

## REGULAR MEETING OF MARCH 27, 2001

Mayor Ganz opened the meeting at 7:45 p.m. Municipal Clerk Kwasniewski 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" issue of December 27, 2000. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

PRESENT: Mayor Ganz, Deputy Mayors Adler and Etlar, Councilmembers Amato and Dobrow.

Also present: Borough Manager Sacks, Borough Attorney Lustgarten, Municipal Clerk Kwasniewski and Assistant Municipal Clerk Bojanowski.

### PROCLAMATIONS: AUTISM AWARENESS MONTH

Municipal Clerk Kwasniewski read the proclamation.

### MANAGER'S REPORT

Manager Sacks stated there were no changes or additions.

Mayor Ganz stated many residents were concerned about Grand Union having its last day on Sunday. The Borough Council has taken affirmative steps in finding a food store to fill its space. Four food chains are in discussion with C&S and eventually will be with Moe Frankel, the owner. The Council would like a food store in that location.

Mayor Ganz said there would be meetings on April 3, April 10 and there should have been one on April 17 but because it is the School Board Election the meeting has been scheduled for April 18 at 7:30 p.m.. He said he could not attend that meeting because he will be on his way to Europe that evening. He suggested having the meeting at 8:00 a.m. or 9:00 a.m. on the morning of April 18. The consensus was to have the meeting at 8:00 a.m. on April 18, 2001, even though Manager Sacks, Borough Attorney Lustgarten and Councilmember Amato would not be able to attend.

### ORDINANCES: FIRST READING

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

Ordinance No. 1850-2001

#### AN ORDINANCE ESTABLISHING A COOPERATIVE PARKING PLAN FOR THE RIVER ROAD SPECIAL IMPROVEMENT DISTRICT IN THE BOROUGH OF FAIR LAWN

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 100-2001 introducing Ordinance No. 1850-2001 was discussed.

Mayor Ganz stated this was the Borough Council's answer to cooperative parking by using the spaces on George Street and at the Arts Center. He said previous Councils had talked about this issue for fifteen years but this Council is prepared for action.

There being no further discussion, Resolution No. 100-2001 introducing Ordinance No. 1850-2001 was unanimously passed.

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

Ordinance No. 1851-2001

#### AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, MORE SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT", SECTION 65, RELATING TO THE GENERAL SUBMISSION PROCEDURES FOR SITE PLAN APPROVAL

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 101-2001 introducing Ordinance No. 1851-2001 was discussed.

Mayor Ganz stated the Borough Council, with this ordinance, was trying to address a concern from the River Road Improvement Corporation and from other areas in town. The Borough Council listened to the problems and therefore will repeal the sections so that individuals applying for a Certificate of Occupancy can bypass the additional steps to obtain one.

There being no further discussion, Resolution No. 101-2001 introducing Ordinance No. 1851-2001 was unanimously passed.

#### ORDINANCES: SECOND READING

Ordinance No. 1842-2001

#### AN ORDINANCE TO AUTHORIZE THE LICENSING OF SIDEWALK SALES IN THE BOROUGH OF FAIR LAWN

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 102-2001 adopting Ordinance No. 1842-2001 was discussed.

Borough Attorney Lustgarten summarized the ordinance. Mayor Ganz congratulated Deputy Mayor Adler for shepherding this ordinance into being.

There being no further discussion, Resolution No. 102-2001 adopting Ordinance No. 1842-2001 was unanimously passed.

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

Ordinance No. 1845-2001

#### BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (THE "BOROUGH") APPROPRIATING \$1,666,350 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,587,000 OF BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Borough Attorney Lustgarten stated this ordinance included Library chairs, carpeting, an outside book drop, road resurfacing and parking lots, improvements to the sanitary sewer system and storm drain facilities, a speed monitoring radar trailer, pistol range improvements, improvements to parks and playground equipment, tennis court rehab, new bleachers, a salt spreader and many other items.

Keith Brown, 23-05 Ellington Road questioned the amount for re-keying Borough Hall. Manager Sacks informed him that it would be done in-house to keep the cost down. She said the locks were more than thirty years old and that keys were given to several employees some of which are no longer employed with the Borough, so the keys are now all over the place.

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

Mayor Ganz stated he was delighted to say that many individuals have pushed to have these items fulfilled.

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 103-2001 adopting Ordinance No. 1845-2001 was unanimously passed.

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

Ordinance No. 1846-2001

#### BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER SYSTEM IN, BY AND FOR THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (THE "BOROUGH") APPROPRIATING \$265,965 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$253,300 OF BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Attorney Lustgarten explained the ordinance. Mayor Ganz stated this was an on going program with the water system.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 104-2001 adopting Ordinance No. 1846-2001 was passed.

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

Ordinance No. 1847-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 MORE SPECIFICALLY CHAPTER 104 ENTITLED "FIRE PREVENTION" ARTICLE I ENTITLED "FIRE PREVENTION CODE" SUBSECTION 104?7. ENTITLED "TECHNICAL AMENDMENTS, DELETIONS AND ADDITIONS MADE IN THE FIRE PREVENTION CODE"

Attorney Lustgarten explained this ordinance was for technical amendments relating to various items that the Fire Prevention Bureau recommended.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 105-2001 adopting Ordinance No. 1847-2001 was passed.

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

Ordinance No. 1848-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 MORE SPECIFICALLY CHAPTER 62 ENTITLED "ANIMALS" ARTICLE I ENTITLED "DOGS" SUBSECTION 62-2 ENTITLED "REGULATIONS GOVERNING THE KEEPING OF DOGS" AND ARTICLE II ENTITLED "REGULATIONS GOVERNING THE KEEPING OF CATS" SUBSECTION 62-23 ENTITLED "LICENSING REQUIREMENTS" TO PROVIDE FOR A THREE-YEAR LICENSE AND CHAPTER 94 ENTITLED "FEES" ARTICLE VI ENTITLED "SCHEDULE OF FEES" SUBSECTION 94.12 ENTITLED "MISCELLANEOUS FEES"

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

Mayor Ganz stated this ordinance will allow residents to obtain a license for three years for their cats and dogs.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 106-2001 adopting Ordinance No. 1848-2001 was passed.

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

Ordinance No. 1849-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000 MORE SPECIFICALLY CHAPTER 125 ENTITLED "LAND DEVELOPMENT" ARTICLE III ENTITLED "ZONING REGULATIONS" SUBSECTION 125-12 ENTITLED "SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS"; SUBSECTION 125-24 B-1 RESTRICTED BUSINESS, B-2 GENERAL BUSINESS AND B-3 BUSINESS ZONES; ARTICLE VI ENTITLED "ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD" SUBSECTION 125-60 ENTITLED "NOTICE OF APPLICATIONS" AND ARTICLE X ENTITLED "FEES" SUBSECTION 125?85 ENTITLED "MISCELLANEOUS FEES".

Attorney Lustgarten stated this ordinance is to amend the Zoning Code of the Borough. Mayor Ganz stated they inadvertently omitted this section when the ordinances were codified last fall and that it is the same as it was before.

Keith Brown, 23-05 Ellington Road stated there have been many debates about the self storage facility trying to located on

Broadway. He was pleased to note that most of the residents were against changing the zoning. He believed that Broadway and River Road were not the appropriate places for self storage facilities. He said he was also concerned about a self storage business coming in and buying up the adjacent lots. Mayor Ganz told him they were restoring the Zoning Regulations to what they were prior to the recodification.

Howard Lowenstein, 0-93 Plaza Road stated that he lives next door to the Columbia Savings lot. He was concerned the self storage company would come in and buy the other lots and they would allow them to build their facility on that lot. Attorney Lustgarten explained that purchasing additional lots would be costly. He said Safeguard withdrew their application. Mayor Ganz asked Municipal Clerk Kwasniewski to explain why this ordinance was left out of the codification. Municipal Clerk Kwasniewski explained the process they undertook that codified the Borough's ordinances. This piece was not included. It became apparent that it was not codified therefore that is why it was being done at this time.

Mayor Ganz stated again that the Borough was codifying not changing the ordinances. Borough Attorney Lustgarten explained the process that took two years to complete and there have been other technical changes such as Ordinance 1847-2001. Mayor Ganz stated there were hundreds of pages and there are bound to be omissions. He said this was not the first and it will not be the last.

Mr. Lowenstein stated he was a big opponent to the warehouse being built. He felt that this ordinance will cause a bit of controversy. Attorney Lustgarten asked him to tell the residents that this ordinance has nothing to do with the application of Safeguard.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 107-2001 adopting Ordinance No. 1849-2001 was passed.

#### PUBLIC HEARING ON BUDGET

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, to open the time for public hearing on the Budget was passed.

Margot Brandes, 16-36 Raymond Street, questioned the raise in taxes on the houses in the Borough. She also wondered why there was no notification of this meeting. Mayor Ganz informed her that there was a legal ad in The Record. A notice was on the Borough's website and on Chanel 66. Ms. Brandes stated they should notify the taxpayers. She felt it was a large increase and that Fair Lawn Commons should have made a difference with their contribution. Mayor Ganz stated that they were not all on line yet. Ms. Brandes wondered if the amount of taxes Fair Lawn Commons pays was taken into consideration. Mayor Ganz said it has been considered but it is only a small percentage.

Deputy Mayor Adler stated that a budget hearing was to look at the items and to decide what they would like cut. Ms. Brandes stated the residents should put their trust in the Council and the decisions they make. She pointed out that the Board of Education has gone up drastically. Mayor Ganz stated that all of them pay taxes and it pains them all. Ms. Brandes mentioned grants. Mayor Ganz informed her that the Borough has a grants firm who have obtained additional funding.

Ms. Brandes said they should make changes so that taxes do not continue to go up. She also felt that they should notify the residents of meetings.

Keith Brown, 23-05 Ellington Road, stated he saw in the budget that they would be purchasing new police cars and he wondered what happened to the old ones. Mayor Ganz stated they recycle them into other departments and then eventually they get auctioned. Mr. Brown noticed that the salaries of the Recycling Department increased. Chief Financial Officer Eccleston replied that the Recycling Department consists of eighteen people. During the leaf collection season salaries of other people who help are charged to Recycling. Mr. Brown also asked the cost of the holiday celebrations. Borough Manager Sacks stated it was for the summer concert series and for events throughout the year. Mayor Ganz stated there will be a spectacular fireworks display with a live concert at the 4th of July celebration.

Rita Golding, 14 Rutgers Terrace, asked where the book drop will be located. Mayor Ganz informed her it will be in the Municipal Parking lot next to the Tax Collector's box. Mrs. Golding felt it would take up too many parking spaces. Mayor Ganz told her it would not. Borough Manager Sacks stated that finding a space to park to drop off books was difficult for handicap people or senior citizens and this will make it easier for them. Mrs. Golding questioned the corner of Saddle River Road and Fair Lawn Avenue where Omar's Restaurant stands as she understood that Commerce Bank will be coming in. Mayor Ganz confirmed that Commerce Bank will be establishing a location on that spot and that they had gone through a significant application before the Zoning Board.

Mrs. Golding also wondered about the Scholastic Bus application. Mayor Ganz informed her that the application started more than four years ago and was still going on. He said it was up to the Zoning Board and the conditions they impose. Mrs. Golding asked where the police cars were and wondered where they hang out. She felt she used to see them all over town but now she does not see them anymore. Deputy Mayor Etlar stated that he is out riding his bike or his motorbike and he sees the Police every where he goes. Mayor Ganz stated they know from the enforcement results that they are out on the streets.

Stewart Golding, 14 Rutgers Terrace, stated he rides his bike six days a week and does not see the Police. He also wonders where they are especially on Fair Lawn Avenue where people are speeding. Mayor Ganz stated that he and his wife go out walking and he knows how difficult it is to cross Fair Lawn Avenue. The Council has reported this to the County Freeholders asking for a traffic signal at the intersection of Fair Lawn Avenue and Abbott Road. Mr. Golding suggested the Police leave a marked car there to deter people from speeding. Borough Manager Sacks stated a speed monitoring trailer was in the budget.

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

#### PUBLIC HEARING ON SID BUDGET

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, to open the time for public hearing on the Budget was passed.

Mayor Ganz acknowledged Mr. Landzettel in the audience. Deputy Mayor Etlar asked about an amount he did not understand. Chief Financial Officer Eccleston explained that it related to parking and that it was the 25% that RRIC reimburses the Borough.

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

#### RESOLUTIONS BY CONSENT #7-2001

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #7-2001 containing the following items was unanimously adopted.

- a. Resol. #108-2001 Approval of Minutes  
Work Session 2/6/01  
Closed Session 2/6/01  
Special Meeting 2/13/01  
Regular Meeting 2/13/01
- b. Resol. #109-2001 Award of Bid: Memorial Park Parking Lot Improvements
- c. Resol. #110-2001 Appointment to Cable Television Board
- d. Resol. #111-2001 Transfer of Funds
- e. Resol. #112-2001 Use of Walsh Pool by Rising Stars Dance Academy
- f. Resol. #113-2001 Interlocal Services Agreement with Elmwood Park
- g. Resol. #114-2001 Authorizing the Execution of the Lease Amendment with Sprint Spectrum, L.P.
- h. Resol. #115-2001 Removal from List of Experts

#### MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, it was unanimously agreed to open the time for public comments.

Shirley Giamongo, 5-12 5th Street, stated that when the trash company picks up the garbage they throw the cans back toward the curb but sometimes they miss and the cans end up in the street or get blown away. Mayor Ganz suggested that the next time she sees this happen she should contact Manager Sacks who will call Manella. Last year Manella was issued several fines. Ms. Giamongo also wondered if the water rate increase was due to the cost of the water at Memorial Pool. Mayor Ganz informed her it was not. Ms. Giamongo asked why the residents have to pay to have a stray animal picked up. Borough Manager Sacks stated she had met with the Animal Control person and the Health Department who felt it was costly to trap and pick up these animals. Ms. Giamongo felt the taxpayers should not have to pay to have dead animals picked up. She also wondered about the once a week garbage pick up. She felt there should be a way to notify new residents of the rules for garbage and recycling and so forth. Mayor Ganz stated they would pick up on her suggestion through the Tax Assessor's office once there has been a change of ownership a welcome to Fair Lawn packet will be sent to new residents.

Keith Brown, 23-05 Ellington Road, stated he saw the Agenda on Channel 66 and thought it was a great idea. He said he wrote a letter to Chief Marshall commending Officer Steve Cannizzaro who is posted outside Warren Point School. He has found him to be very helpful and courteous with the children. He felt he is doing a great job. Mr. Brown said he was surprised at the low number of violations listed on the Manager's Report. Mayor Ganz wondered if he were asking for added enforcement on Ellington Road. Mr. Brown stated he felt depressed and angered when he drives around town and sees all of the businesses moving out of town. He got the feeling that people were giving up on the town. He urged the Mayor and Council to do anything they could to keep Fair Lawn desirable.

Deputy Mayor Adler stated that things do not happen overnight. She urged people to go into a new store and to support the retail establishments. She felt the only way to keep business in Fair Lawn is to shop in them. She informed him that RRIC and the Chamber of Commerce are working together to draw business into Fair Lawn.

Leon Wender, 7-22 Manor Avenue, stated while he was on the Fair Lawn Avenue Pedestrian Safety Committee nothing was done. Mayor Ganz informed him that some recommendations have been done. Mr. Wender stated his concerns about the planting of trees and the cost of picking the leaves up when they fall. Deputy Mayor Etler said trees are beautiful. He felt that trees attract people to Fair Lawn. Mr. Wender stated he had a problem with the Recycling people who did not pick up his water heater. He felt the garbage and recycling people throw the cans wherever they want. Mayor Ganz informed him that if he were having a problem with them to call Manager Sacks who will pass it along to the department head.

Margot Brandes, 16-36 Raymond Street, said she wanted to inform the people that Scholastic Bus reduced the number of buses from one hundred sixty six to fifty-seven. Deputy Mayor Etler stated they would not comment on that subject. Ms. Brandes asked what was happening at the old Carvel site. Deputy Mayor Etler stated the property has been sold to a bank and it will be going before the Planning Board.

There being no further comments from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Amato, the time for public comments was unanimously closed.

#### ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Adler and seconded by Councilmember Amato it was unanimously agreed to adjourn at 9:20 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

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**WORK SESSION OF MARCH 27, 2001**

Mayor Ganz reconvened the meeting at 9:25 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Adler, Councilmembers Amato, Dobrow and Etler.

Also present: Manager Sacks, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Escrow Payments to the Public Advocate - Manager Sacks advised that \$25,000 has been included in the Zoning Board and Planning Board budgets. She recommended making payments against those appropriations. If the escrow money is being challenged, the Borough will at least be able to make payments. Mayor Ganz explained that the ordinance for the public advocate requiring payment by the applicant is being disputed and in one case not paid. He believed they were paid last week but put into escrow within the escrow account. Attorney Lustgarten felt that as long as the Zoning Board approved the payment it should be made. If the applicant wants to challenge the payment, he should go to court. He does not think the Zoning Board has the authority to hold up the payment. Attorney Lustgarten recommended that payment be made. The escrow is frozen by the Zoning Board, but he did not know where they got the authority to do so. If they think the bill is reasonable, they should pay it. Mayor Ganz added that the applicant paid the fee on the condition that it be held in escrow pending the resolution of their lawsuit on the constitutionality of the ordinance which they have not yet started. He thought the payment should be expedited.

Attorney Lustgarten advised Manager Sacks to tell the Zoning Board officer that no legal authority exists to freeze that account. If the voucher is in the appropriate format, unless a court injunction is filed, it should be paid forthwith.

Mayor Ganz thought the Council should make it clear that if the public advocate fees are not paid when billed, no Certificate of Occupancy or Temporary Certificate of Occupancy may be issued by the Construction Official until that sum is paid. Attorney Lustgarten advised that the Council would have to adopt an ordinance to that effect.

The consensus was that Attorney Lustgarten would prepare an ordinance for review for the next work session.

Mayor Ganz asked if the applicant declines to pay can they suspend the hearing or require the Board to halt the process and vote on the application. Attorney Lustgarten advised that he will have to do some research to answer that query.

Deputy Mayor Adler expressed concern about adopting such a restrictive ordinance. Attorney Lustgarten stated that assuming the whole process is constitutional, the refusal to issue the CO is a logical step. Beyond that, he has to research. Mayor Ganz indicated that he is furious that private individuals are denying the public the right to fully participate. He believes the ordinance is constitutional and legal, but if it is not he would rather know that now than to rely on it for the next 10 years.

Towing Regulations - Attorney Lustgarten researched the matter and dictated an opinion which they should have by the end of the week. The municipality has the authority to regulate towing on private property. He wants the Manager to review with the Police Department the rates in the ordinance to make sure they are consistent with the statute. A similar process can be adopted for towing from private property. The rates can be regulated. He thought they would have to draft specifications. Manager Sacks will work with the Police Department within the next two weeks.

Schedule Dates - The DPW ground breaking will be scheduled for April 7 at 9:00 a.m. It had been suggested that the corner stone laying at Memorial Pool be done on Memorial Day after the parade but Manager Sacks she did not think that was a good idea because it would take away from the veterans. She suggested May 5 at 9:00 a.m.

Deputy Mayor Etlar wanted to put a Ben and Jerrys cow on one of the prefabs and a biplane on another one. Mayor Ganz wanted to see a rendering before he made a decision.

Budget Amendments - Manager Sacks advised that she and CFO Eccelston are putting together budget adjustments which she will send to the Council.

Reporting Systems - Councilmember Amato wanted to be sure that he could discuss the reporting systems that come out of the finance system. It was agreed to schedule the discussion for the May 1 work session.

Bergen Street School - Deputy Mayor Etlar advised that he met with the Superintendent of Schools and they may be willing to get rid of the Bergen Street School because it needs a great deal of work. He thought it might be a good place for the Arts Center. Attorney Lustgarten thought a reversion clause was in the deed. It must be used for education. He asked for a copy of the deed. Deputy Mayor Adler thought it was a historical building so it may not be possible to make changes to the exterior structure.

Manager Sacks will speak to the superintendent to get a proposal and bring it back to the Council. She is to get the DPW and the Engineer involved.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar the following closed session resolution was unanimously adopted at 10:00 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 pending litigation and contractual negotiations; and

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

WHEREAS, public disclosure of the results of these discussions shall be made regarding pending litigation within 30 days and regarding contractual negotiations upon sale of the property except for legal strategy;

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 of Deputy Mayor Adler and a second by Councilmember Etlar the meeting was adjourned at 10:10

p.m.

Respectfully submitted,

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