

## WORK SESSION AUGUST 11, 2009

Mayor Weinstein called the meeting to order at 7:35 P.M.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in the Record issues of December 16, 2008. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and work sessions.

**PRESENT:** Mayor Weinstein, Deputy Mayors Swain and Tedeschi and Councilmembers Baratta and Trawinski

**ALSO PRESENT:** Acting Manager Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

### **Closed Session:**

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski the following Closed Session resolution was unanimously adopted at 7:36 P.M.

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

**WHEREAS;** the Mayor and Council of the Borough of Fair Lawn desire to discuss Pending Litigation Truluck C. Legette, Jr., an Update on Landmark, Yang Shin litigation, and Attorney/Client Privilege – Yirce Litigation.

**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.

### **Parking Around the High School**

Mayor Weinstein stated that solutions to the problem of parking around the High School have been considered. The options include parking lots on Berdan Avenue, parking by the Community Center and alternate side of the street parking and the Council is striving to solve the problem.

Mayor Weinstein asked for a consensus that none of the streets in the vicinity of the High School, or anywhere else in Fair Lawn, should be striped. Mayor Weinstein – no; Councilmember Baratta - no. Deputy Mayor Tedeschi said that there will be no more

parking spaces whether there is striping or not and they need to think of better ways to address the problem. Deputy Mayor Swain thanked everyone for their input and said that she would also disagree with the striping. She said that they are all working towards a solution and she asked that everyone be patient. Councilmember Tedeschi said no and thanked Mr. Kramer for being a great advocate for his neighborhood.

Mayor Weinstein asked for public comment. Stuart Kramer, 16-07 Berdan Avenue, said that the democratic system works. He thanked the Acting Manager for motivating him to get neighborhood support which has resulted in a petition signed by 95 residents. He thanked the Council for their response to the concerns of the neighborhood.

Eric Meets, 12-22 Burbank Street, stated that there are blue parking signs around Glen Rock High School. He suggested that Fair Lawn establish a red parking zone and parking could be restricted in these zones as a senior privilege. The school could issue red parking stickers and residents could get similar parking stickers from the Police Department. Mr. Meets said that making parking a privilege means that the privilege could be revoked. Current parking regulations seem to be erratically enforced, however, if parking privileges were revoked it would have a greater impact.

Mr. Meets stated that there used to be a lawn in front of the "A" wing of the High School on Burbank Street. The Board of Education put up a chain link fence with plantings, however, with adequate screening a parking lot could be built between 5<sup>th</sup> and Burbank Street. The plantings would make the area look like a park which would please area residents. This parking lot would provide additional parking for the Community Center.

Deputy Mayor Swain said that the permit parking in Glen Rock is temporary while the High School is undergoing construction. Deputy Mayor Tedeschi asked if parking permits could be issued for a specific group of people or would selective enforcement be allowed. Attorney Rosenberg said that this is a constitutional issue of enforcement and he would need to do more research.

John Campbell, 12-51 Burbank Street, stated that he had suggested the idea of permit parking in February. It was determined that there could be special parking zones and Attorney Rosenberg said this was correct, however, not for different groups of people on Borough property. Mr. Campbell recalled that several Councilmembers had indicated their support of speed bumps on Burbank Street and he asked if this was going to be done. Mayor Weinstein said this would have to be discussed at a Council Meeting and they would have to find out if this idea would be agreeable to the residents of the neighborhood.

Mr. Campbell brought up the issue of litter and said that the Mayor is the head of the committee. He learned that there are students on the committee who had failed to attend the meetings. Mayor Weinstein said there had only been one meeting. Councilmember Trawinski said that this was brought to the Business Manager's attention at a meeting of Shared Services and he was going to bring it to the attention of the High School Principal. Councilmember Trawinski indicated that this is an ongoing problem as classes change annually, however, Mr. Campbell pointed out that there is still garbage in the catch basin a month after schools have closed.

Regarding the speed humps, Councilmember Trawinski suggested getting a petition from the people who would be impacted. He said that the noise is only an issue when the speed limit is exceeded.

Stan Semenovskiy, 12-20 Lexington Street, asked if there is respect for private property in Fair Lawn. He said that he finds garbage daily in front of his house caused by High School students. Mayor Weinstein stated that a litter ordinance was implemented eight years ago. A warning is issued after the first incident and the Police Chief has recommended that the warning be eliminated. Mayor Weinstein recommended discussing this at an upcoming work session and he recommended that the High School be more involved in resolving the problem. Mr. Semenovskiy said that problem is getting worse and he asked that the Council address the problem.

Jerry Markowitz, 12-11 Western Drive, stated that when construction was going on at the High School several years ago, residents were told that a temporary parking lot would be built on an open grass field. He has walked the area and discovered that the students are all parking as close to the High School as possible when there are hundreds of vacant parking spots surrounding the High School area. He questioned why the students can't walk a few extra blocks to school and why there couldn't be more trash cans. He had spoken to Ms. Pinella a former principal who was afraid of law suits in connection with trash cans. Deputy Mayor Tedeschi said that the problem is that kids have been given everything by their parents.

Carlo Guardascione, 12-10 Burbank Street, stated that driving is a privilege and if there is a violation a ticket should be issued or the vehicle should be towed. His driveway has been blocked by students who aren't in class and more enforcement is needed.

Ann Singer, 12-20 Fairclough Place, said that she is penalized for parking on her side of the street except on Sundays due to two hour parking restrictions. She suggested that the signs be changed to two hour parking restrictions when school is in session

Ron Meewes, 12-23 Western Drive, referred to an earlier suggestion about screening of a parking area. He warned against this because it will be impossible to see kids congregating there at night or the garbage and beer bottles dumped behind the bushes. Mayor Weinstein said that no parking lot is planned for that area.

Heather Kannegiesser, 13-09 Alexander Avenue, said that her house is next to the tennis courts and she constantly has kids around her house and is constantly calling the police about litter and alcohol bottles. Cars are parked facing her driveway even when school is not in session. She pointed out that there is an area by the train tracks past the football field where parking could be made available. Mayor Weinstein said that this had been brought up in February.

Ms. Kannegiesser said she opposes painting the lines and she added that she works in Ridgewood and is always getting parking tickets. She encouraged stronger enforcement of parking ordinances on teenage drivers to put things into perspective.

Steve Rickett, 14-13 Berdan Avenue, said that these are the same comments that were made eight years ago. The Board of Education should be responsible for providing an adequate number of parking spaces for students if they allow students to drive to school.

June Salzman, 11-07 12<sup>th</sup> Street, stated that on 12<sup>th</sup> Street parking is allowed on both sides of the street from 7 A.M. when the students arrive. Backing out of the driveway is dangerous and the litter is a problem. She asked that one side of 12<sup>th</sup> Street be made a two hour parking zone and the other side be left as is.

Olga Semenovskiy, 27 Lexington Street, said that no one, including students, should be able to park in a residential area for more than two hours. The students play loud music in the morning and leave their garbage for her to pick up. Students should be given weekly stickers to park and should have to pick up litter in the area weekly as well.

Mitchell Steinhart, 12-38 Western Drive, said that cars are parked very close to the corner on Berdan Avenue. He asked that the yellow curb be extended to give a greater site line for better visibility.

Laurie Sparaga, 12-26 Western Drive, stated that she works in a facility where numbered parking stickers are mandatory and if there are any problems with parking they know who to contact. Students should be given tags so that if there is litter, or any other problems, the student can be located. Ms. Sparaga said it is troubling to see multiple students leave the High School for lunch in plain view of the police when these drivers are probably on restrictive licenses.

Nicholas Garip, 12-42 Western Drive, stated that they should be focusing on illuminating more of the streets in the town. He is concerned with the poor condition of the Fair Lawn Avenue Bridge. Mayor Weinstein said that the Fair Lawn Avenue Bridge belongs to Passaic County and there has been talk of refurbishing the bridge for years. It has been discussed recently; however, Mayor Weinstein said it will probably be a long time before it is updated. Councilmember Trawinski reported that the Borough Engineer had attended a recent meeting about the bridge.

Muriel Barker, 16-11 Berdan Avenue, wondered if walking has gone out of style and suggested that permits only be given to those outside of a certain three or four block radius of the school.

Joe Kannegiesser, 12-11 Alexander Avenue, said he has security cameras around his house and he has caught some students littering around his house. He added that until he had pictures of what was happening the police couldn't do anything about it. He opposes the area of Alexander Avenue, around the tennis courts, being turned into a parking lot even though he agrees that more parking lots would be a good idea.

Jeff Kannegiesser, 12-11 Alexander Avenue, asked what happened to the idea of a parking lot near the train tracks. Mayor Weinstein said that the Board of Education is not in favor of this because it would take away from the fields being used for practice. He stressed that this is a difficult problem to resolve because there are so many different

options. Mr. Kannegiesser said he had heard that the students didn't like this solution because it is too far to walk, however, the students who are creating the problem.

Councilmember Tedeschi said that the School Board had opposed this suggestion and he recommended that Mr. Kramer and Mr. Rickett, who have successfully rallied their neighborhoods, attend a School Board meeting and ask why this recommendation is not being seriously considered. This option would provide more parking for the Recreation Center and most of this property is owned by the Borough.

Mayor Weinstein said that the people living on the other side of the field attended the meeting and were concerned about excessive traffic in their neighborhood. Mr. Kannegiesser questioned whether the traffic could be diverted in another direction. Deputy Mayor Tedeschi stated that when a parking lot was considered in the area of 20<sup>th</sup> Street, which is a paper street, the Council was told that there wasn't enough shade for the football players and it is too far from the school.

Rachel Wensell, 14-03 Berdan Avenue, said she didn't understand why it is the Borough's responsibility to find parking spaces for these students. They should be able to park three blocks away and be respectful. Enforcement is key; she didn't feel that it was right to push her neighborhood's problems into the lap of another neighborhood.

Sal Feoia, 12-23 Lexington Street, said that this was an issue eight years ago and continues to be an issue that will never be solved. The problem is lack of enforcement and lies with the Police Department, DPW and the Mayor and Council. Enforcement could eliminate the problems of smoking, littering and parking and the Mayor and Council needs to force the Police Department to do what is necessary. The DPW should begin by cleaning up the garbage after 3 P.M.

Heather Kannegiesser, 13-09 Alexander Avenue, said that littering was a problem when she was in High School and at that time students were told that if it continued they would not allow them to leave at lunch time. She said she didn't know of any other school where students are allowed to leave the campus. She agreed that parking stickers should be given based on distance from the High School.

Deputy Mayor Swain said that all of these suggestions will be reviewed in September. The Parking Committee did discuss walking and students need to realize that walking is good. Parents need to demonstrate to other adults and their children that walking is OK and that there needs to be respect for other people's property.

Councilmember Trawinski agreed with the speakers who stated that a new class comes in every September and it is important to get the word out regarding a tough enforcement attitude. He noted that added enforcement means that some of the residents will also be affected; however, he said he is prepared to try strict enforcement and see if it works.

Councilmember Baratta said that most residents don't seem to have a problem with the parking but it is the issue of what comes with the parking such as littering, disrespect, blocking of driveways, etc. She stated that there is strength in numbers which is the reason why the streets are not being striped and she recommended that people go to the

Board of Education. The students are not being respectful and there has to be zero tolerance and Councilmember Baratta said that there the students do not deserve a warning. The Board of Education needs to realize that the people living on these streets are their neighbors and must be treated with respect.

Deputy Mayor Tedeschi said that there is no one answer here and it is wonderful that everyone has turned out to share their feeling and ideas in order to solve the problem. The Acting Manager needs to talk to the Police Chief about enforcing the law and zero tolerance which must begin when school opens in September.

Mayor Weinstein stated that the onus is on everyone to work together and it is up to both the Council and the residents to approach the Board of Education through the Shared Services Committee and the Parking Committee. He agreed that beginning at the commencement of the school year, students and the faculty at the High School must be made aware that this year there will be zero tolerance for littering, speeding, parking, etc.

Mayor Weinstein said that this might be the resolution that is needed and he thanked everyone for coming out tonight.

### **Closed Session**

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the following Closed Session resolution was unanimously adopted at 9:50 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 Attorney/Client Privilege – Yirce Litigation; Personnel – CFO Replacement, Officer Dawicki's request for indemnification, Garden Club appointment, Vacancies – Library Board of Trustees, Zoning Board of Adjustment, Fair Lawn Historic Commission, Employee Donation of Time, Green Team Appointment; and Attorney/Client Privilege – Naugle.

**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.

Mayor Weinstein reconvened the Open Session at 10:56.

**Review of Tentative Agenda**

The minutes of April 28<sup>th</sup> will be added to the Resolution of Approval.

**Council Liaison Reports**

Councilmember Trawinski reported that he and Deputy Mayor Tedeschi attended a 501(c)3 Committee Meeting. The Committee is working on a regular fund raising mechanism.

Deputy Mayor Swain reported that the Planning Board voiced concerned at last night's meeting regarding the Sephardic Center on Terhune Place which has been non-compliant for four years. The Center will not put up a buffer zone which had been a condition of approval. Acting Manager Kwasniewski said that it is not as simple as that and she is working on it. Presently there is only a temporary certificate of occupancy for this building and she will report back to the Council and the Planning Board shortly regarding what has transpired. Councilmember Trawinski said that the building could be shut down and he requested a copy of the section of the resolution referring to this open issue.

**10-10 Plaza Road Safety Issues**

Councilmember Trawinski asked that the Council direct the Acting Manager to have the Police Department install interim safety signs at the time of the Jewish holidays. Acting Manager Kwasniewski said that the sign board can be put up for the holidays and periodically on Fridays. She asked that large groups who are crossing to call the borough and she will have police on hand to direct traffic. The Borough will also be vigilant about mowing until the sidewalk is in place. Acting Manager Kwasniewski said that she would suggest that that they can hire an off duty police officer and there are alternate walking routes that are safer. Deputy Mayor Tedeschi said that the women should be warned not to stop in the middle of the entrance to Route 208 to cross the street.

**Deny Parole for Christopher Righetti**

Councilmembers were in agreement regarding this item.

**Bergen County Planning Department Letter re Site Plan Approvals**

Councilmember Trawinski said that the County wants State Law to obligate the Planning Boards and Zoning Boards to hear an application and make it subject to County Approval. He said that the County should be advised to have an attorney to review the Municipal Land Use Law. Attorney Rosenberg will instruct the Planning and Zoning Board attorneys regarding what they can and can't do when it comes to these approvals.

Acting Manager Kwasniewski pointed out that the letter had been addressed to the Construction Official. Councilmember Trawinski said that Land Use attorneys in Bergen County agree that this should be held up until there is Planning Board or Zoning Board approval. By law, the Construction Official cannot issue approvals until everything is in place.

Attorney Rosenberg said that the language stating that “the municipality must defer action” is wrong. Councilmember Trawinski indicated that the municipalities that want to stop development are going along with this, however, eventually they will run into problems.

The Council agreed to authorize the Borough Attorney to send a letter to the Planning Board and Zoning Board and their respective attorneys explaining that they disagree with this wording.

### **New Jersey DOT Rapid Rectangular Flashing Beacons**

Acting Manager Kwasniewski was attempting to get costs and has spoken with Jeff from the DOT who will conduct a field check next week. The beacons would be installed on Broadway and they need to find out the cost before going forward.

### **Status of Implementation of Items Authorized by the Council**

Acting Manager Kwasniewski stated that an updated report was distributed that should answer any questions

### **Compliance w/DEP Requirements – Residential Lawn Fertilizer**

Acting Manager Kwasniewski stated that the DEP is requiring all municipalities to pass an ordinance on residential lawn fertilizer by September 11<sup>th</sup> in connection with Stormwater Management regulations. Fair Lawn is in a zone that will not allow anyone to fertilize between March 1st and November 15th in certain areas. There is a model ordinance to be followed and Attorney Rosenberg has created a new section on limited lawn fertilizing.

### **Competivization Committee Request for Meeting**

Acting Manager Kwasniewski recommended that she meet with the committee before they meet with the Council. Some items are a part of a bargaining contract and would need to be re-negotiated before any changes could be made. Acting Manager Kwasniewski said that the Committee has the necessary information and Deputy Mayor Tedeschi said that the other information, on the comparison of towns for residential vs. commercial, can be obtained from the Tax Assessor. They will need information on towns that are the same size as Fair Lawn but are also civil service.

Mayor Weinstein said he would like the Committee to come to a Council meeting to hear where they are with the ideas they had initially and he suggested the second work session in September. The resolution will provide the Committee with the information requested along with a time frame for receipt of the other information if it actually is a lengthy task.

### **Use of Borough Right-of-way – Lt. James I. Platt-Post No. 651**

Acting Manage Kwasniewski said that the Legion Post wants to adopt a bench and put it on the southwest corner of Ed Cooper Place in the Borough right-of-way at Berdan Avenue and Plaza Road. A resolution and an agreement allowing this was recommended by

Attorney Rosenberg. Councilmember Trawinski was concerned about safety in this area and Mayor Weinstein said that he would put the bench behind the monument.

Mayor Weinstein suggested asking them to move the monument near Memorial Circle due to safety concerns. Councilmember Trawinski asked Acting Manager Kwasniewski to tell the Legion Post that the Council is not saying no but wants them to understand the reasons why the move makes sense.

### **Special Meeting**

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, the meeting was adjourned to the Special Meeting at 11:17 p.m.

Mayor Weinstein reconvened to the Work Session at 11:19 p.m.

### **Public Comments**

Craig Miller, 5 Ramapo Terrace, stated that there is no time frame when Closed Sessions are listed on the agenda. This is problematic on a night like this when there is a large group waiting to be heard. He asked that the Council be considerate of people who have been waiting since 7:30 P.M.

Mayor Weinstein explained that there were a number of sensitive Closed Session items this evening and it was difficult to anticipate how long discussion would last. The Council agreed to break the Closed Session due to the large number of people in attendance.

Mr. Miller said that Closed Session should wait until the completion of the public meeting. Acting Manager Kwasniewski explained that the attorneys are paid by the hour and it is not financially prudent to have them sit for long periods of time.

Mr. Miller suggested having a Closed Session on a date that doesn't conflict with the Work Session. Mayor Weinstein said that most of the Councilmembers are out several nights a week attending other meetings. Councilmember Trawinski said that it is a constant balance for the Council depending on what issues are a priority. Councilmembers work hard to hear and schedule public comments while balancing the costs and the particular issues. He said that in Teaneck members of the public are limited to three minutes each and fifteen minutes in total is set aside for public comment. Public comment in Fair Lawn is much longer compared to other municipalities in the State and he complimented Mayor Weinstein for striking a successful balance.

Councilmember Baratta apologized for making Mr. Miller wait for such a long time this evening. Deputy Mayor Tedeschi commented this was an extraordinary situation.

On a different subject, Mr. Miller stated that there was a car parked in front of his house from Thursday night until Sunday. He had called the police to have them check the car, however, no ticket was issued. Mr. Miller asked if there was a cut off time for a resident to call the police if a car is going to be parked on the street overnight. Acting Manager Kwasniewski said that ordinance requires that a call be made before 2 A.M. Mr. Miller

called the police again and gave them the out of state license plate information. He was told that they give out of state vehicles the benefit of the doubt because they may not be familiar with local laws.

Mr. Miller complimented a police officer who responded to a call he made last Wednesday concerning a tractor trailer that was backing up on 11<sup>th</sup> Street.

**Adjournment**

Upon motion by Councilmember Baratta, seconded by Councilmember Trawinski the meeting was adjourned 11:30 P.M.

Respectfully submitted,

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Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

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Mayor Steven Weinstein

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Councilmember Jeanne Baratta

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Deputy Mayor Lisa Swain

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Deputy Mayor Joseph Tedeschi

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Councilmember Ed Trawinski