

## SPECIAL MEETING AND WORK SESSION OF APRIL 17, 2002

Mayor Ganz called the meeting to order at 7:30 p.m.. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

PRESENT: Mayor Ganz, Councilmember Amato, Councilmember Caan, Deputy Mayor Etlar and Deputy Mayor Weinstein.

Also present: Manager Sacks, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Proclamation - Ramon Foreman - Mayor Ganz stated that the Council will honor a genuine hero of Fair Lawn for act of bravery. Municipal Clerk Kwasniewski read the Proclamation.

### ORDINANCES: SECOND READING

Mayor Ganz welcomed everyone to the adjourned meeting from earlier this month. They are here to discuss Ordinance 1903-2002 and to continue the public hearing on the ordinance as amended. He has been approached by a number of people who have concerns that are outside the technical scope of the ordinance the Council is considering. They will entertain all comments that relate to the Ordinance, smoking in general and the high school.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, it was unanimously agreed to read the following ordinance by title and continue the public hearing on the ordinance as amended.

Ordinance No. 1903-2002

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC" MORE SPECIFICALLY SUBSECTION 232-11 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" AND SUBSECTION 232-13 ENTITLED "PARKING TIME LIMITED ON CERTAIN STREETS"

Arlene Liebman, Secretary of the Fair Lawn High School P.T.A. read the following statement from Marianne Pettineo who was not able to be present this evening. "A special note of thanks to all the Fair Lawn residents who came out to sign our petition and/or attend the Borough council on march 26th, regarding the removal of parking spaces near the high school. Your support was sincerely appreciated by the PTA and the students.

Unfortunately, due to standing-room-only crowds, someone called the Fire Marshall and the public speaking portion of the meeting was postponed. I was the only person allowed to speak before the Marshall arrived, leaving many parents and students frustrated. A new public meeting has been scheduled, however, for Wednesday, April 17th, at the Thomas Jefferson Middle School. The meeting will take place at 7:30 p.m. I know this meeting date will be more convenient for many of our families who were either attending the Thomas Jefferson play on March 26th or preparing for Passover. We hope that you will take advantage of this second opportunity to voice concerns.

The PTA would like to publicly thank two members of the Borough Council, Allan Caan and Steve Weinstein, who took time out of their busy workday to meet with Mrs. Panella, several student representatives, and myself the morning of March 26th. We presented many issues and suggestions that were taken into consideration, and this meeting helped to give the Council a clearer understanding of our concerns.

The PTA chose to become involved in this issued ONLY after a series of negative stories began appearing in three local papers, on a local news channel and also on a talk radio program. The real victim in this type of negative campaign: Our Town. I sincerely hope that people will not hear the name "Fair Lawn" and think of us as that bickering community, with an entire high school of smokers and litterbugs, and blocks and blocks of complaining neighbors. The PTA was extremely distressed as was our student body, to see all Fair Lawn High School students portrayed in such a negative light. I know that the parents and students present on March 26th sincerely appreciated the comments from the councilmen who chose to stress the fact that the large majority of our high school students are good kids and that only a small portion of students were responsible for this situation.

The PTA's other concern was the issue of parking spaces being removed from not just Orchard Street, but the surrounding streets of Burbank, Fairclough and Lexington as well. One of our neighbors has vowed to keep coming back to Council meetings until parking from these streets are removed as well. It should be noted, however, that we have some residents from Fairclough and Burbank that have signed our petition, do not have a problem with students parking near their homes and do not want their parking rights removed. In addition, Councilmen Caan and Weinstein have indicated they will not support an ordinance to remove parking from additional streets. Unfortunately, I do not know how the rest of the Council feels on this issue. Therefore, until we get a

consensus from the majority of council members that further parking will not be removed, we still have to consider this an issue.

It has been the PTA's position that the only true way to remove litter (including cigarette butts) is to enforce our strengthened litter ordinance that went into effect on April 2nd. Any person who receives a summons for littering must now pay a fine, appear in court and do community service. Removing parking spaces does not necessarily remove litter. Why not punish the guilty parties, instead of punishing all the students, parents and citizens who sometimes need to park across the street from the high school. A police officer is parked in front of our school on a daily basis. Doesn't it make sense to have that officer leave the car and issue summonses to students who litter?

Many parents are upset to see children smoking at all near the high school. Fair Lawn High School, through a generous grant from the Alliance for Substance Abuse Prevention, provides a "Smoke Enders" program free of charge for our students. Why doesn't the Council come on board with us and support these efforts to curb teenage smoking by forming an ordinance that prohibits children under the age of 18 from smoking? Children who cannot smoke in public will not be able to litter public streets.

Quite honestly, many parents are confused about this whole issue. Several parents have made it a point to drive up and down Orchard Street before, during and after lunch hours, only to find a handful of cars. There were no large crowds of students smoking, and the streets were clean. The Record ran a story on April 4 on this situation, and came to our school at lunchtime with a photographer. I guess the hope was to catch a picture of the large "smoking crowds" across the street. Instead, a photograph of two student smokers accompanied the article and a paragraph further into the story stated "Parking on Orchard was legal on Wednesday, but few students could be found in the residential neighborhood."

Mayor Ganz has stated publicly that there was a lot of 'misinformation' circulating, and that the Town Council is giving the high school over 100 new parking spaces, including 60 new spaces opposite Sasso Field. The Engineering Department will supposedly be marking out the spaces and a true count will be obtained shortly. I, too, feel the public was misinformed. At the March 26th meeting, Mayor Ganz stated that "thousands" of cigarette butts were collected "daily." Even a recent letter sent by a neighbor has her count at "an average of 42.6 cigarettes per day."

Can our high school survive the removal of 40 parking spaces? Of course it can. However, it has always been the larger issue, the principle of how this came about, the negative comments about our kids, the threat to take away even more blocks of parking, and the barrage of parking tickets aimed specifically at high school students, that really aroused the anger in our parents. With the change in state law prohibiting smoking on school grounds, there will always be students and adults who will cross the street to smoke. One parent saw a resident smoking in front of his house. When he was done - you guessed it - he dropped the cigarette to the sidewalk and stepped on it. Hopefully, this won't be gathered up as more "evidence" against a high school student.

One additional note: Should the parking ban go into effect on Orchard, it is our hope that the parking rules and regulations on that block will be enforced with the same zest that was apparent in the two-hour parking zones, which had students being ticketed on a daily basis while attending school. In other words, landscapers, contractors, plumbers, etc. should not receive special immunity from parking tickets.

The PTA is hopeful that the Town Council, Board of Education, the students and the neighbors will work together to come to a peaceful solution. Again, negative stories and negative comments only hurt the reputation of our entire town."

Arlene Liebman, 40-02 Ackerman Drive, read the following statement: "Thank you Mayor and Council for allowing our voice to be heard this evening. I have been a resident of Fair Lawn for 34 years, and I am a graduate of Fair Lawn High School. I am President of the Thomas Jefferson Middle School PTO, vice-president of the Fair Lawn High School Friends of Music (and now nominated for President for the next term), and Secretary of the Fair Lawn High School PTA (and now nominated for vice-president for the next term). In addition, I chaired the Change for America program in November of last year, with the support of the Fair Lawn PTA Council and the Fair Lawn Board of Education. I was so appreciative to have Mayor Ganz as one of our speakers, and to have several members of this council attend, honoring the individuals and families who lost so much as a result of the 9/11 terrorist attacks.

In addition to my many venues of volunteer work, I am the mother of three wonderful sons, two of whom are High Honor Students at the high school, and my youngest at T.J. My sons in the high school are among the majority of the students who do not smoke, do not loiter in front of the homes near the schools, and do not yet have their license. They are in the vast majority of the students of our high school who work hard to make our school a better place, and feel penalized for the actions of those who have been unable to heed the requests of the neighbors. I am happy to say that I devote many hours of my day, every day, to at least two if not three of the parent organizations I am involved in. I am often at the high school three, four, and even five times a day, either for my children and their many activities or for the parent organizations I volunteer my time for.

The parents and students of Fair Lawn High School have expressed our support for the issues raised by the neighbors regarding

littering and loitering. We agree that to have your property desecrated is wrong. Our borough also feels that this is wrong, and has recently passed an ordinance making the fines and penalties for littering stronger. We are in full support of this ordinance, with the assurance that the enforcement of this law will apply equally to every member of the Fair Lawn community.

The request for the elimination of parking on Orchard Street during school hours has become the be all end all solution for some of the neighbors. I cannot say that all of the neighbors are in support of this request, and contrary to the signing of their petition, several neighbors stated at the meeting last month, that if the littering was eliminated, "the kids could park there all day long, for all I care." The 20 pages of signatures of our petition, which we will submit tonight, includes the signatures of residents of Fair Lawn, some of whom live on Fairclough, Burbank, and Berdan Avenues.

The residents of Orchard Street may get their wish tonight, and parking on their street will be eliminated during school hours, even in the summer time, perhaps for many years to come. Residents of Orchard Street, I sincerely believe that you will one day regret your request. Not only will the students and visitors of the high school be affected, but you will as well. Perhaps when you decide to take a week off from work, you will invite a few friends over for lunch. Make sure you tell them that they must park a few blocks away from your house, because they won't be able to park in front of your house or anywhere on your block. Make sure that when your landscaper comes to do your property, or your repairman comes to fix an appliance, they park in your driveway or on the other streets, because they can be ticketed as well.

Make sure that even when it is 25 degrees and snowing outside, or perhaps simply raining, your friends and relatives understand that they will no longer have the convenience of parking close to your home, but will rather have to walk a three to five-minute walk instead of a one minute walk, just as our students will have to do in order to get to the school. Keep in mind that I also hope they won't be carrying backpacks and musical instruments or baseball equipment that weighs 30 pounds as our children do.

During the past few weeks, I took it upon myself to take photographs at different times of the day, during the course of three different days. If you look carefully at these photos, you will see that prior to lunch, Orchard Street is not filled with cars, and Berdan Avenue is virtually empty. You will also see that during both lunch periods, maybe fifteen students are seen outside of the school, none of which are standing on anyone's property. On two separate days, I also took photographs of Orchard Street and various properties, so that we could see what kind of littering actually was left behind after the students were dismissed. I have to say, that the street and the properties looked pretty clean, except for a few cigarette butts and a bottle here and there.

Perhaps the message has finally sunk in, and the threat of a severe littering penalty has finally scared those students who were persistently being disrespectful of our neighbor's properties. Perhaps our students and administration have been successful in swaying these students to find alternate solutions. The 29 residents of Orchard Street have spoken quite loudly, and have publicly made their demands and grievances known on television, in the newspaper, and on the radio. This small number of people has obviously been heard by the Borough Council, while the parents of our high school respectfully allowed the representatives of our community to investigate the issues and act in what we hoped would be a satisfactory solution for not just the 29 residents, but the many licensed drivers who park near the school on a daily basis.

With the enforcement of the littering law put into place simultaneously with this parking ordinance, it will be impossible to truly determine which law had an effect on the improvement of the properties' conditions. I ask that the borough not act hastily. Give the littering law some time to prove its effectiveness, and along with the construction of the parking lot adjacent to the school that has been proposed, the ordinance to eliminate the parking during school hours may not be necessary. I also ask that at least one set of doors, the main entrance doors with the handicap accessibility, be kept open during school hours and during evening events. And for the neighbor who wrote me a four-page letter suggesting a buzz in system for the high school, I think it's a great idea. A system such as that is quite costly, however, and with our budget unfortunately not passing, it is unlikely that this can be considered an immediate option. The suggestion of a multilevel garage is also wonderful, but not realistic.

The ordinance has been created to directly impact our high school students, but it will impact the Orchard Street residents and the rest of our town as well, who now know that if they get their neighbors together and sign a petition, they can get a new ordinance created as well. I understand and agree with your concern for safety on the street, and feel that alternate side of the street parking makes sense for a 24-hour period. I hope that the support of our request to reconsider the ordinance as it is now written, as demonstrated by the many faces here tonight will have the same impact on your decision making process as did the petition signed by 29 residents of one block. Thank you for your time."

Leon Wender, 7-22 Manor Avenue expressed concern that the people are not receiving tickets for littering and loitering. He did not think the Council should be encouraging smoking.

Joan Hughes, 12-63 4th Street, stated she was present at the April 2 meeting when they decided to amend the ordinance. She did not think that it was right that they amended the ordinance without the public having heard. She pointed out that the Mayor had said that an ordinance needs six months to be evaluated. The litter ordinance has not been enforced or evaluated so she did

not understand how it could be determined that it was ineffective. Parking tickets have been issued. She suggested that they consider alternate side of the street parking and to give the littering ordinance a change to be effective. She noticed on Friday morning many smokers around the municipal building. She picked up about 100 cigarette butts. The police should start enforcing the littering ordinance at their own front door. She felt the school is in session language was going to make the restrictions very confusing.

She encouraged everyone to vote and keep the Council accountable.

Bob Starr, 3-02 Lambert Road thought there was sufficient room on Orchard Street for emergency service vehicles. On March 23 the Make a Wish Foundation Charity event occurred. Cars were parked in the fire zones and they did not get tickets. He thought it was student profiling. He thought it was strange that the Fire Marshal came in when the people from the High School came up to speak.

Harlan Rosenthal, 38-36 Vanore Drive, stated he has a son who is a junior in High School who does not drive or smoke. He thought they should be punishing those causing the problem not everyone. If someone blocks a driveway, they should be ticketed. He believes that people will park on the next street. He felt strongly that the people responsible should be punished.

Mark Gorman, 38-35 Wilson Street advised that the motor vehicle laws have been changed so that only one passenger is allowed in a car driven by a young driver. The parking problem is going to get worse. Parking has been a problem for a very long time. He mentioned the commuter parking problems that led to more and more streets being restricted. He thought the same thing will happen with this situation. He asked them to think of the future.

Andrea Rickett, 14-13 Berdan Avenue, stated that on October 8 a letter came from Superintendent Watson addressing building security and asking that all doors be secured. Visitors are to sign in and get a visitor's pass. She has walked through the halls in the High school without anyone asking her if she had a pass. No one was stationed at the front door. It is not the neighbors requesting that the doors be locked. It came from the Superintendent of schools.

Steve Rickett 14-13 Berdan Avenue stated he called the police about the parking during that charity event and they did not come. He showed a picture of the litter outside their house. One resident collected more than 6000 cigarette butts from September to February 28. He picked up 82 cigarette butts, four bottles and two napkins today. The residents went to the High School at the beginning of the school year and they were told it was not the School's problem, go to the Borough. If the School had been willing to work with the residents in the area, today would not have happened. He has lived in his house 28 years. This last year has been horrible. He refuted many of the statements that have been in the newspapers and made by the PTA members. He does not agree with the law passed by the State. He wondered why the high school did not do anything in the year they knew the law was coming. He calls the police all the time which is what the High School administration told them to do. The residents are not thrilled about changing the parking but neither are they thrilled with the litter. He thought if the ordinance had been enforced, the problems could have been solved earlier. He does not believe that the High School can just tell the smokers to go across the street. He did not think it was unrealistic to have the night school use the parking lot in the back of the school. It is only since the police began to give tickets in the last four months that the emergency service vehicles can get through Orchard Street. He concluded that most of the problems that exist could have been worked out if the High School had worked with the residents.

Adam Stritch, 40-18 Marie Court, a junior at the High School with impressive credentials wanted to know the correlation between parking and littering. He thought moving the parking would just move the littering problem. It is unfair that parking is being eliminated because of littering. If they were adults, this would not be happening. It does not appear that anyone is receiving tickets. He thought if people got tickets, littering would stop.

James Winsel, 14-03 Berdan Avenue explained the correlation between parking and littering. Cars would be parked between 8:00 a.m. and 3:00 p.m. When they leave there are bags from Wendy's, McDonalds, etc. The majority that smoke there do not drive there, but many do. He has collected more than 4600 cigarette butts from his property since October. Now that it is warm, the litter is on the rise. He stated that according to the master plan the students are not supposed to enter or leave by the Berdan Avenue door. If the school had enforced its own rules, this might not have been necessary. He understands the problems on Orchard Street even though he lives on Lexington Street. None of the residents ever made derogatory comments. They know it is a minority of the students. The residents just want some relief. The Board of Education is considering a \$30 million bond issue. He thought they should consider a multilevel parking garage. If the students were oriented toward the back of the school, it would keep the problems off the side streets. It is important for the safety of the students to have the doors locked. He thought the security systems that are going to be installed in the elementary and middle schools should be instituted at the High School. residents have nothing against the students or their parents. They just need relief.

Alison Peters, 19 Ramsey Terrace, and a junior stated that she thought littering was a major problem in the world. She thought it was ridiculous to get rid of parking to control littering. The

doors have been locked. She felt it was confusing for the students who do smoke. She disagreed with giving them a place to smoke. She objected to the extra minutes that they have to walk because the students have to carry very heavy packs and sports equipment.

She thought alternate side of the street parking was a good idea. She thought they should see if the littering ordinance works before taking away parking.

Sal Feola, 12-23 Lexington Street stated he feels like the victim. He is being attacked because it is his property being littered. He thought the students should smoke where it is designated as a smoking area. They should park where it is allowed. He thought they should park at Sasso field. The garbage was not there in the morning but it was there after school. The neighbors do not litter on their own property. They had many meetings since the beginning of school. The residents have tried to work with the school and the School Board to no avail. The students are still going in and out of the side door. They are now parking on Lexington Street since the police are issuing tickets on Orchard Street. He wanted to know what happened to the 50 spaces the Borough Engineer designed.

Richard Bottner, 41-98 Reiss Terrace and student representative to the Board of Education stated that Ms. Panella has sent memos and made announcements over the public address system asking the students to respect the residents. Designated smoking areas have been set up. Despite their efforts, the students are being treated like second class citizens. The majority of students who drive cannot park in the high school lot. The graduated driving licenses have made the situation worse. He expressed concern that the threat exists that other streets will have parking restrictions placed on them. They have worked diligently to please the neighbors. He did not think the ordinance will alleviate the littering problem. The trash might go away, but the cigarette butts will not. He did not believe that the ordinance was fair or beneficial. Property values are dependent upon the school system. He presented a petition asking that the ordinance not be adopted.

Marie Tramonte, 14-03 Berdan Avenue stated she was tired of being portrayed as a simpleton and that she should have known better than to buy a house by the school. They have lived in their house for 13 years. Six years ago she asked if they could have a closed lunch but they were told they could not to do that because they did not have enough room for all the students. She was not about to be chased out of a home she worked very hard to get and then improve. They anticipated some problems including heavy traffic, loud noise and speeding. They are asking that the High School become a better neighbor. This year has been the worst. On Monday there were 30 kids on the lawn. She cannot even leave her windows open. She has no lawn left. She has handed drug paraphernalia and condoms to Ms. Panella. There have been three fist fights on her lawn. If someone is blocking her driveway, she has called Ms. Panella and asked her to make an announcement, but she was told to call the police. She does not understand why the parking lot is not used at nights and on the weekends. She did not understand why the buses have to keep their engines running. She thought the Borough owned a section of land where the students could smoke. Mayor Ganz advised that it is not Borough property. It is Board of Education property.

Mrs. Tramonte thought the doors should be locked for safety reasons. She thought it was sad that the students cannot walk the extra few minutes. The High School is responsible for the students from 8:00 a.m. to 2:30 p.m. and they are not providing adequate supervision. She too has pictures showing the blatant disrespect. She has a right to have a safe, clean home.

She should not to have to come home to a mess every day. They tried to remedy the situation for a long time. They have tried meeting with the school. When there is no school, there is no trash. The Council rewrote the ordinance which they are going to vote on tonight. It was not passed at the meeting last week. She reminded the students that the residents have rights too.

Ella Levy, 12-57 Second Street stated she has never seen fist fights or sexual activity when she has picked up her children. She never sees students standing on other peoples property.

Jim White, 10-02 Essex Street wondered if they had considered installing cigarette receptacles.

James Schechter, 38-23 Brookside Avenue, expressed concern that the school budget was defeated. Mayor Ganz ruled Mr. Schechter out of order because the school budget was not germane. Mr. Schechter expressed concern that there will not be an end to restricting parking. He suggested that they write to their Congressman, Senators and Governors since the problem is much larger than parking including drugs and alcohol.

Leonette Rosenbaum, 38-36 Vanore Drive did not know how many of the litterers and smokers were actually present tonight. The inaction of the administration has resulted in drastic action. She wanted to know what the residents considered a fair solution. Enforcement could make a difference because it would target the offenders.

Mr. Rickett stated that they have no control over the high school administration.

Ellen Tanner, 0-30 Hamlin Court and a member of the Health Officers' Tobacco Coalition indicated that the Coalition was greatly opposed to leasing the property to provide an outdoor smoking area for students. It is illegal to purchase cigarettes. The Borough is encouraging disrespect for the law and encouraging a deadly habit. They encourage the Council to explore alternatives to providing a youth smoking area. She suggested forming a task force to look at the broader problem of youth smoking and littering. Ramsey has an ordinance prohibiting smoking within 1000 feet of the school during school hours. Tobacco is a gateway drug. They want to encourage students to take a more healthful approach.

Frank Cino, 4-09 Plaza Road stated that the students recognize the safety issues on Orchard Street. He felt that alternate side of the street parking is the solution. He pointed out that the other issues raised while valid had nothing to do with parking.

Matt Keenan, 39-09 Romana Drive felt the Fair Lawn Police Department does not enforce the rules. They should be part of the solution.

Regina Carlson, Executive Director of NJ GASP a statewide anti-smoking program that provides information and technical assistance to governments presented statistics about young people smoking, She thought setting up another place for students to smoke undermines the intent of the law. If a municipality allows young people to smoke, it is tacitly allowing and encouraging the violation of the State anti-sale to minor laws. State curriculum requires that anti-smoking and anti-tobacco education must be given to students in grades K through 12. To teach that smoking is wrong and then to allow it negates what they are trying to teach. New Jersey colleges are making their campuses and dorms smoke-free. She thought it was a step backward. Municipalities are making public lands smoke free. She recommended a town-wide program creating an environment that encourages health not addiction. She concluded that her organization is ready to help the Council.

Daniel Dunay, 30-02 Garrison Terrace, student government president at the High School reviewed the events of the past few months. He detailed the efforts the students and the High School administration have taken to respond to the request to limit the litter and loitering around the school. If the Council adopts the ordinance, it will say that all those efforts were for nothing. They will be saying that the students are second -class citizens. He asked the Council to reconsider the ordinance.

Jaime Taylor Tomko, 1-39 28th Street a member of the Fair Lawn Health Advisory Board and coordinator of the Communities against Tobacco Coalition in Bergen County was disheartened that the Council would lease property for use by the students to smoke. She thought the Council should address public policies, education and legislation. State law says there is no smoking on school property. She felt the Mayor and Council will be finding a loop hole in State law that prevents smoking on school property. She asked that the Council not condone smoking. She asked them not to lease the property.

Liz Panella, principal of the Fair Lawn High School stated that the best solution is not smoking. The School has asked for an ordinance to ban smoking within 1000 feet of the school. They have a smoke-enders program. Fourteen years ago there were only 1,000 students. Today there are 1,500. In two years they estimate there will be 1,700 students. They are overcrowded. They have reduced their lunch periods but there is not enough room to seat all the students. She appreciated the efforts of the student government and the PTA She felt strongly that a no smoking ordinance and the littering ordinance will be the best solutions to the problem.

Sister Margaret Lopez from St. Joseph's Convent representing the American Cancer Society and supporting the GASP Coalition and the Communities Against Tobacco asked the Council to reconsider leasing a space for teenagers to smoke. She mentioned the Communities of Excellence program to develop programs to keep youth from smoking and encouraging adults to stop. She offered her assistance.

Rich Tomako, 1-39 28th Street, Assistant Principal in a municipality in Central New Jersey was instrumental in getting an ordinance passed to ban underage smoking within 1000 feet from the school. The students know their rights. They know that it has to be enforced by the town when they leave school property. The enforcement is difficult. He gives the police names of students he witnesses smoking. They are fined and so are their parents. He suggested that it is a viable solution that will also help the littering problem.

Mr. Jackson of the American Cancer Society felt they need to help youth get into programs available to them. He encouraged the Council not to encourage the youth to smoke and asked that the Council not give them an opportunity to smoke.

Richard Carpenter, 18-13 Greenwood Drive thought there was two issues. He did not see how the parking and litter are related. The Borough is too cheap to bus them so parents have to drive them because they have to carry too much to and from school.

Upon a motion by Deputy Mayor Etlar and a second by Councilmember Amato it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etler and a second by Councilmember Amato, Resolution No. 169-2002 adopting Ordinance No. 1903-2002 was discussed.

Mayor Ganz stated that he has taken into consideration everything that has been said. It is important to understand that they have heard claims that the Board of Education is at fault, that the Council is at fault, that the Orchard Street residents are at fault and that a small minority of students is at fault, but he has not heard the word compromise from anyone. The Council did not say it was going to eliminate parking spaces for all high school students. There are 39 spaces on Orchard Street and the Council has replaced them with more than 135 spaces at Sasso Field and by consensus has agreed that it will put an additional 40 to 60 spaces by the corral. The Council has agreed to pay for this and to do it this year.

Parking on both sides of Orchard Street is a safety hazard. The students have to be willing to accept different parking spaces in different locations. The simple solution is that they get something that is on wheels. Commuters have to walk distances. The ordinance is not going to eliminate smoking which is a societal problem. It is necessary to provide relief to the residents who have made their case. They are entitled to relief. The ordinance will sunset at the end of the year. He urged the Council to adopt the ordinance with the amended language.

Deputy Mayor Etler agreed with the Mayor. The people on Orchard Street, Fairclough Place, Western Drive, 12th Street and Lexington Street have real grievances. He has seen the students eat in their cars and drop their trash onto the sidewalk. The ordinance is the first step. Other things may also have to be done.

Deputy Mayor Weinstein stated that he has attended many meetings on this problem. The ordinance is a compromise; 19 spaces for 135. It is only one way to resolve this issue.

Councilmember Amato stated this is a severe long-standing problem. This Council would be irresponsible if it did nothing. He supported the ordinance. It is not just to help a few people. It is reflection of the community. The ordinance is not the only solution. Added enforcement and stiffer fines are needed.

Councilmember Caan stated that the ordinance is only one solution of many that are being brought together. It is being done on a trial basis. The Council will have to take an affirmative action or the ordinance will die. Smoking is one issue. Garbage is a separate issue. They have seen that the garbage is from the fast food restaurants that are not within walking distance. This ordinance is one of the many efforts they have tried. If it is not the right solution, there is a remedy. The safety issue is a valid one. He did not think parking should be permitted on both sides of the street at any time. Additional enforcement of the ordinance will have an impact.

Deputy Mayor Etler stated that the Council fast tracked with the Board of Education to provide for at least 100 spaces on the corner of Berdan Avenue and Fairclough Place. The Council has provided additional spaces.

There being no further comment, Resolution No. 169-2002 adopting Ordinance No. 1903-2002 was unanimously approved.

Review of Tentative Agenda - 4/23/02 - Mayor Ganz asked the Municipal Clerk to add the presentation of the proclamation to the Fair Lawn Hero if he can be present at that meeting. A closed session for personnel will be added as well. Attorney Lustgarten stated that Councilmember Caan thought the ordinance needs some refining. He suggested that if the chair approves Councilmember Caan can present his suggestion for consideration and perhaps an ordinance could be introduced at the next meeting

Councilmember Caan thought there might be some confusion because of the hours during the week. He proposed that the alternate side of the street parking be extended for the entire year. Mayor Ganz noted that Joan Hughes raised this issue and he thought it was a good suggestion.

The consensus was to have Attorney Lustgarten draft an amendment to the ordinance for introduction as soon as possible.

Discussion of Defeated School Budget - Mayor Ganz explained that the Council has very specific responsibilities regarding the defeated school budget. Attorney Lustgarten distributed a general time line of the procedures. Attorney Lustgarten explained that procedural the Board of Education has to transmit the defeated budget to the Council by Thursday. The Council has to meet with the Board of Education to discuss cuts. The Council has to make a decision by May 19. He suggested that April 30 be considered for a special meeting. The Council must adopt a resolution detailing each cut by line item. The Board of Education is not bound by the cuts in the specific line items just the total.

Mayor Ganz suggested that they ask CFO Eccelston, Manager Sacks and the auditor for their input.

The consensus was to ask the Chief Financial Officer, the Manager and the auditor for their recommendations. Manager Sacks will notify the individuals involved and staffing out to anyone else who can offer assistance.

Attorney Lustgarten will recuse himself on any substantive discussion since his wife is a teacher at Radburn School.

ADJOURNMENT - Upon motion of Councilmember Caan and a second by Deputy Mayor Etlar the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

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