

## **SPECIAL MEETING OF JULY 8, 2008**

Mayor Weinstein called the meeting to order at 8:34 a.m.

In accordance with the Open Public Meetings Act, notice of this special meeting was published in The Record issue of July 7, 2008. Notices were also posted on the bulletin board located on the first floor of the Municipal Building; copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The Notice identified the meeting location and the time of this special meeting.

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

**ALSO PRESENT:** Manager Metzler, 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 adopted at 8:35 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 Attorney / Client Privilege: County Park – 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 9:16 a.m.

### **RESOLUTIONS BY CONSENT 16-2008**

Upon motion by Councilmember Baratta and seconded by Deputy Mayor Tedeschi, Consent Agenda 16-2008 containing the following items was unanimously passed.

- a. Resol. #207-2008 – Authorizing Additional Representation Fees by the Borough Attorney

- b. Resol. #208-2008 - Opposing the County of Bergen's Plans and Projects for the County Park
- c. Resol. #209-2008 – Requesting the Board of Chosen Freeholders to Rescind their Resolution No. 433 dated April 2, 2008

Councilmember Trawinski stated there was confusion on some of the resident's part about when the Freeholder meeting starts. Mayor Weinstein stated it starts at 7:00 p.m. They take all public comment at the beginning of their meeting. Councilmember Trawinski thought they should, through the Manager, find out exactly when the meeting is and post it on the Borough website. He plans on going and bringing some of the glass from the silt to show it to the Freeholders. He said if he speaks at the Freeholder meeting he will identify himself as a Councilmember from Fair Lawn but he was not speaking for the whole Council.

Deputy Mayor Tedeschi asked if they wanted to provide transportation for the residents but thought that time might be the issue. There are a lot of concerns about the price of gas. Manager Metzler said they only have one driver. Mayor Weinstein felt they should also put this on the website if someone needs a ride to the meeting to come here and the bus will take them. Manager Metzler said he would try to work it out because he only had one driver. He will include it in an email to them whether the Borough would be able to provide transportation.

#### **Public Comments:**

Bill Rugles, 2-10 Saddle River Road indicated they support what the Council is doing to support the residents of Williams Street. They had prepared a newsletter in the spirit of disclosure; everyone has gotten a copy of it in their mailbox. They are very concerned about the impact on them and the fact that the gate is still locked. He wanted to know who issued the permit for the gate and for the lock. Deputy Mayor Tedeschi stated there is no permit for the gate and lock. There is a permit only for the fence. Councilmember Trawinski said there are actually two gates. One is padlocked and the one closest to the house is not locked. Mr. Rugles asked if the residents used the gates would it be a public disturbance. Deputy Mayor Tedeschi stated the owner would have to permit it. Mayor Weinstein said that probably the gate that is locked is right on his parking lot and they are trying to prevent people from driving through because there have been issues with that before.

Bernice Katz, 2-22 Saddle River Road stated she lives across the street from Oceanos. She thought there was an easement on that property that allowed access to the park through Kind's Dairy. She tried to find out more about the easement. She did look at old maps in the Borough Hall and according to what she can see, there is an easement but it was eliminated where accidentally or not, on the maps after 1940. She thought this problem could be eliminated if the Council could prove there was an easement. It would avoid fights and problems.

Councilmember Trawinski asked Attorney Rosenberg if when he did his research, he found anything about a reported title on this property. Attorney Rosenberg said he did not. Councilmember Trawinski thought they should authorize him to do a 60 – 80 year search.

Mrs. Katz said she went to the Hall of Records and it was not on the deed for Kind's Dairy either. In those days it was not always written. It would be shown on a map. She did see it on a map in this building. Councilmember Trawinski stated if it was a tax map unfortunately are notoriously inaccurate. He thought they had better than the easement. He asked Attorney Rosenberg to show the map with the County ownership on Saddle River Road. They think there is a piece of property that the County owns.

Attorney Rosenberg showed her the map of the area and pointed out where the County owns 40 feet. The County owns the land Between the Nursery School and the brook. One of the things he will argue is that the County could put a road there.

Carl Shoemaker, 2-83 Saddle River Road, stated the County Park is overgrown with poison ivy. The homeowners are fighting a battle trying to get rid of it. Mayor Weinstein stated they may not know they own the property. Mr. Shoemaker stated it is a poorly conceived plan and there must be another solution. He knows there are many residents that are just looking for a pedestrian entrance. He hoped to find out what the legal proceeding will be.

Attorney Rosenberg stated tomorrow there will be a decision. Mayor Weinstein stated the papers were filed yesterday by 4:00 p.m. and tomorrow the judge will be making his decision. Mayor Weinstein stated they have given the Borough Attorney the right to appeal and hopefully get a stay regarding the action the judge may take, if it is against the Borough. They will go all the way to stop this. Councilmember Trawinski asked the residents to go to the Freeholder meeting; the time will be on the Borough website. He suggested they stand up one at a time to tell the Freeholders their concerns. Deputy Mayor Tedeschi said there will be possible transportation to the meeting. Manager Metzler said to call his office by 11:00 p.m.

**Requesting the Board of Chosen Freeholders to Rescind their Resolution No. 433 dated April 2, 2008:**

Deputy Mayor Tedeshi suggested that the Council authorize a resolution requesting that the Board of Chosen Freeholders rescind the actions they took on April 2, 2008 awarding the contract to Conquest Industries, LLC.

Councilmember Trawinski stated it is exhibit G in their moving papers, their resolution dated April 2, 2008.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain that the Mayor and Council request the Board of Chosen Freeholders rescind the actions they took on April 2, 2008 awarding the contract to Conquest Industries, LLC.

Mayor Weinstein asked that the actual resolution be faxed to his office in Teaneck.

**Adjournment:**

Upon motion by Councilmember Baratta and seconded by Councilmember Trawinski, the meeting was adjourned at 9:34 a.m.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

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Mayor 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