

WORK SESSION OF SEPTEMBER 18, 2007

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

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

ALSO PRESENT: Manager Metzler, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg

Review of Tentative Agenda (9/25/07)

There were no additions to the tentative agenda.

Borough Code Changes - No Parking 8:00 a.m. to 10:00 a.m.

Add: "14 block" of Lucena Drive: Chief Rose and Traffic Safety Officer Franco were present. Traffic Safety Officer Franco stated he had received a petition from the residents on Lucena Drive who would like no parking from 8:00 a.m. to 10:00 a.m. Deputy Mayor Tedeschi said that Dr. Parker who is on the corner of Lucena Drive and has been in practice there for 35 years, would like the restriction to be from 7:00 a.m. to 9:00 a.m. Mayor Weinstein said that Dr. Parker had a problem with a crosswalk which was worked out. He was losing some spaces. Traffic Safety Officer Franco said it had to do with the definition of an intersection. Traffic Safety Officer Franco said he had no problem changing it. Manager Metzler suggested that before they put it in place, they survey the residents who took the time to do the petition to see if they agree with the 7:00 a.m. to 9:00 a.m. Traffic Safety Officer Franco wondered if all the residents are in agreement with the change in time, would he have a consensus to move this forward.

Councilmember Baratta asked about the number of cars they were talking about. Traffic Safety Officer Franco stated he counted seven. Councilmember Baratta asked if that was a lot of cars for that block.

Traffic Safety Officer Franco felt that the commuters would move down to the next block.

Councilmember Baratta said that last week they received a letter from a resident on Jordan Road that was not in favor of the parking ban. She wanted to make sure that every resident knows what is going on before they pass this. Traffic Safety Officer Franco stated there was only one house in that block that they did not get. They are home but do not want to be a part of it.

There was a unanimous consensus to go back to the residents on Lucena Drive to see if they are all right with having no parking between 7:00 a.m. and 9:00 a.m.

Delete: Northern Drive, Margaret Court and Brookside Avenue: Traffic Safety Officer Franco explained that residents on Northern Drive, Margaret Court and Brookside Avenue are requesting that the Borough remove the 8:00 a.m. to 10:00 a.m. restriction on those streets. That restriction was placed there many years ago when New Jersey Transit had a bus route along Saddle River Road. That bus route was discontinued when Routes 4 and 208 were reconfigured. He checked with New Jersey Transit who informed him they have no plans for a bus route along that section of Saddle River Road. He recommended removing the restriction on those streets.

Councilmember Trawinski suggested taking a bigger approach to look at streets that will be impacted by the commuters instead of fixing one problem at a time. Mayor Weinstein felt it would have to be based on what the residents want. Deputy Mayor Tedeschi suggested taking a look at commuter parking zones and have a plan to offset it. Councilmember Trawinski felt at a future work session Traffic Safety Officer Franco can tell them what is realistic. Traffic Safety Officer Franco said there was a possibility that the ban could be townwide for no parking 8:00 a.m. to 10:00 a.m. keeping in mind that most of the people who park on the street are town residents so it may be a big problem. Councilmember Trawinski stated that he did not want to create a problem where there is none. Maybe the solution will come as a second piece to overnight parking that will be discussed next. Deputy Mayor Tedeschi said that years ago there were permitted spaces on Pollitt Drive across from the train station. He asked if the Borough would be able to do permitted spaces. Attorney Rosenberg advised that the Supreme Court of the United States says that the Borough would be able to do permit parking for residents.

There was a unanimous consensus for an overall view of town wide commuter parking.

Traffic Safety Officer Franco spoke about the resident permits process and how it may not work because 90% of the people parking on the streets are residents.

Overnight Parking Ban:

Manager Metzler said Chief Rose has been made aware of the concerns that were raised during prior discussions. The Council wanted to know what impact the lack of overnight parking would have on the DPW with leaf and snow removal.

Chief Rose stated that he and Traffic Safety Officer Franco took rides around town. The parking ban creates issues for some residents who do not have driveways or enough room to park their vehicles. There is a greater issue for some residents on holidays or during the summer months. It is an aggravated situation in Radburn because they have smaller lots and narrow streets. They cannot put a car on both sides of the street and get another car down the middle. Experience shows that a significant number of people will just leave their cars on the street. The fact is if they did not have the overnight ban on parking, some people would leave their cars on the street all the time. The general consensus is that if the overnight parking ban is lifted the town can look like Garfield in a short period of time.

Chief Rose stated that under motor vehicle law vehicles left unattended for 48 hours can be moved or cited. The reality is the officer gets a list of vehicles allowed to park overnight, the officer can reasonably presume that if the car is not on the list, they would get a ticket. If cars can be left on street overnight, it becomes a nightmare to check on it because of the shift change, etc. The current 2:00 to 5:00 a.m. restriction ensures that infrequently used vehicles are not garaged on the street. Even without 100% enforcement they do not give tickets to every car that is on the street. That is not their goal.

Chief Rose stated that vehicles have to be removed from the street for various reasons, plowing and salting to name a few. Unlimited parking on the smaller streets in Radburn is just not an option. Place a few vehicles on those streets and it becomes a gridlock.

Chief Rose said they have increased the holiday nights for various religions and various other events. They have an accommodation of a hardship permit. Traffic Safety Officer Franco stated for the last several years they have a permit process in place that includes anyone who does not have a driveway, home health care personnel or people having work done on their houses. They come to him and he issues the permits quarterly. He is up to about thirty permits per quarter. It does not cost anything for them. He would like to do this permit annually for those people. Maybe they can go even further with it.

Chief Rose continued that Radburn seems to have the most problems. Along Plaza Road from Warren Road to Ramapo Road, the road is sufficiently wide to have two lanes of traffic and also allow nose in parking. The parking could be exempted from overnight parking. They could make it exempt until 8:00 a.m. and after that there could be metered parking. It would provide parking for the train station and for some of the businesses in that area. He felt if a resident had a legitimate problem with parking this might be the solution.

Chief Rose said the other aspects they looked at was considering one per permit per household, not just a blanket permit, but an annual permit with a fee of \$100, one per household. The Police Department would not propose a blanket overnight suspension but would consider supporting it on a trial basis, for example from Memorial Day to Labor Day. They could assess it and see what the results are and how it affects the town and other things. The residents could be told it is just a trial for the summer.

Chief Rose said the Police Department was not here to bring in a cash flow, they were there to make the residents safe. Overnight parking does generate some cash for the Borough estimating it to be around \$100,000 a year.

Traffic Safety Officer Franco said they also considered Plaza Road north of High Street up to the island. They thought of possibly putting parking in the center of Plaza Road or off to the side. It is wide open and 25 mph in each direction. There is enough space to have overnight parking. Deputy Mayor Etlar asked how many cars would fit there. Traffic Safety Officer Franco said about 80 cars. If they took some of the grass out of the middle, they could add more spaces. He said that is the area where they have the most problems with parking.

DPW Superintendent Ron Conte was present. He said that any type of overnight parking would create a problem for him. There are snow emergency streets. They have run into problems where a person driving gets stuck and leaves the car where it is. During snow plowing, they have to plow curb to curb. He had to purchase special equipment to get down the streets in Radburn. They will be icing problems. During leaf detail they would not be able to clean the streets because the street sweeper couldn't go up the street. He said if there was a water main break, and the residents are asked to move their cars at 3:00 a.m. they most likely would not do it. The street sweeper goes out in the warm months but would not be able to sweep the streets. Superintendent Conte said there could be problems in Radburn because of their narrow streets. The commuters are also a problem if they get caught in the city and their car is towed.

DPW Superintendent Conte continued that garbage pick up is difficult on the narrow streets and is made even more difficult if a car is parked on the street. He drove through Radburn and had a difficult time with his vehicle getting around. He spoke about Fair Lawn Avenue and Berdan

Avenue having cuppers in the road. These cuppers create problems for the DPW. When it snows, they have to go back and redo it again. He felt that allowing overnight parking would be a total nightmare for Public Works.

Deputy Mayor Tedeschi felt they have just listened to two sets of problems and he hoped when they define the problem they would find the solution somewhere in the middle.

Deputy Mayor Etlar stated this is the third time the Council has discussed this and felt they should keep the 2:00 - 5:00 a.m. restriction because there is no substitute for it for the reasons previously stated by Chief Rose and DPW Superintendent Conte.

Councilmember Baratta also agreed that she did not want to see the parking ban lifted. She would like to look into more detail of issuing permits for certain circumstances on a yearly basis. They do have a lot of difficult spots around town especially Radburn. She is also concerned about emergency vehicles being able to get down those streets. Councilmember Baratta stated she would like to help some of these people and maybe look into permits.

Councilmember Trawinski thought they need to think outside of the box. He appreciated what DPW Superintendent Conte said particularly on the snow plowing. The first time he was on the Council he went snow plowing and he knows how difficult it is. The street was not designed for snow plowing. He felt they should also weave that into site plan developments. Having served on the Urban Enterprise Zone Authority that there are far more dense, far more narrow lots in municipalities in the State than Fair Lawn. They manage to deal with leaves in their streets capes and they manage to deal with cleaning streets, not with street sweepers but other types of equipment. He thought that maybe they should get into a dialogue with the Radburn Association to talk about what other alternatives exist. Radburn seems to be really unique. He just came back from Celebration, Florida, where they have permit parking and they get their streets cleaned. Councilmember Trawinski said in regard to snow plowing, they don't necessarily have to go curb to curb because they are plowing sidewalks in with compacted snow. He felt they should ask Manager Metzler, Chief Rose and Superintendent Conte to think outside the box. He would not support lifting the overnight ban. Years ago when they did the analysis of the Police Department it was very positive for the Borough in terms of crime fighting and safety. He felt they need to address the problem. He agreed with Councilmember Baratta about the emergency vehicles.

Mayor Weinstein stated that he too has sat through several meetings where people from various parts of town have come to them for relief. In different parts of town, they have thought outside of the box and came up with ideas. He thought there was a situation on Plaza Road which is a very wide street. He would like to explore parking in the middle. It could be a traffic calming mechanism especially on the other side where they have cars speeding around the turn going toward 208 from the Plaza Building. It is something he personally would want to get input from the Engineering office to see how many spots they would be talking about. It could add parking for Radburn residents. He is not in favor of lifting the overnight parking ban. In each area there could be a way of working the problem out. He wanted to ask the Radburn Association if they have thought about this situation at all so they could help resolve it. He would like to get input from the EDC.

Deputy Mayor Etlar stated they should not lose sight that Fair Lawn was not built for this type of traffic. He knows that everyone now has to have a car. Unless there is a special need permit, he did not want to lift the parking restriction.

Deputy Mayor Tedeschi said that Fair Lawn is changing. There are extended families living together, older children moving back in. Nothing comes without an expense. He felt they should not limit themselves.

Chief Rose suggested a parking garage knowing full well how expensive it is. He felt maybe they could find someone to pay for it long term.

Manager Metzler said there are two issues involved. Overnight parking in Radburn is difficult because of all of the cul-de-sacs particularly when college students come home for the holidays or in the summer between Memorial Day and Labor Day. There would be relief by issuing permits so they would know what cars belong. This discussion came about because of a resident on Burnham Place. He felt they should consider trying permits for a fee between Memorial Day and Labor Day.

Mayor Weinstein felt they should also explore angled parking. Manager Metzler said there would be streets in Radburn that would be gridlocked. Councilmember Trawinski wondered if there were other areas that allow permits. Traffic Safety Officer Franco explained the areas that now get permits. He also issues permits for people with no driveways. Traffic Safety Officer Franco said it makes it a burden for him to issue the permits quarterly and asked the Mayor and Council if it could be done annually. He said it is \$20 a year for people in the apartments but people who come to him with hardship, pay nothing quarterly. They all told him they would gladly pay \$20 and come once a year for the permit. Chief Rose said the fee should be determined by the Mayor and Council.

Councilmember Trawinski said in regard to the fee issue he would like the Manager and Chief to decide what the fee should be. He wondered about the health care personnel. Traffic Safety Officer Franco said that was a hardship permit. If people call, he tells them because he does not want to advertise it. He records all of their information in case of an emergency.

Manager Metzler stated that all department heads were reviewing fees and making recommendations. They would include this in the budget. He would give this to the Council in the form of an ordinance change.

Councilmember Trawinski asked if they have a sense of increased crime in the areas that have permits. Chief Rose said that he could not point to an increase in crime. Mayor Weinstein would like input from the Radburn Association. Councilmember Trawinski thought that Engineering should look at this.

Mayor Weinstein stated the issue that has come up is Burnham Place and he felt they should explore that area a little more. Councilmember Baratta said those are tough streets, they can't exclude people because their street is smaller. Maybe they could come up with something else. Chief Rose stated if they put cars on both sides of the street in Radburn, a fire truck will never get down the street.

There was a unanimous consensus to continue to explore this further.

Mayor Weinstein asked the public that was present if they had any comments.

Ben Rubenstein, 5 Burnham Place, stated that living there is an actual hardship. Most cars are in a cul-de-sac. He suspects that each homeowner may have a way to find a spot to park. Traffic Safety Officer Franco said it will be looked at on an individual basis.

Michael Rooney, 14 Burnham Place, stated it is a hardship with two cars. Driveways are only one car wide and there is no where to park. Regarding the snow removal, leaf detail and street cleaning, he felt the problems exist 24 hours a day not just during those times. In regard to the suggestion of allowing parking on Plaza Road, he did not think it would be a problem.

Opher Lekach, 7 Burnham Place, stated that the area is saturated with cars day and night. Chief Rose said the Police Department does not strive for 100% ticketing on overnight parking especially in the Radburn area. Mr. Lekach stated if someone wanted to buy his house, he would have to tell them about the parking problem. The residents have to go out and shovel the street because when it gets plowed, barriers are left on the street. Mayor Weinstein stated that when he drives through other communities, he sees what a great job Fair Lawn does with snow removal.

Keg Regulation:

Chief Rose felt that the Borough would be spinning its wheels because kegs could be purchased in another town and brought into Fair Lawn. If they want to avoid that, they will buy cases of beer. He felt it should be done on a statewide basis. Borough-wide will not do anything.

Mayor Weinstein recommended preparing resolutions that would go to the State and County. He also felt they should communicate with the surrounding towns and work together to go statewide with this legislation. Councilmember Trawinski felt they should authorize Attorney Rosenberg to prepare an ordinance to ban kegs in Fair Lawn. He thought they could have the Senator and Assemblyman get it started.

Chief Rose said that keg registration will go hand in hand with the under age drinking ordinance that was passed last year.

There was a unanimous consensus to authorize Attorney Rosenberg to prepare an ordinance and to prepare a resolution urging the State and County to adopt legislation regarding beer keg registrations.

Out of Town Organizations Using Borough/BOE Fields:

Mayor Weinstein stated that there is an on going issue without of towners using the fields. All Sports has been putting money into the fields. The Borough is in the process of trying to regrade and refurbish Memorial, and applying for a grant for the turfing of Vanderplatt. The person that Councilmember Baratta had spoken to has literally seen people playing soccer on Sunday mornings on TJ and Memorial with tailgating. The issue is maintaining and preserving the parks.

Manager Metzler stated as a result of the shared services meeting with the Board of Education, there were certain things the Board had to do first including making sure that all of the fields had proper signage. Some signs had the wrong ordinance for enforcement. They had a 30-day period where the Auxiliary Police under cover were doing an inventory of when the fields were being used and whether that use appeared to be organized play or an in town play. Their original plan was to do an enforcement blitz over a couple of weekends. After speaking with the Chief, it was determined it could be done with the regular assigned officers which would save some overtime. They have begun doing that. Unfortunately the first game was organized play which was Lightning. He knows about the controversy with Lightning Soccer. While they did not have a current permit, they did have a permit that expired and would reach out to the Board of Education to have the permit renewed. The Board of Education has provided to DPW Superintendent Conte a list of all of the permits that have been given out by the Board of Education for the use of their fields.

Chief Rose stated that two weeks ago the first game they hit was the quasi-legitimate team. They are not looking to go after a pick up game with a handful of Fair Lawn residents. This weekend they followed up and it was a group of Fair Lawn kids. If it is an organized group, the first step is to tell them the rules, get their names, give a written warning and chase them off the field. So far they have checked it and have not found what people are complaining about.

Councilmember Baratta stated she has questions about Lightning. At first she thought that the Borough issued the permits but found out the Board of Education issued them. That field at TJ was recently refurbished. They put sprinkler systems in, and they seeded it. Fair Lawn teams were told to stay off the field. To join Lightning Soccer they have to pay \$2,500. They are using the Borough fields for free. They need a permit and their permit has expired. She is concerned because the Borough and the Board of Education have spent a lot of money on refurbishing the fields. The field is dust, and the grass did not grow. The soccer coaches are now complaining to the Board of Education thinking that they paid all this money and the field is not refurbished when really it has been an out of town club that has been benefitting from the use of the field.

Mayor Weinstein stated it has been an issue for a while. The situation with Lightning Soccer is that it is a town club and part of it is not for profit and part is profitable. For them to use the fields there has to be a percentage of Fair Lawn residents. Councilmember Baratta thought they did not meet that criteria. Manager Metzler stated they submitted a roster of the children that are playing on the fields and it seems that 80 - 85% are from Fair Lawn. Even All Sports is quasi profit. They are allowed to play. The issue as to the non profit status, they came in with all the required paperwork. He did not think that anyone would question that they are on the fringe.

Mayor Weinstein stated that Keith Brown was invited here to discuss this with the Council.

Keith Brown, 23-05 Ellington Road, stated he is a board member of Fair Lawn All Sports, Executive Vice President of North Jersey Junior Soccer League, a registered referee, a certified trainer and also on the Board of the Special Olympic Federation. Tonight he was speaking on behalf of himself. He gave a brief history of Lightning Soccer. It was formed nine years ago when the Fair Lawn All Sports was unable to accommodate girls in a select program because of the conflict when the games were played. It was very successful because it offered girls in the program a more competitive place to play soccer. It worked in conjunction with Fair Lawn All

Sports. Along the way it became bigger and larger and unfortunately it started pulling talent from Fair Lawn All Sports. The Borough Manager is correct, at that time it was a not for profit organization. Now it is not a non profit. Three years ago it became the Fair Lawn Lightning Soccer Academy. It is a limited company. It is registered in the State of New Jersey as a for profit business. He found it interesting that the address the soccer academy uses is Memorial Middle School in Fair Lawn. Before they were for profit, 75% of the players had to be Fair Lawn residents.

Mr. Brown explained that a few months ago he was picking up his daughter from the High School and he noticed on Center Rec Field two adolescent teams playing a game with a referee. He did not recognize any of the players. As the game finished, he asked the coach who they were and they told him they were from Paterson and Passaic. He asked why they were playing on that field and they told him they paid Fair Lawn to use the field. What they had done was approached the Lightning Academy and told them they had no fields to play in Paterson or Passaic, and was told by Lightning if they paid a fee to the academy they could be part of the club. It was his understanding that any private organization that wanted to use the fields had to come before the Council, giving the example of the Mets organization who paid to use Dobrow complex in the past. The Fair Lawn Lightning Academy is the only club in northern New Jersey that doesn't either own its own field, pays rent or pays for the upkeep for the field.

Mr. Brown continued that Lightning Soccer, along with the Mayor and Council, have allowed the destruction of Memorial and TJ. He explained the use of the fields by the Knights of Pythias to hold a circus and carnival each year. He asked that the Mayor and Council think about who they allow to use the fields. Memorial is now unplayable, it is closed. All Sports was told to keep off the field all summer and they did. This Lightning Soccer continued to play all summer on the field without a permit.

In regards to the out of towners coming in, a Mexican Soccer Club out of Paterson holds all their home games at TJ. They bring the players, supporters, and referees. When they were chased off of TJ they go to Memorial or Sasso Field. It is a huge issue.

Mr. Brown felt the Board of Education and the Mayor and Council have to get together to not allow any permits whatsoever to any outside clubs, whether they are made out of Fair Lawn residents or not. He believed the fields should be for the children of Fair Lawn. This club does not pay a dime for the upkeep of the fields.

The Police need to enforce it better. The signs need to be bigger and in English and Spanish. They have to start issuing summonses to send a message. Right now he inspects fields in seventeen different towns every year. He inspects the playing surface and the amenities such as the snack bar. He said that last year Fair Lawn was third from the bottom when he did the inspection. The only two towns that were worse were Englewood and Bergenfield. It seems that soccer gets hurt more than any other club. He is all for making the fields artificial. He respectfully asked that the Mayor and Council work with the Board of Education to restrict the permits just to All Sports. There aren't enough fields.

Mayor Weinstein stated that it is not a black and white issue. Jack Susser is the President of All Sports spoke to them about this awhile ago. The Manager has looked into it. What he found was

that Lightning Soccer is a not for profit status as well as profit status. TJ's lower field was reseeded and sprinklers were put in. The carnival was moved to the upper field. He felt the field was not in bad shape. The Knights of Pythias Circus is not held on a soccer field. In both cases, it is not a black and white issue. These organizations do a tremendous job. He has been working with the Recreational Facilities Review Committee and through shared services to resolve these issues. They have taken Memorial out of circulation. The Police are working hard as well. Obviously out of towners cannot find better fields and that is why they are coming to Fair Lawn. The Manager has to go back to find out what the situation is with Lightning Soccer.

Deputy Mayor Etlar stated the Police should not tell them to finish the game, they should be off the field immediately. The Borough has spent hundreds of thousands of dollars on those fields and out of towners are destroying it.

Deputy Mayor Tedeschi stated these are Board of Ed fields as well. Several years the Board of Ed spent money on policing the fields on a regular basis. When the fields were patrolled by the Board of Ed, they did not have the damage they do now. If they patrol them, it has to be done on a regular basis. The sweep was nice but it will not solve the problem. If someone does not have a permit, they do not belong there unless it is a bunch of kids that want to play.

Chief Rose explained that the Police Department is not concerned with the issues with Lightning Soccer. His officers respond, they checked the team and it had an expired permit. They try to be reasonable and fair. It appeared to them that they have gone to the trouble of getting a permit, but did not realize it had expired. They have no problem with that and are told to make sure they renew the permit and the Police allow them to finish the game.

Chief Rose said that Patrol would be looking for it on a regular basis. Patrol will not be going to a certain field at a certain time because they do not have the resources. Deputy Mayor Tedeschi suggested they check the fields this Sunday morning. Chief Rose said that he had brought this up to the Board of Education three years ago. If they need Patrol at a particular time he suggested they have a custodian check it and have them call the Police. He also suggested to them to hire a Police Officer who is off duty patrol the area but they did not want to do that. They are going to work with them. If the goal is for five times, a shift, he cannot guarantee that. Councilmember Baratta asked about the Auxiliary Police, could they be used. Chief Rose if they go to a field that has 30 to 40 players, one guy cannot tell them to get off the field. So then he would have to pull officers off of what they are doing so there would be no problem.

Manager Metzler said there is a history here. They have had a case where our regular officer had to request assistance from four other towns because they had a soccer team that decided they did not want to leave. They are utilizing the Auxiliaries as the eyes and ears so that Patrol does not have to be there. He believed that weekends have been good with getting Auxiliaries out to patrol. They will go by and see if it is an organized game.

Councilmember Trawinski questioned how the Board of Education or the Borough spends this money to refurbish the field, our own All Sports organization stays off the field and yet the Lightning goes out and helps demolish the field. Mayor Weinstein said they are talking about Lightning and that is another issue they are going to look into. The out of towners is not Lightning.

Teams from other towns have come in. Adults that are playing. It is not the overall issue. He has

seen other adults that they have to force them to move their goals out of the way. Councilmember Trawinski said he didn't understand enough about the individual teams but he has been involved, as an Attorney, where they suspected there was illegal activity going on. What they did was they got webcams and monitored it 24/7. He wondered why they could not monitor the fields to get factual information. He felt there are bright students that could figure out how to set up the webcam on the fields to monitor and they have to then put signs up stating the fields are monitored.

Mr. Brown stated he appreciated speaking to the Mayor and Council. He felt it was a quality of life issue for the people who live around there. They have Hispanic music blaring away, garbage all over, parking issues and they cook on grills. It is also a quality of life issue for the people who live behind Center Rec. When the field at TJ was refurbished, it was beautiful. It is frustrating to keep the town players off and then the out of towners come in and play on it. He suggested that the Mayor and Council look at the condition of the field at TJ, and they would be shocked.

Mayor Weinstein stated the Police will be going out, they can bring up the webcams at the Shared Service meeting, and the Police will focus on it. They know there are areas that they have to focus on.

Manager Metzler said he had a call from a resident about people playing on Forrest School and that has never come up before. Mayor Weinstein said he would like to see a report of what they found.

Deputy Mayor Etlar said there is no substitute for enforcement. They really have a problem with the fields. This is hundreds of thousands of dollars spent on the fields. He told the Chief he had to enforce it.

Manager Metzler said the plan was in place to enforce it. They have to understand that in order to do the enforcement, they had to have the proper signs in place so that they had something to base that enforcement on. Not all of the fields had the proper signs. They are in place now. This is a plan that was developed in cooperation with the Board of Education who owns most of the fields that they are talking about. Last week was the first weekend the Police went out to do the enforcement but it was not successful. They followed the chart that the Auxiliary Police spent a month preparing which generated a lot of overtime. They have an alternate plan which will involve each post car only. That will take place this weekend.

Council Liaison Reports:

Deputy Mayor Etlar reported that he brought the Company 1 sign to the Fire Board and it is going to go up and the Fire Department will pick a date for the unveiling.

Councilmember Baratta reported that the Library Showcase for the Historic Preservation Commission is going to be October 10 at 7:15 p.m. to 9:00 p.m. She thanked Ron Lotterman for putting a link of the Historic Preservation website on the Borough's website. He did a really nice job on it and the group is very happy about the help he gave them.

Councilmember Trawinski stated that the audit report will be filed shortly on the River Road
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Improvement Corp. He said it was apparent to him that people were talking past other people about what Mr. Smartt said about the northern parking lot. He suggested that the RRIC, the Fire Department and any of the residents on George Street, come in so they can talk about the commuter parking lot. He was not suggesting a change in the Council's position. He reported this at the Open Space Committee meeting. Councilmember Trawinski thought they had heard from Mr. Smartt when he was here the last time, say that since they could not get all of the property owners that front on River Road to agree that the notion was dead. That is when they encouraged the Open Space Committee to continue with the George Street possible acquisition. Mr. Smartt indicated at the last RRIC that the lot may not be dead. He felt they should all get together and talk about this. They have been invited to come to the October 2 meeting.

Councilmember Trawinski stated they completed their first sign and awning grant which resulted in twenty-five jobs being created in Fair Lawn.

Councilmember Baratta thought they were waiting for Mr. Ahearn to come back to them. Councilmember Trawinski said he was invited but did not show. Mayor Weinstein stated at the Open Space meeting it was suggested anyone from that committee would go to the Fire House so that was where he was that night. He is waiting to hear from the Council waiting for the appraisal is completed. Mayor Weinstein stated in speaking with Bob Landzettel that they were moving forward to hear about the Open Space grant to purchase that parcel of land. At some point in time, the understanding would be if there was another piece of vacant land there may be another opportunity for a parking lot.

Councilmember Trawinski reported that the Open Space Committee had a meeting. The wish list was expanded and there was a suggestion to expand it to include the river walk properties. It is proceeding in two stages which will be submitted to the DEP. He advised that the Open Space Meeting date has been changed to October 29.

Councilmember Trawinski stated the ADA Committee has a meeting this Thursday night at 8:00 p.m. He thanked Manager Metzler for Jim Van Kruiningen who was a big help at the last meeting. He asked the Manager about the information he requested. Manager Metzler stated the information from the Municipal Clerk has been done and he believed that he has what he requested.

Deputy Mayor Etlar wondered if there was a way to coordinate between the Board of Education and the Council the permit issuing of the fields. Mayor Weinstein said there is a coordination. Councilmember Trawinski suggested it be on a shared service meeting agenda.

Deputy Mayor Tedeschi thanked Councilmember Trawinski for saying they are definitely two different stories out of River Road. There will be a meeting of the EDC, BIC and RRIC on October 11. He urged every Councilmember to attend.

Manager Metzler stated he had met with Don Smartt today. He was aware of the fact that Councilmember Trawinski put on the agenda this topic for October 2 and so was he because he reached out to Mr. Ahearn and the Fire Company to attend the meeting. Mr. Smartt stated there was an interest in George Street for parking on the north side of the fire house. He requested that the George Street parking lot be taken off the agenda for October 2 because they are not

prepared to move forward at this point.

Councilmember Trawinski said this is not what he heard from the trustees. He thought they should authorize Manager Metzler to reach out to Bob Landzettel because he was clear and slightly perturbed that the Council was moving ahead with the acquisition of the south side. He mentioned that it would reduce the number of spaces if it went to the north side. He felt they should not put off proceeding with that potential open space acquisition.

Mayor Weinstein stated in regard to the Inter-faith Committee, he was invited by Lenora Mosca. He met with a few of the Clergy. He felt it was very interesting. They spoke about St. Anne's greening. He gave them Wendy Dabney's name. They are going to send out information about their meetings. The goal is to get this committee moving again.

Mayor Weinstein said they sent an e-mail out to Bob Devita of Passaic Water Commission as well as Emil DeLuccia to set up a meeting to discuss the river walk and other things.

Report of Subcommittee Regarding Request from The DACKKs Group Home - CDBG Application

Councilmember Trawinski said they have a meeting scheduled for Friday, September 21 at 9:30 a.m.

Clothing Bins Ordinance:

Manager Metzler explained that Sgt. Bastinck advised him that they received \$1,000 per bin/per year from the Resource Officer's Bins. The funds are deposited into a Borough trust account which requires a purchase order to be used. The D.A.R.E. boxes also generate \$1,000 per year per box. \$500 goes to DARE to fund training manuals and training supplies. The other \$500 is dedicated to the Fair Lawn D.A.R.E. program for promotional supplies purchased through DARE. Sgt. Bastinck is concerned that the cost to the property owners to prepare a site plan will discourage participation in the program and that any fees will be passed on to Fair Lawn Community Policing.

Manager Metzler suggested that the boxes supporting Fair Lawn "entities" be required to file for a "no-cost permit". The permit would require the same information on the box as the "for fee boxes". A hand drawn plan must be provided to the Zoning Officer stating the location of the clothing bin which placement must be consistent with that of the fee-based permit application. The permit renewal would be required annually.

Manager Metzler explained the organizations such as the Red Cross, Salvation Army and the boxes at the Recycling Center would get charged. Deputy Mayor Etlar felt the boxes were getting bigger. Manager Metzler explained that in the ordinance the number of boxes would be limited. Deputy Mayor Etlar wanted to know about the ones that were there already. Attorney Rosenberg advised they would have to be licensed. Mayor Weinstein stated that a few weeks ago they were ready to introduce this ordinance but only had to put in an exception for DARE. Deputy Mayor Tedeschi felt it would make it easier for some businesses to make money on this and then say they would donate money to DARE. Councilmember Baratta wondered about the site plan

requirement. Attorney Rosenberg stated the licensee would have to pay the fees. They would have to go to the Planning Board because they would determine if it impacts the area.

There was a consensus to move forward with the changes as proposed with Deputy Mayor Etler feeling that there was a big hole in the ordinance, Councilmember Trawinski was a reluctant yes, Councilmember Baratta said yes, Deputy Mayor Tedeschi felt they did not accomplish anything. He wanted to make sure that DARE was ok. He suggested saying no to new bins in new locations and have them all at the Recycling Center.

Mayor Weinstein suggested moving with this ordinance incorporating a sunset provision of December 31, 2008. There was a unanimous consensus to move forward with Mayor Weinstein's suggestion.

Garage Sales:

Manager Metzler stated that Municipal Clerk Kwasniewski passed out a memo on September 14. The Council requested that she determine the fees, the number of sales permit, the number of sales days permitted, hours of operation, signs, penalties. Mayor Weinstein thought the average was twice a year. Manager Metzler stated the fee's range from \$1 to \$25 per permit. The number of sales on average is two per period for a maximum of two days and hours are generally from 8:00 a.m. to sundown. Some allow temporary sales on the day of the sale and only on the premises. In Oradell the signs must be purchased from the Borough. Penalties were \$10 per sign, the Municipal Clerk issues the permit, enforcement is any Police Officer and the Department of Buildings and Inspections. In Norwood, the Police, Zoning and Construction officials are the enforcement.

Deputy Mayor Etler stated they should have a \$5 permit, twice a year, 9:00 a.m. to sundown, signs only on the property where the sale is and no new stuff can be sold. He did not think they should allow sales four times a year.

Councilmember Baratta suggested designating a certain week for garage sales. Deputy Mayor Etler wanted one day, twice a year. Mayor Weinstein thought it should be twice a year and from 9:00 a.m. to sundown and a \$5.00 fee.

Manager Metzler stated the licenses would be issued by the Municipal Clerk's office.

Councilmember Baratta said they would have to limit the signs. Deputy Mayor Etler felt the signs could only be on their properties. Councilmember Baratta stated that Norwood allows the signs to be posted for five days, Ridgewood only allows the signs to be put up on the same of the sale and only on the premises where the sale is to take place.

There was a unanimous consensus to authorize Attorney Rosenberg to prepare an ordinance which would include that the permits to be issued by the Municipal Clerk's office, a \$5 permit fee, signs only on the property, and limiting the size of the sign.

Proportionality Ordinance:

Councilmember Trawinski thanked Attorney Rosenberg for the hard work he did on this ordinance. Attorney Rosenberg stated what they had before them was a draft of a proportionality ordinance which would permit a bonus floor area ratio concept. What he tried to do was integrate the comments they had received from the League of Women Voters. He felt he needed more guidance. Councilmember Trawinski had asked in his April 30 memo Borough Engineer Garrison to run some proportionality tables. Manager Metzler said that Engineer Garrison did not feel he had the qualifications or expertise in this area and has recommended, if the Council agreed, to give it to Cheryl Bergailo. Attorney Rosenberg said that he endorsed that because it is a complex ordinance. The Council needs to authorize Cheryl Bergailo to prepare the ordinance.

There was a unanimous consensus to authorize the Manager to get a proposal for Cheryl Bergailo to help prepare the ordinance.

Councilmember Trawinski stated the FAR would allow them a second floor dormer, eaves that protrude to create architecture elements and different building materials, different textures and colors to break up the monotony of the box. Councilmember Baratta said they would give them a little more room, for example, a room on the back. Deputy Mayor Tedeschi asked how the aesthetic value is measured. Councilmember Trawinski said it was very difficult. The draft before them was based on the Scarsdale ordinance which attempted to do something in terms of defining it as something that appears to be proportionally large or massive relative to other buildings in the surrounding neighborhood. What makes a McMansion a McMansion is that it is out of proportion and context to what is around it.

Deputy Mayor Tedeschi so what they are saying is if someone is designing a home, and it is consistent with the neighborhood, and is esthetically pleasing they would get some type of bonus. What would happen if they were to say to applicants that they would like them to use green standards in their home. If they could reduce carbon dioxide emissions, if they could reduce heat use, there could be a bonus for that.

Councilmember Trawinski stated that it is one tool to regulate and limit McMansions. The FAR ordinance does not do this by itself. He said they limited ability to regulate character of neighborhoods where they are seeking variances. This deals with when they are not seeking variances. He thought the suggestion from Attorney Rosenberg and Manager Metzler was good. They need Cheryl Bergailo to give them some suggestions for what they can and cannot do.

Deputy Mayor Tedeschi asked if they agreed to look into adding greening to the ordinance. Attorney Rosenberg wondered if it would be tied to a FAR ordinance. Councilmember Trawinski thought it would. Deputy Mayor Tedeschi felt it should be done with any development.

Jane DiPeveen, 14 Ryder Road, stated that in general the Board of the League agrees that proportionality regulations can help in making new or enlarged residences fit in with their neighbors and in reducing the appearance of bulk. However, since the regulations would apply only to additions or new homes exceeding the FAR, they questioned if the bonus would simply encourage applicants to exceed the FAR.

Ms. DiPeveen stated the emphasis would be in reducing what is now permitted on accessory buildings from the 20-foot height in R-1-1 and R-1-2 zones to the 15 feet permitted in other

residential zones. Another suggestion was to increase the size of rear yards from 20 to 25 to 30 feet.

Councilmember Trawinski felt when they ask Cheryl Bergailo to look at this can incorporate the League of Women Voters' comments about the bulk of the accessory buildings and also Deputy Mayor Tedeschi suggestion about the greening.

There was a unanimous consensus to authorize Cheryl Bergailo to prepare the ordinance incorporating the comments on the bulk accessory buildings and greening.

Filming Fee Schedule Ordinance:

Attorney Rosenberg advised he had provided a draft ordinance to amend the fee ordinance which is Chapter 94, Miscellaneous Fees, Filming Fees. There will be a daily fee of \$500. The Borough will be reimbursed by the filming company for all costs incurred for equipment and Borough oversight for all filming activities based upon the current schedule of expenses established by FEMA.

There was a unanimous consensus to introduce the Ordinance as prepared at the next meeting.

Implementation of No Smoking Policy at Memorial Pool, etc.:

Manager Metzler stated during their last discussion about this they had asked for two things, a recommendation from Superintendent Graff and also that they reach out to Jack Susser and the Football Association. He provided a schematic that showed the areas where smoking is not permitted. In the case of Fair Lawn All Sports he was told that while there is not a policy for the most part, parents and spectators do not smoke near the fields or sidelines but go to an area away from where the kids are.

Mayor Weinstein stated as far as Memorial Pool, the enforcement has to be a lot better next year because there were a lot of people smoking on the beach. Mayor Weinstein felt it should be the entire beach area. Deputy Mayor Tedeschi asked about the areas where people were smoking and felt those were the areas where most people gather. Mayor Weinstein stated that the schematic showed many areas where smoking was not permitted and thought that was basically the whole beach area. Councilmember Trawinski said when he was there, people were smoking wherever they wanted. Mayor Weinstein felt there should be more enforcement. Councilmember Baratta thought they should erect signs enforcing the no smoking. Councilmember Trawinski felt they should say the pool area is a designated non smoking area except for permitted areas. Mayor Weinstein stated this way is not working. Manager Metzler said they were going to keep the areas that are designated but they want stricter signs in place. Mayor Weinstein felt the whole beach area should be no smoking. Deputy Mayor Tedeschi said this a no change recommendation. Councilmember Trawinski felt the message should be that Memorial Pool is a non smoking area, except in the designated areas. Manager Metzler confirmed from chair five to chair 1, the area including the grass and the entire beach area is a non smoking area.

Electronics Recycling Ordinance & Solid Waste Enforcement:

Attorney Rosenberg stated he had prepared a draft ordinance that was recommended by the Recycling Coordinator. It was designed to make sure that he was added as enforcement officer under Section 204-12. It will also amend Chapter 204-18 to include electronic items as mandatory recyclables for both residents and commercials. Chapter 204-18 mandates separation of recyclables to add electronics. He felt it was consistent with Manager Metzler's memo to the Council.

There was a unanimous consensus to introduce this ordinance at the next meeting.

Recording Site Plan Conditions:

Attorney Rosenberg stated this is a mandatory amendment to the Land Development Ordinance, Chapter 125. It amends Section 125-59: A-11. That section currently says that either board "may" require so he thought they should have "shall" require. It will now say, "Each Board shall require an applicant to execute and record as a covenant running with the land any terms and conditions of any site plan, subdivision, variance or other approval granted by such Board. The form of a document to be recorded shall be subject to the review and approval of the Board Attorney, and evidence of the proper recordation of such document shall be presented to the Zoning Official of the Borough prior to the issuance of any building permit". Councilmember Trawinski felt it should be changed to an issuance of a CO. Attorney Rosenberg stated he thought long and hard regarding what point of the process they would want to make sure this is recorded.

There was a unanimous consensus to introduce this ordinance at the next meeting.

Joining Passaic River Coalition:

Manager Metzler said this was for the coalition. This is a group of towns and there is a membership fee which is why it is before the Council. Deputy Mayor Etlar stated absolutely not that the Borough should not join. These people have done absolutely nothing for the Borough. Manager Metzler said the issue was that Mayor Weinstein wants to join the coalition and there is a fee involved. Councilmember Trawinski disclosed that he does free work for them. He recused himself from the discussion. Mayor Weinstein felt it was worth trying again.

There was a consensus to pay the membership with Deputy Mayor Etlar dissenting and Councilmember Trawinski recusing himself.

Fire Suppression Grenades:

Councilmember Trawinski stated it was not ready yet so they can hold off on it.

Riparian Buffer Conservation Zone Ordinance:

Councilmember Trawinski stated that there have been many flooding problems because of the over development in the areas near the Passaic and Saddle Rivers. The State has been stalling with regulations for the better part of two years. The DEP in conjunction with the Passaic River Coalition has put out a model ordinance that a municipality can adopt until the State does it. The ordinance is consistent with the New Jersey Storm Management Rules. He thought they should

ask Attorney Rosenberg to draft an ordinance then circulate it to the Environmental Commission and the League of Women Voters to solicit input and comment. He thought it was another small step they could take.

Deputy Mayor Etlar thought the State had riparian rites on the streams and rivers. Councilmember Trawinski said they do on category waterways. This is consistent with that as well. Deputy Mayor Etlar thought there was a 40-foot buffer. Councilmember Trawinski said there is a 100-foot buffer now and the proposal has been to make it 300 feet only in C1. Deputy Mayor Etlar wondered about the houses along the river. Councilmember Trawinski said they would be grandfathered and this would only be for future development. He felt they should see what the impact would be on the Clariant site.

There was a unanimous consensus to authorize Attorney Rosenberg to prepare a draft ordinance getting input from the Environmental Commission as well as the League of Women Voters

Promotional Signage:

Manager Metzler presented a sample sign which would promote community assets. He suggested the signs be placed at Plaza Road and Morlot Avenue. He explained that there are guidelines that would have to be followed in making up the sign. The sign at that size is \$36. RRIC has offered to pay for half of the cost of the signs with the Borough matching the dollar amount. Councilmember Trawinski asked why they should spend money on these signs. Manager Metzler said because it would be selling the community's assets which would bring in economic development. Councilmember Trawinski wondered if there was grant funds available. Councilmember Baratta wondered where the signs would be located. Manager Metzler stated they would be placed at major intersections. He explained there would be smaller signs to move people along to the destination.

Mayor Weinstein suggested that they discuss this at another Work Session. He felt it was a good idea but thought they should look at other towns.

CDBG Application - Barrier Free Improvements:

Manager Metzler stated that the Borough is applying for a grant for barrier free improvements. A resolution is required.

There was a unanimous consensus to authorize a resolution for the CDBG application.

Endorsement of Care Plus NJ Inc. CDBG Application:

Manager Metzler stated that Care Plus was looking to obtain a CDBG grant in the amount of \$96,759 and needs Council endorsement.

There was a unanimous consensus to endorse the Care Plus CDBG application.

Employee End of Year Luncheon:

Manager Metzler stated that in the past the Council has held an employee end of year luncheon. It has been budgeted. He would like to hold it on December 14 and they need to reserve the date with the caterer.

Deputy Mayor Tedeschi said he encouraged the Council not to attend the luncheon. There should be no politicians there. Councilmember Baratta wondered how the employees felt about that.

There was a unanimous consensus to authorize the employee end of year luncheon.

Public Comments

Sheryl Cashin, 1 Glenfair Road, commented about the parking garage that was mentioned earlier saying that Fair Lawn is a town not a city. It would not be change for the better. She felt the promotional signs would lend a nice touch to the town because there is history here. Ms. Cashin spoke about the state of the soccer fields and the street hockey courts. The fields are trash and the courts are ripped up. She wondered who was responsible for the camp kids because they were allowed to go on the courts and peeled off the paint and left behind a lot of garbage. Manager Metzler said he had received other calls about this and felt the damage was attributed to the flooding. The Recreation Department is getting pricing to repair it.

Richard Cashin, 1 Glenfair Road, stated that there are many nights that he is afraid to take his kids to the street hockey court because there are kids from Paterson and Passaic there. Mayor Weinstein asked if he had called the Police. Mr. Cashin said it can be a serious problem. He felt they should put cameras in because the investment would be worth it.

Harvey Rubinstein, 28 Rutgers Terrace, stated that at one time he had four adults and three cars and they just moved their cars around. In Radburn the Firemen cannot get through the streets. He thought that permits or stickers would work so the Police would know if that car does not belong.

Mr. Rubinstein mentioned that the last meeting was not televised. Assistant Municipal Clerk Bojanowski explained that the audio portion of the recording was not working and the Municipal Clerk's office provided the audio to FLTV.

In regard to the Zoning Board, they did ask one applicant to conform to the design. They incorporated it into the resolution. He said in regard to the proportionality ordinance, there are many residents who have less than 20 feet in front. He spoke about a fence on Gentner Road and how they should have had an Engineer review the site. Councilmember Trawinski said it was within the discretion of the Zoning Board to send it to the Planning Board's engineer. The members review the site plan. Deputy Mayor Etler said the application went to the Zoning Board where they were allowed to put the five-foot fence up but the code says it cannot be more than three feet.

Scott Levy, 15 Barry Place, stated he was the Chairman of the Zoning Board who said there have been many times when a resident is seeking a

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The members visit the sites. Deputy Mayor Tedeschi wondered if the members can speak to the property owners. Attorney Rosenberg advised they cannot. Mr. Levy said there are failsafe systems set up already.

Mr. Levy said as a resident, he wanted the Council to acknowledge Gary Hickey and George Brouca commending them for all the work they did on the September 11th memorial. He also spoke about the signs and thought they could become an icon. He felt the vocabulary would have to be worked on. In regard to the riparian buffer, he felt it was a good idea. He stated he would be glad to look at the FAR ordinance. He felt this would help articulate the lines of a house.

Closed Session Resolution:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Baratta, the following closed session resolution was unanimously adopted at 11:15 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 contract negotiations and pending litigation; 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 Councilmember Baratta and second by Councilmember Trawinski the meeting was adjourned to at 11:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etlar

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski