

WORK SESSION OF FEBRUARY 28, 2012

Mayor Baratta called the meeting to order at 6:30 p.m.

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

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

PARKING ON GRUNAUER PLACE

Traffic Safety Officer Franco was present and stated that the business owners on Broadway in the area of Grunauer Place requested a change. He canvassed the residents for their opinion. The original ordinance for that area was put there at their request. Basically there are twelve houses on that block. One is vacant, one was not home, four residents did not want a change while five residents did. One person said it did not matter. It is a one-way street so parking on both sides could be accommodated. If the Mayor and Council agreed with the business owners to allow this, the two hour parking restriction would stay in place. From an enforcement issue they would have to enforce the two hour parking, which would prevent the quality of life issues. The people working in the businesses will have to be aware of this and move their cars.

Susan Davis, 1-16 Grunauer Place, spoke about the quality of life and the condition of the street because the people leave garbage in the street. It is a mess. The signs were confusing. She thought they should have one side of the street parking twenty four hours all week with no time limits. They care about the business owners that park there all day. The businesses don't cooperate as good neighbors. Garbage is out four days before pick up.

Mayor Baratta asked what Ms. Davis thought about one side of the street parking all of the time. Traffic Safety Officer Franco said he knows the residents that were present and they live on the same side of the street. Ms. Davis said they don't care what side it is. Traffic Safety Officer Franco said the residents on streets with alternate sides parking love it because it gives their side of the street a break for when the street cleaner comes by, etc. They could eliminate timed parking on one side and have it on both sides or they could have alternate side parking on one side and no parking on the other side. He felt timed parking on both sides might be better. The wording on the signage was necessary to satisfy the ordinance.

Councilmember Swain stated that this reminded her of the parking situation at the High School. There are two separate issues: the trash and the parking. The public needs to be educated on how to take care of their garbage.

Dennis Cummings, 24-07 Broadway stated that people west of Grunauer Place, including two eating places, do not have any parking. The people parking all day may come from that source. The locations east of Grunauer Place have 15 parking spaces. The problem is compounded because an optometrist is moving in and there will be patients coming in and out. He asked Traffic Safety Officer Franco if he ever considered parking permits giving businesses a certain number of spaces to use during the day. Mayor Baratta stated that there were residents living there as well; she did not think they should need a permit. Mr. Cummings stated that the permits would have to fit in with the residents in the neighborhood. The responsible businesses would buy a permit.

Mayor Baratta stated that the BIC should make the garbage issue a priority. She wanted the area cleaned. Mr. Cummings stated that the owner of the Beauty Salon is not in on Monday so he puts his garbage out on Sunday. Two other tenants put their garbage out without garbage cans. The BIC has been agonizing about the parking on the north side of Broadway. There is no parking at all between Grunauer and Hartley Place. Those customers park on Grunauer.

Traffic Safety Officer Franco explained there are rules for on street parking with regards to residents. The Borough Attorney would have to research the concept. There is a way to sell on street parking permits but it does not apply to customers. Fair Lawn's Garbage Ordinance specifies that garbage could not be put out before 6 p.m. the night before pick up. He will schedule this with Property Maintenance. Deputy Mayor Cosgrove stated the residents in the area keep their houses nice. If the business owners violate the ordinance they should be fined. He felt they should look into one side of the street parking if that is what the residents want. He suggested Traffic Safety Officer Franco take a consensus and bring the results back to the Council.

Susan Davis, 1-16 Grunauer Place asked how the residents would benefit from parking permits. Deputy Mayor Trawinski stated that the other alternative is to strictly enforce the ordinances forcing businesses to shut down, causing the residents to pick up the proportionate share of the property taxes not paid by businesses. That is the balance. The business district on Broadway was developed when there was a trolley. He agreed with Deputy Mayor Cosgrove that they should see if a consensus can be reached by the neighbors for one side of the street parking. He will inform the BIC that they need to be tougher with the businesses regarding enforcement.

Ms. Davis expressed concern that the residents would simply be told what to do. Deputy Mayor Trawinski disagreed. He noted that the residents were invited to come in specifically so the Council could listen to their comments. This will not be an arbitrary decision. Mr. Cummings stated that there have substantial repairs at the business property. He felt the garbage issue was temporary.

Traffic Safety Officer Franco felt that to be fair to all the residents, he should offer them some options, such as no restrictions on one side, two hour parking on both sides or two hour parking on one side. Councilmember Peluso suggested Deputy Mayor Trawinski ask the BIC to canvas the Broadway businesses to see what they prefer.

There was consensus that Traffic Safety Officer Franco canvases the residents on the other side of Grunauer Place to see if there was a consensus to change the parking ordinance and, if so, which option was preferred.

Deputy Mayor Trawinski suggested notifying the Grunauer Place residents when this will be discussed again so that they can attend the meeting. Acting Manager Metzler suggested they schedule this for the first or second Work Session in April. He will give the date to Traffic Safety Officer Franco so that he can inform the residents when he canvasses the street.

Bruce Davis, 1-16 Grunauer Place stated that this was a quality of life issue for the residents. They would like to see the two hour parking enforced. One time there were 18 cars on the street on a Saturday, which is the worst day.

ALARM ORDINANCE

Chief Rose, Captain Cauwels and Sgt. Schultz were present.

Acting Manager Metzler stated that a presentation was last made on November 30, 2010. Chief Rose stated that the third party vendor, Mr. Hudack attended. Acting Manager Metzler stated that he distributed information on the server at the presentation, along with a cost analysis on what the Borough was currently receiving in fines, what was being recommended and the benefit of a registration fee. He handed out a report to the Council showing that the budget increased 1.04%. Their cost increased \$1,446,000.00 on the three biggest items. They could not maintain that type of cost savings by not operating efficiently.

Sgt. Schultz stated that using an outside vendor would reduce the burden of sending out the notices and/or warnings from the Police and remove the collection burden from the Court Clerk. It would become a billing process so there would be more avenues to make the collection, an option they did not have at the Borough. A yearly registration for all the businesses, residents and non-profits,

including the houses of worship, would be required. It is an online format. The benefit would be having current list of everyone who has an alarm. There will be a mandatory registration with an enforcement component to ensure everyone complies. This also includes medical alert alarms and fire alarms. Police officers responding to a call would have emergency contact information available to them.

The vendor would provide online classes to the home or business owner showing them how to prevent false alarms. There are some businesses that have an excess of 20 false alarms. Having a graduated change in the fine schedule will give them incentive to register and maintain their alarms. The current registration does not have an enforcement component. There is no penalty if a resident does not register. He must generate a report each morning to see which event was a valid alarm and which was not. He writes up the warnings, mails them out and does all the follow up. If there seems to be a pattern of excess he sends out a letter. This would now be done by the outside vendor. Either way the fines should be changed to a graduated tier with a permit fee to ensure compliance.

Councilmember Swain referenced the section that said "the proposed fine is for response to unregistered alarms, each and every Police response, until the alarm is registered". Chief Rose explained that if the Police respond to anyone with an unregistered alarm, whether it is a false alarm or not, the owner would receive a fine the first time because they were not registered. If the Council decided they wanted to give two false alarm responses without a fine, people who were registered would not receive a fine. If they respond and the alarm is not registered, the homeowner or business would receive a fine for an unregistered alarm, plus an additional fine if it was the third or response.

Sgt. Schultz stated that the current ordinance does not allow him to enforce compliance or require alarm repairs. The penalty for non-registration will ensure compliance and reduce the number of fines. Acting Manager Metzler stated that with the new proposal a resident would not be penalized for the first two activations. The three fines would total \$195.00 which is currently under the ordinance. The repetitive violators would be the ones that would be affected. Under the new fee schedule, theirs would go up \$35.00 annually. Keep in mind the first two activations would be free. The goal is to have the alarm systems fixed.

Acting Manager Metzler stated the Borough would reserve the right to suspend the billing cycle. During Hurricane Irene there was a spike in alarms because of the wind. They would have the ability to advise the vendor that they would not issue summonses or have it count against the resident during certain time periods.

Sgt. Schultz stated that out of 1343 properties with alarms, 17 businesses, 4 houses of worship and 3 residents had six or more activations. It is not a large percentage

that will be fined. He felt the number would have been smaller if a revised ordinance had been in effect.

Mayor Baratta stated that 2,500 alarms were currently registered. She wondered how many alarms were not registered. Chief Rose stated that they did not know. Some of the 2,500 registrations may no longer even have alarms. Mayor Baratta stated she did not have a problem raising the fines for those properties with 22 violations. She did not, however, like the idea of a registration fee. Sgt. Schultz stated registration was a benefit to the resident/business as well as to the Police Department, as now they would have contact information if the resident was not home and would prevent the need for forcible entry. If there is no fee included in the ordinance, he will not be able to force residents or businesses to register their alarms. Mayor Baratta felt the proposed \$50 fine for responding to an unregistered alarm would be an incentive to register. Sgt. Schultz stated that he registered 500 of the alarms himself. He has been trying to get updated information for two years.

Mayor Baratta asked how a homeowner with a new alarm system would know they had to register. Captain Cauwels stated that the company contacts all the major alarm companies and asks for a list of residents with alarms. A notice is sent to the resident notifying them that they must register their alarm. There is no work for the Police, as they will set up the billing. The only thing the Police have to do is send a report of activations weekly or every other week. This will give them more time to address Police matters. The current procedure is inefficient and this is a way to correct that without using a large amount of manpower. Chief Rose stated that several towns are moving in this direction. This is an opportunity for the town to generate reasonable income.

Acting Manager Metzler stated that they had to address the depleting surplus. The alarm registration fee and proposed water increase would create new revenue without removing services. Deputy Mayor Cosgrove asked if all alarm companies would be in compliance so residents would not have to change companies. Sgt. Schultz stated the monitoring from the current companies would work the same way. The registration process would certify that it was a valid alarm. Chief Rose stated that a Police officer would still respond. If it's a false alarm, instead of the officer issuing a ticket, going through the court system and generating work for both departments, the third party vendor would now handle the collection.

Deputy Mayor Cosgrove asked Chief Rose if he knew the dollar value incurred each time the Police responded to a false alarm. Sgt. Schultz stated that staffing was five with two officers responding to each alarm call for ten to 15 minutes. Additionally, he spent an hour a day preparing reports.

Deputy Mayor Trawinski stated he was leaning towards supporting the ordinance change because it will save taxpayers money in the long run. They have asked

the Police officers to do more with less. They want them to address the crime rate and other significant issues and not waste time trying to identify homeowners to avoid forced entries. The fee change would only affect 26 of 132 addresses on the list of alarm responses. They are using 2/5 of their patrol to respond to one false alarm that might have been avoided. They cannot properly police the Borough unless they take away some of the duties that have fallen on the Police Department because they could once afford to do so. If they proceed they should monitor this to ensure that they have seen a reduction in false alarms.

Councilmember Swain did not think it was right to force people to register their alarms, as they have already paid to have an alarm system installed and many people pay an additional monthly fee to have the system monitored. She would prefer a voluntary registration process. Chief Rose stated that last year they sent out an alarm registration form in every tax bill. Sgt. Schultz stated that they have a voluntary registration, but it is inefficient and compliance is poor. He must spend an hour each day processing a report, a labor intensive procedure. It is a waste of Police manpower. Deputy Mayor Trawinski stated that they may be able to make alarm registration a requirement on the CCO. Approval can be withheld until the alarm is registered. Sgt. Schultz pointed out that there may not be a CCO on a business or rental property. They need to do something to insure registration, as voluntary registration has not worked in 25 years.

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, the Work Session was adjourned to the Council Meeting at 7:35 p.m.

Mayor Baratta reconvened the Work Session at 8:30 p.m.

Councilmember Swain stated that she would have liked to receive the information on the alarms earlier so that she could have researched and reviewed it before the meeting. Acting Manager explained that he tried to get the information out earlier but there were corrections.

Mayor Baratta stated that she supported a fine for people who had alarm activation and were not registered. Deputy Mayor Cosgrove did not want to charge the residents a fee for something useful, but he supported a fine for non-registration and repeat offenders until their alarm is fixed. Councilmember Peluso felt a registration fee might discourage someone from obtaining an alarm. He favored increasing fines for third, fourth and fifth activation, as well as a fine for those who are not registered. Deputy Mayor Trawinski felt they should increase the fines for subsequent offenses. Attorney Mondello stated that Elmwood Park had a \$500 fine for fifth activation.

Deputy Mayor Trawinski suggested Acting Manager Metzler ascertain what other towns were doing. Acting Manager Metzler stated that he will compile a report

and distribute it to the Council in advance of the meeting so they can review it. He asked to schedule this at the second Work Session in April.

Councilmember Swain stated that the fees were increased from \$37 to \$65 in 2011, but the fee for the third, fourth and fifth occurrences were not increased. Acting Manager Metzler stated that was correct. Councilmember Swain asked if the fines were being collected. Acting Manager Metzler stated that total fines were \$27,235, with \$9,778 in fines collected by the Court. Mayor Baratta wondered why that was the case. Municipal Clerk Kwasniewski stated that sometimes the fines are dismissed by the judge and sometimes they are just uncollectable. Deputy Mayor Trawinski asked Acting Manager Metzler to look into collecting the back fees at the time of the CCO.

Sue Mayers, 17-43 Elliot Terrace stated that many of her questions were answered. She hoped that they would move forward without a registration fee. She has had an alarm since 2000 and was not aware that they had to register, since her tax bill goes to her mortgage company. She stated that her security firm had all their contact numbers. They received a summons once when the wind broke a window. She was glad that she attended the Work Session.

Deputy Mayor Trawinski suggested notifying the real estate brokers about the alarm registration so that they could help get the word out. He asked Acting Manager Metzler to check with the Tax Collector to make sure notices go with the advice copy of the tax notice so all property owners receive it. Mayor Baratta suggested posting information on the website and in the Borough newsletter.

Councilmember Peluso thanked Ms. Mayers for coming in to listen to and participating in their discussion.

Deputy Mayor Cosgrove stated that the Fire Prevention Bureau has done a tremendous job in the industrial areas. They utilize "knock boxes" that have a key so they can get into every facility.

Cristina Cutrone, 25 Lowe Avenue stated that it was a good point about suspending the violations during hurricanes and other weather conditions and felt that should be included in the ordinance if it wasn't already.

Margo Brandeis, 16-36 Raymond Street stated that it was her understanding that you were allowed two false alarms. She did not want that to change. Deputy Mayor Trawinski explained that the fine would be for people who did not register their alarms. Ms. Brandeis stated that she was not aware alarms had to be registered. Mayor Baratta stated that they will get out the word.

PROPOSED USE OF WALSH POOL AREA (SKATE PARK, ADA PARK)

Mayor Baratta said she put this on the Agenda because the first time they discussed this they only spoke about the Skate Park. She knows the ADA Committee is talking about an ADA park. There is usually some grant money available so she wanted the Manager to be aware of this possibility.

There was a unanimous consensus to look into grants for an ADA Park.

FIREWORKS

Acting Manager Metzler stated that the budget does not include the \$17,500 for the Fireworks. The overtime money is in the budget, but if the fireworks are not held, they money will be used elsewhere.

Deputy Mayor Cosgrove asked how much was raised last year. Deputy Mayor Trawinski informed him there was a detailed account of what was raised. Deputy Mayor Cosgrove asked to get a copy of that.

Deputy Mayor Trawinski suggested a shared service with surrounding towns. He thought they should promote it with other towns. He thought they could have a larger and better fireworks display if the cost is shared with other municipalities.

Deputy Mayor Cosgrove said he would work on fundraising. Councilmember Peluso offered to help him.

BUDGET DATES

Acting Manager Metzler stated that currently March 20th they do not have a Council meeting. He suggested they begin the meeting at 5:30 p.m. and just go until they are done. He will have a department head come in every half hour.

There was a unanimous consensus to hold the budget meeting on March 20th at 5:30 p.m.

PUBLIC COMMENTS

Howard Mark, 12-23 Ferry Heights spoke about his doctor that was not on the certified list. He spoke about the mini-bus having a full bus on Saturdays. He also spoke about a tax reimbursement for the disabled. The Tax Office used to do it on the same day but now they say that you have to come back next week. Mayor Baratta asked about the manpower in the Tax Office. The Manager is looking into it.

Mr. Mark spoke about the problem he had with his brother and an attorney where he was almost swindled. Deputy Mayor Trawinski said that Mr. Mark has brought this to his attention a few years ago and he recommended him to someone in the Department of Human Services.

Craig Miller, 5 Ramapo Terrace, wondered about the registration for the alarms and if it was a onetime deal. Deputy Mayor Trawinski said it was but it could be modified when information changed. He said he has not heard any cases before the judge regarding alarms in Court. Deputy Mayor Trawinski said they might have it adjudicated with the Prosecutor.

Mr. Miller stated that the Judge commented that Court dates were online although he could not find the dates. Acting Manager Metzler said he will make a note of it. If the Judge said that it has not been conveyed to him.

Mr. Miller concluded that he was amazed that the TV's at the fitness center do not carry Channel 77. Deputy Mayor Cosgrove thought that certain buildings get cable for free and don't get certain stations.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 9:05 p.m.

WHEREAS; the Open Public Meeting 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 Investigations, Pending Litigation – Kneer and Taylor, Anticipated Litigation – Botta; 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 the 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 Trawinski and a second by Deputy Mayor Cosgrove, the Work Session was adjourned at 9:20 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Jeanne Baratta

Deputy Mayor John Cosgrove

Councilman Kurt Peluso

Councilwoman Lisa Swain

Deputy Mayor Ed Trawinski