

## **WORK SESSION OF JANUARY 18, 2005**

Deputy Mayor Etlar called the meeting to order at 7:31 p.m.

**PRESENT:** Deputy Mayors Etlar and Weinstein, Councilmembers Caan and McCarthy.

**ABSENT:** Mayor Ganz

**ALSO PRESENT:** Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

### **Review of Tentative Agenda - 1/25/05:**

Manager/Municipal Clerk Kwasniewski stated she would like to add the St. Nicholas Greek Orthodox Church's raffle. She said they should remove the Special Meeting since the agreement with Officer Kristensen still has not been signed.

### **Request for Partial Vacation St. Anne Street:**

Manager/Municipal Clerk Kwasniewski stated that Dennis Cummings and Traffic Safety Officer Franco were both present.

Dennis Cummings stated he has the Engineer and Architect with him. He stated at one time they thought of vacating the whole street from Lyncrest to Summit, but they are now proposing partial vacation. He stated Traffic Safety Officer Franco asked why not vacate the whole street, but they are not prepared to do that. They have an application for the Planning Board for minor sight plan approval. They felt they should come to the Council first. Borough Attorney Lustgarten asked Mr. Cummings to give an overview of their proposal. Mr. Hanson explained the intent of the project is to create a plaza area between the school building, the Church and the rectory, to increase the sidewalk space in front of the church area, take parking out of the front of the school and make that a garden area and walk area. He added they wanted to rework the parking space for the rectory, bring it out towards the edge of the street providing additional parking spaces. Mr. Cummings stated they would also be adding an elevator because they have no way of going into the basement for people who are handicapped. Mr. Hanson stated there is an addition of 1043 square feet on the outside of the building. Deputy Mayor Etlar stated the fire department had strong reservations about blocking off both ends of the street and he may have the same reservations. Mr. Cummings stated Mr. Hoitsma told him there would be no problem for the big trucks as long as there is a drop curb. Mr. Hanson described how they made the streets accessible for the fire trucks. Deputy Mayor Etlar asked what is the purpose of a vacation. Mr. Cummings stated to take a piece of the street for their own use. Deputy Mayor Etlar wanted to make sure this would not hamper emergency vehicles. Mr. Cummings stated he spoke to Jack Hoitsma and Traffic Safety Officer Franco.

Traffic Officer Franco stated the Fire Department pulls in and out of driveways all the time so if there is a driveway or any thing of that nature the truck will fit. He did not know it was a one way until tonight though. He asked what they were going to do with all the parking spaces that

are there. Mr. Hanson stated currently on the entire site between the rectory, the school, the parking lot behind the school and the lot across the street there is 147 parking spaces. This project as reconfigured will have 143 spaces and four handicapped spots in front of the rectory.

Traffic Safety Officer Franco asked what happens to the existing spaces between the school and existing parking lot. Mr. Hanson stated that would be plantings. They are providing nine spaces across from the rectory where the Friars park now. They are proposing six angled parking spots on Summit Avenue for the Friars. They are still providing non parking spaces for drop off and school or rectory visitation or such that they would not be there long periods of time. There is currently a driveway where they can fit three cars in between the rectory and the adjacent residential.

Father Ron stated the primary reason for the vacation of the street is pedestrian safety since several hundred people spill out into the street. Traffic Safety Officer Franco stated he understood his problem but they are configuring the situation for Sunday. He wondered what they were going to do Monday through Friday. Mr. Cummings stated they are going to use the southwest corner of Lyncrest and St. Anne. They proposed three way stop signs at the corner of St. Anne Street and Summit and St. Anne Street and Lyncrest. Traffic Safety Officer Franco stated he could not comment on that because he did not know about the one way or the stop sign until tonight. Mr. Cummings stated they are making an application to the Planning Board but they wanted to get the sense of the Council.

Deputy Mayor Weinstein asked if after this project they will still have 147 spots. Mr. Cummings stated that is correct. They have the right to use the commercial parking lot south of their property on Route 4. Councilmember Caan questioned the parking for the drop off and the seven to nine spots. He asked Traffic Safety Officer Franco if he was comfortable with that. They would have cars that would have to go into a spot and then would have to back out which seems like a lot of traffic. Mr. Hanson stated they are also proposing three other drop off spots, one which is in a semi circle on Summit Avenue, one on Lyncrest on the opposite side of the school and one adjacent to the front door to the church. Traffic Safety Officer Franco stated he was not comfortable with people pulling in and backing out because people are not going to do that. The only people that are going to pull in there are people who are going to get out of their cars with their children. Anyone else is going to pull over, drop off and drive away. If they are going to park and get out then they will pull in.

Borough Attorney Lustgarten stated those are more site plan questions for the Planning Board. The only issue for the Council is whether or not they will vacate the street. He believed when this originally came to the Mayor and Council the primary thought was if both ends would be closed off and the first question was about the emergency vehicles. Borough Attorney Lustgarten stated that part of the public street which is still going to be a public street will still be maintained by the Borough. That part that is vacated will then become the property of St. Annes.

Traffic Safety Officer Franco wondered why not vacate the whole street and then they could do whatever they want with it. Father Ron felt that maintenance of the street was a significant issue. Traffic Safety Officer Franco believed it would be very easy to create a curb cut on either end which would still leave access for emergency vehicles. Usage is different every day

of the week. This configuration is not optimum for every situation. If they have a funeral they will have no place for 50 cars and they have that space now. They have closed the roadway for them before and they don't mind. Father Ron stated currently they do not use the space they have right now and they are going to re-look at what they are going to do with those spaces. Traffic Safety Officer Franco explained that was two different issues. If they want to optimize their existing parking that would be great and create some kind of parkland area there that is wonderful also but they still have that area in between that they can utilize. From a safety standpoint that is a lot better because they are only allowing the people to go in there that they want in there. He stated when they create a one way street there it sounds goods but when someone comes out of St. Anne's and makes a left onto Lyncrest unless they cut through private property they do not have an easy way to get back to Summit, because now they have to cross Route 4 westbound to go eastbound. The average person is not going to think of another way around. In the interest of safety he believed they should take the whole street. If they are not prepared to do that because of a maintenance issue then they have several issues to resolve.

Borough Attorney Lustgarten reminded the Council if they vacate the whole thing the Borough loses the street. If they vacate part of it, the Borough still maintains the ability to have a cross street. He was not sure that they would want to give more than what is being asked for. Councilmember McCarthy stated he did not see any problem with partially vacating the street. Deputy Mayor Weinstein echoed that. Deputy Mayor Etler agreed also and asked Manager/Municipal Clerk Kwasniewski that any information from either the Fire Department or Police Department be sent to the Council and that she notify the Planning Board Chairman of the essence of this discussion. Councilmember Caan thought it would be helpful if they had another discussion with Traffic Safety Officer Franco determining the best course for everybody to make sure traffic is flowing correctly. Right now from what he heard there could be a problem. He would like to see some talk and compromise between both sides. Deputy Mayor Etler stated that information would come to the Planning Board when they are at that point. He stated they should have a sense of what the Council is thinking now and wished them luck when they got to the Planning Board.

### **Borough Code Amendments:**

Manager/Municipal Clerk Kwasniewski stated that Traffic Safety Officer Franco has been working on changes that require ordinances to be adopted. She thought that they should be done all at once in one ordinance. Traffic Safety Officer Franco has made recommendations for various changes relating to parking and work safety zones.

Deputy Mayor Etler inquired about Mr. James Ring of 2 Aberdeen Place who requested relief from overnight parking restrictions because he does not have adequate space for driveway expansion. His neighbors around him already have relief. Traffic Safety Officer Franco explained that there was no overnight parking allowed. At another time it was extended from the apartments to Howard Avenue but this resident was left out. He would like to add his address to the list so Mr. Ring can get an annual permit.

There was a unanimous consensus to allow 2 Aberdeen Place to be added to the list for an annual permit.

Parking around High School - Traffic Safety Officer stated that in an effort to increase student parking in the area around the high school he suggested removing the time parking restriction along the south side of Berdan Avenue from Fairclough Place to Cadmus Place. This area is primarily along a grassy area owned by the Board of Education.

There was a unanimous consensus to remove the time parking restriction as proposed by Traffic Safety Officer Franco.

Traffic Safety Officer Franco suggested removing the time parking restriction along the south side Romaine Street west of Cadmus Place leaving the "no parking anytime" restriction across from the Rescue Squad driveway. Deputy Mayor Etler wondered if that would hamper the Rescue Squad. Traffic Safety Officer Franco stated he was attempting to create more parking for the High School.

There was a unanimous consensus to remove the time parking on Romaine Street as proposed by Traffic Safety Officer Franco.

Traffic Safety Officer Franco suggested creating alternate side of the street parking on the following streets, Burbank Street north of Berdan Avenue; Lexington Street, Orchard Street from Berdan Avenue to Western Drive and Western Drive from Berdan Avenue to Bryson Road. Deputy Mayor Etler suggested no parking on Orchard Street. Traffic Safety Officer Franco stated that the current configuration is time parking on one side and they never park on the other side of the street because of the timed parking. He felt it would provide relief for the residents on that side of the street. He suggested doing alternate side of the street parking because it would give some relief during the construction at the High School. He felt if it worked they could make it permanent. Deputy Mayor Etler stated if they did anything, it would be done for a year with a sunset clause. Attorney Lustgarten stated that if they go to alternate side of the street parking they would be depriving people parking in front of their houses. He also felt that if they ban it on one side it would be taking parking spaces away. Councilmember Caan stated that the streets they are talking about have no parking on them now. He felt especially with the school construction they did need more parking space. Deputy Mayor Weinstein wondered if they heard anything from the Board of Education about making the corral a parking area. Manager/Municipal Clerk Kwasniewski said the Board of Education was waiting for documents from their architect. Deputy Mayor Weinstein asked if complaints were received on any of those streets. Manager/Municipal Clerk Kwasniewski stated that several complaints come in from Lexington. She said she has another meeting with the Board of Education. Traffic Safety Officer Franco felt if she had another meeting that may change things and they should put this discussion on hold.

There was a unanimous consensus to hold off on making any changes on these streets.

Work Zone Safety Project - Traffic Safety Officer Franco stated that currently, Police Officers receive \$45.00 per hour for work zone safety projects. This rate of pay has been in effect since May 2002. He suggested increasing the rate of pay to \$50.00 per hour. This increase has no effect on the budget because the contractors performing the work reimburses the cost to the Borough. Manager/Municipal Clerk Kwasniewski recommended this since there was no cost to the Borough.

There was a unanimous consensus to increase the rate from \$45.00 per hour to \$50.00 per hour for work zone safety projects.

Traffic Safety Officer Franco stated that in 1995 the Borough created parking along a section of the west side of Pollitt Drive for commuters. At that time the permit area was extended to 200 feet north of Carlton Place because there was no curbing along a portion of the remainder of Pollitt Drive. The curbing has since been installed. He suggested extending the permit area to approximately 480 feet north of Carlton Place. This area is along side a private parking lot and will not interfere with anything. He felt it would create at least 21 more parking spaces for resident commuters. He suggested that several adjustments would have to be made such as the trees along the east side of Pollitt Drive must be cut back away from the roadway, the centerline must be relocated, several "No Parking" signs must be removed, several "Permit Parking" signs must be installed and parking stalls should be painted on the roadway. Councilmember Caan said he assumed the DPW would be doing the work with no cost to the Borough. Traffic Safety Officer stated that the next striping contract they will do the thermo plastic striping.

There was a unanimous consensus to extend the permit area on Pollitt Drive as suggested by Traffic Safety Officer Franco.

Parking / Loading Zone - Traffic Safety Officer Franco explained that the officials of the Post Office at High Street and Abbott Road have requested assistance with a situation they have there. In the morning, for approximately two hours, they must load numerous post office vehicles at their loading dock. Two of their vehicles must be temporarily relocated to perform this task. They have limited parking at their site. He suggested changing the no parking restriction alongside their building on High Street to a loading zone, thereby allowing them to park both vehicles for the duration of the loading time. Deputy Mayor Etlar asked if this would impede traffic. Traffic Safety Officer Franco said that they currently do this and there is no history of accidents. Deputy Mayor Etlar wondered if the view would be blocked when you pull away from the Post Office. Traffic Safety Officer Franco stated they would leave a line of sight.

Councilmember Caan stated they need two hours in the morning and felt there will always be trucks parked there. He said there should be a time limit. Traffic Safety Officer Franco stated he would look into the statutes.

There was a unanimous consensus to create a loading zone on High Street with time limits as suggested by Traffic Safety Officer Franco.

Department of Public Works - Manager/Municipal Clerk Kwasniewski stated Superintendent Conte brought to her attention that the Borough Code does not include the Maintenance Garage under the Department of Public Works. The other divisions are described in the Code.

Superintendent Conte has drafted language for the ordinance and she recommended putting it in the Borough Code. Councilmember Caan questioned the language - the Fleet Maintenance Division shall provide technical support on specifications for vehicles and equipment as designated by the Superintendent of Public Works. Manager/Municipal Clerk Kwasniewski stated that when they do specifications for trucks, the Fleet Supervisor does the research and helps draft the technical aspects of the specifications. Attorney Lustgarten agreed this should be in the Code. He will prepare the ordinance.

There was a unanimous consensus to add the Maintenance Garage under the Department of Public Works in the Code.

**Parking Sticker - Anna Rodriguez, 13-11 Third Street:**

Traffic Safety Officer Franco stated this resident does not have any place to park but she is not the only one in Fair Lawn. Deputy Mayor Etler stated she tried to rent space would could not. Traffic Safety Officer Franco suggested a place on the corner of 3<sup>rd</sup> Street and Fair Lawn Avenue. Deputy Mayor Etler suggested giving her a parking sticker every six months. Deputy Mayor Weinstein felt she should explore the parking lot that Traffic Safety Officer Franco recommended. Manager/Municipal Clerk Kwasniewski stated she will send her a letter advising her to speak to the owners of the lot. Deputy Mayor Etler stated that pending refusal from the owners the Borough should give her a three month extension. Councilmember Caan felt it should be extended until the next Work Session, Deputy Mayor Weinstein thought it should be extended for one month. Deputy Mayor Etler suggested that Manager/Municipal Clerk Kwasniewski notify her by letter to see if she can make arrangements and to extend her permit monthly.

There was a unanimous consensus to advise the resident of a parking area and to extend her parking sticker monthly.

**Status of Defibrillator:**

Councilmember Caan stated this was discussed a month ago when the Police were here demonstrating how it works. He hoped to go forward with this in four locations, Borough Hall, the Senior Center, Dobrow complex and Memorial Pool. They are easy to use and there is a course for people to take. He felt it was important to have them. The pricing is between \$2,300 and \$2,500 each. Manager/Municipal Clerk Kwasniewski stated she had asked Superintendent Frey to include this in his budget request. Deputy Mayor Weinstein said he was concerned about it being used improperly. He did not think it was needed in Borough Hall since the Police are here. Deputy Mayor Etler stated he did not see a need for this. He did not think the Borough should supply these and they are not necessary. Manager/Municipal Clerk Kwasniewski suggested approaching Rotary to see if they would pay for them. Councilmember Caan stated that the AM Rotary was doing it for the schools. Manager/Municipal Clerk Kwasniewski stated that the Fire Marshal had asked for two to put in their cars and she thought that Rotary might fund it. Councilmember McCarthy felt there could be potential liability if someone isn't trained to use it the results could be catastrophic. He felt people would have to be trained. Councilmember Caan stated that somewhere along the line people would be trained to use it. Currently there is no device in Borough Hall. At the pools the life guards are trained for CPR, at the Senior Center the Director and Assistant Director should take the course. The sports people should take the course so they could use it too.

Deputy Mayor Weinstein suggested speaking to Chief Rose about placing them in Borough Hall, the Senior Center and the Library. Deputy Mayor Etler asked that this be placed on the next Work Session agenda.

### **Substitute Prosecutors:**

Attorney Lustgarten stated that he was still working on this and requested that it be placed on another Work Session agenda in two or three weeks.

### **Status of Planners:**

Attorney Lustgarten said the questions was if the Borough would pay the reimbursables. Manager/Municipal Clerk Kwasniewski suggested adding plus reimbursables to the resolution.

### **Amendment to Land Development Ordinance (Minutes):**

Attorney Lustgarten advised that he added the word "may" be deleted after six months because there may be minutes of such public importance that the Boards or the Council may feel they should remain for a more extended period of time. If they chose to use "shall" be deleted after six months, the minutes would have to be deleted. The word "may" makes it discretionary, but certainly authorizes the minutes to be deleted after a six month period. Manager/Municipal Clerk Kwasniewski stated that Mayor Ganz felt the word "may" should be used. Deputy Mayor Weinstein stated he wanted to protect the people. Attorney Lustgarten advised they should let the public have access to all of the minutes and records. Councilmember McCarthy wanted to leave it as "may". Deputy Mayor Weinstein wanted to try it and see what happens. Attorney Lustgarten felt it gives them flexibility. Councilmember Caan agreed with using the word "may". Attorney Lustgarten advised that they can revisit it. He felt it would unclutter the website. Councilmember McCarthy stated again that hard copies would be still available.

There was a unanimous consensus to use the word "may" in the ordinance.

### **Recreation Center Performance Bond and Permit Fees:**

Attorney Lustgarten stated he disagreed with the trustees who feel they do not have to pay for the permits. Manager/Municipal Clerk Kwasniewski stated that the trustees should have received a Performance Bond from March Associates. She has not seen a contract yet. Manager/Municipal Clerk Kwasniewski stated she had received a grant that has to be used for the Recreation Center and thought they could use the grant for the permit fees and the sound system. Attorney Lustgarten advised that it should be carried for two weeks.

### **Land Surveying Services:**

Manager/Municipal Clerk Kwasniewski stated that last year they had appointed Azzolina, Feury and Raimondi Engineering Group as the land surveyor at the Reorganization meeting but this year they did not. She needed to know if they would like to reappoint them as the land surveyor. Deputy Mayor Etlar asked that it be deferred until Mayor Ganz was present.

### **Dates:**

Memorial Pool Weekends - Manager/Municipal Clerk Kwasniewski stated she had sent a memo about the dates for Memorial Pool. She wondered about the three weekends in June since the opening date is June 22.

There was a unanimous consensus to open the pool on Memorial Day weekend and the following three weekends in June.

Fireworks - Manager/Municipal Clerk Kwasniewski stated they never hold the Fireworks on the actual date. She suggested they hold it on June 30 so they can catch the people before they go away. Deputy Mayor Etlar questioned the sponsorship. Manager/Municipal Clerk Kwasniewski stated that Commerce Bank wants to be more involved and they expect to have the regular sponsors.

There was a unanimous consensus to hold the Fireworks on June 30 with a rain date of July 2<sup>nd</sup>.

Budget - Manager/Municipal Clerk Kwasniewski felt the Council should dedicate the month of February to Budget meetings. She suggested they meet on two Saturdays, February 5 and 26 at 8:30 a.m. then have three meetings one before the regular meeting on February 8 at 6:00 p.m., one before the Work Session on February 15 at 6:00 p.m, and one on February 22 at 6:00 p.m. before the regular meeting, with all of the meetings to begin at 8:00 p.m. Councilmember McCarthy suggested they keep all of the meetings here at Borough Hall.

There was a unanimous consensus to cancel holding the meeting at the school.

There was a unanimous consensus to change the meeting times to 8:00 pm.

There was a unanimous consensus to hold the budget meetings on the dates as suggested by Manager/Municipal Clerk Kwasniewski.

### **Special Meeting - Removed**

### **Online Payments:**

Councilmember McCarthy stated he had checked the website and felt the information should be in bold so that the residents can see that there is fee. He is concerned that they will not know that a fee is associated with this online feature. He suggested they make a prominent disclaimer.

### **Miscellaneous Public Comments:**

Howard Hyde, 13-07 Ellis Avenue, asked if any private money has been donated for the Recreation Center. Attorney Lustgarten advised that no private money has been donated yet and when it has been it will be reported.

Mr. Hyde asked about the paving of Ellis Avenue. Manager/Municipal Clerk Kwasniewski stated she would check the list of the streets to be paved.

**Closed Session:**

Upon motion by Councilmember McCarthy and seconded by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 9:17 p.m.

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

**WHEREAS**, the Mayor and Council of the Borough of Fair Lawn desire to discuss Personnel; and

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

**WHEREAS**, public disclosure of the results of these discussions shall be made relating to Personnel upon appointment by the Borough Manager and or the Mayor and Council within 30 to 45 days; and

**WHEREAS**, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Governing Body of the Borough of Fair Lawn.

**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 Caan and a second by Councilmember McCarthy, the meeting was adjourned at 9:49 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Absent  
Mayor David L. Ganz

\_\_\_\_\_  
Councilmember Allan Caan

Deputy Mayor Martin Etlar

\_\_\_\_\_  
Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein