

Work Session - July 20, 1999

Mayor Ganz opened the meeting at 7:30 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 "News Beacon" issue of December 17, 1998. 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 Record, the North Jersey Herald and News, and the Shopper. The Annual Notices identified the meeting location and the time of the Council Meetings and Work Sessions.

PRESENT: Mayor Ganz, Deputy Mayor Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

MANAGER'S REPORT:

Manager Sacks stated the reports were on the table with no changes or additions.

Upon motion by Deputy Mayor Ahearn and a second by Councilmember Trawinski, it was unanimously agreed to move Resolution No. 230-99 to right after Resolution No. 214-99.

Councilmember Trawinski asked about the hiring of two civilian dispatchers. He was concerned because of a hiring freeze and the Council not authorizing the hiring of these dispatchers. Manager Sacks replied that the Council did authorize it and in fact increased the budget.

Upon motion by Councilmember Tedeschi and a second by Councilmember Trawinski, it was unanimously agreed to have two Public Comment sections in the meeting.

ORDINANCES: SECOND READING

Upon motion by Councilmember Trawinski 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. 1763-99

"AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING CHAPTER XXVI, ENTITLED "ZONING, SPECIFICALLY SECTION 26-10, ADMINISTRATION AND ENFORCEMENT", (HEREINAFTER CODIFIED AS RGO 26-10A)

Municipal Clerk Kwasniewski read the recommendation from the Planning

Board in regard to Ordinance No. 1763-99, which disapproved of certain portions of the proposed ordinance as drafted.

Attorney Lustgarten explained the ordinance adds a requirement to have a certificate of compliance issued upon the sale of residential homes. In light of the Planning Board's recommendation to have certain aspects of the ordinance deleted it should be tabled until the Council has an opportunity to discuss them.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 211-99 adopting Ordinance No. 1763-99 was unanimously tabled.

Upon motion by Deputy Mayor Ahearn 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. 1764-99

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING CHAPTER XXVI, ENTITLED, "ZONING", SECTION 26-4.2, ZONING MAP

Attorney Lustgarten stated this is a proforma ordinance to change the zone designation from an R1-1 One-Family Residential

District to an R-1-2 One-Family Residential District to make property that was previously sold by the Borough into a conforming lot with the properties that surround it.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 212-99 adopting Ordinance No. 1764-99 was unanimously passed.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, it was unanimously agreed to amend Ordinance No. 1765-99 by deleting the restriction between Fair Lawn Avenue and Warren Road.

Attorney Lustgarten stated that if the motion carried he deemed it not substantive as it was a deletion rather than an addition and it does not add a traffic requirement.

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

Ordinance No. 1765-99

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC", SUBSECTION 7-3.4, SCHEDULE II, PARKING PROHIBITED CERTAIN HOURS

Mayor Ganz stated his understanding was this was designed to solve a certain traffic problem that exists on Sandford Road not starting at Fair Lawn Avenue but starting at Warren Road and going for two blocks in a southerly direction.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Trawinski, Resolution No. 213-99 adopting Ordinance No. 1765-99 as amended was unanimously passed.

RESOLUTION No. 214-99 IN RECOGNITION OF SERVICE: Arlene Glassman

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 214-99 was unanimously passed.

Councilmember Trawinski stated it was about time she received this award, congratulations.

Councilmember Dobrow congratulated Arlene and stated that she has served the tenants about as long as she has been on the Council.

Arlene Glassman, 14-15 Chandler Drive, thanked the Mayor and Council for their comments and good wishes. She stated she enjoys working with the tenants so she thinks it is very gratifying for her to receive this recognition from the Borough Council. She deeply appreciated it and felt it was even more appreciated receiving it in public.

RESOLUTION No. 230-99 AMBULANCE PURCHASE

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 230-99 was discussed.

Councilmember Trawinski stated he would like to compliment the Ambulance Corp in its extensive negotiations and cooperation with this Council on finding an offset by way of generating additional income to help pay for this Ambulance. He knows that some members of the Ambulance Corp feel that this was a very laborious and painful experience. He knows the taxpayers and residents of Fair Lawn benefit.

Deputy Mayor Ahearn expressed his gratitude for the patience of the Ambulance Corp. He knows this has been skirted around for awhile and he realizes they still have a lot of negotiating to do. He expressed his and the Council's commitment to Fair Lawn have first rate Ambulance equipment. He knows in the past they have been very independent and know that they are very proud of that, but with rising costs and increase in population it has come time to give more support to the Ambulance Corp.

Councilmember Tedeschi stated that Attorney Lustgarten has graciously volunteered to assist the Ambulance Corp in perfecting the lease.

Mayor Ganz stated that what the Ambulance Corp does affects the lives of every single person in this community. The Ambulance Corp is an all volunteer organization and is based upon donations from the people of this town. This is the first time in fifty years that the Borough has been called upon to purchase an ambulance. He thought that everyone should reach into their pockets to help them to be able to continue to deliver the high quality of services that the residents expect. The Ambulance Corp is something that all of Fair Lawn should be proud of; he is. He will be pleased to vote for this resolution.

Councilmember Dobrow echoed the Mayor's comments. She complimented them on their professionalism and she is very thankful for all that they do.

There being no further discussion, Resolution No. 230-99 was unanimously passed.

PRESENTATION REGARDING BROADWAY REDEVELOPMENT

Mayor Ganz stated he thought that before they began the portion of the meeting that related to the development of Broadway that he would take a few moments to speak to the Council, and to the public, about the events that took place at last week's Council Meeting, and about intemperate remarks that were made that evening, and thereafter, from the audience and from the Council.

Our government is an elected one. Each Councilmember here no matter what they say, or how they act took an oath of office to discharge their job to the best of their abilities. They then swore to their God that they would do so.

That oath of office, and that higher oath, does not mean that they pledged themselves to agree, or to disagree, with other Council members. Only that they would do their job to the best of their abilities. I am dismayed that some Councilmembers have not done that.

He asked to take a moment, as Mayor, to apologize to the people who were there last week, and to those of you who were not, because of the evident pain that was caused you by individuals trafficking in rumors, and in fear. No one deserves that.

He is a trial lawyer by training. He said he knew the old saw: "When a lawyer has the facts on his side, he argues the facts. When he has the law on his side, he argues the law. And when he has neither on his side, he pounds the table." Well, we had some table pounding here last week.

That banging on the Council table an action that was clearly out of order, improper, and intemperate was designed to create hysteria. It was designed to stir up fear. And it was done with the knowledge that the one proposal that is before the Council which all Councilmembers had heard before would affect a grand total of four houses in Fair Lawn, two of which might be condemned.

Condemnation could occur, all of the Councilmembers knew that only if the Planning Board first determined that the homes were part of an area in need of redevelopment, and if they accepted the plan that was offered and then if the Council approved the proposal. He said to remember: a proposal is not a plan. It is a beginning and not an end.

He stated that the people will hear in a little while from the developer, who heads up a firm called The Real Estate Equity Company – TREECO for short. He can, and will, speak for himself but he thinks that you are going to like his message. Particularly the part in which he tells you that your homes are safe.

He then stated he would like to say a word about TREECO. He read the other day in the Bergen Record a very interesting story. He quoted the reporter, Teresa McAleavy, about TREECO's proposal as it was presented to the Council: "It called for razing two houses and 31 businesses, as well as moving two other houses, to make way for an apartment complex, upscale retail stores, and a multi screen movie theater. The proposal called for upgrading 2,500 feet on Broadway's south side, from the railroad trestle near the Elmwood Park border to Fair Lawn Parkway".

So when a member of this Council went to twenty-five or fifty homeowners and told them that their houses could be condemned, he knew that it wasn't true. He lied to them. He asked why?

Mayor Ganz continued with the story a little bit further because a Councilmember was then quoted as follows, talking about him as Mayor: "He got caught sleeping with TREECO, and he's got fleas. Now he's trying to scratch them off by smearing the opponent and forgetting the issue."

He realized that the speaker was trying to be insulting and defamatory and to use his own words, to "smear" his opponent. He did the same thing last week, as well, to a resident of town who happens to be involved in real estate and is also married to his second cousin. He said the Councilmember used his bully pulpit to mock someone because he is related to him, and because he disagrees with that Councilmember. All that Kevin Swill said was that this proposal was good for the Community as a whole. He disagreed with a Council member. That Councilmember abused his position and acted like a bully. Shame on him! Nearly 50 years ago smear tactics were utilized by someone else named Joe – it didn't work then, and it shouldn't work now.

He took a minute to see what "sleeping with TREECO" might have meant.

He wanted to make it categorically clear that he has no business relationship with TREECO, he has no social relationship with Treeco, and until Flossie Dobrow mentioned their 1993 proposal to him recently, he had never even heard of them.

He also wanted to make clear that it was his belief that not only has there been an abuse of the office of Councilman, but that the remarks that have been made from the dais have been disingenuous.

They have heard comments that claim that there has been secrecy and a hidden agenda and a done deal. Aside from a meeting or two at which the underlying concept was discussed, to get a general sense of whether there was any possibility for Broadway redevelopment, what exactly has been done? No plan has been adopted. No recommendations have been received. No conclusions have been reached. A planner has been hired period!

He stated they saw, last week, that all the Council wanted to do was to pass onto the Planning Board a request to hold public hearings on the idea of whether Broadway should be redeveloped. This is the most routine of government action asking another Board to look, examine, and report. To obtain the facts, and make a recommendation after hearing from the residents. They would have been notified and indeed, if the Council passes the referral tonight, they will be notified so that they can appear and voice their concerns. The handout that he, as Mayor, asked to be prepared spells it all out. Nothing more, nothing less.

It is the height of hypocrisy to hear from the podium the pious remarks of "concern" for the process, when in private, well which Councilman wants to tell the audience that they have personally told me, and others, that they favor this proposal but they wish it wasn't advanced until after the election. Pandering for partisan political gain and placing fear in residents that they might lose their home is outrageous, and has no place in Fair Lawn. To refer back again some years ago, "Have you no shame?"

This should not be about politics. The legitimate debate should be is it good for Broadway and good for Fair Lawn. Will it give this side of town services that it badly needs, and deserves: a quality grocery store, a pharmacy, a modern entertainment movie theater, and something that the entire Borough of Fair Lawn has asked for over many years: housing for seniors.

He wanted to be certain that the voices of all of Fair Lawn's citizens are heard in this process. It is essential that the Planning Board hear what they have to say, and that any proposed developer does too.

In order to assure this, pursuant to the authority granted to him as Mayor of the Borough of Fair Lawn, under Municipal Code §24-1.10, he hereby created an Advisory Committee to assist or collaborate with the Planning Board in its examination of prospective Broadway Redevelopment. The members thereof shall have no vote or take other action required of the Planning Board, and shall serve at the pleasure of the Mayor.

The Committee shall meet at least once each month and one or more members, as designed by the committee, shall also attend any public hearings of the Planning Board on the Broadway Redevelopment.

He will name the members of the Committee, and the Chair, after he has had the opportunity to review the names of those who wish to serve. Nothing here shall prevent anyone from testifying at, or attending, any Planning Board Hearing in a private capacity.

He invited anyone to sign up to indicate their interest on the sheets that were placed on the table.

He concluded his opening remarks by repeating what he said last week: he is certain that the Planning Board, if the Council refers it to them, the Council, and all of our residents will carefully examine the development proposal, and will ultimately decide to do the right thing for Fair Lawn and its future. He is convinced that the future bodes well for our community if they can properly develop Broadway, and provide for adequate parking for the community as a whole.

He stated this proposal is an initiative on behalf of the people of Fair Lawn. He asked to remember it is not a good proposal or a bad proposal because the developer wants it or even if the Council wants it, it should only be adopted if it is good for Broadway and the people who live and work there and if it enhances the quality of life for everyone in Fair Lawn. Only after a full, fair and truthful debate can these questions be answered. That is democracy, that is the American way and that is the way they shall proceed.

Speaking as Mayor and for the democratic majority on this Council they will accept nothing less. Finally, much has been made out of the early Closed Sessions on this matter. The Clerk distributed the Closed Session Minutes to the Councilmembers earlier this evening and if they have all been signed by the members and if the Clerk so certifies, he would entertain a motion later in the meeting to make the Minutes public.

A motion by Councilmember Trawinski and a second by Councilmember Tedeschi to make the Closed Session Minutes public.

Mayor Ganz asked the Clerk to certify the Minutes. Municipal Clerk Kwasniewski stated that some of them have to be approved

this evening. Once they are approved they will then all be ready to be released.

Mayor Ganz declared the motion to be premature. He asked the maker of the motion to agree to postpone the motion's consideration to the conclusion of the meeting or immediately following the passage by the Council the approval of those minutes or whichever comes first.

Councilmember Tedeschi responded that he really commended the Mayor's advocacy of TREECO's proposal as this will be the second proposal they are looking at without considering another one. To set the record straight he did not call or knock on twenty five doors. He delivered a copy of a resolution that was put on an Agenda on Monday afternoon without discussion of the Council. He took him back to the date of April 21, 1999, when the Mayor said we don't need the Planning Board, we will be the Planning Board. He is sure that the Mayor recalls that. On April 21st the Mayor indicated this would not go to the Planning Board that the Council would do that. He thinks the Mayor subsequently found out that it was illegal which is why it is going to the Planning Board now. He said the Mayor's speech was very good and that he had prepared a speech too. His speech is out of the New Jersey State Statutes which said: "It is the intention of this article that the Municipal Council shall act in all matters as a body. It is contrary to the spirit of this article for any members to seek individually to influence the official acts of the Municipal Manager or any other officer". The law says they are one body, the Mayor in the Faulkner Act community has very little power in addition to the Councilpersons. He can make several appointments and can conduct meetings.

Getting back to this hysteria. On a Monday afternoon at about 2:30 he received a copy of a resolution that stated they were not doing this themselves, they were sending it to the Planning Board and the planner that they hired, now they are going to hire another planner. That planner's purpose is to see if the area is in the need of redevelopment. The Council never discussed it. The Mayor took it upon himself to put this on the Agenda. As for that hysterical letter that he delivered to the residents, he stated he is the guy that brought it and is proud of it. He asked if any of this was contrary to their democratic beliefs, to please tell him.

The attached resolution was sprung on the Council by Mayor Ganz and Manager Sacks. If the area on Schedule A is found to be an area of redevelopment, as outlined in that resolution, their home or business could be condemned by the Borough.

Councilmember Tedeschi felt he brought an important message to those eleven homes and those people came, their friends came and their neighbors came and they are all here tonight. He believes that they have the right to be heard before that happens. Councilmember Tedeschi said the Mayor wanted this resolution adopted at the meeting on July 13, 1999 but he pulled it off the Agenda. He will vote no. The residents must be allowed to participate. He told them if they wish to be heard please come to the meeting at 7:30. This is really draconian and panic stricken. On May 4th the Mayor said "Councilmember Trawinski questioned the process of how they were going to do this in Closed Session", Councilmember Tedeschi asked when does it come down to public knowledge because the tenants and the owners have a right to participate. Mayor Ganz stated that if they desire to hire a planner a letter will go out to everyone. The Planner was hired June 1, 1999.

He said the Mayor can sit there and embarrass him all he wants - he is not embarrassed, he is proud. He can say he struck up hysteria, he can say that he knocked on a thousand doors, he only had to knock on eleven because it was the people who took over. It is the people who are going to do what is right and it is going to be the people who are heard in this issue not the politicians.

Councilmember Trawinski thanked Councilmember Tedeschi and stated he was away when that Council package was delivered or he would have been out knocking on those same doors with him. He also wanted to thank Councilwoman Dobrow and Mayor Ganz for changing their minds to do this in the light of day as he asked on April 21, 1999. The process got off in a misguided start but he looks forward to working with them and the other Councilmembers in a non partisan basis to take this process to a conclusion that will, hopefully, be in the best interest for all the people of Fair Lawn. He thanked the people for taking the time to come out.

Deputy Mayor Ahearn thanked everyone for attending tonight. He spoke of his campaign last November and his views of over developing the town. His stance on this subject has been very skeptical from the beginning. He thinks they need to explore every potential opportunity and this is a potential opportunity. He wanted to make it clear that he is the only one on the Council that also sits on the Planning Board that votes. He would never be prepared to condemn a residence that someone is living in for anything that has to do with mere economic development. He is not going to vote for it and he is glad the people came out for it. He also wanted them to be aware that was his stance from the beginning. He felt it was good that it was going to the Planning Board so that it can be removed from the political process.

Councilmember Dobrow stated they were going about it in the proper way and the Planning Board will give the Council their opinion. She said the residents should not come to any conclusions until they see what is planned.

Councilmember Tedeschi commented that she was correct. Everyone will be waiting to hear what the Planning Board has to say. He stated the Borough needed a vision and should get a report on what the people really want.

Deputy Mayor Ahearn stated he had a tough time understanding Councilmember Tedeschi's point. The Planning Board has a clear

and specific function.

Councilmember Trawinski stated they are looking to the Planner to see if that option is what the Borough wants to do. This is an idea that was proposed by Mayor Keith in 1994 when a more limited proposal by TREECO was put before the Council. A committee was formed to develop an overall vision and revitalization of the Broadway corridor. He felt they should go along with the Mayor's suggestion to form a committee and go ahead with that before they spend the \$53,000 to implement that vision.

Deputy Mayor Ahearn stated he believed the Planning Board will make the determination to hire a planner and to also see if this fits the statute law for condemnation.

Mayor Ganz stated he proposed to allow a brief presentation from TREECO and then open it up for public and council comments.

John Schepisi, of Schepisi & McLoughlin on behalf of Forrest City TREECO, located at 10 East Palisades Avenue, Englewood, New Jersey, said they were requested by the Governing Body to determine whether or not a certain area located on the south side of Broadway between 30th Street and the railroad tracks is developable. The question of whether or not the area is in need of redevelopment is a determination that pursuant to statute is to be made by the Planning Board, after public hearings and who then make a recommendation to the Governing Body. The Council can then decide to go forward to deem the area an area in need of redevelopment. They have come up with ideas to show the Council and the people whether they believe this area is suitable for redevelopment and whether any developer would participate.

What they planned on discussing was to show the Council and the residents, conceptually, whether they feel the area south of Broadway bounded on the east by 30th street, bounded on the west by the railroad, bounded on the south by Pellack Drive and Ellington Road can be redeveloped. Mr. Schepisi stated that after the presentation is made and if all of the residents agree and if they want to go to the next step then they must follow the statute. The statute is clear what must be done. It cannot be said tomorrow the area will be redeveloped, there has to be public hearings. They have to listen to the property owners, the business owners and the planners to come up with what is best for Fair Lawn. They believe, as professionals, that this site can be redeveloped, if it is agreed to go to the next step. He stated further that anyone who feels their property will be taken away is premature because the Planner, Planning Board and the Council may decide to increase or decrease the area or even just leave it as it is.

His client, TREECO, has been working with several towns. He feels the Council has to make a decision of what is right for Fair Lawn. He realizes that people hate change. He urged everyone to listen to what is being said and to not say no.

Councilmember Tedeschi asked who on the Council requested them to make a determination. Mr. Schepisi stated it was Councilmember Dobrow who asked them informally if they would have any interest in making a determination of whether this portion of Fair Lawn could be redeveloped. Councilmember Tedeschi stated this Governing Body, as a body, had never asked his client to come in and make an evaluation. Mr. Schepisi stated there has never been a formal resolution passed for that. He stated if they would rather not have the presentation made, he could save everyone's time and go home.

Councilmember Tedeschi stated he is only one member and this Council will decide as a body.

A motion was made by Deputy Mayor Ahearn and a second by Councilmember Dobrow to the continue with the presentation was passed with Councilmember Trawinski dissenting.

Mr. Schepisi stated the architect, the Ives Group, had prepared three boards which showed the area they believe can be productively redeveloped. It is their belief that the area is in need of redevelopment. He stated the peoples homes were not going to be taken. He explained that when a redevelopment is done, there may be some people that have to be relocated. He gave an example of someone owning a 30 year old home who could get a new home in the same neighborhood. He advised them to look at this with an open mind. He said there were only four homes that could be effected in this area, there are two other dwellings that are used for home and business, and there is one house that he is not sure if it is occupied. The businesses will relocate within the community or in the redevelopment area or they go elsewhere. He said when there is redevelopment, someone is going to be hurt slightly but this person is compensated for their hurt that is the law of eminent domain.

Joe Smith, architect with the Ives Group, 14-25 Plaza Road, showed the diagrams and the study of the area in question. He stated they considered what would be the highest and best use for the area. They considered what was there. They took into account the history of the area, the division of Broadway by that barrier which cuts off this neighborhood and that neighborhood and the existing uses. They have come up with a plan where they recommend several uses which they think are good for the neighborhood, good for a core redevelopment for this area which is sadly not in the best of condition. This study has only involved the southern area. He stated the bulk of the study was on the commercial properties. They stressed the impact on the residents is of utmost importance. He has tried to divorce the residential from the commercial properties showing a plan of what can be done. He stated they considered using the assets of what the south side of Broadway already had. His concept included a possible movie theater, a neighborhood retail store, a development of a village, a supermarket, a pharmacy and local retail stores. At the far end of the site

a senior housing development was possible. The plan they had was just a concept, not a plan.

Councilmember Tedeschi stated he is not a planner and cannot challenge Mr. Smith's expertise. He asked Mr. Smith if he was employed by TREECO as a planner. Mr. Smith said that he was employed by TREECO. He asked Mr. Smith about the Village concept and to explain how many thousands of square footage this would use. Mr. Smith replied that residential would be 175,000 square feet, Village would be 75,000 square feet, Entertainment - Retail would be 250,000 square feet for a total of half a million square feet. He spoke about the original concept that called for 10 screen movie theater. Mr. Schepisi reiterated that it was just a concept. Councilmember Tedeschi asked if this concept was a reasonable representation.

Mr. Schepisi stated this is only to determine whether or not the area is in need of redevelopment. The next step is to hire a planner who will decide that Broadway may or may not need redevelopment. He said that Broadway needs something and suggested the Council go to the next step.

Councilmember Trawinski asked if this process should have started back on April 21, 1999 in a public forum. Mr. Schepisi stated he would have preferred the five Councilmembers working together united with the people that were sitting there to see whether Fair Lawn needs this and yes he would have preferred it back in April.

Councilmember Trawinski stated his client could have saved itself a lot of time and money to figure whether the area was redevelopable because that was the conclusion your client gave to the Council in 1994 with a much smaller area. John Keith indicated in his report from 1994 that "nearly all respondents agreed that the appearance of Broadway commercial area should be improved and supported such measures as additional trees and planters, improve housekeeping, facade improvements, however business operators expressed concern about the cost". He said they do not need TREECO or a planner to tell them that Broadway needs help. The issue is how to get Broadway that help and get through a process that is a fair open public process without jamming it down the throats of thirty one business owners, four to six residences and have the public participate.

MISCELLANEOUS PUBLIC COMMENTS ON THE BROADWAY REDEVELOPMENT PRESENTATION

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, it was unanimously agreed to open the time for public comments.

Frank Brenneisen, 23-34 Ellington Road, said he could not believe the Council was entertaining this idea. He felt it will destroy his neighborhood. The Police Department tells him now that they cannot enforce the laws on his street. He is favor of redeveloping the commercial property but not when it effects the residential properties.

James Storozuk, 27-15 Urban Place, stated he does not live near Broadway. He has lived in Fair Lawn fifty seven years. He said he has had his differences with Councilmember Tedeschi, they have been well reported in the newspaper, but Joe Tedeschi has shown moral courage. He has done a fine thing. He continued with his concern if the economy goes bad there will be a lot of vacancies and landlords will then ask for reduced taxes. He felt there was not enough room on the north side if it was decided to do that. He felt that in regard to the SID - River Road, not a lot has been done there. He stated this is a major redevelopment that should have a citizens committee to see what can be done on Broadway. He repeated Deputy Mayor Ahearn's comments that there will be no condemnations and asked the other Councilmember to join with Matt Ahearn so there will be no loss of residential properties.

Mayor Ganz stated he felt the whole Council was committed to that concept.

Lesley Protomastro, 1-09 Banta Place, stated she was concerned about the impact of traffic on the area. The Village concept is not small. Warren Point School is right across the way and many of the children will be crossing there.

James Jesraly, 0-102 Morlot Avenue, questioned if this was a benefit to the community. He had problems with certain things called eminent domain and if it did come into play here, who would pay for this? He stated the taxpayers would. He is concerned about one side looking beautiful and the other side staying in its present condition. He gave an example of Fort Lee's master plan where they knocked buildings down and the land has been vacant for over twenty five years. He is concerned about the Councilmember's being naive to how the public feels about this plan. They should reach out and hear and understand what the general public is saying. He is concerned about the small business owner who will be allowed to relocate to what. He is concerned about areas that were supposed to be redeveloped, for example Atlantic City, that was defeated. The general public did not want it. He asked how do they put a price on good will. The town needs harmony. The Borough needs direction and improvement but that has to be done together.

Craig Kerbeykian, 380 Prospect Avenue, Hackensack, New Jersey, a partner of 141 Main, stated that Rite Aid was notified about the meeting and no other owners were notified. He had questions on the development itself, the scope, the size, what type of parking have they taken into account and the rateables. Mr. Schepisi responded it was a concept plan, that a payment in lieu of taxes would be made and that the taxpayer would not be paying for the taking of property.

Lee Sayegh, Hyway Theater, 22-18 Broadway, stated he has been in business for twenty years and according to what he sees the minimum amount of screens in the theater will have to be ten which would cause a traffic nightmare. He said his theater gladly helped the community groups that have come in. He said the Council did not even come to the people to see what could be done.

Sheri Adler, 4-20 4th Street, spoke about the committee that was formed previously in 1993 and its report apparently said nothing was needed to be done on Broadway. She asked if that committee made recommendations and if they were done. She felt a committee is not a good idea unless it has a result with goals. She sees streets in need of re-paving, poor lighting and an area that does not look like it is moving upward physically. She has been to many meetings over the past fourteen years and felt that this redevelopment cannot be done in an atmosphere of hostility, panic and fear. She asked Attorney Lustgarten for a copy of the redevelopment statute which was given out that night. She suggested that everyone read it because it describes the rights property owners have. No one should be afraid that someone will come and take their home away. She said there are seven different business districts within Fair Lawn. It is a difficult town to develop. She feels that whatever they decide to do it must be done as a community.

Lawrence Guthartz, 0-51 27th Avenue, stated that by looking at the plan he noticed the railroad and senior residences were put next to each other and feels that will be a problem. He feels the plan they have shown does not have enough parking. He stated that if this is what is going to happen to get the whole town involved.

Alexander Jokowski, 0-106 29th Street, said he keeps hearing only two houses will be taken. These people don't want to move and he is not going to move.

Viola Salsbery, 23-29 Ellington Road, stated she had major concerns about the traffic congestion and the noise.

Mayor Ganz called for a break at 10:05 p.m. The meeting resumed at 10:30 p.m.

Mayor Ganz stated on behalf of Mr. Jesraly, who is a member of the Board of Adjustment, the remarks he made were his own.

Deputy Mayor Ahearn stated he wanted to remind people that the issue that is before the Council also wants to know tonight is whether or not the Council would defer to the Planning Board for a report. He wants to hear everything that the people have to say but if they have any feelings that the Council should deal with this alone or should they draw on the expertise of the Planning Board and let them have a shot at whether or not there is a redevelopment need.

Charles Tregida, 100 28th Street, asked if the Council had received the planners report and if not what was the anticipated date of receiving it. He felt it was a mistake to refer it to the Planning Board without first receiving the Planner's report.

Roger Heytink, 0-100 Whitehall Street, thought they were there to talk about the TREECO proposal. He stated the residents are upset that their property is in the redevelopment zone. He said people wanted it postponed until more thought was given. A five story building would be in his backyard, the rail road station would be closing and he did not think enough thought has been given to this plan. He also said this did not give them the right to condemn peoples homes.

Attorney Lustgarten said traffic density and parking are questions that the Planning Board has to deal with. This governing body would eventually have the authority to condemn but that is a long way away.

Mr. Heytink stated the residents are scared. Mayor Ganz responded that they understand people are scared. He stated that Deputy Mayor Ahearn said they are not going to take away homes. He said their homes were safe.

Steven Kwait, 0-101 Whitehall Street, thanked Councilmember Tedeschi for notifying everyone. He is afraid the changes are coming too fast. He stated he wanted to stay in his house in this town. He submitted a Petition with 200 names on it. He said he was told the redevelopment would be on both sides of Broadway and now he is confused. He is concerned about the large size buildings. He explained that the petition urged the Councilmembers to table the resolution referring it to the Planning Board. At this time he asked to submit the Petition to the Council. Mayor Ganz requested this petition become part of the record and is attached as Schedule A.

Robert Kneer, 0-71 27th Street, stated he is a resident and a Police Officer for the Borough. He asked if the area had to be called a blighted area for it to be redeveloped. He knows the traffic and feels that Midland Avenue cannot handle the traffic. Midland Avenue would have to be widened which would mean that sidewalks and houses would have to be taken away. He stated that Broadway should be redone with input from the residents.

John Alaimo, Executive Director of the Chamber of Commerce, stated that seven years ago people came to the Chamber about businesses dying in that area. Today they are starting to see it come to fruition. The area is changing everyday. He does not know why they were there. For the last fifteen years Councilmember Dobrow has pushed that Broadway needs something. Anytime a major retailer comes into town they do not get involved with the town.

Dr. William Thimmel, 0-44 Saddle River Road, stated he is concerned about the housing proposal and how many more students will be enrolled in the school. He wondered where the money would come from to fund the school. He also wondered if the Master Plan has been done. He volunteered his input for the welfare of the children of Fair Lawn.

Barbara Cohen, 0-73 30th Street, feels Broadway needs a beautification program. She felt they should give the businesses the opportunity to beautify their properties. She has concerns about the movie theater. Dunkin' Donuts, Shop Rite Liquors and Broadway Boys, to name a few, have all done a great job on beautifying their properties. She asked the Council to give some consideration to the property owners. She does not want to see high rises. She would like to see more trees.

Leon Wender, 7-22 Manor Ave, asked about the process. Councilmember Tedeschi stated it was brought before the Council on April 21st and on May 4th when the planner got hired people were to be notified. On June 1st the planner was hired. Mr. Wender stated the Borough will be paying the planner \$75,000 but what about TREECO. He wondered why all of a sudden there is an interest in redevelopment in this Borough.

Marie Petrocelli, 0-54 Whitehall Street, stated that over the years there were far more decent locations for Senior Citizen developments. She thought there was too much being crammed into this proposal. She wondered about parking all of the cars.

Reina Valenzuela, 2 Katherine Place, stated she understood what these residents were feeling because at one time it felt like her part of town was forgotten. She said this will go on for many nights and suggested the residents take it upon themselves to stay on top of this matter.

Alexander Jakowski, 0-106 29th Street, thanked Councilmember Tedeschi for notifying the people. He feels that this resolution is going to pass regardless of what they say.

Mary Cantasano, 23-33 Ellington Road, stated the proposal calls for condemnation and fair market value. He feels that as people get older it gets harder for them to pick up and move.

Denee Perez, 0-93 Wyckoff Street, stated she bought a home in Fair Lawn because of the home town feeling. She is seeing no input from the Council about what they want done on Broadway.

Mayor Ganz explained that assuming the Council passes this Resolution, it then goes to the Planning Board who has dealt with many developers. There is always something the Planning Board changes.

Bob Young, 0-90 Plaza Road, expressed about litter and traffic. He said he would hate to see traffic going into the residential areas.

Marne Aponte, 0-109 Whitehall Street, said she was speaking on behalf of her parents who moved to Fair Lawn five years ago because of the small town feeling. They do not think it is fair and they have no intention of moving.

Deputy Mayor Ahearn stated the residents have to keep coming back. It is a very long process and they have to follow what is going on.

Mel Reitchman, 11 Chittenden Road, stated he likes Fair Lawn because it is a small town. He always tells people how much shopping there is in town. He asked how he could keep abreast of this situation.

Mayor Ganz said to check Fair Lawn's Website and to check with the Clerk's office. Councilmember Trawinski stated the Council meets the second and fourth Tuesday of each month.

Mr. Reitchman said he thought the plan was overkill and it is not needed. He thought they should look at the whole town.

Dave Deluca, 19-19 Hunter Place, stated he has resided in Fair Lawn for twenty years and he is Police Officer for the Borough. His main concern is that the Police Department is short handed and cannot get enough cars to that side of town. Before it goes to the Planning Board the Council should meet with the Ambulance Corps, the Fire Department and the Police Department to see if they can handle it. He said that as PBA President it is not safe with fifty one officers to have this project. He said to think about the safety of the children. He suggested they go with the beautification route.

Deputy Mayor Ahearn stated he saw a lot of people in the audience that he sees at Planning Board meetings. The parking issue is what the Planning Board deals with. It forces variances about parking. He feels they put pressure on the businesses to fix up their property.

Claudio Cappello, 24-01 Dorchester Road, thinks this proposal will increase crime. If this goes through it will destroy Fair Lawn.

Frank Brenneisen, 23-34 Ellington Road, stated they should kill this tonight. He felt that beautification would help.

Megan Brown, 23-05 Ellington Road, age 10, said that on her street there was so much traffic she cannot play in the front yard with her brother and if you rearrange or build more roads she won't be able to play in the front yard with her brother without her Mom.

Israel Torres, 0-96 Whitehall Street, stated it seems that the consensus of the whole group of residents there is that they do not want it and he wondered if it will happen.

Deputy Mayor Ahearn stated the Council has obligations to see what is good for the town. How people feel is a big part.

Kathleen Heytink, 0-100 Whitehall Street, said she wants the Council to explore other options to see what other developers have to offer.

Mayor Ganz stated that any developer is free to come in and make a proposal.

Edward Koransky, 23-08 Broadway, owner of Aristocrat Tuxedos, said he took exception to the fact that he is one the tenants to be displaced. No one has come to him to fix up the property. He said to say they are not concerned is a misconception. He felt the Council should talk to the merchants.

Deputy Mayor Ahearn said it has not been determined to be that area.

John Guy, 12-47 12th Street, owner of JJ's Pub, said none of the Council has ever been to JJ's to talk to him about this redevelopment. He asked if they ever thought about his livelihood.

Deputy Mayor Ahearn said he is so far from going along with any development. It is so far from reality. The decision will first be at the Planning Board level and that he wants a full and fair process.

Robert Kneer asked who investigated this area to deem it in need of redevelopment. It is not a war zone.

Craig Kerbeykian, 380 Prospect Avenue, Hackensack, New Jersey, referred to the restaurant that did not go into Fair Lawn was because of the hostility of the neighborhood and not because it did not want to fix up the property.

Lee Saydegh, Hyway Theater, stated they spent \$700,000 for renovations to their theater. He said no one has ever come to talk to him about this redevelopment. He wondered about the loss of taxes and the loss of income.

Charles Tredigo, 100 28th Street, spoke about the costs to the Borough for this proposal. Mayor Ganz and Mr. Shepisi both stated it was at no cost to the Borough. Mr. Tredigo wondered if anyone has calculated what the costs will be. He feels the cart is being put before the horse.

Ed Saner, 10-22 1st Street, asked who decided to bring this up. Mayor Ganz said it was at Councilmember Dobrow's initiative. Mr. Saner said no one came to speak to any of the owners on Broadway.

Judith Alvaro, 0-80 27th Street, said she listened to the concerns of her fellow residents. She does not understand why the developer is in the picture before the Planner's recommendation. She also said what Councilmember Tedeschi did was not un-American.

Mr. Schepisi stated they were there to put together a proposal to see if it could be done and to see if a developer would be interested. He said something must be done on Broadway. He told the Council to send it to the Planning Board. Go forward and keep the momentum going.

Councilmember Tedeschi asked Mr. Schepisi if it would be possible to provide a list of share holders of TREECO. He also asked if they would indemnify the Borough for condemnation.

There being no additional comments from the public, upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the time for public comments was unanimously closed.

RESOLUTIONS BY CONSENT #14-99

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Consent Agenda #14-99 containing the following items were unanimously adopted.

a. Resol. #215-99 Approval of Minutes:

Work Session 5/18/99
Closed Session 5/18/99
Closed Session 5/18/99
Regular Meeting 5/25/99
Work Session 5/25/99
Closed Session 5/25/99
Work Session 6/1/99
Special Meeting 6/1/99
Regular Meeting 6/9/99
Work Session 6/9/99

- b. Resol. #216-99 Refund of Overpayment of Taxes
- c. Resol. #217-99 Approval of Raffles & Bingo: Fair Lawn Lions Club - non-draw
- d. Resol. #218-99 Confirmation of Fire Board Actions
- e. Resol. #219-99 Professional Services DPW Complex Architect
- f. Resol. #220-99 Award of Bids: Industrial Supplies
- g. Resol. #221-99 Appointment to Health Advisory Board
- h. Resol. #222-99 Appointment to Fair Lawn Borough Gardens Committee
- i. Resol. #223-99 Amending Indemnification Agreement w/Board of Education
- j. Resol. #224-99 Award of Bids: Hockey Rink Boards
- k. Resol. #225-99 Award of Bids: Roadway Improvements 1999
- l. Resol. #226-99 Award of Bids: Municipal Parking Lot Improvement
- m. Resol. #227-99 Tax Settlement National Community Bank

RESOLUTION No. 228-99 ACCEPTING CABLEVISION'S CONDITION

Upon motion by Deputy Mayor Ahearn and a second by Councilmember

Tedeschi, Resolution No. 228-99 was unanimously adopted with Councilmember Trawinski recusing himself.

RESOLUTION No. 229-99

ASSIGNING PLANNING BOARD TO CONDUCT INVESTIGATION AND HEARING REGARDING BROADWAY REVITALIZATION

Councilmember Trawinski stated for the reasons the vast majority of residents voiced this evening, in addition to his own common sense and the process the Council established, he is not going to support this resolution. He feels it is unfortunate that the residents had to spend five hours here this evening because contrary to the claims that this was not a done deal it was apparent to him that it was a done deal.

A motion by Councilmember Tedeschi and a second by Councilmember Trawinski to table Resolution No. 229-99, was defeated, with Councilmembers Tedeschi and Trawinski in favor and Deputy Mayor Ahearn, Councilmember Dobrow and Mayor Ganz dissenting.

Deputy Mayor Ahearn stated he wanted to emphasize that it is a preliminary investigation and all of the concerns would be properly addressed by the Planning Board. The Planning Board also has the ability to make recommendations to the Council as to alternatives to this development plan. He is going to vote in favor of the Planning Board reviewing this and making its recommendations to the Council.

A motion by Councilmember Tedeschi and a second by Councilmember Trawinski to amend Resolution No. 229-99 stating that it would be released to the Planning Board subsequent to the receipt and review of a report from Susan Gruel as represented in Resolution No. 181-99 was considered.

Councilmember Tedeschi stated that the Borough had spent \$7,500 on a report that preliminarily identifies some sort of a vision,

reaches out to the Community and gets a sense of what they want. Not to know that after committing the funds seems unconscionable. Councilmember Trawinski echoed Councilmember Tedeschi's comments.

Deputy Mayor Ahearn asked if that meant it would get to the Planning Board and get it on the Agenda as they would not be able to hear it until after the report is due. He felt it made perfect sense. Mayor Ganz stated it was not an unreasonable suggestion and it does not delay it a day so that it will go over to the Planning Board tomorrow and they won't be doing anything on this until their next meeting and the Council will have the report by then.

The amendment to Resolution No. 229-99 was unanimously passed.

A motion by Councilmember Trawinski and a second by Councilmember Tedeschi to amend Resolution No. 229-99 by revising Schedule "A" to delete any reference to residential property that way they can guarantee to the residents that we are not even studying residential properties as an area of redevelopment was considered.

Deputy Mayor stated his only problem with that was that they were not going to condemn any property but he did not know if there were people out there who were willing to sell and those properties could be incorporated without an impact on the development. Councilmember Trawinski stated it was a free market if they decide to sell they can sell. What they were talking about is the exercising the power of eminent domain. They take it out of the redevelopment area. They can voluntarily sell and be entitled to be included in the redevelopment area. He thought the time has come if they really mean they are not looking at residential and have no intention to condemn residential properties then they should put their money where their mouth is and do the right thing and pull the residential off this list.

Mayor Ganz stated he was not prepared this evening to table this. The Deputy Mayor said it was not his intention to condemn any residential property and he stated the same but has heard nothing from anyone else on the Council and he is voting against this amendment. Councilmember Trawinski stated that on April 21, 1999 they heard him say two things, 1) he would not support anything that took a position condemning residential properties and 2) that it should be done in the light of day. Mayor Ganz stated here they are in the light of day at one o'clock in the morning and that the Council's word is good.

Councilmember Trawinski stated they would not have been in the light of day if his un-American colleague did not go out knocking on doors.

Mayor Ganz stated that as an experienced lawyer who represents developers you know that statement is not true. Councilmember Trawinski stated they would have been in the light of day after we had a report from the planner that endorsed the TREECO plan so by then it was truly a done deal.

Councilmember Tedeschi stated he heard what the Mayor said about his word and he wouldn't want to challenge his word. This was the memorialization of comments that have been made by the majority of the Council and he thinks it is absolutely appropriate if the Mayor chooses not to support it because he thinks it impugns his word. This is the Council putting their names on the line; saying what they are saying is what they mean.

Councilmember Trawinski stated he did not imply any ulterior motives to the Mayor by not putting his word behind it but Councils come and go and a future Council may be looking at this resolution and think if they did not mean residential then why did they include it in there. The other point was that they spent over five hours listening to the residents and citizens, commitments were given and they should put the strength of the commitments verbally behind the resolution and say to the residents that they at least heard some of what they said and are willing to alleviate that part of their fears by pulling the residential off this resolution. He felt they did not want to pull the residential off the resolution is that they know the TREECO plan as proposed does not fly with the residential in there.

Upon motion by Councilmember Dobrow and a second by Deputy Mayor Ahearn, Resolution No. 229-99 was unanimously adopted.

RESOLUTION No. 231-99 RELEASE OF CLOSED SESSION MINUTES

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 231-99 was unanimously adopted.

MISCELLANEOUS PUBLIC COMMENTS

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

Ron Mondello, 16-26 Alden Terrace, Chairman of the Y2K Committee stated he understood that Manager Sacks will be giving him a report of the computers within the Borough by August. Mayor Ganz thanked him for his expertise on this matter and that he has

gone above and beyond the call of duty.

Wendy Dabney, 41 Albert Avenue, asked if the Council was going to the Work Session after this meeting as planned to discuss Walsh Pool.

Mayor Ganz stated that in view of the time the Work Session will be deferred. Councilmember Trawinski stated that at this hour of the morning they would be unable to give the report justice.

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

Adjournment:

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the meeting was unanimously adjourned at 1:15 a.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk