

WORK SESSION OF MAY 15, 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, Municipal Clerk Kwasniewski and Attorney Rosenberg

Review of Tentative Agenda (5/22/07):

Municipal Clerk Kwasniewski added an Award of Bid for Paving. Councilmember Trawinski asked if a report was received on off track improvements.

Jasper Road, 2nd Street and Paterson Street Flooding Problems:

Engineer Ken Garrison and Superintendent Ron Conte were present.

Mayor Weinstein reported that he had visited several flooded homes. He asked what could be done to prevent this from happening again. Councilmember Trawinski stated that one of the things he learned last time was that OEM always did a critique, not looking to find fault but to determine what can be done better. He wanted to make sure that if that has not been done by OEM Coordinator Marks, that it is done and shared with Council. He felt residents should be contacted and apprised of their efforts. He questioned if FEMA funds could be obtained to purchase and demolish the house on Second Street seriously damaged by flooding.

Manager Metzler reported he met with OEM Coordinator Ira Marks to evaluate procedures and determine what policies should be implemented. He stated that 20% of the total funding released by the Government for an area was dedicated for mitigation. A community needed to have an approved mitigation plan in order to be eligible for funding. Fair Lawn had submitted data two years ago for a county-wide mitigation plan but it was never developed and their data was turned over to the Meadowlands Commission. Currently there is no an approved mitigation plan in place. He stated that the OEM Coordinator was meeting with FEMA. He will present the mitigation data submitted to the County to show that they had fulfilled their requirements and would seek approval for their individual plan until they became part of the County plan.

Manager Metzler reported that the soil samples from Memorial Pool showed no contaminants although sand would be replaced due to silt deposits.

Councilmember Trawinski asked that the Manager's evaluation of the flood procedures be put on a future agenda as he felt they owed the residents an update. Manager Metzler stated the sewer backup could not have been prevented. The failure took place due to a lack of communication. The decision not to open the EOC was an error. They need to better educate the Department Heads that they can get the EOC open.

DPW Superintendent Conte discussed their ten pump stations and stated that South Siphon and North Siphon were the two main exit points to the Passaic Valley line. Paterson has a combined storm/sewerage system so both rain and sewerage was going into the same line. They had three

pumps running at 3,000 gallons a minute. A by-pass pump is automatically activated when the water reaches a certain height to alleviate flooding at the Radburn and Saddle River Road stations. This was activated immediately but they were unable to keep up with the amount of water overloading their system on Second Street. There was also one motor burned out at the Canger station. He looked into installing check valves and manhole cover bowls but they were not viable options. Councilmember Trawinski inquired if they could have by-passed the back up at Chittenden and gone directly to the Saddle River station. Superintendent Conte stated they had done that. He explained they had the capability at South Siphon to open a floodgate but could not do so as the floodgate was four feet below the river.

Councilmember Tedeschi asked about pump maintenance. Superintendent Conte explained that all 24 pumps are serviced monthly. Motors are rewound and re-baked according to number of years and hours of operation essentially creating a new motor. Superintendent Conte stated there had not been any system failures. Councilmember Trawinski questioned if they could request Passaic Valley Water take steps to correct Paterson's system. Manager Metzler explained why options such as individual check valves on Jasper Road was not a viable plan. He stressed the most important issue was that the system did not fail.

Deputy Mayor Etlar stated Passaic Valley Water had plans for expansion that would increase flow. Councilmember Trawinski felt that Fair Lawn residents would foot the bill for that expansion. He felt they should advocate in the legislature so that does not happen. He felt residents should be prevented from putting toys covered with sewerage out on the curb as they may be picked up by people unaware they were contaminated with bacteria. Manager Metzler stated in the past the Recycling Department acquired special permits and were able to service affected areas on a daily basis. He became aware of the debris issue and a letter was hand delivered to affected residents and the garbage collector was instructed to take everything. Councilmember Baratta felt this was an issue of customer service and communication. Manager Metzler stressed that each department went above and beyond but that a breakdown occurred in communicating that to residents. Deputy Mayor Etlar pointed out that many services were performed by volunteers. Manager Metzler stated that OEM waited for word from the Police to act and the Police were waiting to hear from OEM. Steps were put into place assuring this communication breakdown would not occur again. Manager Metzler will have a report for the residents in 30 days. Deputy Mayor Tedeschi commended the Manager, Borough Engineer Garrison and DPW Superintendent Conte for their openness in the discussion.

Berkshire Drainage/Holes in Arcadia Road:

Councilmember Trawinski reviewed a letter dated August 23, 1996 that Borough Engineer Garrison sent to Marlene Casey of Capital Alternatives, who was their grants firm. The letter showed the preliminary estimate for Berkshire and Arcadia Road to be \$894,000. The plan began at Berkshire, came down Plaza, continued along Arcadia, came down Midland and connected into the box culvert in Saddle Brook at Wilson Street. As there was a problem downstream at Fleischer's Brook only a portion of the problem would be solved. Mr. Runaska's letter dated September 17, 1996 stated he reviewed the sketch and that County wanted final approval of the design and construction. There was no objection to the project as defined. At the time, Borough Engineer Garrison advised them that the plan would not solve the Fleischer Brook issue. They received approval from the County to connect to the County drainage system that did not impact

Fleischer's Brook. They eventually received a grant many years later. Councilmember Trawinski asked how they could fix this drainage issue.

Borough Engineer Garrison stated the ditch needs to be dredged. After receiving the initial \$500,000 grant they applied for a second grant. They improved their piece but the County now needed to do its part. Deputy Mayor Etler explained that the pipes on Midland Avenue were filled with water because it must flow uphill. He stated the system must be dredged and the collapsed via duct under the railroad repaired. It was the consensus of Council that a meeting be set up with Saddle Brook and Elmwood Park about approaching the County with Deputy Mayor Tedeschi as the liaison.

Mayor Weinstein asked for an update on Arcadia. Borough Engineer Garrison reported that the contractor was there last week repairing sink holes. The paving contract will be awarded next week and work should begin in two months. Mayor Weinstein allowed comments from Mrs. Palmieri of 23-22 Arcadia Road, who stated she was told last fall the work would be done in the spring and now they are back to the fall. She felt the horses should be back up on the road.

Al Palmieri 23-22 Arcadia Road questioned a very deep sink hole. Borough Engineer Garrison stated they normally waited nine months to let everything settle before the final paving. Mr. Palmieri was concerned about a hole very near the gas line. Engineer Garrison stated that Public Service inspected the site after the pipe was laid.

Review of Ordinance No. 2080-2007:

Mr. Kantowitz was present as a representative of MMR Developers, the owner of the former Arts Center. He expressed concern about the hour limitation provision. He felt Council should review this and stated his client would like to have a 24 hour operation. If a 24 hour operation was not possible he asked them to consider a 5:00 a.m. to 1:00 a.m. operation. Councilmember Trawinski asked the status of their application with the Planning Board. Mr. Kantowitz stated his client had received approval from the Planning Board three and one half years ago and there was no limit on hours of operation. There was no decision reached on the food handler's application for the tenant as it was carried over to the next meeting. The case was dismissed when the tenant did not show up. Councilmember Trawinski felt that in order for them to review this the tenant would need to understand they must hold off and give Council time to review the proposed ordinance.

Mayor Weinstein stated that RRIC would not support a 24 hour operation. He was concerned about nearby residents and did not favor a 24 hour operation. Deputy Mayor Tedeschi expressed concern that Deputy Mayor Etler, as a member of the Planning Board, met individually with these people. Attorney Rosenberg felt it was inappropriate as an application was pending.

Councilmember Trawinski stated he does not like the 24 hour operations, but was willing to keep an open mind about the hours in the ordinance, if 7-Eleven was willing to stipulate they will abide by whatever hours of operation they decide. He also would like to know from Attorney Rosenberg whether they could initially limit it to the B4 - B5 district and then decide after input is received from the Chamber and other groups.

Deputy Mayor Etler reported that the Planning Board did not want a 24/7 operation. He did not feel a 24/7 operation was viable at that location. Councilmember Baratta agreed. Mayor Weinstein felt they should give the business districts a chance to work this out. He asked the Borough Attorney's help in making sure the applicant did not move forward. Councilmember Trawinski suggested they authorize Attorney Rosenberg to confer with Mr. Kantowitz and the applicant's attorney. He suggested they table Ordinance No. 2080-2007 at the next public meeting and advise the RRIC and the Chamber they wanted to hear their feedback. He asked that Attorney Rosenberg report back before next Tuesday. If the applicants do not agree to abide by the revised hours they would move forward. There was a consensus from Council to approve these steps. Mayor Weinstein and Council congratulated Mr. Kantowitz on the birth of his baby.

Request from AT&T to Install Fiber Optics:

Attorney Rosenberg stated there was a request from AT&T to use the Borough right of way for purposes of telecommunication wiring.

James Lasky, Esq. from Norris & McLaughlin & Marcus, PA discussed the fact sheet submitted in March. He presented a sample cable and maps showing cable placements. He stated that AT&T had a prospective customer on Pollitt Drive. In order to provide service they would need to approach the customer from two different directions; one from the north and one from the south. AT&T was not planning any new construction of poles or conduits as they had a contract to use Verizon's equipment. The majority of work would be done by Verizon to prepare the pole to accept another cable. An AT&T crew would come in at the end to install cable. At&T would apply for the necessary traffic control permits. They would cover any costs incurred by the attorney or engineer. The Federal Telecommunication Act requires that towns not prevent competitive carriers from coming into town. He understood that towns had concerns about insurance, indemnification and traffic control. He felt the form of resolution that they presented at the time of the application covered these issues. Once the fiber is in place other heavy users of telecommunication could utilize it.

Deputy Mayor Etler asked Attorney Rosenberg if they collect franchise fees. Attorney Rosenberg stated they were not permitted to charge them a franchise fee. They were permitted to charge an annual permit fee. He stated that Woodcliff Lake adopted an ordinance charging \$100.00 per mile with a minimum annual fee of \$500.00. He felt they would want the same. Mayor Weinstein asked what other towns had granted approval. Mr. Lasky stated they had received approval from Park Ridge, Ramsey, Mahway and had pending applications in Glen Rock and Allendale. Deputy Mayor Tedeschi asked to include a level playing field clause in the resolution. There was a consensus from Council for Borough Attorney Rosenberg to work on an agreement with AT&T. Deputy Mayor Etler recused himself.

Floor Area Ratio Ordinance:

Councilmember Trawinski felt they were ready to proceed, subject to whatever they do regarding the proportionality ordinance. Attorney Rosenberg discussed a response from the League of Women Voters. Municipal Clerk Kwasniewski stated they did not receive a response from the Planning Board sub-committee and the Zoning Board. Councilmember Trawinski agreed with the

League's suggestion that they regulate all garage square footage over 400 square feet. He thought they still had to resolve inconsistencies as to where they measure height. He wanted it made clear they were measuring height from a point in the center of the street. Mayor Weinstein asked Attorney Rosenberg to reach out to the Planning and Zoning Board. If the boards do not respond within a week they will move forward without their input. It was the consensus of Council to approve these recommendations.

Council Liaison Reports:

Mayor Weinstein discussed the forum sponsored by Anderson Mulholland and felt they did a good job. There were good questions and answers regarding the drilling of the wells. Michael Hakim asked pertinent questions regarding remediation. He reported that the Open Space Committee would be meeting the last week of May. Councilmember Trawinski agreed they did an excellent job and felt that Anderson Mulholland was on top of things. He felt their presentation answered many of his own questions and concerns. He thought Michael Hakim did a phenomenal job. Deputy Mayor Tedeschi agreed it was an outstanding presentation and felt the representative from the DEP was highly qualified.

RRIC - Councilmember Trawinski reported the concerns of two residents regarding the general condition and maintenance of River Road. RRIC made an effort to correct these issues and gave him photos showing the improvements. He reported that the concerns about the liquor store display were conveyed to the owner. The display is provided by the liquor distributor and the owner is evaluating what he is willing to do. Mayor Weinstein thought River Road looked clean. Mayor Weinstein commented that the building was attractive, clean and well landscaped but hoped they would reconsider the display. Deputy Mayor Etler reported that the Planning Board gave approval for a second floor on the building across from the Post Office.

Broadway Improvement Corporation - Deputy Mayor Tedeschi reported there were new trustees. They discussed the issues brought up by Council regarding the strip mall at 17th Street. The Committee is not sure why they were being approached with these issues and felt that it was the Borough's responsibility. They discussed the buckets of sand with the 15-minute parking signs. The committee did not understand what was approved originally and felt the tenant had the right to do that. Municipal Clerk Kwasniewski thought they were going to speak with the landlord as he might not be aware of the tenant's actions. Deputy Mayor Tedeschi visited twice since the meeting and it was still dirty. Councilmember Trawinski felt they deviated from the approved site plan and those deviations caused physical impediments to handicapped individuals. He felt they must comply with their site plan or address an amendment to the site plan. Mayor Weinstein invited Don Smartt to comment on this issue. Mr. Smartt stated he visited the site and took pictures. The lot was litter free at the time. He felt internal traffic circulation and parking regulation is a matter left up to the property owner. If that was not the case he questioned if it was the Borough's role to enforce. Councilmember Trawinski stated that internal parking and internal regulation on commercial sites is within the purview of the Planning Board. He feels the site is in violation of its approved site plan and thought resolutions should be recorded in the chain of title so there would be no doubt as to what the approved conditions were. Mayor Weinstein stated it was a matter of enforcement and needed to be followed up over the years.

Reconsideration of Council's Previous Decision Not to Redo Master Plan:

Councilmember Trawinski asked for a continuance.

Supporting Historic Preservation Tax Credit:

Councilmember Baratta asked for approval to proceed with the resolution supporting historic preservation tax credit on the state level. It was the consensus of Council to support this resolution.

Status Reports:

Scholastic Bus, River Road, Site Plan Compliance Issue - Councilmember Baratta discussed the report on Scholastic Bus distributed by Manager Metzler on April 17th. She reported Scholastic Bus was in violation of their site plan, had not had a C.O. since 2002 and were in non-compliance on nine items. Manager Metzler reported the Certification of Proper Removal of Underground Storage Tank was received. The Planning Board engineer was preparing a report to send to Scholastic and the Zoning Department would be advised when completed. Councilmember Baratta asked if they could impose fines or penalties. She reported that they were over the number of allowed buses and questioned how this was tracked. Manager Metzler reported that they were allowed buses and vans on River Road. Once they receive their C.O. they will be allowed to park 75 buses. He stated the Zoning Board's engineer and the Zoning Board secretary have that responsibility. Councilmember Baratta questioned why they were allowed to operate without a C.O. and felt they should have been shut down. Manager Metzler assumed they were operating with a temporary C.O. Councilmember Trawinski felt all items must be satisfied or bonded beforehand. He asked that the Manager investigate and find out if the Zoning Officer was taking steps to bring them into compliance. Otherwise Council should request the policy be implemented and enforcement action taken. Deputy Mayor Tedeschi asked the Manager to report back with the anticipated issue date of the C.O. Manager Metzler stated the Engineer is not prepared to recommend issuing a C.O. until the items are satisfied. Attorney Rosenberg stated the parking issue was a clear violation. Councilmember Baratta has suspicions they are driving the buses into the woods and changing oil.

Elliott Terrace House Demolition - Councilmember Baratta visited Elliott Terrace and several residents questioned why the house was still there as it was supposed to come down on April 23, 2007. Manager Metzler stated they had gone through all the proper procedures and bids were taken on February 23, 2007 for demolition. Prior to awarding the bid he asked Attorney Rosenberg to review the file. Attorney Rosenberg recommended they send out one additional letter to confirm receipt of documentation. Summonses were issued against the property owner. Attorney Rosenberg was set to go to court to make it clear they were going to demolish the house and put a tax lien on the property, but the owner filed for bankruptcy which automatically stopped the process.

The case was far enough along that there was a motion for abandonment. They learned the bank had initiated foreclosure and Attorney Rosenberg needed to clarify who the correct owner was. He has been in contact with the bank's counsel and their representatives since April. A Sheriff's sale was scheduled for Friday. He will call the bank's attorneys on May 21st when they are the new owners and advise them they must demolish the house which is the bank's intention.

River Road Rotella Building - Mayor Weinstein reported that he and Attorney Rosenberg had met with Mr. Rotella. Attorney Rosenberg stated that Mr. Rotella had retained Wells-Jaworsky to represent him in the application process. He instructed Mr. Rotella to furnish proof of application. Councilmember Trawinski stated they should not wait for them to go back to the Planning Board and felt they should take enforcement action. Don Smartt requested that Council act immediately as Mr. Rotella has never followed through with his plans or applications. Mayor Weinstein agreed they should take action. Deputy Mayor Etlar stated he had approval a long time ago. He has only four parking spaces. Councilmember Trawinski stated Mr. Rotella could have received approval back in 2002 but refused to purchase one parking space. He felt Mr. Rotella had a clear disrespect for the Borough and felt it was time to tell the Manager and Borough Attorney to act. With Council's permission, Mr. Rubenstein suggested that a compromise could be reached by allowing Mr. Rotella to add a second story on his main building in return for the parking in the back. Mayor Weinstein and Councilmember Trawinski did not feel he would keep his word. It was the consensus of Council that the Manager and Borough Attorney come back to them with an action plan in two weeks.

Maple Avenue Intersection - Manager Metzler stated the County plans were done and were awaiting approval from the State. KEM is approved and Sub Base is pending. There was an issue at Fair Lawn Industries with an underground fire line. Attorney Rosenberg reported that Rivera's is unwilling to make a decision until they have a figure. Riggs & Associates will present a survey showing what needed to be condemned. Don Smartt stated that Rivera's would lose 20 parking spaces and would not give these over voluntarily. He felt they must take expeditious action to establish the value and acquire control of the property. He felt they must push the County. Attorney Rosenberg said that Borough Engineer Garrison had been working on it. Councilmember Trawinski asked the Manager to devise a plan to get this done this fall. Mayor Weinstein agreed and stated he would reach out to Freeholder Ganz. It was the consensus of Council to approve this action.

Commercial Vehicles on Residential Property:

Councilmember Baratta stated that she has received complaints about large commercial vehicles parked on private driveways. A tree service has parked its chipper on a residential street every night. She felt residents should be referred to Property Maintenance when they call Dispatch to report the vehicle so that the claim could be investigated. Manager Metzler stated if a truck is a 3/4 ton it is allowed to be parked on the driveway. It is not reasonable for the public to expect personnel to drive around town looking for things that belong or don't belong. He stated there were exceptions such as when residents complained about the PSE&G trucks parked overnight on a residential street. They are allowed to stay on the street overnight if they are on emergency call duty. In another instance a summons was issued six or seven times and the resident was advised that the truck size exceeded limitations. He does not feel the Police Department should be the cure all in this issue and that communication between neighbors is often helpful. He will put a notice in the next newsletter on how to report quality of life issues. Mayor Weinstein also thought Dispatch should advise the residents to call the appropriate department the next morning. Councilmember Baratta asked about enforcement of other town rules and questioned if they will only be enforced if a resident calls and complains. Manager Metzler stated that the volume of calls forced them to be reactive instead of proactive.

Speed Bumps:

Councilmember Trawinski felt strongly that they need speed bumps. Manager Metzler discussed a report from Chief Rose which followed up on Rosalie Street. The Police had done targeted enforcement focusing on rush hour and issued two summonses. They also monitored the speed electronically. The average speed was 23 mph and the 85 percentile is 31 miles. If the Council wants to purchase temporary speed bumps, they will put them out. Deputy Mayor Etlar indicated he would not put them out unless everyone on the block wants them. Councilmember Trawinski felt it would slow the traffic down without a Police presence. Manager Metzler explained that they used a stealth monitoring device. There were 5218 vehicles doing 16 - 25 mph, 13 vehicles doing 46-55 mph and 3 vehicles doing 56-65 mph. Manager Metzler is not disputing that speeders exist but did not want to put a Police car out to catch two vehicles. When the vehicle is sitting there it is not doing enforcement somewhere else. He said he had another report where 80 summonses were issued in a four hour period on a DWI checkpoint.

Mayor Weinstein recommended the next time a person comes in with a speeding issue, the individual should get a petition from that street to see if everyone is willing to have a speed bump installed and who will have it in front of his home. If a resident doesn't mind having it in front of his home and everyone agrees that would be the first test case. Deputy Mayor Tedeschi thought they should get the Police Department to identify a need for a speed bump on a street before the residents gather a petition. Manager Metzler asked as part of the pilot if they should get enough speed bumps to do four streets. Councilmember Trawinski thought he should discuss it with the Police Department and make a recommendation.

Attorney Rosenberg was concerned about traffic safety by petition. He felt they would set a precedent by asking people in a neighborhood to petition what they want to see in terms of traffic safety. He felt that may be ill advised. He felt they should just go ahead and do it. Councilmember Baratta agreed with Attorney Rosenberg and thought they could do it they way they do the traffic cones, as a test period. She felt they should be put on streets that historically have been a problem. Municipal Clerk Kwasniewski stated that Ellington residents said they did not want speed bumps. Deputy Mayor Etlar said that residents want the speed bumps but the people who live there do not. People who have to respond with emergency vehicles do not want them. Councilmember Trawinski felt they needed to be creative. He suggested getting a recommendation from the Manager after he consulted with the appropriate people. Deputy Mayor Tedeschi reminded them the real issue was that they wanted people to drive slowly. He felt the Police Department should be charged with the responsibility of making that happen.

Councilmember Baratta stated they discussed the different degrees of grading in the street. She felt that would slow drivers down. She thought they should revisit this issue and obtain input from the Police Department. There is a traffic light on Broadway that is only functional if a pedestrian pushes the button otherwise it remains green. She thought they should look into that type of light for the Municipal Building. Councilmember Trawinski stated they have made strides in traffic enforcement, but they have also been cautioned that there will be a point where that levels out. Mayor Weinstein stated the whole idea of the cones was to eventually put in permanent deterrents to slow traffic down. Manager Metzler reminded everyone when Officer Franco did the traffic survey on Fair Lawn Avenue, the results indicated that the speed limit on Fair Lawn Avenue should be increased. He did not think it was fair to imply that the Police Department does not take a resident's complaint about speed or traffic safety seriously. He felt that Officer Franco and

Chief Rose have repeatedly stated why they are opposed to speed bumps. He said the perception is, on the part of the public, using Rosalie Street as the last indicator, that there is speeding up and down that road. The statistics do not support that. He stated there was the random speeder and they have always said that. He reminded them that Officer Franco has repeatedly voiced his concern to Council that the placement of speed bumps on one street is going to force the movement of traffic to a parallel street. He will put together a pilot program with estimated costs of purchase and setting up and taking them down.

Councilmember Trawinski felt they should contact the people in Morristown and find out their approach and what alternatives they considered and rejected. Manager Metzler said he would do that.

McMansions - Proportionality Ordinance:

Councilmember Trawinski presented a proposed ordinance. He sent it to Scott Levy, Chairman of the Zoning Board and Todd Malkin, chairman of the sub-committee for review. They cannot regulate aesthetics, but they could have a tough floor area ratio ordinance and create a bonus to allow a slightly greater floor area ratio if they comply with design techniques. The design techniques will reduce the appearance and scale of houses so they remain in scale with adjacent houses and with the neighborhood. He wondered if they could get it out to several architects. It is an incentive to do design features. They should have an incentive to create aesthetic features in the house or design features in the house. In return they will be giving them something that is slightly bigger but it will not appear bigger. Deputy Mayor Tedeschi liked the idea of incentives as it lends a better aesthetic sense to the community. Councilmember Trawinski suggested it be circulated to the League of Women Voters, the Building Department, Zoning Board and Planning Board. Deputy Mayor Tedeschi asked to include in the letter that the Council was planning to revisit this item on a specific date and comments must be received prior to that date. Mayor Weinstein thought the date should be the first work session in August.

PODS:

Deputy Mayor Etlar felt this was a quality of life issue. Residents were renting storage containers for long periods of time. He felt they should require a \$100.00 permit for a limit of three months. Mayor Weinstein felt they should be able to extend the permit if construction was not finished. Deputy Mayor Etlar felt it should be month to month with no more than three months. Deputy Mayor Tedeschi stated he has only seen five PODS in town and did not feel that was a lot. He felt the primary reason people had the PODS is because they were putting additions on their homes. He felt it was unconscionable to charge residents a permit fee as they would be the beneficiaries of the resident's improvements in the way of increased taxes. Councilmember Baratta asked if this could be treated like a dumpster which required a \$10.00 fee. She felt the original idea of the POD was to store your things and then the company picks it up and removes it to a warehouse. She has seen PODS at houses where there is no construction going on. Municipal Clerk Kwasniewski stated that PODS are only allowed if you have an active construction permit or if you have your CCO and are moving out. If a POD is reported to the Building Department, they go out and tell them they cannot have it. She said they are treating it as a shed or temporary structure.

Mayor Weinstein stated this issue came up at a Property Maintenance Committee meeting and they learned it was being regulated by the Building Department. He stated that home construction

always takes longer than what is initially stated. He felt this would put undo burden on a resident making improvements to his property. He felt they should have to go back to the Building Department and explain the reason for the extension of time. He thought PODS should be regulated but that a fee should not be charged. Councilmember Trawinski agreed with regulating them and felt they could make some timing concessions if they were actively involved in a construction project. Moving out did not take three months. Municipal Clerk Kwasniewski explained that the complaint has to come in or the Property Maintenance person has to see one. Councilmember Trawinski felt they should be regulated and residents should not be charged if they will be moved out in less than one week. He felt there should be a fee or renewal fee if PODS are going to be kept during a construction project. Deputy Mayor Tedeschi explained the selling point of PODS was that residents did not have to haul items down to a storage place. Councilmember Trawinski felt it should be regulated beyond a certain period of time.

The Manager will present a report in 45 days.

Offsite Improvements:

Councilmember Trawinski reported that the ordinance does not specifically deal with fire hydrants. He would like to see this delineated in the ordinance. Attorney Rosenberg pointed out that it is part of the water system. It was the consensus of Council to fire hydrants to the ordinance.

Public Comments:

Nancy DeAntonio, 12-56 George Street wondered how prepared the Borough was in supporting the other fire companies when they wanted to upgrade their facilities. She said that Fire Company #1 does not want that land as a parking lot, and wanted to get rid of the restriction so it could be sold. Manager Metzler explained that Fire Company #1 owned both pieces of property. The right side with the parking lot has the deed restriction. Company #1 will sell the land on the left side so a house could be built if the land swap does not take place. As part of the swap they were willing to move the deed restriction to the left side because they felt that would be more appealing to the neighborhood. He stated they would park on the other side and the restriction would prevent that lot from being developed. Mayor Weinstein explained that where the swap would take place was being considered by River Road as possible parking.

Harvey Rubenstein 28 Rutgers Terrace appreciates that Ordinance 2080-2007 will be amended. He brought it up at the Planning Board last night and felt the fire hydrants needed to be included. He stated that some of the Fire Department's neighbors have the impression there will be access from the parking lot into the River Road parking. Mayor Weinstein said that was not proposed. It is obvious that the trunk line is the problem. He felt they should write to the Freeholders, State and Congressman Rothman. He continued that he would be against a 24 hour operation if he was a resident on 6th Street. He wondered if that building was in compliance with the sign ordinance He concluded that speed tables are not as drastic as speed bumps.

Jane Diepeveen, 14 Ryder Road pointed out that the floor area ratio ordinance has been discussed with Zoning Board who want it. She wondered if they have a full time zoning officer. Manager Metzler stated that they did. Ms. Diepeveen stated they have matching funds for the Naugle House. She wondered if the Borough is going to try to purchase it. Councilmember Trawinski stated that due to the litigation they cannot discuss some of the things they have done.

Ms. Diepeveen stated that the Naugle House is in increasingly bad condition. She felt strongly that the Borough must secure it. Councilmember Trawinski reminded her that it is private property. Mayor Weinstein added that the Construction Department does go out there. The property owner has refused to install a fence.

Ms. Diepeveen continued that the PODS look terrible. They should be permitted only if they are taken away quickly. One week is enough. She concluded that there is a hole in the Fair Lawn Avenue crosswalk on the north side of Abbott Road. Manager Metzler explained that PSE&G is testing for gas leaks.

Howard Mark, 12-23 Ferry Heights reiterated that the Naugle house is in terrible shape. Councilmember Trawinski stated that they are mindful of the fact that the Naugle House is deteriorating. They are doing what they can do within the law, but it is private property. Mr. Mark stated that he has been gathering proof that the Vanderplatt property is wetlands despite what the DEP has said. Councilmember Trawinski stated that it probably was not technically wetlands. It is considered open state waters. There is no application to develop this property.

Magdalena Castiglia, 12-30 Edward Street pointed out that there are many dead shrubs at the back of the B&B Liquor stores. Her children are riding their bikes so she would like a patrol car parked on her street to protect them from the random speeder.

Craig Miller, 5 Ramapo Terrace wanted to know if he can email anyone about hedges that are overgrown and over the height level on Ramapo Terrace and Townley Road.

Mayor Weinstein stated that B& B Liquor has put a good investment into that property and it does look great. He should do something about the hedges. He noted that while they are all concerned about the safety of the children, they cannot have a police car parked at every street. He did not like that Ms. Castiglia insinuated that the Manager does not care about the children. There are 63 police officers but it is not possible to have a police officer on every street.

Anna Dinardo, 13-06 Second Street stated that she sees the violations. The PODS need to be policed. There are numerous big trucks in the driveways on Third Street. She did not think it was right that violations were only taken care of when they were reported. 7-Eleven is not what they want. She wanted to know if they will put speed bumps on every street. She did not want them on every street.

Closed Session:

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta the following closed session resolution was unanimously adopted at 11:15 p.m.

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

WHEREAS; the Mayor and Council of the Borough of Fair Lawn desire to discuss Pending Litigation - Tax Appeals and Attorney/Client Privilege; and

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

WHEREAS; minutes will be taken during this closed session and once the need the confidentiality no longer exists the minutes will be available to the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

Mayor Weinstein reconvened the meeting at 11:30 p.m.

ADJOURNMENT:

Upon motion by Councilmember Baratta and second by Deputy Mayor Tedeschi the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Joanne Kwasniewski, RMC/CMC/MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etler

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski