

REGULAR MEETING OF OCTOBER 11, 2005

Mayor Ganz called the meeting to order at 7:34 p.m. Assistant Municipal Clerk Bojanowski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in the Record issues of December 18, 2004. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to the North Jersey Herald and News and the Shopper. The annual notice identified the times and locations of the Council meetings and work sessions.

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

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

PROCLAMATIONS: **National Breast Cancer Awareness Month**
 Lights on After-school Day

Assistant Municipal Clerk Bojanowski read the Proclamations.

COUNCIL COMMENTS

Deputy Mayor Etler read his monthly activity report which included attending the Fire Board meeting, CERT Training Program at Mahwah Police Academy, 911 Wall dedication at Borough Hall, Public Service Meeting at the Clifton Office about future construction, Gloria Broders's night out against crime, Litter Pick up Program, Children's Therapy Center reconstruction ribbon cutting, Knights of Pythias Bike-a-thon, Bergen County J.I.F get together and the monthly Planning Board meeting.

Deputy Mayor Weinstein announced that after a number of weeks of research and reading resumes from all over Fair Lawn he and Councilmember McCarthy have given their recommendations that were accepted at the Closed session by the Council. They now have a committee for Open Space. He announced the names of the members of the committee. They plan to have their first meeting towards the end of this month.

Councilmember Caan mentioned the Street Fair that was held on River Road on Sunday. He felt it was a great event and congratulated the Chamber of Commerce for holding it.

Councilmember McCarthy stated as time goes on this committee would be open to the public of Fair Lawn. They will be seeking input from as many people as possible. During the preliminary stages they will be meeting only with the individuals that Deputy Mayor Weinstein mentioned so they can frame some kind of guidelines and once they have this going they will seek as much input from others as possible. They will be reporting back at the meetings to keep the public informed and he would find out if they could have the committee names listed on the Borough Website so people could contact the members or offer any suggestions.

Councilmember McCarthy stated the Street Fair was successful. He thanked the Rotary Club and Traffic Safety Officer Franco for their services on that date. He explained they spent most of the day taking fingerprints from young children and taking their pictures. He believed that group and Officer Franco deserved credit for doing such an important job.

Councilmember McCarthy stated he attended along with Deputy Mayor Etlar the 21st anniversary of the Bergen County Joint Insurance Fund in Park Ridge. He stated the Municipal Joint Insurance Fund is a collection of various municipalities throughout North Jersey that form their own insurance pool to deal with the rising cost of liability insurance in New Jersey. He was pleased to announce that they received a plaque from Mayor Zeller of Montvale, the director, representing the savings that Fair Lawn has received as a member which is in excess of \$2 million over the 25 years that the Borough has been a member.

Mayor Ganz stated the construction work on Chandler Drive has begun. The long awaited traffic light at Chandler Drive and Fair Lawn Avenue is now underway and the pole replacement is being started by PSE & G which will be followed by the installation of a traffic light.

Mayor Ganz stated the Council took consensus to form a committee consisting of Councilmember McCarthy and Councilmember Caan to hire an appraiser to examine what the actual valuations were of Daly Field, Hayward Tract, Archery Plaza and Topps Cleaners combined as well as separately. This relates to the litigation that the Mayor and Council have been sued by a developer over the developers plans which the Council has not seen fit to approve.

Mayor Ganz announced this year Memorial Pool had 801 adults, 844 families and almost 600 seniors, not including the additional pool passes for Walsh Pool. The gross amount of additional revenue was \$35,000. He added it remains one of the most attractable amenities available to all residents of Fair Lawn.

Mayor Ganz received word from the Governor's office that Fair Lawn had received grant money from the DEP in the amount of \$20,600 for municipal stormwater regulation. He was also advised by Commissioner Lathery that \$140,000 was been awarded to Fair Lawn for additional road improvements on Berkshire Road and Arcadia Road. He explained this was part of a long term plan that the borough has to end the sewer, water and drainage issues are at that location.

ORDINANCE: FIRST READING

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 2036-2005

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT", MORE SPECIFICALLY SECTION 125-10 ENTITLED "OFFICIAL ZONING MAP"

Borough Attorney Lustgarten explained this ordinance pertains to amending property on Harristown Road from a B-2 general business zone to a R-3-1 multiple family residential zone. Mayor Ganz stated this is in conjunction with an application that is currently pending with the Planning Board.

There being no further discussion, upon motion by Councilmember Caan and a second by Councilmember McCarthy, Resolution No. 286-2005 introducing Ordinance No. 2036-2005 was unanimously passed.

ORDINANCE: SECOND READING

Upon motion by Deputy Mayor Etlar a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2028-2005

AN ORDINANCE FOR THE BOROUGH OF FAIR LAWN TO OBTAIN A LICENSE AGREEMENT FROM THE FAIR LAWN BOARD OF EDUCATION FOR LANDS KNOWN AS PART OF LOTS 16 THROUGH 21 IN BLOCK 4503, CONSISTING OF APPROXIMATELY 5,290 SQUARE FEET

Mayor Ganz explained this ordinance relates to the new Community Center and is intended to add about eighteen parking spaces. He explained the \$5,000 is involved because one of the track and field events is located within the area and that is the cost to relocate it.

Harvey Rubinstein, 28 Rutgers Terrace asked why this is a license and not an outright purchase. Borough Attorney Lustgarten explained the Board of Education did not want transfer the title in the event that the need for that parking was ever relinquished sometime in the future. They have a reversion clause that means if the Recreation Center finds it does not need it in the future it will go back to the Board of Education

There being no further comments by the public, upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, Resolution No. 287-2005 adopting Ordinance No. 2028-2005 was unanimously passed.

Upon motion by Deputy Mayor Etlar a second by Councilmember McCarthy, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2029-2005

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000 ENTITLED, "ADMINISTRATIVE CODE", MORE SPECIFICALLY ARTICLE XIII A, DEPARTMENT OF EMERGENCY SERVICES, MORE SPECIFICALLY SECTION 2-81.3C, ENTITLED "DIVISION OF AUXILIARY POLICE"

Mayor Ganz explained this ordinance amends the Borough Code so that all Auxiliary Police

Officers who have served a minimum of 25 years will receive a full clothing annual allowance. He added this is the same clothing allowance that is offered to the Fire Department and various other Emergency Services. Borough Attorney Lustgarten added they need to reach age 55 with 25 years of service.

There being no comments by the public, upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, Resolution No. 288-2005 adopting Ordinance No. 2029-2005 was unanimously passed.

Upon motion by Deputy Mayor Weinstein a second by Councilmember Caan, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

**Ordinance No. 2030-2005
(Resolution No. 289-2005)**

BOND ORDINANCE AUTHORIZING THE CONSTRUCTION AND COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT IN AND FOR THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY; APPROPRIATING THE SUM OF \$804,300 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$766,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Mayor Ganz explained this ordinance will allow the Borough to bond about \$766,000 worth of material that would actually have cost \$804,300 the difference being about \$38,300. down payment. He explained what this would cover.

Donal Meyer, 8-22 Mayfair Terrace asked about the \$700 that was being spent for equipment in the Legal Department. Borough Attorney Lustgarten explained that cover two new office chairs. Mr. Meyers stated they would be paying for these chairs for the next 8 1/2 years. Borough Attorney Lustgarten stated the chairs that are currently there were obtained over 20 years ago so if it took that long to pay it off it would be a bargain because these chairs would probably last another twenty years. Mr. Meyers asked why the Borough did not just pay for an item this small out of current operations. Borough Attorney Lustgarten stated they could have but they made a policy call to include this in the bond ordinance for all the departments.

There being no further comments by the public, upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, it was unanimously agreed to close the time for public hearing.

289-2005 adopting Ordinance No. 2030-2005 was unanimously passed.

Upon motion by Deputy Mayor Etlar a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2031-2005

BOND ORDINANCE AUTHORIZING THE CONSTRUCTION AND COMPLETION OF VARIOUS WATER UTILITY CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS PIECES OF WATER UTILITY CAPITAL EQUIPMENT IN AND FOR THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY; APPROPRIATING THE SUM OF \$814,800 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$776,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Borough Attorney Lustgarten explained this is a separate bond ordinance because it relates to the water utility and under the State Finance law the State compels the separation of the water utility from general operations. He added this is the acquisition of computers, electric equipment and for the Water Department safety equipment.

There being no comments by the public, upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 290-2005 adopting Ordinance No. 2031-2005 was unanimously passed.

Upon motion by Councilmember McCarthy a second by Deputy Mayor Etlar, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2032-2005

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE XI, "PEDESTRIAN CROSSING RIGHT-OF-WAY SIGNS", SUBSECTION 232-68

Borough Attorney Lustgarten explained this amends the ordinance authorizing pedestrian safety signs. These particular signs will be authorized at the intersection of Berdan Avenue and Burbank Street.

There being no comments by the public, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, Resolution No. 291-2005 adopting Ordinance No. 2032-2005 was unanimously passed.

Upon motion by Deputy Mayor Etlar a second by Deputy Mayor Weinstein, it was unanimously

agreed to read the following ordinance by title and open the time for a public hearing.

**Ordinance No. 2034-2005
(Resolution No. 292-2005)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 94, ENTITLED "FEES", MORE
SPECIFICALLY ARTICLE I, ENTITLED "FEES FOR DOCUMENTS AND
REPORTS," SECTION 94-1.J, "FEES - WORK ZONE SAFETY PROJECTS"**

Borough Attorney Lustgarten explained there are work safety zone areas in town from time to time and they generate some paperwork. He explained this ordinance raises the fee from \$5.00 to \$8.00.

There being no comments by the public, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Resolution No. 292-2005 adopting Ordinance No. 2034-2005 was unanimously passed.

Upon motion by Deputy Mayor Weinstein a second by Councilmember McCarthy, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2035-2005

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 232, ENTITLED "VEHICLES AND
TRAFFIC", MORE SPECIFICALLY ARTICLE X, ENTITLED "MUNICIPAL
PARKING AREAS", SECTION 232-66, MUNICIPAL PARKING AREAS
FOR OVERNIGHT PARKING."**

Mayor Ganz explained this ordinance eliminates parking on an overnight basis in the Fair Lawn Art Center since the Borough no longer owns it.

There being no comments by the public, upon motion by Councilmember McCarthy and a second by Deputy Mayor Weinstein, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, Resolution No. 293-2005 adopting Ordinance No. 2035-2005 was unanimously passed.

RESOLUTIONS BY CONSENT # 29-2005

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Consent Agenda 29-2005 containing the following items was unanimously adopted.

- a. Resol. #294-2005 - Approval of Minutes:

Walking Law needs to be enforced and felt the orange traffic cones they put up were ineffective. He believed they needed to do more before more people were killed.

Mr. Wender stated although the Seniors are now able to enjoy coffee at the Senior Center the kitchen is still not done. Manager/Municipal Clerk Kwasniewski explained the bonding company was notified and they were due in this week. She had not heard that they had showed up, however, the sanctions would be imposed. She explained there is a process to be followed and she would be working with Borough Attorney Lustgarten on that issue. Mayor Ganz stated the contractor would be fined \$500 a day for each day he was not in compliance but that does not get the kitchen fixed. Mr. Wender stated there was no one there today and this is just too long. He added this may be the only hot meals these people have and they look forward to it.

Mike Rooney, 14 Burnham Place stated that they mentioned in the work session that there could be a number of consequences that may occur from the pending litigation against the Borough by Landmark. He heard them say one was inverse condemnation and that was why they were forming one of the committee to assess one of the properties. He asked the Council to explain that scenario. Borough Attorney Lustgarten explained this is all hypothetical because they are not conceding the lawsuit. He explained that inverse condemnation means that they have zoned a property that was privately owned into basic utility. The property owner would be entitled to be paid fair market value because they could not do anything with the property. Borough Attorney Lustgarten added there were seven or eight different scenarios to the outcome of the litigation and this is only one of them.

Mr. Rooney asked if a deed restriction survive the sale or condemnation of a property, especially one for recreation. Borough Attorney Lustgarten stated it would depend on the language although generally the restriction runs with the land. Mr. Rooney in what case would that not be true. Borough Attorney Lustgarten explained if the grants were specifically put in, if the property is sold to a third party this restriction does not apply. Mr. Rooney asked if there would have to be a specific statement to that effect. Borough Attorney Lustgarten stated usually it would. Borough Attorney Lustgarten gave an explanation of deed restrictions. Mr. Rooney asked if they could go to court to change it. Borough Attorney Lustgarten stated Chancery Court but did not believe that was the issue and not part of the complaint.

Robert Gulak, 4 Bancroft Place thanked the Council for comments on the Open Space referendum. Everyone in Fair Lawn knows how vital it is to pass this referendum. He added the voters must come out and vote for this on Election Day. He invited the Mayor and Council to show their support for this by coming to the Senior Center on Tuesday, October 18th at 7:30 p.m. where there would be an open town meeting on this. They will have experts from other town and open public time for anyone to speak and they would be happy to see the Mayor and Council. Mayor Ganz stated they have a Council meeting that night but if it was short he would be there after.

Mr. Gulak wished to straighten something out on the deed restriction on Archery Plaza. He had with him the deed restriction dated April 26, 1940, deed #2217. He stated the operative language is on page 170. His understanding was that it was along the line of what Borough Attorney Lustgarten was suggesting. He understood there was a comment from the audience that the deed restriction was under the power of the Radburn

Association nine trustee's. He explained it was quite clear when you read the language that is not the case. He read from the deed restriction. If a majority of the Radburn property owners stand up say they do not want that, then it can not happen.

Maureen Moriarity, 14 Burnham Place stated she was looking forward to being on the Open Space Committee. She asked them to explain inverse condemnation again. Borough Attorney Lustgarten explained the process again. Mrs. Moriarity asked if they would be told later what those properties were assessed for. Mayor Ganz explained that this has nothing to do with assessment but with the highest and best use for the property would be. He explained Councilmember Caan and Councilmember McCarthy are going to find a capable appraiser who can make an examination, a theoretical one, because the land in question is not at its highest and best use. Mrs. Moriarity asked who would make that decision. Mayor Ganz stated the appraiser would do that in accordance with established formulas which is what would happen in case there was condemnation with the parcel.

Borough Attorney Lustgarten did not want people to confuse the term highest and best use for a zoning consideration of what should be built there. He stated that is an entirely separate issue. When they are talking about appraising real property they are talking about highest and best use so that they are looking at the theoretical fair market value of a willing buyer and willing seller. The highest and best use phrase for appraising is not the same terminology for highest and best use before either the Zoning or Planning Boards. He explained to get a bonafide report that could be usable in other areas they have to use that as the standard. He added if the appraiser does not use the highest and best standard then his appraisal is not worth anything because the court would not accept that as a bonafide appraisal.

Mrs. Moriarity asked if one appraiser makes that decision or more. Mayor Ganz explained in the event that there is a condemnation proceeding or allegation the law requires there be at least two appraisers. They only have the assessed valuation for it right now which is for essentially vacant land. This would value the land in an improved stated that is different than that and that would give them a realistic value. He added that would have to take into account how it is currently zoned and any restrictions on that property.

Donal Meyers, 8-22 Mayfair Terrace congratulated the Mayor and Council for coming and supporting the Open Space Referendum. He explained he was opposed to the referendum last year which was defeated but has changed his position. The tax is half of what it was last year and the language is different. The language gives less discretion to the Borough Council to divert the open space funds to fund current operations. He believed with those safeguards in place they could count on the open space money being spent on the preservation of open space. This tax represents setting up a seed fund so that as threatened parcels come on the market Fair Lawn has the ability to make a down payment and leverage the funds the Borough collects for this tax to get other open space funding through Green Acres, Bergen County and Federal Government. Mayor Ganz had to admit in this instance he actually agreed with Mr. Meyers.

Mr. Meyers congratulated the members who were appointed to the Open Space Committee. He suggested their first project should be a parcel on Maple Avenue. This subject had come up in prior work session about lifting a deed restriction in favor of the Borough. He added the deed restriction did not call for any new construction on the property. The property owner, who is represented by a politically connected attorney, has come before the Borough for no payment is asking that the Borough release the deed restriction so that they can build a new building on that property. He suggested the Open

Space Committee looking at this property for a pocket park. If there is no interest in this he suggested to the Council that they look to obtain some kind of payment for the lifting of the deed restriction.

Mr. Meyers stated Resolution No. 296-2005, Corrective Action Plan is for the financial and record keeping deficiency that were found and noted by the Borough auditors in connection with their 2004 audit. He found finding #2 very disturbing. There were instances of 2005 orders for goods or services being charges against 2004 encumbrances. In 2004 the voters were subjected 23% tax increase and 2005 the Mayor is running for reelection for somewhat of less of a tax increase. He added that was one of the ways the Mayor was able to do that. They were not spending any less but just took some expenditures and shifted the budget costs in 2005 back to 2004.

Mr. Meyers felt finding #3 was also disturbing. It stated not all items of the accounts payable could be traced to the proper documentation. He believed that meant money was paid out with a bill.

Mr. Meyers believed finding #6, #9 and #11 were cash receipts were not being turned in properly and not being accounted for timely. It suggests that there is a management problem in the way that the Borough finances and departments are being operated. When he looked at some of the bid quotations, six out of nine of them did not comply with State Law that requires that three quotes be obtained before a requisition is authorized. This problem did not arise overnight and as much as the Borough Auditor made findings that there are management and accounting deficiency in the Borough and Finance Department.

Mr. Meyers stated in April of 2004 the Borough Council stated the plans for the Recreation Center were 100% complete for a building that was two stories high and would cost about \$9.2 million. The Recreation Center bond issue and the cost of the Recreation Center is now \$12.8 million. He asked Mayor Ganz when the Council voted and approved the changes to the plan. Mayor Ganz did not know the answer but advised him he would get back to him with the answer. Mr. Meyers stated he did not expect him to know the answer because he had gone through the minutes and there was no Council vote. That is why in connection with this whole Recreation Center he had written a letter to the New Jersey Commission of Investigation, Department of Community Affairs, Attorney General Peter Harvey and the Federal Bureau of Investigation. He read his letter.

Louise Orlando, 12 Arlington Place stated since she was the only one who is a member of the public who spoke about a question with respect to the deed for Archery Plaza she guessed she was the one who alleged to have made misleading statements about that deed. She would provide to Manager/Municipal Clerk Kwasniewski or Borough Attorney Lustgarten the declaration of restrictions to of the Radburn Association so that the Attorney could review it to determine if anything she had said is misleading or whether the procedure set out within the declaration of restrictions conformed with what she had said tonight.

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Regular Meeting

October 11, 2005

Mr. Weglein, 18 Ramsey Terrace stated a year ago the Council announced there would be a general home reassessment in Fair Lawn. Mayor Ganz explained it has not taken place because that the tax maps are still not certified. That is a requirement for the revaluation to take place. When they are certified they will begin the process. Mr. Weglein asked why that would that have not happened if they announced in November that this would take place early in the year. Mayor Ganz stated they announce it because they were mandated to do it. They have engaged and authorized a firm to undertake it but they cannot commence the process until the tax maps are certified. Borough Attorney Lustgarten

explained the process. He was guessing the maps may be certified in the next two to three months.

Mr. Weglein congratulated the Council for its support on Open Space.

Jim Funcheon, 49 Albert Avenue asked about he advertisement in the paper for Barrier Free Improvements to Fire House Company #2 for \$95,000. Mayor Ganz stated it is for an elevator. Manager/Municipal Clerk Kwasniewski explained they have been working on this already. Mr. Funcheon asked with the work being done prior, the extension on the bays when that would be done completed. Manager/Municipal Clerk Kwasniewski stated that was completed. Mr. Funcheon asked if the contractor was paid. Manager/Municipal Clerk Kwasniewski stated he was receiving payment as he was doing the work but would get back to him with the answer. Mr. Funcheon stated there things that were not finished, some things were done badly and this was going for two years. He spoke to different people who were involved with the project, Deputy Mayor Etlar, Borough Engineer and one time to the Manager and she advised him not to worry about they had it taken care of. Mayor Ganz advised him to call Manager/Municipal Clerk Kwasniewski tomorrow she would get back to him with the information.

Robert Gulack, 4 Bancroft Place stated in the Radburn restriction there is a section that he believed was Article 7 that clearly sets out how these things can be terminated or modified. He added the citizens of Radburn have the protections that he eluded to earlier as Borough Attorney Lustgarten is aware of. He stated where the situation is ludicrous as the previous person proposed then at any meeting at the Radburn trustees they could by a majority vote order everyone to burn down their homes ,sell off large sections of the parks or any lands that was under the restriction could vanish. There would be no protection for people who have made a major investment in Radburn and that is not the way things works. He stated to show how the previous speaker on this subject is grossly in error he referred to the Certificate of Amendment of the Radburn Restriction dated January 29, 1945. It states that no protest whatever against the proposed amendment was made or filed with the Radburn Association at or before the time of such public hearing by any owner of any property subject to restrictions. He explained what that means is that due notice was given to the people of Radburn and no one showed up to say it was not alright. He believed it was shocking that the property manager of the Radburn Association was not familiar with this.

Louise Orlando, 12 Arlington Place stated again that she would provide them with a copy of the Declaration of Restrictions which the attorneys can read and was sure they would understand what it says. She added she was not incapable of reading or understanding it or telling the truth about it. She apologized that the Council was being embroiled in this silly nonsense. Mayor Ganz asked Ms. Orlando to send a copy to Manager/Municipal Clerk Kwasniewski and she would distribute it to Borough Attorney Lustgarten and the Council.

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Regular Meeting

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Howard Mark, 12-23 Ferry Heights questioned the tax bills and wanted to see the total budget for local schools and County. Mayor Ganz asked him to give it to Manager/Municipal Clerk Kwasniewski and she replied that the bill was from 1991. Councilmember McCarthy stated this was raised when the CFO was present at one of the budget meetings and he advised Mr. Marks they have not had that information on the bills for several years. Mayor Ganz advised Mr. Marks to call the CFO for the information he was looking for.

Mr. Mark asked about the Recreation Center. Borough Attorney Lustgarten explained what went on, the procedures that were followed, who was involved and that everything was public record. Mayor Ganz also offered to sit down with Mr. Mark and explain to him whatever information he wished to obtain.

There being no additional comments from the public, upon motion by Deputy Mayor Weinstein and second by Councilmember Caan, the time for public comments was unanimously closed.

ADJOURNMENT:

Upon motion by Councilmember Caan and second by Deputy Mayor Etlar, the meeting was adjourned at 9:10 p.m.

Respectfully 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