothing to do with it. It has to do with the peace and quiet of an abutting residence.

Deputy Mayor Tedeschi stated as a Council they would be hard pressed having gone through the process they went through already to now say it is alright. He liked Councilmember Baratta's idea to look at a broader picture.

Attorney Rosenberg asked if there was any sense from the Council as to the scope of the businesses because they have talked about that at length last year. The ordinance now in the B4 zone is limited to retail. He wanted to know if that should be extended to any other business.

Mayor Weinstein felt they should wait for input from the other business communities.

Councilmember Trawinski stated if they had a 24 hour drugstore, for example, that is something that may serve the public health safety and welfare more than a fast food chain.

Attorney Rosenberg stated they can distinguish the uses as best they can. It is good to establish a record of the basis upon which they might establish the difference between the zones and the uses. They have to distinguish uses.

Mayor Weinstein asked him to prepare a memo to the Council commenting on it and then reach out to the entities.

Councilmember Trawinski stated they may want to ask the Zoning Officer if they have any input or comments or other experiences they may want to give to the Mayor and Council. Deputy Mayor Tedeschi stated he was all for getting opinions and inputs but he felt it was a Council decision and it should be a broad distinction. Councilmember Trawinski stated that former Borough Attorney Lustgarten had pointed out to them on another matter that having a record upon which they are going to exercise that discretion is important. He does recognize that ultimately it is the Council's decision.

There was unanimous consensus to have Attorney Rosenberg prepare a memo to the Council and then to reach out to the various entities.

Councilmember Trawinski asked when they should expect to receive the memo from Attorney Rosenberg. Attorney Rosenberg stated it could be prepared by the next Work Session.

Property Maintenance Committee Liaison:

Mayor Weinstein stated he was initially the liaison to the Property Maintenance Committee but it has become very difficult being the liaison to that and also the Fire Board since they both meet on the same evening. He asked Councilmember Baratta if she would like to be liaison to this committee. Councilmember Baratta stated she would do it.

Discussion of Borough Survey for 3rd SID/Identification of all Businesses in 3rd SID:

Deputy Mayor Tedeschi felt it was the responsibility of the Council to reach out to the businesses so that they know that those businesses know exactly what is being planned.

Manager Metzler stated there are 1,141 businesses including the businesses that are included in the two SIDS. There are 400 property owners that are affected. Mayor Weinstein asked if they would just be inviting property owners. Manager Metzler said they would be inviting everyone with the exception of Broadway and River Road. They were going to invite representation from those two groups. They were looking at May 28 or May 29 at the Senior Center but both of those nights were booked. He informed Stu Herrmann and Don Smartt that the dates were not available and he has not heard back. Initially they were going to send cards to the business owners and letters to the property owners but have decided to send letters to all of the parties involved.

Councilmember Trawinski stated if the Borough was going to do this it would be a change in the way the Borough did the other two SIDS. When the Broadway SID and River Road SID were done, it was those members of the business community who reached out. He did not think they should take the lead on this but strongly support the EDC reaching out to all of the property and business owners. SIDS tend to work when they come from the ground up but they don't tend to work if people think it is coming from the Borough imposing it. If the Borough takes the lead it will look like they are proposing it, as opposed to them reacting to what other business owners are bringing to them.

Councilmember Baratta stated this is ultimately the Council's decision. She wanted to make sure that every business owner and every tenant is aware of what is going on. She knew from attending a couple of meetings that it seemed like a lot of big business owners not the individual tenants were invited. Manager Metzler stated the list was provided by the Borough along with mailing labels. He had gotten the sense that they were trying to make it as inclusive as they could. The charge to the executive committee was to reach out to the individual owner's one on one.

Deputy Mayor Tedeschi stated he sees no need for the Council to take the lead on this. He was looking at a two year history of the EDC and they have not built a consensus yet. They will now have to do that. This Council has a responsibility to make sure that everyone is well informed.

Deputy Mayor Swain agreed. This is a way for businesses to feel like part of the plan and hopefully out of this process, something will happen so that the Council could step away and let another group take over.

Councilmember Trawinski stated he was not sure about what they were talking about doing. Mayor Weinstein stated the EDC has put together this meeting to show the Council that the businesses that are involved in this SID want it. The Council will attend the meeting and listen. When they formed the BID, he was part of the process. He was

there with them knocking on doors, and he thought it was to their advantage to have a list for informational purposes to make sure the right people are invited.

There was a unanimous consensus to get copies of the list.

Councilmember Baratta felt if there was not a large turnout, she would wonder if there were people that were not contacted.

Manager Metzler advised that the EDC asked if the Borough would pay for the postage. He felt if Borough sent the letters they would know who and when they went. Deputy Mayor Tedeschi said this would be the Council sending out something, and reaching out to people. Mayor Weinstein felt it was a good idea to pay for the postage so they have control that it has gone out. Deputy Mayor Tedeschi wondered about the input on the letter, who will write it. Mayor Weinstein thought the EDC should write the letter.

Councilmember Trawinski felt they micromanaging the EDC. They did not do that when they did River Road Improvement Corporation. He did not think they did it when they did the Broadway Improvement Corporation. Deputy Mayor Tedeschi felt he would not call it micromanaging by advising people that they are going to be taxed. Councilmember Trawinski said they could advise people without the process of them writing or reviewing letters. In the past everyone was advised when those other improvement districts were formed. Frankly, by law they were advised two other times. When they did the Zoning change, Municipal Clerk Kwasniewski had to notify every single property owner in the SID by Certified Mail. They were actually notified three times. Mayor Weinstein stated they had also done the mailings for those meetings that they the Business Leadership had in the beginning. Deputy Mayor Tedeschi stated he was not satisfied with that flow. Councilmember Trawinski reminded Deputy Mayor Tedeschi that he voted for the River Road SID. Deputy Mayor Tedeschi said it was 17 years ago and about \$800,000 in payments to the Administrator of it. Many River Road residents came to the meeting saying they live there and do not want to be taxed because it was a shotgun approach. Councilmember Trawinski in response to the residents comments, they changed the ordinance. The process worked. They told the property owners about it, they came out and voiced their concern. He felt more notice was better and making sure that everyone that is potentially affected is notified is better than leaving someone out. He felt the Borough should do the mailing.

Mayor Weinstein felt they should also use Channel 77. Councilmember Trawinski felt the Council should not be writing the letter. If there is something they didn't put in the letter, then maybe the Council should do their own. Deputy Mayor Tedeschi proposed the Council advise people they are going to be taxed.

Mayor Weinstein asked Manager Metzler to send the list that is prepared to the Mayor and Council.

Councilmember Trawinski stated he was troubled that Deputy Mayor Tedeschi thought that the EDC would not notify the property owners. Deputy Mayor Tedeschi stated he misinterpreted him. He truly believes that River Road is a contiguous body that had common problems that were resolved. He believes that Broadway is a contiguous body. This is a unique situation. This is a SID for everyone and it does not matter what they do or where they are, if they are a commercial property they get thrown in the pot. He has serious concerns about this. Councilmember Trawinski stated maybe it is a difference in experience because he deals with SIDs up and down the State, town wide SIDs are not unique in New Jersey and it may be to Fair Lawn. They have to make sure the businesses know and understand what the process is. He felt they are not far from agreeing; they should give as much notice as possible and hopefully have as large a turnout as they can.

There was a consensus to receive the list of address of who will receive the letter, they will receive a copy of the letter that is being sent out and the Council will pay for the postage for these mailings, with Deputy Mayor Tedeschi dissenting.

Deputy Mayor Tedeschi stated that was not his objective. Mayor Weinstein said the Council would have input in the letter. Deputy Mayor Tedeschi stated he wanted everyone to clearly understand what is going to happen. Mayor Weinstein informed the Manager that before the letter goes out he will wait for input from the Council. Councilmember Trawinski wondered once they get the list, they can knock on doors and talk to the folks. Mayor Weinstein stated they want everyone to understand what it is.

Deputy Mayor Tedeschi said he now agreed.

Memorial Pool:

Deputy Mayor Tedeschi proposed that the Borough of Fair Lawn offer Paramus the use of Memorial and Walsh Pool paying the full membership prices that Fair Lawn residents pay.

Mayor Weinstein stated that he spoke with Mayor Tedesco from Paramus who was very pleased that Fair Lawn would make that offer. However, before anything could be done it had to be discussed tonight. The Borough Manager and Borough Administrator of Paramus would work out the details. Mayor Weinstein agreed that Fair Lawn should offer Paramus the use of both pools at the rates that the Borough charges its residents for one year.

Borough Manager Tom Metzler spoke with Recreation Superintendent Jimmy Graff who is concerned with the maximum number of people using the pool during the week and on weekends. Fair Lawn averages 1,000 to 1,200 residents on a good weekend and Superintendent Graff felt that they could take 500 people on a weekend without a problem. Deputy Mayor Tedeschi stated that additional staff may be needed to accomplish this and to open up the other end of the pool that is normally closed.

Councilmember Baratta asked the Manager to reach out to Paramus to do something that is going to be beneficial to both Fair Lawn and Paramus.

Borough Manager Metzler thinks that it could be worked out. Superintendent Graff had also made the suggestion that Midland Avenue be used as a dividing line. Anyone living north of Midland Avenue in Paramus would go to Ridgewood and anyone living south of Midland Avenue would go to Fair Lawn.

Councilmember Trawinski supported this idea and felt it was reasonable to charge the Paramus residents the same as Fair Lawn residents because it is the "neighborly thing to do." It will hopefully build some good will with Paramus.

There was a unanimous consensus to have the Manager move forward with this idea.

Status of Dog Park:

Manager Metzler stated the last contact they made and the last location they discussed was in Dunkerhook Park off of Saddle River Road. They put a hold on their discussions because they were contradicting themselves. On one hand they would be telling the residents on Williams Street they were concerned about the traffic then on the other negotiating with the County to put a dog park in. The last he heard from the County was they were negotiating with Oceanos.

Manager Metzler suggested waiting to see if the County wraps up the negotiations and then move forward or if the Council would like to designate an area to put this. An acre would be needed for this park. He mentioned the acquisition of the lot on George Street that is going to be developed as a park. Mayor Weinstein felt it was too close to the house. He liked the Dunkerhook area better. He felt they should broach the subject with the County. Manager Metzler wondered if they should keep pushing this with Williams Street still unresolved. Deputy Mayor Swain felt they should get the Williams Street situation resolved. Mayor Weinstein stated the County has been doing a lot of designing there now and this could be part of it.

Manager Metzler stated the County was notified via the Clerk's office back in 2006, there were follow up discussions with the County, and when the road situation came through and the Borough said they did not want it, the County said the Borough had no choice and they were moving forward with it. He had suggested that maybe one of the ways the County could appease the residents was to build a dog park in that area. Mayor Weinstein stated he would wait to have it in that area.

Deputy Mayor Swain felt the County should think everything that will be put in Dunkerhook. She thought the negotiations with Oceanos should be done first. Manager Metzler stated if the County said outright that they would not do that, then they will make recommendations on other locations and then budget it. Manager Metzler stated the Borough has not received a commitment from the County that they are going to move

forward with this. If it is a Borough project it will not happen until 2009. Councilmember Trawinski thought this should come back to the Council in September if they did not hear anything sooner.

Zone Change re Greening of Strip between Curb and Sidewalk:

Councilmember Trawinski stated as Mr. Rubinstein had pointed out to them, they do not have an ordinance that mandates that the strip stays green. Most instances it is Borough owned property that they expect the property owner to maintain. He thought he heard Councilmember Baratta state that the Property Maintenance Committee would support such a change. He did not think it created a burden on anyone. He thought that virtually everyone maintains it that way. Councilmember Baratta stated that actually they do not. Deputy Mayor Tedeschi stated there are several around town with pavers, etc. Mayor Weinstein stated this is Borough property so before anyone did anything, they should have gone to the Borough for permission.

There was a unanimous consensus to authorize Attorney Rosenberg to review this and draft something. Attorney Rosenberg stated he would get back to them by May 13.

Route 208 Tree Barriers – Southern Drive:

Councilmember Baratta stated the State has been planting trees on the north side, along Northern Drive. The south side feels like they are being neglected. A resident on Southern Drive who was active in trying to get sound barriers made calls to Senator Gordon and Congressman Rothman but could not get an answer from them on why the southern side was not getting the border.

Manager Metzler stated that DOT has the southern side of the highway in their future plans. Optimistically he hoped it would be in the next year but it could be as far as 24 months out. There are a few obstacles on the highway such as a 50' trunk line that runs along there that will be an impediment. The State found that residents have been dumping debris along the highway which require additional clean up by the State. Initially, when he was contacted by the State they were going to begin at Saddle River Road and go in a northerly direction 900 feet and because of the cooperation of the Borough's people and the residents, they extended it up to Morlot Avenue.

Councilmember Baratta stated the area by Southern Drive is much narrower. They have had a lot of accidents there. There are trees there now but would like the evergreen barrier like the north side.

Discussion of Hours at George Frey Center for Arts and Recreation:

Councilmember Trawinski indicated he would like to see them find a way to extend the summer hours at the center for the students that desire to use it. He understood there

may be economic and personnel consequences and other things that he hasn't thought about. As a matter of policy he thought they could find a way to do it.

Deputy Mayor Swain wondered if he meant summer or spring. Councilmember Baratta stated she would like to see spring, especially because for example this week the kids are off from school and the center is closed. She knows there are a lot of factors and Superintendent Graff has the numbers to support his decision to close it. One weekend they have between 200 and 300 and then after daylight savings it goes to 30 to 40. There may have been some misunderstanding with the parents who thought the center was closed completely and it is not. She was not sure if they understood that the kids can use the center in the evening as long as they are escorted by a parent. She would like to see a compromise or a test to see if it would work out.

Manager Metzler wondered if there were follow up complaints since Superintendent Graff responded to the students. Mayor Weinstein stated not at this point. Councilmember Trawinski stated he has gotten some comments when he was in CVS. They asked why not try it in 2008 instead of 2009 as Superintendent Graff recommended. The facility is there and everyone is working hard to make it succeed, they have students asking to use it, so they should find out if it would be worth it.

Manager Metzler thought the issue is what can a teen do at the Community Center that they can't do outside. Councilmember Trawinski stated that Fair Lawn does offer a lot more than many municipalities. Manager Metzler stated the parents are asking for the security of the facility that they don't want to provide. Mayor Weinstein stated when they go to the Community Center it is a social function that they are not sitting at home on the computer. At certain ages they don't want their parents standing over them, they would prefer a stranger.

Manager Metzler said are they prepared to pay personnel to provide that service. They are forced to look at all of the programs they offer to see what they are depriving the residents. The fact of the matter is there is a broad base of opportunities offered outside. As they go through the process they have a responsibility to say, what they can or cannot afford. They are going to go through the process in the budget next year. It has to be analyzed and thought out before they do it.

Deputy Mayor Swain suggested they expand it until the end of April and just on Friday and Saturday nights.

Manager Metzler said that Recreation has conceded that they are prepared to do that next year and it will be worked out in the budget. Deputy Mayor Tedeschi stated that before Recreation concedes anything, the Council has to decide that they have a building over there that is relatively expensive and when it sits empty it is not serving the community and then the choice they have to make is where do they want their kids to be, and what do they want them to be doing.

Councilmember Baratta realizes that the high school kids get in trouble during that time period between 3:30 and 6:30 when their parents are not home. She does not understand why it has to be exclusively available to them. She felt the 5th – 8th graders should be able to go then as well.

Councilmember Trawinski echoed Deputy Mayor Tedeschi's comments about the social issues not being decided by economic issues. As a Council they have made good social issues and then sorted through the economic issues. He was not saying they should be oblivious to those issues because they have spent a substantial amount of time during the budget process. He realizes it is the Manager's responsibility to remind them of that.

Mayor Weinstein suggested they consider having the Center open while school was out on break.

Deputy Mayor Swain stated that whatever they decide the communication has to be very clear; notices would have to go home to the parents so they understand what the hours are, the months, and the timeframe.

Mayor Weinstein asked Manager Metzler to speak to Superintendent Graff about this. As far as the rest of this year, he wondered if the Center would be open. Manager Metzler said not through the summer season. It restarts in September. Councilmember Baratta felt they could not accomplish this now since it is almost the end of April. If they did it now, no one will know about it. Manager Metzler said they could advertise that it would be open. His issue is funding it. Mayor Weinstein stated they still do have a few months of school. He would like to see it open on Friday and Saturday nights.

Manager Metzler stated they wanted it open Friday and Saturday nights until 10:00 p.m. until the end of June.

Deputy Mayor Tedeschi stated then they will look at it the next Work Session.

Adding Grandfather Clause for Pre-existing 50 x 100 Foot Lots:

Councilmember Trawinski stated that as a result of the rezoning that took place in 2001, 35% to 45% of the existing lots in the Borough of Fair Lawn by definition are non-conforming lots because the zoning size for a conforming lot is 65 x 100. Anyone who wants to do anything to their house on a 50 x 100 lot, even if they meet all of the Borough's other regulations has to get a variance. He was surprised that there was no grandfather clause in the 2001 ordinances. He thought they have created an unnecessary burden to those who otherwise conform. He felt they should grandfather the pre-existing lots. He thought they should go back retroactively because it will reduce the burden at the Zoning Board. There were 36 applications in 2006 that would not have to go before the Zoning Board because they meet all of the criteria. It is just that the lot is 50 X 100.

Attorney Rosenberg stated Section 125-31 of the Borough code does not talk about pre-existing lots. Councilmember Trawinski felt they should look into this and also have the Borough Manager ask the Planning and Zoning Boards for their view on it. This just deals with the pre-existing lots.

Councilmember Baratta wondered if out of the 35 applications, were they all approved. Councilmember Trawinski said they were. He said his motivation was not just to help the Zoning Board but for the residents.

There was a unanimous consensus to authorize Manager Metzler to speak to the Zoning Officer and give it to the Planning and Zoning Boards.

Deputy Mayor Tedeschi asked that the Planning Board get back to the Council by the first Work Session in June.

Salary Ordinances for Parks and Recreation:

Manager Metzler stated this ordinance would reduce the salaries for new employees. He recommended that for new employees the minimum rate would be \$8.00 with a maximum rate of \$18.23. That number would be frozen for new employees for 2008 – 2009. In the case of existing employees the rate would be \$8.32 which is the same as last year and the maximum would be \$18.23 and those numbers would be frozen as well for 2008 – 2009.

There was a unanimous consensus to introduce both salary ordinances.

Knights of Pythias “Hands of Friendship Day” Outdoor Fair:

Manager Metzler received a letter from the Knights of Pythias requesting the use of picnic area A at Memorial Pool on Sunday, May 18, 2008. This is their annual outdoor event for handicapped individuals from 8:00 a.m. to 4:00 p.m. Mayor Weinstein said it was a very nice event with a good turn out.

There was a unanimous consensus to allow the Knights of Pythias to use the picnic area at Memorial Pool.

Special Meeting:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the Work Session was recessed to the Special Meeting.

Mayor Weinstein reconvened the Work Session at 9:07 p.m.

Public Comments:

Harvey Rubinstein, 28 Rutgers Terrace, spoke about the grandfather clause for pre-existing 50 x 100 lots and wondered why not 60 x 100. Councilmember Trawinski explained traditionally the lot size was 50 X 100. Mr. Rubinstein felt there would be too many people in the pool and it would be hard to swim.

Mr. Rubinstein spoke about a problem a resident was having on River Road because the garbage trucks were coming at 3:00 a.m. The person calls the Police Department but by the time they get there the trucks are gone. He suggested the Police put a car there. It is a quality of life issue and should be addressed. Councilmember Baratta stated she was told the Police do not have to see it happening they can take the name off the bins. Mr. Rubinstein felt the Council had the right to tell the Police to impound the truck. Mayor Weinstein asked Manager Metzler to look into it. Deputy Mayor Tedeschi thought he should look into how many complaints came in.

Mr. Rubinstein remarked that the trees were dying and some bricks were dislodged at the Recreation Center. In regard to longer hours at the center, he felt that parents want a day care center for their kids.

Sheryl Cashin, 1 Glenfair Road, wondered if the Borough would have input into the dog park if it was put on County property. Manager Metzler stated there is a standard they have to follow. Mrs. Cashin said she had experience in dog parks and there would have to be water, shade, ground covers and a separate area for small and large dogs.

Craig Miller, 5 Ramapo Terrace, spoke about the strip between the street and the sidewalk saying that only four houses on his street have grass the rest of them have been paved over by the Borough. He wondered if Paramus would supply life guards.

Closed Session:

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

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

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Labor Negotiations, Contract Negotiations – Maple Avenue Intersection, Personnel – Grievance No. 2008-01, Manager's Evaluation and Garden Club Appointment;

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 the 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 10:16 p.m.

ADJOURNMENT:

Upon motion by Councilmember Baratta and second by Deputy Mayor Swain the meeting was adjourned at 10:16 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski