

WORK SESSION OF JANUARY 23, 2007

Mayor Weinstein reconvened the meeting at 9:20 p.m.

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

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

CLOSED SESSION:

Upon motion by Deputy Mayor Tedeschi and seconded by Deputy Mayor Etler, the following closed session resolution was unanimously adopted at 9:20 p.m.

WHEREAS, the Open Public Meetings 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 and Pending Litigation; 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 for confidentiality no longer exists the minutes will be available to the public.

REVIEW OF TENTATIVE AGENDA (1/30/07):

Municipal Clerk Kwasniewski stated that she wanted to add a Proclamation for Go Red For a Day and the approval of minutes for the Regular Meeting and Closed Session on October 24, 2006, the Special Meeting on November 2, the Work Session and Special Meeting on November 8. The High School Band will not be attending the meeting to be recognized.

HAKIM'S PROPOSAL FOR 2007:

Manager Metzler stated that the resolution was adopted indicated that the contract from 2006 was to be extended. The contract for 2006 was only for the last quarter of 2006. Mr. Hakim's proposal for 2007 indicated that the proposed work would not exceed \$12,000. A new resolution is required.

The consensus was to enter into a new contract for 2007.

F.A.R. AND HEIGHT ORDINANCE PRESENTATION BY TODD MALKIN:

It was agreed to invite Todd Malkin to the next work session, but Borough Attorney Rosenberg should draft the ordinance for the next work session.

STATUS OF THE AUDIT OF THE COMMUNITY/RECREATION CENTER BY THE 501(C)3:

Manager Metzler advised that Bond Counsel has not responded to the Hunter Group that is doing the audit. That is the last piece needed.

The consensus was for Attorney Rosenberg to call John Drakowitz.

DEMOLITION PERMIT NOTIFICATION PROCEDURE ORDINANCE - CLARIFICATION:

Councilmember Trawinski wanted the Construction Department to give the neighbors within 2000 feet 30 days notice.

Manager Metzler stated that there is a piece of property on Elliott Terrace that the property owner started construction and then stopped. The Council wanted something done. They have exhausted all efforts. The bid for demolition of the property will be going out in February and then they will put a lien on the property to recover the cost of the demolition.

FAIR LAWN CULTURAL DIVERSITY DAY

Councilmember Baratta proposed forming a committee with religious, cultural and civic organizations. She suggested calling it the Cultural Diversity Committee. There are a number of groups including the Cosmos Club, the Knights of Pythias and the Philippine community she would like to include. She would seek sponsors such as the Chamber and the Rotary. It would be something that would be done at the Recreation/Community Center. Possibly one of the fields could be used so it could be an indoor/outdoor event. There is a national day that is usually celebrated in May. Items such as food, costumes, languages, religion and dances could be included. She would like to explore the possibility.

The consensus was to explore the idea although it is not feasible to do this year. Councilmember Baratta will come back in March with further ideas and suggestions for members of the committee.

RECONSIDERATION OF REQUEST TO BAN TOWNHOUSES EXCEPT FOR AGE RESTRICTED:

This item was deferred to the next Work Session.

REQUEST FOR ATTORNEY'S OPINION ON THE PUBLIC'S PARTICIPATION AT WORK SESSIONS:

Councilmember Trawinski stated that although they have limited the public comment to agenda items, he does not think they can do so under the new law. Deputy Mayor Etler said it is a work session so it should be limited to agenda items only.

The consensus was for Attorney Rosenberg to give a written opinion.

REQUEST FOR ATTORNEY'S OPINION ON WHETHER THE BOROUGH CAN GIVE AWAY GEORGE STREET PROPERTY:

Mayor Weinstein explained that they can only use it for a public use which would be parking and there would be a reverter clause. They agreed they would lend them the money to do the parking lot although the terms have not been finalized yet. It would give RRIC a revenue stream. Deputy Mayor Tedeschi added that they have to come back to the Council. Councilmember Trawinski stated that the disposition of public land statute says they have to bid unless the situation meets one of the exceptions. Retaining the reversion right is one of the exceptions.

Councilmember Baratta wanted to know if they are going to be able to do it in stages. Councilmember Trawinski felt that the Council should have a clear understanding of where the funds are going to be used. He wanted to know if the Council would be giving them the ability to create a parking utility. Deputy Mayor Tedeschi stated that the land will become private property of the SID so that they can do whatever they want on their property. If the Borough is only lending the money, the Council does not care what it costs because they are going to pay it back.

REQUEST FOR ATTORNEY'S OPINION ON WHETHER CLARIANT AND MAILINCHEK IS SPOT ZONING:

Councilmember Trawinski withdraw his request.

REQUEST FOR ATTORNEY'S OPINION ON THE SCOPE OF THE PAY TO PLAY ORDINANCE AND THE SIDS BEING SUBJECT TO PAY TO PLAY ORDINANCE:

Councilmember Trawinski thought Attorney Rosenberg needs to look at the statute and the ordinance again. Attorney Rosenberg had said that the EDC and BIC are independent authorities because the Borough contributes money to them, but RRIC is not because the Borough does not give them any funds. He thought they are all local government entities. Judge Harris has said that they are local government entities. If it is true they are either independent authorities or instrumentalities, does that mean that other entities such as All Sports or Street Hockey fall within the scope of the ordinance.

Councilmember Tedeschi stated the intent is that if tax payers money is being used, there should be transparency in government regarding the appointment of professionals. Mayor Weinstein stated that the intent of the RRIC is to run the district, if the Council takes away that authority, they could not exist. If the Council decided not to contribute to All Sports or the Hockey Association, they could still exist. He did not believe the ordinance should apply to these groups.

Councilmember Trawinski mentioned the Local Ethics Board and financial disclosure requirements and wondered whether they are local government officers for the purposes of the financial disclosure law.

The consensus was to have Attorney Rosenberg provide a written opinion.

REQUEST FOR CLARIFICATION FROM SPECIAL COUNSEL CONCERNING COAH COORDINATOR:

This matter will be discussed with Special Counsel Lustgarten next week.

CLARIANT REZONING:

This matter was covered at the Regular Meeting earlier this evening.

COUNCIL SEATING ARRANGEMENT AT REGULAR MEETINGS:

Councilmember Trawinski stated that last year they discussed it, but this year it just happened. He indicated that it was a non-issue and they should leave it alone.

FIRE COMPANY #4 BANNER REQUEST:

Manager Metzler reported that Fire Company #4 would like to put a banner over Fair Lawn Avenue. It is a County Road so they have to get permission from the County. They wanted to know if they in fact get permission from the County, would the Council have any objections. Deputy Mayor Etlar asked about insurance. Manager Metzler advised that they would have to provide insurance. Deputy Mayor Tedeschi pointed out that it does create a safety hazard.

The consensus was to allow it if they received permission from the County.

VETERAN EXEMPTION - BLOCK 5517 LOT 51:

Manager Metzler explained that the property owner, William F. Burns was deemed to be 100% disabled on Mary 26, 2005 but the letter from the VA was not issued until November 20, 2006. Tax Assessor Henderson has recommended that Mr. Burns receive a refund of the taxes he paid retroactively to the date he was deemed disabled.

The consensus was to refund the taxes. A resolution will be prepared for the next meeting.

MISCELLANEOUS PUBLIC COMMENTS:

No one wished to speak.
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ADJOURNMENT:

Upon motion by Councilmember Trawinski and second by Councilmember Baratta, the meeting was adjourned at 10:30 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 Martin Etler

Deputy Mayor Joseph Tedeschi

Councilmember Edward Trawinski