

## WORK SESSION OF AUGUST 12, 2008

Mayor Weinstein called the meeting to order at 6:05 p.m.

**PRESENT:** Deputy Mayor Swain, Deputy Mayor Tedeschi, Councilmember Baratta and Councilmember Trawinski (late)

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

### **Closed Session:**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Tedeschi, the following closed session resolution was unanimously adopted at 6:10 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 Pending Litigation - Landmark.

**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.

Councilmember Trawinski arrived at 6:15 p.m.

Mayor Weinstein reconvened the meeting at 7:30 p.m.

Mayor Weinstein stated that Daly Field was a closed session item and was incorrectly listed as an open session item.

Deputy Mayor Swain asked to add Discussion Regarding Crosswalks the end of the agenda.

### **Tabled Ordinance on Non Conforming Residential Buildings:**

Mayor Weinstein stated that he received a memo from the Planning Board Secretary indicating that the Board discussed this ordinance at last night's meeting. Following a report from Ms. Bergailo there was unanimous consensus of the members to recommend to the Council that they adopt the ordinance. Municipal Clerk Kwasniewski stated that this item was on next week's agenda.

**Review of Tentative Agenda (8/19/08):**

Municipal Clerk Kwasniewski stated that she sent the minutes of June 17<sup>th</sup> to Council. She asked to add Approval of Minutes for two closed sessions and a work session to the agenda.

**Council Liaison Reports:**

Mayor Weinstein stated that the ordinance for the town-wide SID was still being worked on and will be on the September 2 agenda. Attorney Rosenberg will be meeting with representatives from the EDC to complete the ordinance.

Mayor Weinstein and Deputy Mayor Tedeschi met with Mayor Mola of Elmwood Park regarding a study completed by the DOT. The DOT is spending \$70,000 to build a crosswalk by the train station to improve pedestrian safety. The crosswalk will have flashing lights and will be somewhat caged. The DOT is also looking to synchronizing the traffic lights that are closest to that crosswalk, as they cannot install a new light there. Mayor Mola had an issue regarding a sidewalk on the south side. He felt this was great idea.

Deputy Mayor Swain reported that the Planning Board decided to have Ms. Bergailo look at Saddle River Road to discuss the zoning issues.

Councilmember Baratta stated that the Tree Committee discussed the ordinance. Shade Tree Supervisor Neill and Jim Vanderbeck felt the four inch diameter was restrictive as it was too small. They would like to the ordinance amended to six inch diameter. Attorney Rosenberg will make the change.

Councilmember Trawinski stated that the ADA Committee is meeting the third Thursday in September.

Deputy Mayor Tedeschi stated that the Environmental Commission met last week. Ms. Koplik and Ms. Moriarty made a presentation on the Naugle House.

**BIC Master Plan Presentation:**

Mayor Weinstein welcomed Charles Tredigo, Treasurer; Bob Beshlian, President; George Bate and Elyss Frenkel.

Mr. Beshlian thanked the Council for their ongoing support the past three years. He thanked the RRIC for their efforts as a model. He acknowledged the efforts of the EDC, which has provided the means for the three organizations to work together to make Fair Lawn a more vibrant business community.

Mr. Beshlian stated they held several district meetings which were well attended. They interviewed property owners in Elmwood Park and Fair Lawn and residents for their input. The Board members have worked tirelessly on this project. He acknowledged the hard work and valuable input that Deputy Mayor Tedeschi contributed as liaison to the BIC.

Mr. Beshlian stated their consulting team did an excellent job. They also worked with NJ Transit. He distributed their draft vision plan.

Mr. Tredigo stated they will continue meeting with both residential and business neighbors. He acknowledged that parking has been a concern for the past nine years. The pictures represent the ideas of the organization, the planners and the people who live and work on Broadway, who all had input. They will present a plan that they hope the Council will adopt as the master plan of Broadway. He wanted Council to see the ideas they have developed and welcomed their input.

Councilmember Trawinski advised them to make sure their planner is in touch with the Borough's planner, Ms. Bergailo with regard to COAH obligations.

Mayor Weinstein thanked them for their time.

**Grunauer Parking (Six Spaces by Business Section):**

Mayor Weinstein introduced Joseph Casa, owner of Joseph's Salon. The lack of parking is a problem, especially on Fridays and Saturdays. He felt it was possible to open up six parking spaces on Grunauer Place without affecting any residents, although there was concern about commuters using those spaces. The BIC contacted Our Savior Lutheran Church about using their parking lot. Mr. Tredigo stated that the pastor left and a few of the other people they dealt with were ill. The next meeting is scheduled for September.

Joseph Casa, 24-01 Broadway stated his clients are a little older and it is difficult for them to park two blocks away. Manager Metzler stated they could restrict parking until 9:00 a.m. and limit it for two hours to prevent commuters from parking there. This would maintain a turnover of parking spaces for commercial parking spaces. Parking spaces would not be reserved specifically for Mr. Casa's clients.

Mr. Casa stated there was going to be a new doctor's office with only six spaces in back. This will create more parking problems. Manager Metzler stated they spoke with the church about having property owners and employees use their parking lot, which would provide 30-38 additional spaces. The church's only concern was that they would need to use that lot when there was a funeral. He suggested registering the employee numbers and utilizing the Borough's telephone alerting system. He received an e-mail today indicating the church was leaning favorably towards this. This will be an

agreement between the BIC and the church. They are all aware of the urgency in resolving their parking issues. He felt this would offer some immediate relief.

Mr. Casa stated his busiest time is 9:00 a.m. until 3:00 p.m. He did not know how much it would help as he was concerned that the doctor's patients might also park there. Manager Metzler stated the church's parking lot was intended for employee use, freeing up spaces for customers.

Manager Metzler clarified that the parking restriction was on the 1 block of Grunauer. They no longer have a problem with commuters. When they addressed the commuter problem it restricted the number of parking spaces for customers. This proposal will open three spaces on each side of the street from Broadway. It will not extend in front of a residential property.

Councilmember Trawinski clarified they would only be creating three new spaces since it was alternate parking. Mr. Tredigo suggested they may want to consider doing this for more than one street if it works out.

It was the consensus of Council that three parking spaces on each side of Grunauer Place closest to the business district be opened for parking spaces.

**Request from River Road Condominiums, LLC to Amend Cooperative Parking Agreement:**

Jeffrey Kantowitz, Esq. representing River Road Condominiums stated he was unsuccessful before the Planning Board. They will reduce the size of the building and eliminate some of the variances. He requested up to ten spaces as they have lost several parking spaces on site due to a new design and reduction in building size. They would like to show the Planning Board that they have a few excess spaces. They are presenting their new application to the Planning Board on August 25<sup>th</sup>.

Mayor Weinstein stated that prior discussion indicated Council's support of the cooperative agreement on River Road, but he was not willing to expand the number of spaces from seven to ten. Councilmember Trawinski would not support ten spaces. He would continue to support seven, with the same caveat as last time. They are not telling the Planning Board they endorse this project, they are only saying that if the Board approves it this is okay.

Councilmember Baratta asked Attorney Rosenberg if they needed to reaffirm this. Attorney Rosenberg stated that he would put together another resolution that would be exactly the same; that this was not an endorsement of the project but recognized cooperative parking.

Councilmember Baratta wondered if the denial from the Planning Board was due to a parking issue. Mr. Kantowitz stated that he had not seen the resolution, but some of the concerns raised by the Board and the public had to do with the size and magnitude of the building. There were issues regarding the magnitude of the building and issues having to do with other variance relief matters. He reiterated that he had not seen the official notification.

Councilmember Baratta stated she did not support additional parking spaces as the building was being reduced. She felt the agreement should be left at seven. Deputy Mayor Swain stated she was happy to stay with seven. Deputy Mayor Tedeschi stated he wanted to stay at seven also.

There was a unanimous consensus to reaffirm the agreement for seven parking spaces if the Planning Board approves the application.

### **Creation of the Fair Lawn Competivazation Committee**

Deputy Mayor Tedeschi distributed a list of what he thought the committee size should be, membership, reports to the Council, responsibilities of the Senior Administrators, and sunseting of the committee. He wanted to know if any of the Councilmembers had any other ideas. Hopefully the committee will be formed based on the skills of the individuals not on their party affiliations.

Councilmember Trawinski felt skills should include a financial background. He was also pleased to see that they would report to the Council not to the Manager. He was concerned about in the effort to keep it non-partisan that it does not become a springboard to run for office. He thought that anyone that wanted to serve on this committee should make a commitment that for at least two year cycle that they won't seek election.

Mayor Weinstein felt any volunteer may one day want to run for office. Councilmember Trawinski stated he did not intend to preclude them forever, just one cycle.

Attorney Rosenberg advised they would have to make it as a condition of their appointment. Councilmember Trawinski said it was for one cycle and has been done before because when Senator Gordon has approached him about serving as the Zoning Board Attorney, he asked for a commitment not to run for Council for a period of time.

Councilmember Trawinski thought a good piece of what the Council was going to be dealing with this committee will involve the time between presentation of the Manager and the Council doing their budget review. They will have to understand that a part of their commitment would to be available for the budget meetings. He did not think that any of the Council should serve as liaison on that committee. Mayor Weinstein felt it was a great idea that they came to budget meetings because they would get the full

process of what goes on department heads present their issues. He did not think it would be just a committee that meets during the budget season. There will be projects for them to work on which may take a year or more to finish.

Deputy Mayor Tedeschi stated at the BCUA it was a five year term. They were looking for long term fixes. The Council has to discuss the skills they are looking for. He would love to find someone that has a health care background or someone who has a financial background. He felt it was a wonderful opportunity for Fair Lawn and stressed that it should be non-partisan. Mayor Weinstein agreed.

Councilmember Baratta supported the idea. She inquired if the Committee would have its own agenda. Deputy Mayor Tedeschi stated that they needed to decide what they wanted the committee to do. Mayor Weinstein stated that they will determine what types of skills were needed. They will take recommendations and suggestions from the public, analyze them and bring forth the ideas to Council. Deputy Mayor Tedeschi stated they needed people with good ideas and not ones with axes to grind. He would like to create a committee that they could not afford to have if they had to be hired. He was confident those skills exist in Fair Lawn. People will come forward if they present the committee in the right way and make it viable.

Deputy Mayor Swain stated that she liked the idea. She felt it was a good opportunity for Fair Lawn and presented a way for residents and business people with these skills to give back to the community. It is important that the committee member know that they are independent.

Manager Metzler stated that he thought it was a great idea. He welcomed input from an outside source.

Councilmember Baratta asked how they would find committee members. She hoped that they would acquire people from different walks of life and avoid overlapping the same people who are already on committees. Mayor Weinstein asked that they present a list of skills they would like to see on this committee at the next work session. He suggested they advertise the committee on the Borough's website, local station and in the Community News, asking interested people to submit resumes, which would be reviewed by the Council.

It was the consensus of Council that this matter be placed on the agenda for the next work session.

#### **Naugle House – Historical Presentation by Felice Koplik, Chair, HPC:**

Councilmember Trawinski asked the Council's permission for Felice Koplik to present a paper by the Commission and Erik Bal about the history of the Naugle House at next week's Council Meeting.

It was the consensus of Council that Ms. Koplik makes a presentation on the Naugle House at the August 19th Council Meeting.

**Information Request re the Status of the Worker's Comp and Disability Funds:**

Councilmember Trawinski stated he was aware that Deputy Mayor Tedeschi was watching these funds closely and asked for an update.

Deputy Mayor stated that the reduction of the availability of funds in both Worker's Comp and general liability were a concern to CFO Eccleston and Manager Metzler during the budget process. He spoke to CFO Eccleston, who indicated that he was comfortable with the numbers at the six month mark.

**Fair Lawn TV Update**

Councilmember Baratta stated she put this on the Agenda for them to discuss some of the problems that Fair Lawn TV was experiencing. She invited members of FLTV to give them an update.

Wayne Robbins, 14-01 Lucena Drive, stated FLTV is comprised basically of volunteers. There has been a decline in the number of volunteers.

They need a person that would get involved with the everyday functions of the group, maintain records, equipment, prepare purchase orders, seek competitive prices, even keep the main area in order, receive mail, searching through the catalogs for supplies and equipment, meet the requests from residents for tapes, keep the office clean, respond to emergent matters and posting the Agendas. Right now they have about six volunteers. They need a station manager to coordinate things.

Councilmember Trawinski suggested they refer this request to the Borough Manager for review and recommendation. Manager Metzler stated there were discussions last year with Fair Lawn TV regarding their request for a station manager, but it was not placed in the budget. He supported Fair Lawn TV and felt there was a need for a station manager, but there was no funding in the budget for it. He noted that at a future work session they will be discussing 15 recommended program changes, which have been recommended by Chief Rose in order to meet the cuts in his budget. There is also \$250,000 in service cuts coming out of his department in September because the buyout program was not approved by the State. He would like to find the funding for them, but there needs to be a healthy discussion at what expense. They cannot maintain status quo and find the funds. He has already instructed Department Heads to come up with a zero increase budget for 2009. The Council will have to discuss priorities.

Councilmember Baratta thanked the Fair Lawn TV volunteers. Since the cameras were in the ceiling the volunteers were not visible and people tend to forget they were there working. She asked about the status of the Cablevision studio. Manager Metzler stated that Cablevision had inquired about donating equipment to the Borough, providing the Borough had the facilities. The space at the Community Center was not conducive to their project. Councilmember Baratta inquired if Creative Cable was still functioning. She recalled discussions about reaching out to Creative Cable and Fair Lawn High School to see if any of the clubs could help out. She wondered if there were any grants available.

Manager Metzler stated that one of their issues was that there was a limited number of volunteers that knew had to use all the equipment. He did not think it was fair to ask a volunteer to put in the numerous hours required to train people. There might be grants available through the Arts and suggested they ask the grant consultant to look into this. He did not know how much was left in their budget. He recalled a Fair Lawn TV volunteer asking if they could receive a fee. It was Council's consensus at that time that funds within their budget could be used to draw down an allowance. He will look into their budget to see what funds remained.

Mayor Weinstein agreed they should reach out to high school students. When he met with Mr. Basch, the main concern was there wasn't someone available each week to do the programming. Mr. Robbins stated the concern went beyond programming. They needed someone to maintain the equipment, to make purchases and to act as liaison between Fair Lawn TV and the Borough.

Arlene Rubenstein, 28 Rutgers Terrace stated that her daughter was a successful producer/writer for Disney in California who received her initial training at Fair Lawn Cutter TV Club, which was housed at Thomas Jefferson Middle School. She learned about graphics, programming and hosted several shows. Mrs. Rubenstein felt this would be a wonderful opportunity for high school students, who would be more available on a regular basis after school and on weekends. With training, this could be a wonderful avenue for them to discover a new career path.

Deputy Mayor Tedeschi stated that the director of the program was Arnie Zulo. Cablevision paid the rent on the room prior to moving out. He believed the Board of Education was very supportive. He wondered if this would classify as a shared service.

He noted the Manager's comments about the \$250,000 in cuts and the Police Chief's need to rework 15 programs. They are competing for money now. Council has to mirror what its citizens are experiencing. They have to be able to justify that they are getting something for their money. Mayor Weinstein suggested they have Cablevision come back in. The equipment they offered was older and they were not willing to service it. Perhaps they could do this for the Borough or help subsidize the program.

Councilmember Baratta asked Attorney Rosenberg if they could look at sponsorship as an alternative. Attorney Rosenberg felt would be a problem with the public access rules but he will look into it.

Deputy Mayor Tedeschi asked how much a station manager would cost and whether it would be a fulltime job. Mr. Robbins stated it would be a certain number of hours per week. Deputy Mayor Tedeschi suggested that Fair Lawn TV present a proposal with a job description for Council's review. Deputy Mayor Swain asked if they had identified anyone for the position. Mr. Robbins stated that they had.

Steve Basch, 0-38 Hamlin Court stated that he was interested in the position, as he had six years experience and had knowledge of the equipment. He also taped Council meetings for Saddle Brook and Elmwood Park. He recorded various shows in town, such as the North Jersey Symphony and fireworks. Fair Lawn TV and other towns have tried using high school students. The kids will volunteer sporadically if they receive credit, but otherwise they are not interested.

Mayor Weinstein stated they needed stability at the station, but felt they should continue reaching out to the high school as there were new students each year. Deputy Mayor Tedeschi stated that was important because they added value to the position by getting more people to participate, increasing the need for the position. Mr. Basch stated the students became very specific about what they wanted to do and had their own agenda. They ended up with two or three students. Deputy Mayor Tedeschi stated that having a station manager would solve that problem.

Manager Metzler stated that a presentation was made on two separate occasions on software that would enhance the station. Since there was advertising associated with it a determination was made not to use it in Fair Lawn, although it was being used on other public access channels. He wondered if they would like to re-explore this issue.

The consensus was for the Manager to present a proposal for the station manager position, including the responsibilities and the cost, to reach out to the high school with the possibility of an internship with credits or something along that nature, and to reach out to the grant writer. Mayor Weinstein concluded that the Council could consider whether something can be done this year or possibly next year.

**Council Resolution to Recognize the Service of Fair Lawn Resident Captain Eric Pineiro:**

Councilmember Baratta stated the Borough had recognized several soldiers who returned home from Iraq. She was contacted by Irv Gerber, who saw the articles in the paper and told her about his neighbor, Captain Eric Pineiro, who has been serving in Iraq for several years. She asked if something could be sent to Captain Pineiro through Operation Goody Bag, and also mentioned the Chamber of Commerce's Adopt-a-Troop

Program. Mr. Gerber informed her that he just wanted Captain Pineiro to be recognized for his service. She introduced Mr. Gerber, with the hopes that Council would do a proclamation in his honor.

Irving Gerber, 4-51 Lyncrest Avenue stated that he was honored to be here. He is a neighbor of the Pinero family. He noted that the son, brother and father of Captain Pineiro were also present. He stated that the Pineiro family was a loving family. Captain Pineiro's father, Joseph, was the past president of the Environmental Commission.

He stated that Captain Pineiro was serving his second 15 month tour of duty in an active combat zone. Captain Pineiro is a quiet and unassuming person. Although the family is not seeking publicity, he felt Captain Pineiro deserved to be honored for his service to his country. Captain Pineiro graduated from the University of West Virginia and went directly into the service. He would like Captain Pineiro to be recognized by the Council.

Mayor Weinstein stated that they would invite the family to a televised Council Meeting on September 9<sup>th</sup>, where Captain Pineiro would be honored. He thought it was an excellent idea.

Councilmember Baratta thanked Mr. Gerber and the Pineiro family for coming.

### **Draft Ordinances:**

Real Estate Signs – Attorney Rosenberg stated there was an issue regarding the possible authorization to place real estate open house signs on the Borough right-of-way. The draft ordinance was prepared in consultation with Assistant Zoning Officer, Ann Peck, establishes a new definition for temporary real estate signs. It establishes an application that would have to be filed yearly by real estate companies wishing to use the Borough right-of-way for sign placement. The application is similar to the one used for outdoor cafes. It has within it both liability insurance requirements, which he felt was necessary to protect the Borough.

He didn't know if Council wanted to limit the distance between the open house signs between each other and/or limit the number of signs that real estate companies could have for a particular open house. There will be indemnification for the Borough as well as the liability insurance requirements to be placed with the Borough. Since it is under 125, it will go up to Planning Board for their review.

There was a lengthy discussion concerning the registration process, fees to be charge, enforcement since open houses take place on the weekend and liability.

Councilmember Baratta wondered what their original goal was and the reason for the enforcement blitz. Manager Metzler clarified that they took the signs down because of the ordinance that restricted signs. Residents complained about the number of signs, especially those that obstructed the crosswalks. The current ordinance does not allow signs in the right of way.

Councilmember Baratta suggested keeping the draft ordinance without registration or fees. Mayor Weinstein agreed. Manager Metzler suggested amending the sign ordinance by removing real estate signs. If there was no desire to collect a fee and the workload was going to be increased it did not make sense to adopt the draft ordinance. The real objection is blocking the crosswalks, which can be regulated under other laws.

It was the consensus of Council that the sentence regarding real estate signs be removed from the sign ordinance.

24 Hour Businesses – Attorney Rosenberg presented a draft ordinance prepared in consultation with the Borough Planner, Cheryl Bergailo, which amends the Code to permit 24 hour retail establishments in all B Zones of the Borough as permitted conditional uses. Several conditions must be satisfied. He spoke with Assistant Zoning Officer Peck about this structure, and she felt it would work. When someone comes in she has a questionnaire that asks several questions, including hours of operation. She would be able to match the particular user to the ordinance and ensure that it complies. If it does, a CO is issued. If a particular issue is not satisfied, it would go to the Zoning Board for relief. The draft will also be circulated to the Planning Board, the RRIC, BIC and EDC for their input. He added an exception for pharmacies, providing they have an in-house pharmacy. Bars are regulated differently under the State Liquor Regulations. He reminded them that this was only retail establishments as defined under their Code.

Attorney Rosenberg stated that he added a section that states “any prior approval by the Planning Board or Zoning Board has a condition of such approval imposed at limitation hours of operation is not abrogated by this ordinance”. He did not want that property owner to say he was now governed by this and could be opened 24 hours.

It was the consensus of Council that the ordinance be sent to the Planning Board, the EDC, the RRIC and the BIC for their input before the second work session in September.

### **Recycling Contract:**

Manager Metzler stated a memo was sent in July regarding the prices quotes they received for recycling. The current contract expires on September 30, 2008. Under the contract laws they are not required to go out to bid. Eleven requests for proposals were sent and four were received for evaluation. The recommendation is that the contract be awarded to Joseph Damato Paperstock for the period of October 1, 2008 through

September 30, 2013. The five year total of revenue based on 3700 tons of paper, 170 tons of cardboard and 1,325 tons of comingle was \$2,270,750.

Deputy Mayor Tedeschi asked how much they received the last five years. Manager Metzler did not know. Deputy Mayor Tedeschi stated the current contractor's terms were significantly different.

It was the consensus of Council that the contract is awarded to Joseph Damato Paperstock.

**Request for Approval of Knights of Pythias Circus:**

It was the consensus of Council that approval is granted for the Knights of Pythias Circus.

**May 227<sup>th</sup> Meeting Minutes:**

Councilmember Trawinski stated that he had one item for the tentative agenda. The May 27<sup>th</sup> meeting showed him as being absent. It was true that he was not at the meeting, but he was absent because he recused himself because the subject was the Kodak Rezoning. He would like the minutes to reflect his absence due to recusal. Municipal Clerk Kwasniewski change the minutes and remove them from the consent agenda.

**Special Meeting:**

Upon motion by Councilmember Baratta and second by Councilmember Trawinski the Work Session was recessed to the Special Meeting at 9:00 p.m.

Mayor Weinstein reconvened the Work Session at 9:05 p.m.

**Crosswalks:**

Deputy Mayor Swain stated that cross walks were needed at Plaza Road and High Street. There are faded white lines there, but she would like a real cross walk with angled lines so that drivers can see them. Deputy Mayor Swain stated it would be crossing from the cleaners to the Trackside Grille. Mayor Weinstein stated the crosswalks were especially needed in the evenings.

It was the consensus of Council that a crosswalk be placed at Plaza Road and High Street.

**Public Comments:**

Arlene Rubenstein, 28 Rutgers Terrace expressed concern about the 8:00 a.m. weekday meetings. Although the meetings were not in violation of the Sunshine Law because they were advertised, she felt they circumvented the Sunshine Law because having meetings at 8:00 a.m. on a weekday morning prevents the public from attending these meetings because they work.

Mayor Weinstein stated that he worked, too and would prefer not to have an 8:00 a.m. meeting.

Harvey Rubenstein, 28 Rutgers Terrace suggested they get the Planning Board minutes and resolution on the medical office near Grunauer Place.

He continued that although the building was smaller, there would be more apartments in the River House condo project. He felt the Council was right to stick with the seven parking spots.

He continued that the Competivazation Committee it was an insult to the Department Heads. If something was very important they should go out and get a consultant that is in the business of consulting a specific topic and has the skills.

Mr. Rubenstein inquired the Recycling contract.

Mr. Rubenstein stated that he was puzzled by the Medina contract. They spent \$90,000 for the EDC who hired Langdon Engineering and now they were going to study their study. Attorney Rosenberg explained that Kodak had issued a traffic report by Langdon Engineering. A subcommittee that examined the master plan and the rezoning, wished to have an independent review of that report as part of its review. It will be paid for by Kodak as part of an escrow. Mr. Rubenstein asked if there was a dollar amount on this ordinance. Mayor Weinstein stated there was; not for them to pay but for Kodak.

Mr. Rubenstein suggested putting out the small, plastic crossing man that says "watch out for pedestrians" at Plaza Road in addition to the crosswalks. Mayor Weinstein stated there was one there, but it was knocked down.

Lawrence Koplik, 6 Reading Terrace stated that most of the people cross Plaza Road on the north side of the intersection to access the sidewalks alongside the apartments rather than by the Plaza Building. He thought an additional crosswalk might be needed. Mayor Weinstein suggested that Manager Metzler speak to TSO Franco.

Mr. Koplik wondered about the word "Competivazation" in the cost saving committee. Deputy Mayor Tedeschi explained that the word was coined at the Bergen County Utility Authority. They were competing against cost. He explained that they broke a paradigm

of bureaucrats and administrators that wanted to continue doing things they way they always did them. The end result was a reduction of 40% in real dollars over five years. Mr. Koplik felt it is a good concept, although a more descriptive name should be used.

Felice Koplik, 6 Reading Terrace stated that Robin Brown, the administrator of the Bergen County Preservation Trust Fund, informed her that there were two grants: one for \$90,981 and one for \$19,500 for the Naugle House. The grants could be lost as a result of doing work on a historic building without a preservation plan or not having Bergen County Historic Preservation Trust Fund approved contractors. It is best if the developer does not do any work, including stabilization work, but rather form an endowment to the municipality to be used to engage qualified parties to do any and all work on the property so that these funds are not lost.

The acquisition grant from the County will be rescinded by the County because it cannot be used for capital improvements. The \$90,000 funding can only be used for acquisition costs. They also have the grant for \$19,500 for a preservation architect to prepare a formal preservation plan, but those funds cannot be dispersed until the Borough obtains the title to the property. This should be done as soon as possible because the grants have time limits for the commencement and completion of the work. The preservation plan must be completed and approved before any work begins on the building, otherwise grant money cannot be used for the work.

Mayor Weinstein stated that they were initially going to have to buy the Naugle House. They immediately applied for a grant with the County for the purchase. Through further discussion there was the possibility of receiving the house for \$1.00. They have spoken with Freeholder Ganz to see if the \$90,000 grant could be used for improvements. They are still waiting to see if this can happen. Receiving the house is key. They have an agreement with the developer to get the house for \$1.00, so it behooves them to follow through on the agreement and use the \$19,500 for historic preservation.

Ms. Koplik stated that they would need to apply for a new grant. All work must be performed by a qualified contractor approved by the County. County funds are only available for work on properties owned by municipalities or non-profit organizations. If the property is sold it must include a historic preservation easement that would be administered by a County approved city or agency. The easement protects the County taxpayers' interests. It would require in perpetuity that all future work conform to the Secretary of the Interior's standards. At the time the property goes from Municipal or non-profit ownership to private ownership, the proceeds from the market value sale are split 50/50 between the County and the selling entity.

Pam Coles, 13-34 George Street stated her property is behind the parking lot on River Road, which is full every weekend. Since there is an agreement to give seven spaces away, she is concerned where the overflow traffic will park. Currently there is one residential home and one business. There will be three new businesses without any

loading zones and 18 new units. The developer is not providing ample park. She will not tolerate overflow parking on her block. She stated that the two hour parking limit in front of her property is not enforced. She did not think it was appropriate for Borough to give seven parking spaces when there already is a parking issue. The developer should be required to provide the correct number of spaces. The commercial district has a direct impact on residential properties.

Mayor Weinstein stated they allowed the seven cooperative parking spaces in order to endorse cooperative parking, which is something the Council supports. They were not endorsing the project. The Planning Board disallowed the application. The developer still has to meet the requirements of the Planning Board. They have not given any help to the developer. Ms. Coles felt they have helped him because he can now say he has adequate parking.

Councilmember Baratta clarified that the seven spots are part of a cooperative parking agreement and not for the exclusive use of the building occupants. They are first come, first serve. They are not reserved spaces. Ms. Coles did not feel that was how it was presented and asked that it be clarified in a formal resolution. Mayor Weinstein suggested that Deputy Mayor Swain apprise the Planning Board. Deputy Mayor Swain stated that the developer knew from the first application that they were not reserved spaces. Ms. Coles stated that it was presented as the developer having ample parking. Mayor Weinstein stated the developer understands it is cooperative parking because it is Borough property.

Bernice Katz, 2-22 Saddle River Road stated she was accused of lying before the Council about the traffic on Saddle River Road near Oceanos. She had asked what she lied about and did not receive an answer. She stated that Deputy Mayor Tedeschi continued to defend Oceanos' right to expand and commented how he thought it was a great idea to turn Saddle River Road into a restaurant district, even though she had told him there was only one restaurant. She wanted to explain why she said what she did so that it would go on the record. Deputy Mayor Tedeschi had commented that the bagel store and deli also counted as restaurants, but you could not sit down and eat in any of those places. She felt he did not understand what it was like living near Oceanos because of the traffic and noise. It seemed to her that he had already made up his mind, because the easement issue is still up in the air, there has been no settlement on the traffic study and the illegal spot zoning was in question. That is why she made that statement.

Deputy Mayor Tedeschi stated that he never called Mrs. Katz a liar. What they spoke about was a fair process. He stated that he had said to let the process go to the Planning Board so that people could decide. He paraphrased what she said at the last meeting; "everybody is entitled to a fair trial". He agreed with that. What she was saying was not true. Things were being twisted and she was saying things that were inappropriate. She heard what she wanted to hear and he knows what she said.

Mrs. Katz stated that when she asked Deputy Mayor Tedeschi at the Council Meeting what was incorrect, he never responded, but said she lied. He was raving about great an idea it was. It was obvious he had made up his mind without any input or information. She felt he wanted to deny what he told her or twist it himself. Deputy Mayor Tedeschi stated he would stand on her statement, "everybody is entitled to a fair trial", which is on the tape. He told her that day to let the process have its run and let it go the right way.

Fred Siegel, 2-09 Saddle River Road stated the issue of the Saddle River Road corridor was discussed at last night's Planning Board meeting. It was his understanding that at the July 15<sup>th</sup> Council Meeting, Council decided that the corridor be moved up to William Street. At the Planning Board work session, the initial discussion was to look all the way up. Some members said Morlot, some said Berdan Avenue and some said all the way up to Glen Rock. He did not know what the process was or if it was the Council that set forth what they were instructed to do.

Attorney Rosenberg stated that the Planning Board is independent and can examine what they view as appropriate. Mayor Weinstein reiterated that they send it to them for their expertise. The Board will make an inquiry with their experts. The Council will review their input and make a decision or reach some sort of compromise.

Walter Weglein, 18 Ramsey Terrace requested that the Council put a non-binding referendum on the November ballot to acquire the Hayward Tract through eminent domain. The deadline is fast approaching.

Simon Frichman, 15-08 Landzettel Way wanted to express his concern about the proposed development of the Naugle House. He did not see the benefits to Fair Lawn. He did not want to turn a park like setting into a heavy populated area. He asked Council to take into consideration what they like about this town and what they wanted it to look like.

Craig Miller, 5 Ramapo Terrace reminded Council that the Borough Manager asked at a public meeting if any of the people attending Council Meetings would be interested in helping out downstairs. He approached Manager Metzler twice about helping out with the station, but Fair Lawn TV has yet to call him.

Mr. Miller asked if the 24 hour businesses were grandfathered to the existing 24 hour businesses. Attorney Rosenberg did not believe the intention was to grandfather. Mr. Miller asked about a retail establishment changing hands. Attorney Rosenberg stated that they would have to comply.

Barbara Bolton, 4 Ballard Place expressed concern that the town lacked Senior Citizen or age restricted housing. She suggested that Daly Field be considered for such

housing because of its close proximity to transportation and shopping. She thought they could use a portion of Daly Field and leave the rest green.

Jane Diepeveen, 14 Ryder Road stated there was a difference between Senior Citizen housing and age restricted housing. Senior housing is a term used by the Government for people 62 years of age and older. Age restricted is usually 55 years of age and older. She felt the Hayward Tract would be a good site.

She attended a two hour COAH presentation, which explained their new regulations. She did not see a Fair Lawn representative. Every municipality has to have a plan under these new regulations by December 31, 2008. She inquired if that was enough time to hire planners, present it before the Planning Board, have a public hearing and then receive Council approval. She was told they extended the time and the original deadline was October. She inquired as to where the Borough was in this process.

Attorney Rosenberg stated that the Council has been working on this for many months. The Council has instructed the Planner to continue to move forward in the direction that is required by law with respect to the certification at the end of the year. Ms. Diepeveen inquired as to when the Planning Board would have a public meeting. Councilmember Trawinski stated they were very mindful of that and has instructed the Attorney to make sure they are in complete compliance. Mayor Weinstein stated that the League of Municipalities is asking for a stay and an extension of the December deadline. Their goal is to get everything in by December 31, 2008.

**Closed Session:**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following closed session resolution was unanimously adopted at 9:50 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 Personnel – Zoning Board, Environmental Commission and Grievance #3; Attorney/Client Privilege – William Street Update, Sex Offender Ordinance Appellate Division Decision and Naugle House Settlement.

**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 10:10 p.m.

**ADJOURNMENT:**

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

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

\_\_\_\_\_  
Mayor Steven Weinstein

\_\_\_\_\_  
Councilmember Jeanne Baratta

\_\_\_\_\_  
Deputy Mayor Lisa Swain

\_\_\_\_\_  
Deputy Mayor Joseph Tedeschi

\_\_\_\_\_  
Councilmember Ed Trawinski