

## **SPECIAL MEETING OF JULY 30, 2008**

Mayor Weinstein called the meeting to order at 9:32 a.m.

In accordance with the Open Public Meetings Act, notice of this special meeting was published in "The Record" issue of July 28, 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 Annual Notice identified the meeting location and the time of Council Meetings and Work Sessions.

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

**ABSENT:** Councilmember Trawinski

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

### **Review of Traffic Study for Route 208 Corridor – Kodak property:**

Attorney Rosenberg indicated that the sub-committee formed for the purpose of considering the Route 208 traffic study has a proposal from a traffic consulting firm. The firm is also used by the Planning and Zoning Boards. Since the committee cannot take action on its own, he presented the proposal to the Mayor and Council for their consideration and consensus. However, he cannot have them act on this today because he must make certain there are sufficient funds in the escrow account from the developer. He asked for a consensus from the Council to move forward with it. Mayor Weinstein stated the resolution would be removed from the Consent Agenda.

There was a unanimous consensus to move forward getting all of the necessary paperwork and the escrow funds from the developer.

### **Resolutions by Consent #19-2008**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeshi, Consent Agenda No. 19-2008 containing the following items was unanimously passed with the exception of Resolution No. 230-2008 which was removed.

- a. Resol. #229-2008 – Renewal of Liquor License 2008 – 2009
- b. Resol. #230-2008 - **Removed**

**Public Comments**

Bernice Katz, 2-22 Saddle River Road, expressed concern about the easement that is blocked off by Oceanos. The owner has offered two properties to the County as an alternate easement closer to where he cut off the easement. She felt that the County supported the people on Williams Street when they objected to the easement being placed in their area. She asked the Council to support them in getting an injunction to stop the County from buying those two pieces of property to put the easement there.

Mayor Weinstein stated that when they supported the people on Williams Street, he did not think it was just for them it was for all of the people in that area and for all of the people who use the park.

Deputy Mayor Tedeshi stated the injunction they sought was denied.

Mayor Weinstein stated the property in question is 85 feet in width and it is not the two houses, it is just a strip. He is not saying that Oceanos wants to sell something else because that is not what is on the table now. Attorney Rosenberg stated they are discussing part of 11 and 12 but he has not seen the plan yet.

Ms. Katz stated lot 11 has a house on it. Attorney Rosenberg confirmed that one of the lots did have a house on it.

Deputy Mayor Tedeshi asked Attorney Rosenberg if the proposed access was for automobiles. Attorney Rosenberg stated that it was for vehicular.

Ms. Katz stated the owner of Oceanos stopped allowing this access about three months ago after allowing it for over twenty years. Now because he wants to improve his facility, he does not want this anyone. They all pay taxes and one person cannot determine what everyone else is doing. Mayor Weinstein stated it is private property and the owner feels he can do whatever is reasonable and fair.

Ms. Katz stated for 50 years it was done like this and precedent was set. He allowed it; it was there before him and even during Kind's Dairy. It is not something that could be taken to Court to be proven otherwise.

Deputy Mayor Swain stated if the plan goes ahead and the County is able to purchase this 85 foot width stretch then everyone would have access into the park. Ms. Katz stated she was not denying that, even Williams Street would have access. She wondered where he gets the right to have taxpayers spend the money to access through his property. It does not seem right, it is an injustice. She knows that if he builds up his facility he will pay more taxes, in fact, when he opened that place he got a tax break and did not pay taxes for awhile as an incentive to open his business.

Manager Metzler stated he did not know of any property tax incentives that were given to businesses.

Bill Rugles, 2-10 Saddle River Road, thanked Attorney Rosenberg for having one of his associates contact one of the members of the steering committee to do a fact finding. He can assure them the other people have been around for 20 years would be glad to offer their knowledge.

Mr. Rugles stated that he had met with the Interim Director of Bergen County Parks June Montag. Bergen County Executive Dennis McNerney stopped in for a few minutes. He explained that they were trying to get past their concerns and come up with a solution. He had handouts that were given to the Council.

Mr. Rugles explained the details of their proposed "Low-Budget/High-Quality of Life" solution to the issue between the County of Bergen and Fair Lawn. He believed that the Williams Street residents did not have a problem with people parking on their street this past spring. The residents concern was the traffic that would be going through that area if it was opened up. There is existing on-street parking for a multi-purpose field, it is just the location.

Mr. Rugles continued discussing his slide photo of the area and talked about the existing multi-purpose field that had two port-a-potties on the field. It is only 50 yards from Williams and Union Streets.

Mr. Rugles stated the County is still committed to putting in the footbridge across the brook. According to Ms. Montag there is a budget of \$60,000, which was part of the \$245,000 that was allocated by the Freeholders. In another area, there is another multi-purpose field that would not need the NJSIAA specs for freshman, junior or varsity football. Mr. Rugles said the residents have suggested there be a pedestrian-only "Prescriptive Easement" path to access the Lot 22 field with an estimated cost of \$50,000. He thought the County could pay for part of that.

Mr. Rugles stated that using the 85 foot stretch would have damage the greenery. He felt the Council should be ecologically sensitive.

Mayor Weinstein asked if he spoke to Ms. Montag about this plan. Mr. Rugles said he explained it to her in length but County Executive McNerney did not see it. He said that Ms. Montag would give the County Executive a briefing.

Deputy Mayor Tedeshi commented that he had a conversation with Mrs. Katz on Friday during which Mrs. Katz had asked him who got to him. He found it very insulting and very inappropriate and he wants it entered into the record because, Mrs. Katz, no one

has gotten to him. He found it very pejorative and very disingenuous and wanted it noted in the minutes.

**Adjournment:**

Upon motion by Deputy Mayor Swain and seconded by Councilmember Baratta, the meeting was adjourned at 9:57 a.m.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk Bojanowski

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