

WORK SESSION OF OCTOBER 22, 2013

Mayor Cosgrove called the meeting to order at 7:30 p.m.

PRESENT: Mayor Cosgrove, Deputy Mayors Baratta and Trawinski, Councilmembers Peluso and Swain.

ALSO PRESENT: Acting Manager Van Kruijning, Municipal Clerk Kwasniewski and Attorney Mondello.

COUNCIL LIAISON REPORTS

Councilmember Swain mentioned an article about Ridgewood switching to a less expensive power to run their water pollution control plant. Acting Manager Van Kruijning will look into it.

Councilmember Swain stated that she and Mayor Cosgrove attended the Columbus Day Poster and Poem contest. It was wonderful to see the children receive the awards.

When the ADA Committee and Borough representatives met at Berden Grove to discuss the playground, it was stated that construction would begin in April. However, Acting Manager Van Kruijning recently emailed a resident that installation would take place in late summer or early fall. Acting Manager Van Kruijning explained that the funds being used to match the County grant were in the 2014 budget. They do not get notified about the County funds until the spring. Mayor Cosgrove stated that it was agreed installation would be done in June.

Councilmember Swain stated the ADA Committee held a Teen Halloween Dance, although attendance was low. Mayor Cosgrove stated that it was a fun, positive experience for those who attended. Councilmember Swain stated that the Committee has reduced the playground structure for children ages 2 to 5 to save costs. The playground drawing was displayed at the Street Fair and there was positive support from both mainstream and special needs families.

The Arts Council met on October 9 to review submissions from the Photo Expo. They will decide whether to display the pictures in the Municipal Building, Library or the Community Center atrium. The Green Team is meeting tomorrow evening. The Friends of Library was holding a Holiday Crafts Boutique on Saturday, November 2nd from 10:00 a.m. to 4:00 p.m. and Sunday, November 3rd from 1:00 p.m. to 4:00 p.m. There is going to be a mixed media community quilt that will allow residents to share how meaningful the Library is to them. The project will

take place from October through December and the finished quilt will be displayed at the Library.

She concluded by referencing a letter the Council received from Jersey Cares, who was seeking municipalites to sponsor a Coat Drive. Acting Manager Van Kruiningen stated that Human Services reached out to them but there are already drop off points within Fair Lawn so they chose other towns.

Councilmember Peluso reported that the Alliance for Substance Abuse Prevention is meeting tomorrow. He, Mayor Cosgrove and Acting Manager Van Kruiningen are meeting to discuss Trunk or Treat.

Deputy Mayor Trawinski reported that the Open Space Committee met last night. At item 6 he will discuss proceeding with the River Walk properties on the Passaic River and the other 31 properties on the Blue Acres list submitted to the DEP. The Committee continues to point out they are in jeopardy of losing the 2009 grant funding since they do not have properties ready for acquisition. A letter from the DEP on September 26, 2013 indicates they can use the funds for Blue Acres acquisiton.

He named eight properties the Committee would like added to the list of potential acquisitions, including sites at Fair Lawn Industries and Saddle River Road. Mr. Hakim has the specific list. If the Council agrees, the Committee would like Acting Manager Van Kruiningen to send a letter to the property owners. Additionally, legislation to target a portion of sales tax to provide a permanent source of funding for Green Acres, Blue Acres and other acquisitions failed to pass.

Councilmember Peluso asked Deputy Mayor Trawinski if he recommending sending out the letters. Deputy Mayor Trawinski stated that there was no harm in trying, although the only property that would fall within the realm of financial feasibility is a property on Well Drive that provides an opening between the strip of land by the arboretum. He felt the better way to use the remainder of the grant funds was with possible Blue Acres acquisitions.

The Planning Board reviewed a conceptual application for the funeral home at 13-01 Broadway for the installation of ADA ramps. The Board declared it was diminimus so no application had to be filed. Oceanos made a presentation for a Zoning change that would allow them to have a catering hall. The Board asked for a traffic study and escrow for Cheryl Bergailo to review the application. Their inclination is to consider it as part of the Master Plan. Municipal Clerk Kwasniewski stated that she believed it did not have to be noticed if done as part of the Master Plan. Deputy Mayor Trawinski confirmed

that. The Board is concerned about the speed of traffic coming off the Saddle River Road exit from Route 4.

There was consensus to have Acting Manager Van Kruningen send letters to the eight properties requested by the Open Space Committee.

Deputy Mayor Baratta reported that last Wednesday she attended the Garfield Drug Alliance program, who asked her to discuss how Fair Lawn established its underage drinking ordinance. She offered her assistance if needed.

Mayor Cosgrove reported that the Shade Tree Commission met at the Arboretum. They are having a problem with the lilac bushes. The Fire Department's two new trucks are in service. Property Maintenance's poster contest is in full swing and they have selected the winners of the House Beautification awards.

He concluded by stating that Fair Lawn was named third in the State for best communities for young families, following Sayreville and Ridgewood and preceding Westfield and Old Bridge. This is a nice honor for the town.

PARKING ISSUES

Traffic Safety Officer Franco and Sgt. Metzler were present.

OVERNIGHT PARKING HARDSHIP PERMITS

Traffic Safety Officer proposed issuing hardship permits for the following situations: no driveway, healthcare personnel, work hours, longterm visitors, construction and vehicles that do not fit in the driveway. The permit is vehicle sensitive and expires at the end of the calendar year. It does not guarantee a parking space and it is only valid for the specified condition. Permit holders must park in front of their house or in close proximity. Permits are not valid during snow removal days as the Borough plows curb to curb.

He proposed the following permit fees: two night or day maximum by phone and two week maximum from the tour commander are both free. Each month or any part of a month is \$10. An annual permit would be \$100. The permit allows families with extra cars to purchase a permit in lieu of widening the driveway, saves on impervious coverage and prevents residents from tearing up lawns or trees to widen a driveway. They can charge a discounted rate of \$50 for a second car.

When a resident calls in for overnight parking, the dispatchers eventually recognize the same person or address and instruct the resident to call him for a

hardship permit. He verifies the situation and makes a decision based on their need. This new procedure will put the rules in writing. Residents would prefer to pay for this permit rather than widen their driveways.

Councilmember Swain asked if there has been any abuse of the current process. Traffic Safety Officer Franco explained that if a resident is denied permission and parks overnight in the street they are given a ticket. Currently 400 permits have been issued. Deputy Mayor Baratta asked about resident with a permit who cannot park in front of their house. Traffic Safety Officer Franco stated they make other arrangements, such as on a side street away from someone's home. He instructs them to tell their neighbors what is happening.

Deputy Mayor Trawinski commended Traffic Safety Officer Franco for doing a superb job. The Buracker Report of 1996 and 1997 noted that one of the things that keeps Fair Lawn safe is that they know who is parking on our streets between 2:00 a.m. and 5:00 a.m. Traffic Safety Officer Franco stated that the system will enable them to obtain contact information.

There was consensus to allow Traffic Safety Officer Franco to issue Hardship Parking Permits based on the criteria outlined above. Fees would be \$10 per month or \$100 per year, with a reduced yearly fee of \$50 for a second vehicle.

COMMUNTER PARKING LOT PERMITS

Traffic Safety Officer Franco stated that the annual fees for the commuter parking lot are \$54 for residents and \$188 for non-resident. The permit process is cumbersome for personnel and the permits break and fall, making commuters subject to a possible fine because it is not visible. Acting Manager Van Kruijning looked into a pay-by-day system. Residents and non-residents would register their vehicles with an outside vendor, who would send a list of parked vehicles each day to the Police. This will eliminate the need for a permit, allow commuters to pay for only the days they need to park and help with enforcement. Commuters can pay for the permit in various ways, including a smart phone application. They would also be able to call in from work or register on a computer. Glen Rock is using this system and they do enforcement later in the day to allow people time to pay.

Acting Manager Van Kruijning explained there are no costs to the Borough. The vendor provides signs with a QR code, which can be scanned or dialed in. If a commuter is running late or there is bad weather someone can park, get on the train and pay when they get to the office. The lot is currently oversold. This system will be as-needed on a daily basis, which will be a cost savings to those who only use the lot on an occasional basis. There is a \$0.35 transaction fee,

which would be built into the daily fee. A resident parking 240 days per year will pay approximately \$0.22 per day to park and a non-resident will pay \$0.78.

Acting Manager Van Kruijning stated that a commuter can register up to five cars by providing vehicle make, color and plate number. The vendor will provide an alpha-numerical list to the Police of all license plates assigned to the lot on a particular day that can be viewed on a computer. Traffic Safety Officer Franco stated that all residential registrations are verified.

Councilmember Swain asked how the Police will cross check parked cars to find which have a registered permit and which do not. She asked if an officer will patrol the lot. Acting Manager Van Kruijning stated that the vendor will provide a detailed list of license plates in each spot to the Police. If there is a different license plate than what is listed the officer will know. Traffic Safety Officer Franco stated that currently a Police officer has to walk through the cars and look at the placards. Acting Manager Van Kruijning stated that this process will also be used at the commuter lot at Saddle River Road.

Acting Manager Van Kruijning recommended charging \$1.00 per day for residents and \$2.00 per day for non-residents, including the transaction fee. Glen Rock is charging \$6.00 per day for non-residents and \$1.00 per day for residents. Other nearby towns charge fees ranging from \$1.00 to \$4.00 per day. Councilmember Peluso stated that the \$2.00 per day fee for non-residents was still lower than what other towns were charging, leading to continued higher commuter traffic from out-of-towners. Deputy Mayor Trawinski felt the fee should be higher for non-residents to discourage them from parking in Fair Lawn. Traffic Safety Officer Franco stated there are 354 parking spaces, which are filled everyday except for July and August. Deputy Mayor Trawinski asked if residents have complained about being unable to obtain a space. Traffic Safety Officer Franco stated that the only complaint they get is when a non-resident parks in a resident's spot. The lot is patrolled everyday.

Deputy Mayor Baratta asked if they needed to go to bid for this vendor. Acting Manager Van Kruijning stated they did not because the transaction fee is placed on the commuter and has nothing to do with the Borough. Deputy Mayor Trawinski suggested Attorney Mondello research this because it was tantamount to granting a franchise, which would require them to go out to bid. Councilmember Swain asked that the program be reviewed in one year. There was consensus to proceed with pay-per-day parking at both commuter lots effective January 2, 2014, with a fee of \$1.00 per day for residents and \$2.00 per day for non-residents.

MEMORIAL SCHOOL PARKING

Traffic Safety Officer Franco stated that Memorial School has changed their evacuation procedures for fire drills and will move the entire school to the back parking lot near Schmidt Field. Each class will utilize a parking stall. He would like to restrict parking on those spaces Monday through Friday when school is in session from 8:00 a.m. to 4:00 p.m. The Recreation Department is fine with this.

There was consensus to approve Traffic Safety Officer Franco's request to restrict parking during school hours for the spaces utilized for fire drills.

FAIR LAWN AVENUE – SADDLE RIVER ROAD

Councilmember Swain stated they have spoken about this intersection numerous times and understands that the County would have to purchase land to change the intersection.

Mayor Cosgrove stated that a resident, Mr. Lang came to a "Meet and Greet" to discuss this issue. Members of Temple Beth Sholom have also expressed concern. He asked Traffic Safety Officer Franco if they could put a "no turn on red" sign at this intersection. Traffic Safety Officer Franco stated the Borough made a request for improvements years ago and conceptual plans have been completed. He recently contacted the County's Engineering Department and advised him that plan revisions are being considered because of park and open space issues. The signal light cannot be retrofitted for left turn lanes. He has spoken to a County engineer about restricting turns on red during certain hours. He suggested writing the County to inquire about the status of the construction improvements.

Councilmember Swain asked if turns on red would be restricted on all four corners. Traffic Safety Officer Franco stated they would. Mayor Cosgrove asked if they needed County approval. Traffic Safety Officer Franco stated that he needed the Council's authorization to restrict turns on red during certain hours, which will be determined based on traffic and pedestrian volume. He will notify the County.

There was consensus to institute no turns on red at the intersection of Fair Lawn Avenue and Saddle River Road during specific time periods, to be determined by Traffic Safety Officer Franco.

Deputy Mayor Trawinski stated that the Borough can accelerate the process by adopting a resolution before times are established and advising the County that the times will be determined by Traffic Safety Officer Franco at a later date.

There was consensus to adopt a Resolution.

Deputy Mayor Trawinski stated that the County could re-evaluate the pedestrian crossing times to concur with the manual on Uniform Control Devices and consider installing countdown pedestrian heads on all approaches. Traffic Safety Officer Franco stated that when that request was made in the past on other signals, he was told the policy was the Borough buys it and the County installs it. There is infrared camera so the light stays green on Saddle River Road and does not change until someone pushes the button or a car comes and activates the sensor. The crash rate has gone down as a result.

Benjamin Lang, 42-00 Cosgrove Court thanked the Council for agreeing to install no turn on red signs at the intersection. Two pedestrians were struck by cars there and there is a bus stop on three corners. He heard they could not install a left turn signal because of the width of the road. Traffic Safety Officer Franco stated that the current signal controller is too old and will not accommodate the left turn arrows. In order to redo the entire controller they would have to replace everything and meet the current standards of a designated left turn lane, which requires widening the road. They have been pushing for changes at River Road and Maple Avenue for 20 years and each time the County changes something. That location is their first priority.

Mr. Lang asked if either a delayed green or an all four stop for pedestrians was possible. Deputy Mayor Trawinski stated that it is only allowed when pedestrian crossing for school children is an issue and a crossing guard is present.

There was consensus to adopt a resolution, which would be sent to the County Freeholder Board.

REVIEW OF TENTATIVE AGENDA

Municipal Clerk Kwasniewski stated that she is adding a resolution authorizing the use of the State contract to purchase protective equipment for the Rescue Squad from AAA Emergency Supply. She will also add approval of minutes from September 24th.

REVIEW OF ZONING BOARD'S ANNUAL REPORT – IMPERVIOUS COVERAGE ORDINANCE

Attorney Mondello asked to move this to the first Work Session in December. Deputy Mayor Trawinski stated that he is recused.

There was consensus to remove the item from the agenda.

RICH SAFFER & SEEKING FUNDING FOR POTENTIAL BUYOUT OF FLOOD PRONE HOUSES

Deputy Mayor Trawinski stated that substantial funding is available in the Blue Acres program. He distributed emails from the County's Emergency Management Coordinator that was sent to all municipalities about the funding. If they work with the DEP and resubmit their request they can get consideration for the 31 property owners that responded. The DEP is encouraging them to use Green Acres funding as matching grants for Blue Acres acquisition. There is 2009 grant money left. The DEP is looking at changing the regulations for Green Acres funding to pay for Blue Acres acquisitions along the river being acquired for demolition and creation of open space, even if there is pollution.

He asked the Council to authorize Acting Manager Van Kruijning or Attorney Mondello to resubmit the 31 properties to the DEP and the County, with a letter of intent to acquire Blue Acres properties and be included when funding is available. The DEP will determine what properties qualify. Mayor Cosgrove asked if there was any risk for them. Deputy Mayor Trawinski stated there wasn't as they will have the final say.

There was consensus to authorize Acting Manager Van Kruijning or Attorney Mondello to resubmit their list of possible properties for Blue Acres acquisition.

GARDEN COMMITTEE'S GARDENS:

Councilmember Peluso stated there was an issue a couple of weeks ago with the area by the Recycling Center where the Garden Committee had been doing a lot of work with native plants and it was bulldozed over. The Garden Committee had spent many years getting those flowers ready. He wanted to look into having better communication between the Borough employees and the Garden Committee. He suggested signage to let the employees know what is there.

Acting Manager Van Kruijning stated he had no problem with the open communication but people have been noticing that there are cases of land maintained by the Garden Committee which are extremely overgrown and not manicured. Residents call his office complaining of how the areas look. He gave an example of a complaint that he received recently about the 27th Street and Plaza Road cut through which was overgrown and full of garbage. He had no problem sending staff to clean up the area as long as the Garden Committee was aware of what he would be doing. He was not aware of the situation at the Recycling Center. He has heard numerous complaints that the areas are overgrown. The Parks Department staff has been sent to clean it up.

He asked that the communication go both ways. If the Garden Committee cannot get to an area, they should let him know and he will have it taken care of.

Councilmember Swain wondered why it happened at the Recycling Center. Acting Manager Van Kruijning stated he did not know. He spoke to Mr. Lottermann who said it had been overgrown.

Jane Spindel, 395 Plaza Road North, stated that she has had problems with members of the Garden Committee. They are all volunteers and this year in particular they had problems with elderly parents that needed care. They put in a few hours when they can. The Route 208 overpass was put in by the State with the understanding that the Garden Committee would take care of it. It is not a good place to work because of the vehicle traffic.

As far as the Recycling Center she was stunned when she saw what happened to that area. What troubles her more was that no one let her know there was a problem. There were a lot of good plants that cost thousands of dollars over the years not to mention the man power to do it. That was native stock that people now want. If she had known that was going to happen she would have rescued some of the plants.

Councilmember Swain suggested that they analyze the different areas around town to see which ones are worth keeping up or ones that should not be part of the Garden Committee which the Borough could take care of. She felt that it should be realistic for the Garden Committee. Ms. Spindel said that on an average only six members go out and do the work. Mayor Cosgrove felt that the Route 208 interchange should be given to the Parks Department because it is very dangerous there. Acting Manager Van Kruijning said that as long as Ms. Spindel did not have a problem with the Borough taking any of the areas over, he would take care of it. He wanted to coordinate it to make sure there were no mistakes. Councilmember Swain suggested that Councilmember Peluso, Acting Manager Van Kruijning and she meet and iron out the details.

MANOR AVENUE:

Councilmember Peluso stated that the residents would like a speed bump on their street because of excessive speeding. He would like approval to have Officer Franco look into a speed bump on Manor Avenue. Acting Manager Van Kruijning said they would just be investigating to see if it meets the criteria for a speed table.

There was a unanimous consensus to authorize Acting Manager Van Kruijningen to have Traffic Safety Officer Franco investigate a speed table on Manor Avenue.

RENEWABLE ENERGY USAGE STUDY IN THE MUNICIPAL BUILDING:

Acting Manager Van Kruijningen stated that Mr. Gadot has done a very detailed feasibility study for his MBA relating to municipal and school energy. He would like to volunteer his time to meet with Acting Manager Van Kruijningen and possibly a sub-committee through the Green Team Committee to look at renewable energy for not only municipal buildings but to also include the schools. If he gets appointed to the Green Team, which they will be discussing in Closed Session, they will have a sub-committee which he will be a part of. Acting Manager Van Kruijningen could bring him to the Shared Service meeting to discuss this with the Board of Education.

There was a unanimous consensus to move forward as suggested.

POLICY DECISIONS:

RETIREMENT LUNCHEON FOR BOROUGH EMPLOYEES

Acting Manager Van Kruijningen said the luncheon has been done in the past and has been either held at an outside venue or in Room 201. He was seeking approval for a luncheon to be held at an outside facility sometime in December. The money will come from the Mayor and Council's budget and CFO Palermo has confirmed funding is available. If approved, he was looking at Friday, December 13. Mayor Cosgrove and Councilmember Swain both thought when it was held in Room 201 it was terrible.

There was a unanimous consensus to hold the retirement luncheon as proposed by Acting Manager Van Kruijningen.

HALF DAY CHRISTMAS EVE OR NEW YEAR'S EVE

Acting Manager Van Kruijningen stated this has been done in the past when the employees get either a half day for Christmas Eve day or New Year's Eve day paid. The Police and Dispatchers will get four hours of comp time with no monetary value and they have to use it before June 30 in one four hour block of time. If they do not use it one four hour block they will forfeit it.

Councilmember Swain wondered why comp time would not be offered to everyone instead of a half day. Acting Manager Van Kruijningen said it was a Council decision. Deputy Mayor Trawinski said it would become an

administrative nightmare to keep track of the comp time. Mayor Cosgrove thought that maybe someone of the Jewish religion would want to take time off at another time. Councilmember Peluso wondered if it would be an issue to implement it. Acting Manager Van Kruijning explained they use different codes. This is the same policy the Council used for Superstorm Sandy. Most of the employees will take either one or the other holiday but thought it was an excellent suggestion to say they get four hour block on time at another date.

There was a unanimous consensus to authorize Acting Manager Van Kruijning to allow the employees a four hour block of time to be used either Christmas Eve, New Years Eve or before June 30, 2014.

MISCELLANEOUS PUBLIC COMMENTS:

Craig Miller, 5 Ramapo Terrace, wondered about the enforcement of overnight parking, which is sporadic. There are residents parking every night and on weekends and sometimes cars are left there for many days. He wondered why the Police did not ticket these cars.

Acting Manager Van Kruijning advised Mr. Miller to contact him and he will make sure it is taken care of. He explained that the Borough can tow the vehicle after 24 hours especially if it creates a hazard in the roadway.

CLOSED SESSION:

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, the following closed session resolution was unanimously adopted at 9:15 p.m.

WHEREAS, the Open Public Meetings act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel, Water Generation, Fair Lawn Historic Preservation Committee, Green Team Advisory Committee, Police Discipline, Department of Public Works; and Pending Litigation Alexander and Watts vs. Borough of Fair Lawn; and

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

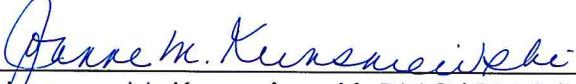
WHEREAS, minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

ADJOURNMENT

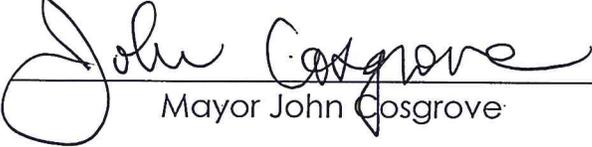
Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the Work Session was adjourned at 9:40 p.m.

Respectfully submitted,



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

The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



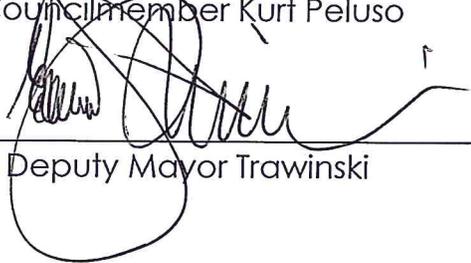
Deputy Mayor Jeanne Baratta



Councilmember Lisa Swain



Councilmember Kurt Peluso



Deputy Mayor Trawinski