

EMERGENCY MEETING OF JUNE 27, 2008

Mayor Weinstein called the meeting to order at 8.30 a.m.

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

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski and Attorney Rosenberg

Municipal Clerk Kwasniewski stated that in accordance with the Open Public Meetings Act, and in particular N.J.S.A. 10:4-9 notice of this emergency meeting was not given because there was not adequate time. It is the opinion of the Borough Attorney that this matter is urgent and important and substantial harm to the public interest would result from a delay in the holding of this meeting; this meeting will be limited to discussion of and acting with the respect to such matters of urgency and importance and the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have been provided. An affirmative vote of $\frac{3}{4}$ of the members present is required to call such emergency meeting. Notwithstanding the fact that notice was not given, notice will be given following the meeting.

Upon a unanimous vote of the Council the emergency meeting was convened.

Mayor Weinstein explained that the purpose of this meeting. Mayor Weinstein had attended two meetings with Brian Hague from the County and Nick Pantelakos. There was an oral agreement where Oceanos would allow the use of the parking lot as access to the County Park. They would keep the gate open from 8:00 am. to 2:00 p.m. They also own property where they would allow pedestrian access to the park. They were going to work out the details of a property swap.

Mayor Weinstein continued that he received phone calls from two residents on Williams Street that there was a back hoe on County property. He believes there is an urgency to prevent a building of a road to protect the health and welfare of the Borough. Deputy Mayor Tedeschi felt that construction could be imminent since the back hoe has been moved onto the property.

Closed Session:

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, the following closed session resolution was unanimously adopted at 8:25 a.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 under Attorney/Client Privilege – Williams Street; and

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

WHEREAS; minutes will be taken during this closed session and once the need 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 9:10 a.m.

Mayor Weinstein announced that they have instructed the Manager to put up a barricade on William Street on borough property and not to allow any other vehicles in the area to do construction. They will, of course, allow them to remove the backhoe. The Municipal Clerk will be sending an email to the County to put a moratorium through the end of July to prevent any type of construction and to invite them to a public meeting at 7:30 p.m. on July 22 to discuss their plans. The Council will be sending a letter to the Fair Lawn residents explaining what they are doing. The Council is preparing to take injunctive action if no response is received by 4:00 p.m. on Monday. On Tuesday evening, they will hold another closed session to discuss this matter and then in open session they will be adopting a ratifying resolution for the actions being taken. They have also requested all documents on this property. They will be sending a flyer to the residents on William Street. The Borough Attorney will be interviewing the residents of William Street for certifications for court proceedings if it becomes necessary for the Borough to file for injunctive relief.

Public Comments

Joseph Smith, 43-10 Union Street, suggested that they use Union Street as a model because the people who use the soccer field park on Union Street in a very orderly manner. A County site plan was approved in 1988 which shows no fence on the Oceanos property. He believes that the installation was a violation of the site plan approval. He suggested that the fence be removed so access can continue. There was a recent accident in the Park involving a bicycle race and a pedestrian. The addition of a road is dangerous.

Leslie Boghosian, 3 Sandow Court stated that she is proud of the Council for what they are going to do. She has spoken to Brian Hague, Chief of Staff of the County Executive who had been keeping her up to date until the back hoe appeared. They felt immediate action was needed so they started a petition which has been signed by people who do not want the road.

Councilmember Trawinski stated that they have authorized the Borough Attorney to prepare the legal papers if they have to take the next step. Deputy Mayor Tedeschi pointed out that the County will be invited to attend the Council meeting on July 22. Councilmember Trawinski suggested that Ms. Bohosian present the petition to the

freeholders.

Mike Konradev, 43-02 William Street, thanked the Council. The residents support them and they will do what they can to support the Council.

Craig Miller, 5 Ramapo Terrace, confirmed that there will be a meeting on July 2 for an update.

Adjournment:

Upon motion by Councilmember Baratta and seconded by Councilmember Trawinski, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski