

## WORK SESSION OF APRIL 17, 2000

Mayor Ganz called the meeting to order at 7:35 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

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

Councilmember Etlar asked to add a three-minute item to this agenda.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow the following closed session resolution was unanimously adopted at 7:40 p.m.

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

WHEREAS, this matter permits the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn if litigation commences within 30 days after the termination of said litigation except litigation strategy;

WHEREAS, this matter permits the exclusion of the public from such discussion; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth is one which permits the exclusion of the public.

Mayor Ganz reconvened the meeting at 8:00 p.m.

Interlocal Agreements to Use Swimming Pool - Mayor Ganz advised that Mayor Mola of Elmwood Park is interested although he was not certain how many people would be interested. He suggested that it be done under an interlocal agreement. Mayor Ganz felt that notwithstanding an interlocal agreement, the Borough probably could not limit the use of the pool to Fair Lawn residents. Attorney Lustgarten does not agree with that opinion. Mayor Ganz stated he would support an interlocal agreement with appropriate fees. Superintendent Frey noted that last year he recommended doubling the fee charged to Fair Lawn residents for North Haledon residents, but the Council did not agree.

Mayor Ganz thought they should decide a maximum number of permits to be sold. Manager Sacks wondered if the Council would permit them to open the pool to other municipalities if they do not get enough people from Elmwood Park. Deputy Mayor Adler felt they should just do one municipality this year and then analyze it. Mayor Ganz thought the Council should respond to any requests from any other municipalities. Superintendent Frey pointed out that the pool memberships allow people to use either pool. After a short discussion, it was the consensus to allow Elmwood Park residents to use Walsh Pool only with Deputy Mayor Adler and Mayor Ganz dissenting.

Councilmember Amato noted that the expenses for Walsh Pool were \$22,000 in 1998 and \$29,000 in 1999. He wondered what the cost was for Memorial Pool. Mayor Ganz pointed out that they do not pay for the water at Walsh Pool. There is about \$90,000 for water that is not in the budget. Superintendent Frey advised that salaries for Memorial Pool are approximately \$100,000.

Mayor Ganz asked through the Manager that the Superintendent of Parks and Recreation find some way to have food amenities at Walsh Pool. Councilmember Etlar suggested having vending machines. Deputy Mayor Adler suggested that they also have Kosher vending machines. Superintendent Frey advised that the previous food concessionaire at

Memorial Pool may be willing to negotiate since they have bid this project twice and no one has bid. If not, he thought they should try to get a "roach coach." They would have to meet all the Borough's health requirements.

Attorney Lustgarten arrived at 8:25 p.m. In order to discuss the sand bid with the Attorney Lustgarten the Council adjourned to Closed Session.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow the following closed session resolution was unanimously adopted at 8:25 p.m.

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

WHEREAS, this matter permits the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn if litigation commences within 30 days after the termination of said litigation except litigation strategy;

WHEREAS, this matter permits the exclusion of the public from such discussion; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth is one which permits the exclusion of the public.

Mayor Ganz reconvened the meeting at 8:50 p.m.

Bid Supplying, Deliver and Grading of 14,000+/\_ tons of Beach Sand Memorial Pool - Mayor Ganz announced that it is the consensus of the Council to hold the original bidder to his bid.

Upon a motion of Deputy Mayor Adler and a second by Councilmember Amato the work session was adjourned to a Special Meeting.

Mayor Ganz reconvened the meeting at 8:55 p.m.

- Councilmember Amato asked that computer software and information by e-mail be placed on the May 9 agenda.

Councilmember Amato advised that it is simple and not at all time consuming to send information electronically. Manager Sacks replied that what he has asked for is not that simple. The information cannot just be sent as a simple e-mail. Information needs to be attached if it even exists on the computer. She indicated that she will discuss this further on May 9.

Salary Report by League of Municipalities - Councilmember Amato reported that he received the 1999 salary report. He asked if the Council wanted to analyze it. Mayor Ganz formed a subcommittee of Councilmembers Amato and Etlar. This item will be on the agenda in 30 days.

Naming of Street (Block 3723, Lot 12) - Manager Sacks reported that she spoke to the developer's attorney who did not foresee any problem naming the street Hirschklau Lane but he has not yet received a response from the developer. Mrs. Hirschklau would be very honored. Attorney Lustgarten noted that if they have received final approval from the Planning Board, the developer should reopen the application to name the street.

The consensus was to name the street Hirschklau Lane. Mrs. Hirschklau will be presented with a small version of the street sign and the resolution naming the street.

Review of the Tentative Agenda 4/25/00 - Attorney Lustgarten advised that he did not have an opportunity to review the tattoo ordinance. He asked that the introduction of the ordinance be deferred to May 9. He recommended that the original ordinance be rescinded at the same time the amended ordinance is introduced.

Councilmember Etlar has proposed deleting some streets listed in the ordinance for Election Day parking. Those changes are substantial and should be reviewed by the Council. Attorney Lustgarten recommended rescinding the

original ordinance and introducing an amended ordinance.

This matter will be discussed at a work session following the regular meeting on April 25. Chamber of Commerce Farmers' Market - Manager Sacks advised that the zoning does not permit a farmer's market at the Van Riper Ellis Church. The Construction Officials' position is that if something is not specifically allowed it is prohibited. He recommended and she concurred that the ordinance be changed to add farmers' markets to those uses prohibited in all districts except if conducted by a non profit organization. That change would allow the Chamber of Commerce to hold the farmers' market at the Van Riper Ellis Church. Attorney Lustgarten recommended the change because the overall concept of the farmers' market is good for Fair Lawn.

The consensus was to change the ordinance with Councilmembers Amato and Etler dissenting. The ordinance will be introduced on April 25.

Chamber of Commerce Fair Lawn Day Celebration - Fair Lawn Day will only be held on a Sunday. It will cost approximately \$4,000 for police overtime. The consensus was to authorize the overtime so that the Fair Lawn Day Celebration could be held.

School Bus Ordinance - Mayor Ganz advised that the Scholastic Bus case goes before the Zoning Board on May 1. Attorney Lustgarten felt this ordinance should come from the Planning Board. Manager Sacks advised that the Engineer is making certain recommendations concerning size of spaces for the buses and cars. The Fire Department needs to give input concerning fire safety. Attorney Lustgarten advised that there was a case involving Emerson that permitted a bus depot on Kinderkamack Road. He suggested that the Manager obtain Emerson's ordinance. He advised that he cannot write the technical information. He needs that information from the Fire Department and the Engineer. This ordinance will apply to all districts. Attorney Lustgarten indicated that if the Manager can get the information to him by Wednesday morning, it will be possible to introduce the ordinance on April 25.

Mayor Ganz advised that Andrew Karas, Esq., is now involved in the Scholastic litigation and is interested in some type of global settlement.

Mayor Ganz was excused at 9:20 p.m.

Parking Lot Configuration - This matter will be on the May 9 agenda.

Pool of Experts Public Advocate - Municipal Clerk Kwasniewski advised that she has not received any names. This matter was deferred to May 9.

ATM Machine - This matter was deferred to the May 9 agenda.

Shared Parking Agreement - Councilmember Etler expressed concern that the Borough will contribute the spaces on George Street by the Fire Company. He would not agree to the inclusion of those spaces. Deputy Mayor Adler reported that while cooperative parking is necessary to keep the River Road area viable, the Council will make the final decision on what Borough property will be included. She advised RRIC at their meeting that the Council will be doing a thorough investigation and discussion on this matter as soon as they finish the budget.

Attorney Lustgarten felt the Council needs to decide if the Borough is going to commit any more money or resources before they start working on the details. Councilmember Etler disagreed since he felt the details were very important. He repeated that he would not agree to include the Fire Department lot. Deputy Mayor Adler pointed out that the Council can say that George Street is not part of the agreement. Attorney Lustgarten noted that if the Council did not include that lot as part of the inventory, it is not in and it will not be in unless the Council puts it in. The Fire Department has always said that they need the spaces for the firefighters when there is a fire.

Deputy Mayor Adler suggested that the Council review the material and make their comments when this is on the agenda. Attorney Lustgarten thought they should allocate an hour or an hour and a half so they can hold a thorough discussion. Municipal Clerk Kwasniewski advised that this matter is tentatively scheduled for May 9 although a number of other items are also on that agenda. The Council felt that scheduling this matter for the work session of May

16 would be better.

The SID budget was briefly discussed. Deputy Mayor Adler did not remember RRIC asking for the funds included in the budget. There seems to be some confusion as to how much money was allocated for the parking study. She thought Mr. Smartt was telling them that they will need Mr. Bier's expertise to set up the parking authority or whatever entity is used.

Attorney Lustgarten reminded the Council that Dr. Kaner was granted a sublease of the Arts Center property that expired March 1. The concept at the time was that this lease would not be extended. This Council can extend that lease but a decision needs to be made. This item should be included in the discussion on cooperative parking. The George Street lot also should be included in that discussion since regulations for that lot have never been developed.

Budget - Councilmember Amato questioned the total appropriations which show a 4.27 percent increase. He thought it was supposed to be 2.9 percent. Manager Sacks explained that total appropriations is not what has to be raised from taxes. Councilmember Amato wanted to see the 2.9 increase which is what the Council agreed to somewhere in the documents provided by the Chief Finance Officer. Attorney Lustgarten explained that in order to reach that number he should compare the total to be raised by taxation for 1999 and 2000.

ADJOURNMENT - Upon motion of Councilmember Dobrow and a second by Councilmember Etlar the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

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

### **SPECIAL MEETING OF APRIL 17, 2000**

Mayor Ganz reconvened the meeting at 8:55 p.m.

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

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

RESOLUTION No. 133-2000 Bid for Supply, Delivery & Grade of 14,000 Tons of Beach Sand at Memorial Pool Previously Awarded

Resolution No. 133-2000 which was recited by the Borough Attorney is incorporated herein by reference as though recited verbatim and at length was considered by the Council.

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 133-2000 was unanimously adopted.

ADJOURNMENT:

Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned to Work Session at 8:55 p.m.

Respectfully submitted,

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

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