

**REGULAR MEETING OF APRIL 4, 2000
HELD AT LYNCREST SCHOOL**

Mayor Ganz opened the meeting at 7:31 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 17, 1999. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The Record, The North Jersey Herald and News, and The Shopper. The Annual Notices identified the meeting location and the time of the Council Meetings and Work Sessions.

PRESENT: Mayor Ganz, Deputy Mayor Adler, Councilmembers Amato, Dobrow and Etler.

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

Mayor Ganz welcomed everyone to Lyncrest School, the third stop in the "Bring Your Government to the Neighborhoods" program. He stated he was delighted to have the people in the audience there that evening. Both of his girls graduated from Lyncrest School and there are many fond memories of that school. He was glad that the Principal and Superintendent of the Board of Education could make this possible.

PROCLAMATIONS: VFW BUDDY POPPIES

Mayor Ganz thanked them for the sacrifices they have made.

ST. ANNE'S SCHOOL 50TH ANNIVERSARY

Mayor Ganz stated that everyone in Fair Lawn thanked them for all they have done for the students and for the community.

NATIONAL ORGAN TISSUE DONOR AWARENESS WEEK

Municipal Clerk Kwasniewski read the proclamation and will forward it to the proper party.

CANCER CONTROL MONTH

This proclamation was moved to the next Work Session.

EARTH DAY

Former Mayor Mary Burdick accepted the proclamation on behalf of the Environmental Commission. Mayor Ganz thanked them for all the good work they have done in the Environmental Commission.

ORDINANCES: FIRST READING

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 1798-2000

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR

LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC", SUBSECTION 7-3.6 PARKING TIME LIMITED ON CERTAIN STREETS BY ADDING SCHEDULE IV B, TIME LIMIT PARKING CERTAIN DAYS

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 118-2000 introducing Ordinance No. 1798-2000 was unanimously discussed.

Mayor Ganz stated it was his understanding this ordinance was being introduced to provide for certain individuals to park near voting establishments on election days. It was not intended for board workers to park there all day. It will be restricted to thirty minutes only.

Councilmember Etler brought to their attention three streets that should not be put into the ordinance. They were Ferry Heights, 30th Street at Broadway and Rosalie. Mayor Ganz noted it and asked Manager Sacks to check with the Traffic Officer on these locations.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 118-2000 introducing Ordinance No. 1798-2000 was unanimously passed.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to read the following ordinance by title.

Reintroduction of Ordinance No.1788-2000

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 24-1, ET SEQ., 25-1 ET SEQ., AND 26-1 ET SEQ. OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN TO AMEND AND SUPPLEMENT THE EXTENT OF THE B-4 RIVER ROAD BUSINESS ZONE AND THE B-5 RIVER ROAD BUSINESS ZONE

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 119-2000 introducing Ordinance No. 1788-2000 was discussed.

Mayor Ganz explained it was his understanding that Ordinance No. 1788-2000 had to be reintroduced because of a defect in the notification of property owners. He felt it was important for people to have their say.

Hearing no further comment, Resolution No. 119-2000 introducing Ordinance No. 1788-2000 was unanimously passed.

Mayor Ganz stated there was another matter that he understood was going to be introduced this evening and asked the Borough Attorney if the Council can go back into a Council Meeting at the conclusion of the Work Session. Attorney Lustgarten advised him it could be done.

ORDINANCES: SECOND READING

Mayor Ganz announced that Ordinance No. 1792-2000 re: Tattoo was not being taken off the table. The substance of the ordinance was still being reviewed. However, if anyone in the audience would like to comment, the ordinance will be taken off the table for the purpose of public comment only.

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to take Ordinance No. 1792-2000 off the table.

Al Placa, 38-12 Pellington Drive wanted to speak about another ordinance but was told to wait.

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to close the time for public comment and put the ordinance back on the table.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to read the following ordinance by title and open the time for public comment.

Ordinance No. 1795-2000

AN ORDINANCE TO AMEND ORDINANCE NO. 1772-99 ENTITLED "AN ORDINANCE TO AMEND CHAPTER II ENTITLED "ADMINISTRATION" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, MORE SPECIFICALLY SECTION 2-8.6 OFFICE OF EMERGENCY MANAGEMENT TO CREATE THE TEMPORARY POSITION OF FLOOD ASSISTANCE COORDINATOR" AND TO CREATE THE TEMPORARY POSITION OF ADMINISTRATIVE SUPPORT SPECIALIST

Al Placa, 38-12 Pellington Road asked if this job was being created for a certain individual. He had dealings with this person during the flood. He never showed up. This is the Borough Manager's job and he is not educated for that.

Don Oliver, 8-32 Mitchell Place, a member of the Fair Lawn Homeowner's Association, brought to the Council's attention a typographic error within the body of the ordinance. He said he was confused about Section 2 of the ordinance. Attorney Lustgarten explained that section indicated the sunset provision.

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to delete Section 1, G3 which is a duplicate of Section 1, G2.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 120-2000 adopting Ordinance No. 1795-2000 was unanimously passed with Section 1, G3 removed.

RESOLUTIONS BY CONSENT #8-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #8-2000 containing the following items was unanimously adopted.

a. Resol. #123-2000 Approval of Minutes:

Special Meeting 2/15/00

Work Session 2/15/00

Closed Session 2/15/00

Regular Meeting 2/22/00

Work Session 2/22/00

b. Resol. #124-2000 Refund of Overpayment of Taxes

c. Resol. #125-2000 Rejection of Bids: Bituminous Concrete and Stone

d. Resol. #126-2000 Extension of Radio Repair & Maintenance Contract

e. Resol. #127-2000 Approval of Raffles & Bingos

Fair Lawn High School PTA non-draw

Fair Lawn High School PTA on-premise 50/50

Fair Lawn High School PTA on-premise mdse

DISCUSSION ON WALSH POOL

Mayor Ganz stated that before he entertained a motion to open the time for public comment he would like to make some comments.

Mayor Ganz stated that he listened to the comments of the neighborhood residents. He spoke to Councilmember Dobrow who thought the main thing to do was to keep Walsh Pool open because of the relatively nominal cost to the Borough although it has an affect on the taxes everyone pays. Walsh Pool is a historic portion of the community. He also considered how badly he would feel if the pool in Radburn was closed although he admitted he hadn't gone there

very often this past summer.

Mayor Ganz stated he was trying to remain an objective Chair, but he has reached his own consensus. He agrees with Councilmember Dobrow that it is not only the humane thing to do but the most logical and rational thing to do. He was prepared to make that judgement but he is also prepared to commit to capital improvements at Walsh Pool so that it can be utilized by the residents of not only that portion of Fair Lawn but by also the residents from all over the community (loud applause from the audience). There is a cost and price to this that everybody in Fair Lawn is going to have to pay. In an effort to ease that burden he proposed allowing the residents of North Haledon and Elmwood Park to use the pool.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to open the time for public comments on Walsh Pool.

Councilmember Etler stated the Mayor spoke very eloquently about keeping Walsh Pool open and he wanted to speak eloquently, briefly and simply to close it. This pool issue is not new. It has been in the offering for almost ten years. He has heard the pleas from the residents, but he just cannot commit the resources of this Borough any longer to keep that pool open. He thinks that it would be a drain on the treasury and he felt it was time that they bite the bullet and close it.

Councilmember Dobrow stated that by word of mouth and by the cable channel they should tell everyone in Fair Lawn that they might find it much more relaxing to take their young children to Walsh Pool instead of Memorial because of the size. There may be many people who have never been to Walsh Pool and don't realize that. She thought they should keep the pool open. Parents can come and relax themselves because it is a small area to watch. She wanted to be very clear that they would only talk to Mayor Mola about using Walsh Pool not Memorial Pool.

Leon Wender, 7-22 Manor Avenue, stated that as Councilmember Etler pointed out, Walsh Pool is and has been a liability to this town. If Walsh Pool is closed it should be made into an arboretum which would benefit the town. A garden could be planted with fruits and vegetables that would then be given to the needy people in Fair Lawn.

Jane Young, 38 Pomona Avenue, disagreed with Mr. Wender. In the past she has been the one taking care of the plants at Walsh Pool. Every summer she is there weeding. She has planted her own plants there. She mentioned a great article in an edition of Sierra magazine having to do with wetlands which she gave to the previous Council.

Mayor Ganz stated that last year the residents got lip service from the previous Council but that won't happen this year. He asked Ms. Young to give the Municipal Clerk a copy of the article so that she can get copies to the new Council.

Ms. Young stated the Borough has to preserve the land. The animals have to have a place to live. She questioned the cost of over \$2 per household to run the pool. Mayor Ganz stated he did not think it was appropriate for her to tell the Council that a few dollars don't mean anything. The Council has worked many hours to keep the budget in check. Ms. Young continued that this is for everyone in town. She felt it was not a great cost. She hopes the Council will think of the future.

Raymond Sommerville, 51 Pomona Avenue, stated he had no grandkids using Walsh Pool but they do have a lot of kids on his block. Pomona Avenue has become a miniature version of Maple Avenue and the kids can't play on the street. They can only go to the Walsh Pool area. He asked that the Council remember the children have no place to go.

Katherine Kay, 24 Albert Avenue, asked if in the past has any funds been spent on Walsh Pool. Mayor Ganz informed her it was an ongoing expense. Ms. Kay continued comparing the costs of Memorial Pool to Walsh Pool. She inquired about the flooding at Memorial and the costs involved with that. She wondered what happened to the money the Borough received from the soil that was removed from the Walsh Pool area. She also asked if the All Sport Building was funded by the Borough. Mayor Ganz informed her that All Sports raised the money for the building and is leased back to All Sports.

Jim Funcheon, 49 Albert Avenue, spoke about the soil that was sold. The area was to be Fair Lawn Hospital. The

money was to go back to the Recreation Department. Mayor Ganz stated they should not live in the past. He asked Municipal Clerk Kwasniewski to pull the records from back then. He stated he had made a personal commitment to keep the pool open.

David Vander Weit, 37 Pomona Avenue, said he lived there all of his life. There must be seventy or seventy five children that could be going to Walsh Pool. Mayor Ganz stated he hoped the Council will be persuaded to keep the pool open.

Jerry Bruno, 50 Albert Avenue, said after hearing the Mayor last week he thought the decision had been made to close the pool. He was glad it wouldn't be closed because each time he drives past the pool he feels like he used it. Mayor Ganz said it is part of the open area that helps make up Fair Lawn.

Lisa Westrich, 21 Smith Avenue, stated she was aware that there are many children in the neighborhood. It is evident that they do not have many places to play. She is surrounded by the kids bouncing basketballs in front of her house. She wondered if there was anywhere the children could play on besides the streets.

Attorney Lustgarten stated he sympathized with her situation because at one time he had the same problem with neighbors of his. The Borough can prevent children from playing in the streets because of the obstruction of the streets. Fair Lawn Recreation is a major selling point for people when they are purchasing a home, but because of the organized sports the fields are used and the non organized sports are pushed off the fields and into the streets. Mayor Ganz stated that hopefully the basketball courts will be done shortly and the children can then go there. Ms. Westrich wondered if the children were allowed to play in the street. Attorney Lustgarten stated he would call Lt. Cook to inform him about Title 39. Councilmember Amato said he had experienced the same thing. He felt she was going to have to be the one calling the Police and complain.

Wendy Dabney, 41 Albert Avenue, stated she was left almost speechless from the comments Mayor Ganz made. Her original feeling was that the pool was going to be closed but the more she spoke to other people about this she realized there were other issues and it was not as cut and dry as she thought. She thought the residents that were present came prepared for a fight because they thought it was the end of Walsh Pool.

Deputy Mayor Adler stated she agreed that what they have is an amenity for everyone. She hoped that everyone appreciates what the Council intends to do. The Council is supportive of each neighborhood. She also asked that they remember that everyone has to share the tax burden. She asked that the children in that area get directed to play basketball at the basketball court.

Renee Demchak, 4 Pomona Avenue, stated the kids play on Smith Avenue because Pomona is like a raceway. She bought her house because of the pool. She loves the area. There are at least seventy five kids that live in the area. She felt that it was more difficult to keep an eye on the younger kids at Memorial Pool. Walsh Pool is a beautiful place to go.

Evelyn Tomasi, 30 Albert Avenue, spoke about Hilda Walsh starting the pool who realized what a wonderful spot this was. All the neighbors from Columbia Terrace helped her in the late 1950's and 1960's. The pool had two slides and a diving board. The area should be a memorial to those dedicated people and all of the volunteers from Columbia Terrace. There are no other areas in Fair Lawn that have this natural beauty.

There being no additional comments from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, the time for public comments on Walsh Pool was unanimously closed.

The consensus was that Walsh Pool would remain open, with Councilmember Etlar dissenting and Councilmember Amato abstaining.

Councilmember Amato stated he had not made up his mind. He asked Superintendent Frey for five years of statistics to see how much this was costing the Borough to operate. He stated the residents had to understand what decisions they have to make. He is going to weigh the figures that come in. He realized there are social issues involved but there

are heartbreaks in life. He hoped that he could see it clear to keep the pool open.

Mayor Ganz suggested that the Council ask Manager Sacks to provide them with a list of the capital upgrades that she believes would be wise to implement this year and then those for the future. The Council agreed with Councilmember Etlar dissenting.

Mayor Ganz stated that Councilmember Amato passed him a note that it would be very appropriate for a plaque for Hilda Walsh and all the volunteers who helped to do this to be erected at the site. It was unanimously agreed. Mayor Ganz said that they would let Manager Sacks do the necessary investigation for that and get back to the Council with the costs and other such things.

MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, it was unanimously agreed to open the time for public comments.

David Vander Weit, 37 Pomona Avenue, wondered if the cost of running the pool was so high because the ball field lights are left on for hours after all the ball players are gone.

John Walters, 15-26 Abbott Road, last month he was before the Council representing the owners of the Park Hill Condominiums regarding a parking problem. At the last meeting it was suggested the Traffic Safety Officer would go out and do a survey. Mayor Ganz stated the Traffic Officer had done the survey and had given a map to the Borough Manager with certain areas outlined that he recommended the Council could allow overnight parking in those areas. Manager Sacks stated it is on the Work Session Agenda for next week. Mayor Ganz invited him to attend the meeting.

Leon Wender, 7-22 Manor Avenue, suggested refurbishing Memorial Pool. He wondered where the old sand was going. He asked for an individual list of how much this will cost. Attorney Lustgarten explained the Borough's specifications did not specify where it should be shipped. Mr. Wender continued wondering about the cost of the trailers that will be placed at Memorial Pool. Manager Sacks explained the cost would be approximately \$50,000 to \$60,000 and they would be good for twenty years or longer. Mr. Wender wondered how long the existing buildings were there and if the Borough went out to bid. Mayor Ganz explained that the pool is in a flood plain. The Borough is required to raise the buildings seven feet. The cost of that would be roughly three times what it would cost if it were not in the flood plain. The estimated cost is be \$1.5 million. The trailers come from the factory fully equipped for \$300,000. Mr. Wender felt the trailers would only stay in good shape if there were no storms. Mayor Ganz said that is exactly the reason why they were thinking of trailers. They would be easy to move.

Don Oliver, 8-32 Mitchell Place, a member of the Fair Lawn Homeowner's Association, was confused that the Council decided to keep Walsh Pool open. He felt without the Capital Improvements the pool will have the same problems. He thought it should be deeper with slides. Mayor Ganz stated he has spoken with Manager Sacks and thought it was appropriate to wait for her to come back with her recommendations for the improvements to be made this year. He also said he was told it would increase the Borough's liability if a slide is added to Walsh Pool. Mr. Oliver mentioned the Council should take into consideration the number of people buying the pool passes and not just using the pool.

The consensus was to have the residents indicate which pool they would be using on the application.

Councilmember Amato asked Mr. Oliver what position his Association has taken on the pool issue. Mr. Oliver informed him the Association does not want to close the pool. They are in favor of raising tag prices.

Paula Kiem Bruno, 50 Albert Avenue, said she has owned her house for six years and has never known how to get a pool pass. She felt it was a good idea to get involved now because of the public's awareness of the pool. She handed out over one hundred flyers. The pool is nice but can be nicer. She inquired how people got the passes. Mayor Ganz advised her to find out through The Shopper or cable channel.

Attorney Lustgarten stated that Walsh Pool is in the Borough of Fair Lawn. It is not a question of how many people

buy tags. It is a treasure for the entire town.

Jane Young, 38 Pomona Avenue, stated she could guaranteed that more people would be using the pool.

Wendy Dabney, 41 Albert Avenue, went over the amount of water needed to fill Walsh Pool compared to Memorial Pool. She also mentioned the amount of water both pools lose per day.

Renee Demchak, 4 Pomona Avenue, stated that before she moved to Fair Lawn she was told that Walsh Pool was to be used only by the Columbia Heights residents. Ms. Demchak said that compared to other towns pool passes Fair Lawn is very inexpensive. Mayor Ganz informed her that the Council made a decision to upgrade the pools to have the people come back to see that what a nice place they are.

Sue Benjamin, 8 Albert Avenue, stated that she appreciated their comments and commitment to keep Walsh Pool open this year. She wanted to know what kind of improvements they were contemplating with the pool season beginning in just six weeks. She realizes that recommendations were made through the pool committees. Ms. Benjamin stated she was curious on how the Council was going to track the registrations. She announced that to register for a pool pass they would have to go to Memorial Pool. She stated that All Sports wants to keep the kids off the fields. It is tough because the organized sports take the fields away from the other kids. She also wondered about the Scholastic Bus issue was at. Mayor Ganz informed her it went to Court, it was remanded back to the Zoning Board to impose reasonable conditions. The matter has not gone back to the Zoning Board yet.

Manager Sack informed Ms. Benjamin of a few of the capital items regarding the pool, including a diving board and was a spiral water slide. Ms. Benjamin wondered about the landscaping.

Wendy Dabney, 41 Albert Avenue, wondered if they had completed their traffic study on River Road by Shop Rite. Mayor Ganz asked Manager Sacks to check it out and get back to the Council. Ms. Dabney informed the Council that Ridgewood has iridescent stripes on signs. She also brought to the Council's attention that a crossing guard on River Road sits in her car on the opposite side of the street to where the kids cross. She wondered if this guard could park on the same side of the street as the children.

There being no additional comments from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, the time for public comments was unanimously closed.

Mayor Ganz thanked Principal Sadowski for lending the Council the school. The Council was delighted to be there. He congratulated Mr. Sadowski for all that he has done for the children in the Borough.

ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 930 p.m..

Respectfully submitted,

Marilyn B. Dugan, RMC
Assistant Municipal Clerk

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