

WORK SESSION AGENDA OF MAY 17, 2005

Mayor Ganz called the meeting to order at 8:42 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etlar and Weinstein, Councilmembers Caan and McCarthy.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

Review of Tentative Agenda - 5/24/05:

Assistant Municipal Clerk Bojanowski stated the following proclamations needed to be added to the Agenda, Celebrate New Jersey Month, Mitzvathon Day, Myasthenia Gravis Awareness Month and Radburn Players Day.

Gordon Place Water Tank Cellular Antenna

Mayor Ganz stated that the Planning Board has recommended against placing a cellular antenna on the water tank. He felt the Council should decline to proceed or go further with this request.

Councilmember McCarthy stated that the Fire Department had concerns about this request because their repeater is on the tower. There was strong opposition to this request.

Councilmember Caan stated that he agreed with what has been said. He felt the first priority is Emergency Services. It is a residential area. If they allowed it to be placed there who would stop them from putting them all over.

Deputy Mayor Weinstein stated that he agrees with the remarks that have been made and with the recommendation from the Planning Board. He felt that since the tower backs up to names that they should not allow it.

There was a unanimous consensus to take no further action.

Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to send a letter to the companies advising them of the Council's decision. Attorney Lustgarten suggested a letter also be sent to the residents who signed the petition.

Broadway Special Improvement District:

Deputy Mayor Weinstein stated that the Business Leadership Committee had met several times regarding the economic development of certain business areas in town. They came back to the Council in 2004 with three objectives. He turned the discussion over to Bob Beshlian and Charles Tregidgo who were present.

Bob Beshlian stated that he was a member of the River Road Special Improvement District and learned the basic functions of the SID. He felt the improvements that were suggested in the past never worked out. In 2004 under Deputy Mayor Weinstein a study was done and three objectives were determined one of which was a SID on Broadway. He thought they should establish a six-month budget. Mr. Beshlian stated that as a resident of Fair Lawn he would shy away from anything that would cost money. He felt it makes sense to contribute money to the community to get it back as seen in the River Road SID.

Charles Tregidgo introduced the members of the Board of Trustees of the Broadway SID. He stated that he used to have his business on Broadway. He was the past Chairman of the Broadway Advisory Committee and is anxious to complete the unfinished tasks.

Mr. Tregidgo stated that they have a work plan and he just learned of the initiatives of New Jersey Transit regarding the train station. He discussed what he thought could be done for Broadway. He hopes that the Borough of Fair Lawn and Elmwood Park can contribute.

Mr. Tregidgo felt that Broadway requires a special look considering it is a business district and a State highway. They will need to look at the Zoning and Sign Ordinances. He felt they need to dress up Broadway.

The Board of Trustees have put their own money into this so far. He now looks to the Mayor and Council for their assistance. He asked that they adopt an ordinance creating the SID. He would like to see the same commitment that was given to the River Road SID. He thanked the Mayor and Council and especially Deputy Mayor Weinstein for his influence in this project.

Deputy Mayor Etler wondered about the plan they had. Mr. Tregidgo stated they need to make the Borough business friendly and suggested that they streamline the permit process. There was also a suggestion to revise the sign ordinance. Deputy Mayor Etler stated that Mr. Tregidgo spoke about cleaning up the Broadway area and wondered how they planned on doing that. Mr. Tregidgo explained that there are grants that are available and they can get garbage receptacles.

Deputy Mayor Etler stated that New Jersey Transit talks a good game and wondered how they would work around it if New Jersey Transit pulled out. Mr. Tregidgo understood that New Jersey Transit was already talking to the Borough. He also believed that if New Jersey Transit was interested in a site the town has to be interested. Deputy Mayor Etler asked if he was talking about condemnation. Mr. Tregidgo said he was not.

Councilmember McCarthy asked if he was looking for matching funds or seed money. Deputy Mayor Weinstein stated that they have already received \$2,500 in private funds. They will receive \$68,500 from the tax assessment and are asking for \$30,000 from the Borough.

Don Smartt stated this would follow what was done with River Road SID where the Borough contributed \$30,000.00.

Councilmember McCarthy wondered about a two-year plan. There has been concern about a lack of parking.

Mr. Tregidgo stated that River Road took 15 years to develop. The plans are ongoing. As need changes so will their plans. He suggested that the sign ordinance has to be changed, improvements to facades, parking is an issue, they would like to see more and different types of stores. He said they need parking and to slow the traffic down.

Mr. Smartt stated that this organization is going to be an advocate for the businesses. Deputy Mayor Etler asked about co-operative parking.

Mr. Beshlian stated they are in the infancy stages. Councilmember Caan felt that River Road was a good example of what can take place. When they look at Broadway, the main thing is that it is a State highway. He wondered what kind of incentives they would have to offer to bring in to make it a different type of environment. Mr. Smartt stated one of the things they would need to do is slow down traffic. He explained how Maplewood did it. He felt all things are possible.

There was a unanimous consensus to fund \$30,000 for this year.

Manager/Municipal Clerk Kwasniewski stated that she and Attorney Lustgarten had already started working on the ordinance. They had changes but are not far from putting it in place.

A discussion followed regarding the process of introducing the ordinance, adopting the ordinance, noticing the residents and introduction and hearing of the budget. Mayor Ganz asked that the ordinance be circulated electronically to the Council for changes to be made to it.

Mr. Beshlian thanked the Mayor and Council for their support.

Ordinance Revision:

Banners on Broadway - Manager/Municipal Clerk Kwasniewski stated that they already have an ordinance on the books for River Road to put up banners, she suggested amending it to include Broadway. Mayor Ganz asked if they had jurisdiction to do that since it is a State highway.

There was a unanimous consensus to do this by resolution asking the Department of Transportation to allow banners on Broadway and to adopt an ordinance upon approval from the Department of Transportation.

Economic Development Corporation:

Deputy Mayor Weinstein stated these are initiatives two and three, Economic Development for the town and strategic plan for Radburn. He read the following from the mission statement. In a public private partnership bringing together the Borough of Fair Lawn's major commercial property owners and business operators, residents and organized business districts and constituencies, the purpose of which is to establish a local Economic Development Corporation to facilitate, coordinate, and advocate for the strengthening of Fair Lawn's economic and commercial vitality. The Economic Development Corp will be there to not only bring together the smaller business districts in Fair Lawn such as the Radburn business district, the Saddle River Road, Maple Avenue but also to look at the Master Plan to see where economic development is appropriate and to advocate for that. The President of the River Road Bob Landzettel and Stu Herrmann, past president of the Chamber, past president of the Rotary, resident of Fair Lawn and Barbara Simon, resident, were present.

Mr. Landzettel congratulated the Council on preparing to adopt the ordinance to start the special improvement district on Broadway. It is another step forward ensuring the economic vitality of Broadway and the Borough. He gave an overview of the EDC. The objectives of the EDC will be to serve the business community and the Borough of Fair Lawn and to formulate, promote, and implement economic growth of the commercial districts. The EDC will act as a Borough wide agency to oversee the development and revitalization of all commercial property in the Borough. The EDC could act as a catalyst for redevelopment of commercial properties and to maintain the character of Fair Lawn which provides a balanced community. It would be a funneling effect so that a developer can find out what is successful. They have been successful on River Road by convincing the experts that the best way to presenting plans to the Borough is to read the ordinance as to what is permitted in the SID. So they do try to make sure the ordinance and its intent is followed. As an historic note, in the 1950's the Borough Council realized the benefits to the community by creating the Fair Lawn Industrial Park. The park is separated from the residents by a railroad tract on one side and Route 208 on the other. Industrial parks tax base helps keep the residential taxes lower. The EDC and the Broadway SID can aid the Borough in negotiating with New Jersey Transit for improvements to the rail stations on Broadway and Radburn.

The EDC would help in recruitment of quality retail stores and service business for the districts. The EDC can work with the Chamber of Commerce in promoting the existing businesses in Fair Lawn. The EDC would also work in conjunction with the Bergen County EDC and New Jersey's EDC to provide the benefits of those organizations to commercial properties in Fair Lawn. There are existing programs on the County and State level to aid

financing, seeking of grants and the expertise that is there. He, Deputy Mayor Weinstein and Art Levine attended a meeting of the Bergen County EDC which was attended by one hundred people. They had an interesting speaker that spoke on the efforts nationwide to redevelop the smaller towns. They had examples of the smaller towns having larger growth than the larger cities.

Mr. Landzettel continued that to plan for an EDC a Business Leadership Committee was formed under the auspices of the Borough and facilitated by Don Smartt. The efforts of that committee have lead to the creation of a group of business leaders and residents that are ready to share their time, talents and treasure to serve as members of the Fair Lawn Economic Development Corp.

Their commitments are approximately more than \$16,000 and projects that another \$5,000 to \$10,000 will be realized when the EDC is formed. The Council had indicated a willingness to match the private funding to get the EDC started. An amount of \$20,000 was mentioned. This investment in Fair Lawn's future to ensure the health of the business community in Fair Lawn would accrue the benefits to the residents as well as the tax base in the Borough. The idea is to keep the tax base strong and to keep the commercial districts which pay a good part of the taxes in Fair Lawn.

After incorporating the EDC board, they would outline their goals and tasks and would accept proposals from professionals to implement the programs consistent with the budget that is available. He pointed out that those backing this included representatives from Columbia Bank, Commerce Bank and Valley National Bank. He would be there representing River Road SID. River Road has allocated \$3,000 of its funds towards the operation of the EDC, realizing the benefit of being part of the town wide structure to deal with recruiting business and working on ordinance or other things to help improve the business situation. They also have some residents that have stepped forward, such as Stu Herrmann, former Chamber president and who has his business here and a resident of Radburn, Todd Malkin who is also a Radburn resident and Barbara Simon who has been on the River Road SID since its inception. Also have Darren Luzak who is with James Hanson, a commercial broker, and can bring in expertise that will be invaluable. He is willing to serve on the EDC.

Stu Herrmann stated that his outlook is very similar to Don Smartt and Bob Landzettel. The Chamber of Commerce represents about 240 businesses in town. There are between 1,000 and 1,200 businesses, what about the other businesses. The Chamber is also represented on this EDC. There is no advocacy for the Morlot Avenue stores, the Saddle River Road, there is no group representing them. Radburn is the jewel of the town and they used to have a Radburn Business group as an advocate, now there is no such organization. The EDC represents everybody including River Road and Broadway. Sixty percent of the taxes assessed commercially come from the other commercial districts, other than River Road and Broadway, He wondered who is helping them.

Deputy Mayor Weinstein said he attended a seminar in which he received a book called Boomtown. He gave examples of small towns.

Deputy Mayor Etlar thought the EDC is a duplication of services that the SID is already doing.

Mr. Landzettel stated the \$20,000 represents \$1,000 of the \$15,000,000 collected by the Borough's commercial property. Deputy Mayor Etlar stated they get services for that. When you pay taxes, you get services for it. It is a management and business decision to be in Fair Lawn. They are there to make money and at the same time they are making money the town is supplying services. Mr. Landzettel stated he should look at this like an investment. If the business community is willing to put up half of the money to fund this, the Borough should be willing to contribute as well. Mr. Landzettel stated as far as it coming back to the Council, he would look at it on a year to year basis and the Council can evaluate after a year. If they like what they see, they can keep going. It will be separate organization. It would be up to the EDC to show that they have a program that is worthwhile.

Councilmember Caan wanted to get a better understanding of what the EDC is able to do for two SIDs.

Deputy Mayor Weinstein stated there were a couple of things. First of all there is business recruitment. The EDC would be able to sell the location to a bigger business knowing the demographics, etc. Deputy Mayor Etlar stated that is a business decision. Deputy Mayor Weinstein stated it was not it was a decision for the residents of Fair Lawn. Deputy Mayor Etlar stated that if he owned the property and wanted to bring in X amount of business that is a business decision. Deputy Mayor Weinstein stated the property owners where Marty's Shoe outlet was is waiting to see what type of business they could bring him.

Attorney Lustgarten stated that if you are a potential homeowner and you are interested in buying in a particular area and you go to a realtor and they have a list and recommend areas in town. If you are a business person wanting to come into town, who do you go to. Deputy Mayor Etlar stated the Chamber of Commerce. Attorney Lustgarten the Chamber only represents 200 of the 1,200 businesses.

Councilmember McCarthy stated there are a lot of communities looking for businesses and for them to sit there and do nothing, what would prevent the business from going to one of the surrounding towns. He felt they would bring in more than \$20,000 in ratables. There are also other positives such as hiring residents or high school students. No one wants to see empty spaces.

He thought whether it be a resident or a business owner, people like to see areas that are vibrant. If the Council can assist the business community in bringing people here, he felt the benefits out weigh the cost.

Mr. Smartt stated that Councilmember McCarthy's comments are correct. Either you are silent or you are visible. If you are competing in this County with communities that want to underwrite their rising residential tax rate by new commercial investments, you have to stand out. If the Chamber receives a call about where to locate a business, they have someone to reach out to with advocacy and information. In the last six months when they are struggling to put this together, he received six calls starting with River Road and then asking about other areas but they do not have a vehicle to go to.

Mayor Ganz stated that when Grand Union company left, there was a community consensus to maintain a supermarket on that site. Without an EDC, he took it upon himself to contact supermarket chains to see if they would be interested. He spent 50 hours of his own time but was unable to get anyone to move there because he lacked the data, the statistics and the marketing studies. He lacked everything that the EDC would do. He has seen what the Bergen County EDC has done.

Mr. Hermann responded to Deputy Mayor Etler's question about duplication. They addressed that at the Business Leadership Committee. Broadway looks out for Broadway as River Road does for itself. Where do the other businesses go. The EDC would be the place for that to happen. Deputy Mayor Etler wondered why they are asking for government help. Mr. Hermann stated because this is something the government has to help with. If you make an investment in Fair Lawn for businesses to come to Fair Lawn, it blossoms out from there.

Councilmember McCarthy stated what may be best for River Road may not be best for Radburn or the small property owner on Morlot Avenue. What plans are there to ensure that it does not turn out that they just look out for themselves when there are five different groups.

Mayor Ganz wanted to publicly state to River Road SID and it's members that the Council is aware, and they thank them, for the leadership roll that they have played in helping form the Broadway SID and funding it actually into existence. He thought this would be true elsewhere.

Mr. Smartt stated look around at the people who are bringing you this idea. You heard them talk about the time talent and treasure, there is a consensus on everything they have done is a non partisan effort. The people in this room are people that deeply care. Broadway and River Road and the EDC will be collaborating. These people who are giving their time and talent will follow through on this collaboration not competition.

Mayor Ganz offered the consensus to fund \$15,000 for this calendar year with a moral commitment that the Council will explore in each of the two succeeding years as part of the budget process, a different sum or the same sum. If that is agreeable, he will then ask for a consensus for a Councilmember to be a representative, together with the Borough Manager, to serve on the EDC Board of Trustees.

Deputy Mayor Etler said he had a philosophical problem with this. He did not believe this was a government function. He believes that once the money is turned on it will be difficult to turn it off and he felt that this was not the place to come for support. This should be a privately funded operation. His answer is no.

Councilmember McCarthy stated that he respects what Deputy Mayor Etler said, but he thought you either choose to be part of the problem or ignore the problem. He felt these were difficult times and if there was anything they can do to draw business to town, the benefits outweigh any cost that may be associated with it. He will vote in favor of it.

Councilmember Caan stated that he agrees with Councilmember McCarthy. It is an investment in the future. They know that when EDC's have worked like they have in many places the dollars invested come back ten fold, if not more. In addition when you look at the people, who are part of this, long time community members, members of the Chamber of Commerce, former Mayor with River Road and other Board members of River Road as well as other long standing groups you will see that all of their interests are in the best interest of Fair Lawn and he would have to say yes.

Deputy Mayor Weinstein stated that Fair Lawn raises about \$15,000,000 from the commercially zoned areas in Fair Lawn. What they are asking for is returning \$15,000. The same way they invest in our roads and the parks, they are investing in the business district which is part of the quality of life in Fair Lawn.

Deputy Mayor Weinstein stated since February 2002, personally he and 30 other members of the Business Leadership Committee have devoted hours and hours of time in meetings because they all believe in this. Now they are just asking for \$15,000. He votes yes. He wished that Deputy Mayor Etler would come on board.

Mayor Ganz stated that he respected Deputy Mayor Etler's views but felt this was an important thing to do for Fair Lawn, for its people, business and for its future. He supports this wholeheartedly. It is a matching program which requires that funds be raised from the entity itself. It will be available as the budget permits.

Deputy Mayor Weinstein stated that so far they have raised \$23,750. Mayor Ganz stated that what will happen is the budget will have to be amended. He asked the Manager to ask the CFO how between the two entities the budget can be affected and secondarily to take other steps by resolution or ordinance to affect this. Attorney Lustgarten advised that a resolution is needed to recommend to the corporation that the Manager and a Councilmember be accepted as part of their board.

Mayor Ganz suggested Deputy Mayor Weinstein be the representative along with the Manager.

There was a unanimous consensus to authorize Deputy Mayor Weinstein to be the representative.

Mr. Hermann thanked the Council and added that they do have a dedicated group of volunteers.

Mr. Landzettel thanked the Council for their support. It will be money well spent and he knows they will work out the details on how they will get it. In the meantime they can get up and running with the commitments they already have.

Mr. Landzettel switched topics. He said that awhile ago River Road met with the Council about additional parking on George Street at the Borough well house property and the Fire House. Art Levine and he had contacted ten business owners along River Road who are the closest property owners and they are very interested in seeing that project go forward. River Road is in the process of engaging Canger Engineering to do some preliminary sketches of how that might work and working up costs and the method of how this will be done. He said they will get back to the Council in a month or two with a further update.

Mayor Ganz recessed the meeting at 9:08 p.m.

Mayor Ganz reconvened the meeting at 9:14 p.m.

New Jersey Transit Scope of Service:

Deputy Mayor Weinstein stated that Dom Smartt had drafted an updated scope of services relating to Broadway.

Don Smartt stated that based upon the direction received from members of the Council, he prepared a revised scope of services for the consideration of the Mayor and Council. He felt that should these services receive the support and consensus of the Council, he and the Manager will convey that consensus to New Jersey Transit representatives, Senator Coniglio, Assemblyman Gordon and Assemblywoman Voss.

Mr. Smartt stated that the revised services reflect the following assumptions, 1) that both Broadway and Radburn should receive equal consideration in both technical and planning under consideration, 2) that both the community and New Jersey Transit build on the substantial technical and planning investment made by New Jersey Transit at the Borough's request seven years ago in examining parking and traffic flow improvements and alternatives such as a pedestrian walkway over Broadway, and new cooperative parking strategies that more fully utilize existing parking and to do so, today, in a climate where the likelihood of change and investment is supported by the creation of a Broadway SID and the emergence of business leadership and vision, 3) that any future studies and planning of the Radburn area assume that Daly Field will remain "green," 4) that every effort be

made to increase bus service and satellite parking outside of the areas of the stations wherever feasible.

Mr. Smartt briefly explained the revisions to the Technical Services regarding Broadway. The revision would be the parking/traffic flow study in and around the train station and to the station to establish current and projected utilization and flow patterns and recommendations to improve utilization, on and off-site, for commuter parking specifically examining use where possible of satellite parking.

Mr. Smartt also explained the revisions to the Planning Services regarding Broadway which were the evaluations of existing land uses and zoning undertaken by firms specializing in evaluating the traffic and pedestrian improvement strategies and updating past evaluations and studies for present day implementation.

Mayor Ganz stated it is clear that Broadway is on New Jersey Transit's radar because of Senator Coniglio's efforts. He was notified that Broadway will also be paved soon.

Deputy Mayor Weinstein stated that since the scope of service has been expanded they should move forward with this. Deputy Mayor Etlar stated that Daly Field should remain green, build a walk way and have parking on the outside.

There was a unanimous consensus to adopt the scope of service as presented.

Mr. Smartt stated that between Deputy Mayor Weinstein and Manager/Municipal Clerk Kwasniewski they will work with the Economic Development Corp to put this on the forefront of their agenda. He said that he will act as an advisory and will not take action without the Council's consent. Mayor Ganz thanked Senator Coniglio, Assemblyman Gordon and Assemblywoman Voss for their efforts. Councilmember McCarthy wondered when they will hear something back from New Jersey Transit. Mr. Smartt stated that he would contact New Jersey Transit tomorrow. He will also reach out to Senator Coniglio, Assemblyman Gordon and Assemblywoman Voss.

Status - Planning Proposal

Deputy Mayor Weinstein stated that he had met with Burgis Associates. They showed him the conceptual plan since it is not complete. He was impressed with what he has seen. Mayor Ganz wondered if Daly Field was kept green. Councilmember McCarthy stated that their plans were not final and that they anticipate completing them within the next month. Mayor Ganz asked if this plan will have additional impact on the school system. Councilmember McCarthy stated they will tell us mid June.

Schedule Special Meeting - Manager/Municipal Clerk Kwasniewski stated she is working with their office to set up a meeting date. They gave her several dates to choose from

which were June 28, June 29, June 30 or July 12. She suggested June 29 at the Senior Center.

There was a consensus to hold the meeting on June 29, 2005 at 7:00 p.m. at the Senior Center.

Police Department 75th Anniversary:

Manager/Municipal Clerk Kwasniewski stated that on October 1, 2005 the Police Department will celebrate its 75th Anniversary. Captain Joseph Cook along with Chief Erik Rose's and her agreement has proposed that they commemorate this event in several ways. They would like to proclaim October as Fair Lawn Police Department Month, hold an Open House on Saturday, October 1, 2005 which would include inviting the community, displaying Police Department memorabilia and current equipment and holding a tour, presenting a birthday cake at the conclusion of the Open House, purchasing anniversary police patches to be distributed to current and retired members of the Police Department, purchasing an anniversary pin in the design of the patch, that could be worn on the uniform from October 1, 2005 through September 30, 2006 and purchasing sufficient patches and pins to give to other employees, elected officials, other chiefs, dignitaries, etc. Manager/Municipal Clerk Kwasniewski estimates the cost of 500 anniversary patches, 1,000 anniversary pins and 1,000 current police patch pins at \$2,320.00. She felt it was a great idea to commemorate the Police Department's 75th Anniversary since it is an important milestone for the Department which should be recognized. Mayor Ganz suggested anniversary medals and tokens. He can get prices for them. Deputy Mayor Etlar stated he was in favor of this but did not want to spend more than a couple thousand dollars.

There was a unanimous consensus to authorize the purchase of pins, medals and tokens to commemorate the Police Department's 75th Anniversary.

Use of Walsh Pool - Rising Stars Dance Academy:

Manager/Municipal Clerk Kwasniewski stated that for the past few years Rising Stars Dance Academy has used Walsh Pool for their camp program. They have requested permission again this year for three weeks starting July 18 through August 10. They use the pool four days a week from 10:30 a.m. until 1:00 p.m. Additionally, Superintendent Frey has suggested that we increase the fee to \$1,500 from \$1,000.

There was a unanimous consensus to authorize Rising Stars Dance Academy the use of Walsh Pool along with an increase in the fee they pay the Borough.

Special Meeting:

Upon motion by Councilmember Caan and a second by Councilmember McCarthy the Special Meeting was called to order at 9:30 p.m.

Mayor Ganz reconvened the Work Session at 9:36 p.m.

Miscellaneous Public Comments:

Harvey Rubinstein, 28 Rutgers Terrace asked if the New Jersey Transit scope of service was available. Mayor Ganz told him it was and he took a copy with him that night. Mr. Rubinstein commended the Council for doing the right thing with the cell tower.

Craig Miller, 5 Ramapo Terrace wondered about the EDC covering Broadway and River Road with nothing for Maple Avenue. Mayor Ganz stated that the EDC will acts for the other business districts. Mr. Miller asked what part the Chamber of Commerce plays. Mayor Ganz suggested that he address that question to the Chamber of Commerce. The EDC is government sponsored. Mr. Miller continued with a complaint about the bushes at the Recycling Center obstructing the view. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to let the Property Maintenance Officer know about this. Mr. Miller said that at High and Abbott Road while trying to make a left a car has to be in the middle of the street to see what is coming. Mayor Ganz asked to have Traffic Safety Officer Franco check it out. Mr. Miller stated that the Fair Lawn Avenue traffic signal is stuck on do not walk. Manager/Municipal Clerk Kwasniewski said she would have the Borough Engineer contact the County about that.

Louise Orlando, 12 Arlington Place, asked why after serving on the Business Leadership Committee that she has not been asked to be a member on the EDC. She said that Radburn has no knowledge of it. Mayor Ganz stated that he cannot answer that, Deputy Mayor Weinstein is the liaison. Deputy Mayor Weinstein stated that the EDC has not been formed yet. Ms. Orlando asked why Don Smartt was involved with this program. Deputy Mayor Weinstein stated the project is moving along and Mr. Smartt has been working with New Jersey Transit. Attorney Lustgarten advised that the EDC does not yet exist. He will need to do a resolution creating the EDC. Councilmember Caan stated that Mr. Smartt is a consultant like he was for the Borough. Deputy Mayor Weinstein stated there was no contact with New Jersey Transit. The meeting they had was just to bring people on board.

Ms. Orlando stated that in Radburn they have discussed parking, buses and railroad lines for many years. She said she wasted her time being on that committee. She is very hurt and felt they should have played it straight. Deputy Mayor Weinstein stated that he felt bad that she was hurt. The talks that had taken place with New Jersey Transit were just to get a Scope of Services from them. Deputy Mayor Etler asked to have Mrs. Orlando put on the EDC. Deputy Mayor Weinstein stated he will relay the message. Mrs. Orlando stated

that Radburn should be represented. Mayor Ganz asked to Deputy Mayor Weinstein to tell the EDC that Radburn should be represented.

Attorney Lustgarten stated that initially New Jersey Transit came to Fair Lawn. They offered a basic proposal only six or seven weeks ago. Manager/Municipal Clerk Kwasniewski stated it was not Mr. Smartt who initiated the meeting with New Jersey Transit. She said that Mayor Ganz had forwarded her an email from Senator Coniglio wanting to arrange a meeting between New Jersey Transit and the Borough of Fair Lawn. Mrs. Orlando asked if Mr. Smartt was a consultant. Deputy Mayor Weinstein stated he was asked to communicate with New Jersey Transit. He is just a volunteer. He said the EDC members have not been selected yet. Mrs. Orlando asked if it were true that New Jersey Transit had commissioned a study for the train station and Topps Cleaners. Deputy Mayor Weinstein stated that the study had not been done yet nor did New Jersey Transit say they have the money to do the study. Deputy Mayor Weinstein stated they had just asked New Jersey Transit to do the study.

Public Advocate:

Mayor Ganz stated that they need to amend the existing ordinance. He will continue working on it with Attorney Lustgarten. The Superior Court's decision now means that the Borough cannot seek payment from an applicant because it is unfair to the applicant to bear the cost of numerous experts. Mayor Ganz read the following purposes from the proposed ordinance:

1. The Public Advocate shall be retained by the Borough Council but shall not operate in any manner under the direction or control of the Borough Council except as to its financing and as otherwise stated herein.
2. The Public Advocate shall exercise his or her discretion as to the importance and the extent of the public interest and whether that interest would be adequately represented and advocated without his or her action.
3. It is intended that the creation of the position of Public Advocate shall be to ensure that a full, fair and balanced record be made in such matters of substantial public importance, with all of the competent evidence bearing upon the issues being presented to the Planning Board and the Zoning Board of Adjustment, tested as to its relevancy, competency, materiality and credibility, so that such Boards and such other federal, state, count, and municipal agencies, the Borough Council (as applicable) and the Courts (whether Trial or Appellate) will have the benefit of a fully developed record of the proceedings containing all of the testimony and evidence of a fair, unbiased and impartial decision in accordance with all of the applicable laws and rules and to ensure that the public interest, and not individual interests, will be adequately represented and better served.

Mayor Ganz stated that CFO Eccleston has already put the funds necessary in the budget.

He felt they should introduce it at the next meeting.

Attorney Lustgarten advised that the ordinance would have to go to the Planning Board and Zoning Board for their review. He did check to see if the Council would be intruding on the Planning Board and found that this ordinance would comply.

Deputy Mayor Etlar stated that he liked that the experts could not be hired without Council approval.

There was a unanimous consensus to introduce the ordinance at the next meeting.

Mayor Ganz complimented Legal Secretary, Sylvia Tedona, for putting the ordinance into the correct format. He appreciated what she had done.

Capital Budget:

Manager/Municipal Clerk Kwasniewski stated that the Parks Department needs two mowers and pulverizers. These are items that can be financed through the BCIA. Deputy Mayor Etlar stated he would not approve this means of financing. Councilmember McCarthy felt these were necessary pieces of equipment for that department. Deputy Mayor Weinstein agreed and felt they should do it now. Mayor Ganz stated that the BCIA can have the funds by Friday. Deputy Mayor Etlar stated he was reluctant to rush into this.

Closed Session:

Upon motion by Councilmember Caan and seconded by Councilmember McCarthy, the following closed session resolution was unanimously adopted at 10:12 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

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WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel, and

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

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Mayor and Council of the Borough of Fair Lawn or upon formal appointment within thirty days;

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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.

Adjournment:

Upon motion by Councilmember McCarthy and a second by Deputy Mayor Weinstein, the meeting was adjourned at 10:40 p.m.

pectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor David L. Ganz

Councilmember Allan Caan

Deputy Mayor Martin Etlar

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein