

WORK SESSION OF JANUARY 18, 2000

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, Deputy Mayor Adler, Councilmembers Amato, Dobrow and Etlar.

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

Religious Freedom Proclamation - Municipal Clerk Kwasniewski read the Religious Freedom proclamation January 16, 2000 as Religious Freedom Day and the week of January 17-23 as Religious Freedom Week and urging that the citizens of the Borough celebrate with due reverence this distinctive and unusual Constitutional gift.

Councilmember Etlar asked for permission to add a discussion on the municipal parking lot as item number 20. There was no objection from the Council.

Review of 1/25/00 Tentative Agenda - There were no changes.

Correspondence - Mayor Ganz advised that he received a letter from the DEP on December 28 indicating that the Borough will receive a Clean Communities grant of \$43,070 this year. He also received a letter from Councilmember Etlar resigning as Vice-Chairman of the Planning Board. He also received a letter from Susan Lukavich, 8-40 Chester Street, regarding PSE&G that he asked be circulated. He received a letter dated January 3, 2000 from Dr. Lippe of Fair Haven Place regarding a public Chanukah display to which Attorney Lustgarten will respond.

Report from Mid-Bergen Mental Health Center re Use of CDBG Funds - This item was deferred to March.

Financial Reports/Municipal Court Credit Cards - CFO Eccelston was present and distributed a list of financial reports that his Department generates. Councilmember Amato wanted to be able to understand on a month to month basis the financial position of the Borough. CFO Eccelston explained that 99.9% of the expenditures flow through the budget. That report is given to the Council monthly. Councilmember Amato wanted to be able to identify the major changes annually. CFO Eccelston advised that if he had a problem, he would be going to the Manager who would then go to the Council. Attorney Lustgarten thought they should be looking at the overtime reports. He felt that examining other expenses quarter to quarter would be more meaningful than month to month. CFO Eccelston noted that the important thing is how much is budgeted and how close they are to that number. He has fixed reports but he can also generate whatever reports they need. CFO Eccelston will send the reports for January so they can discuss this item again on February 15.

CFO Eccelston advised that he received proposals on the credit cards. The lowest proposal from the bank is 1.95% of each transaction plus \$.25 for each transaction. He had hoped to pass along a service charge to the credit card users but none of the banks would allow him to do that. Every municipal court customer would have to be charged a service charge. Attorney Lustgarten explained that the regulations say that the municipality cannot charge a service fee without the permission of the provider. The regulations state that whatever the fines are and the medium of payment will be approved if the court is not losing revenue. In addition, they said that the municipality cannot charge the defendant the fees. The municipal court cannot be the intermediary for that fee. Mayor Ganz asked for the laws and regulations. It is a policy call that the Council will make if they want to raise all the fines by 3 percent to cover the cost of the credit card usage. This item will be on the next work session agenda.

Attorney Lustgarten noted that there are limits to what the municipality can do. There are statewide fixed fines that Fair Lawn cannot change. Councilmember Etlar wondered why they have to accept the credit cards. Attorney Lustgarten explained that they do not. The Council thought they could increase the collection rate by allowing use of credit cards. CFO Eccelston advised that the Borough can pay for the charge although the Mayor did not think the regulations allow the municipality to do that either.

Mayor Ganz thought it was a good idea that would speed the collection process and reduce the time the court spends on partial payments. CFO Eccelston noted that it will only speed up the collection of partial payments if they have a credit card. Partial payments are only for those the Judge deems cannot pay so he was not sure how many of them would have a credit card. He advised that the Council can increase the Municipal Court budget and then pay for it out of the budget appropriations. If they get many people using the credit cards, the Borough will lose money. There are \$397,000 in partial payments some of which the Borough will never recover. He was concerned that those who are now paying may use a credit card for convenience and the Borough will lose money.

The consensus was to proceed to get the regulations and see if it can be implemented. This matter will be on the February 1 agenda.

CFO Eccelston wanted to set up a budget calendar. Mayor Ganz proposed that they set the schedule at the next meeting and decide whether they want to have taping or live presentations.

River Road B4/B5 Changes - Engineer Garrison, Bob Landzettel, President of RRIC and Arthur Levine, Vice-President of RRIC were present. There are fifteen anomalies in the B4/B5 zone created when the SID was adopted. They are not trying to expand the business zone but to concentrate on what was already included in the SID. Engineer Garrison had prepared a list of the changes that the Construction Official/Zoning Officer, who has concurred with the changes, has reviewed.

Mr. Landzettel explained some major changes included front yard and side yard setbacks and a height change in the B4 to allow three stories. Additionally if they were part of the cooperative parking plan, they could get a 25% reduction in the parking requirements.

Deputy Mayor Adler was recused.

The consensus was to introduce the ordinance to amend the B4/B5 to include the changes on the list submitted by the Engineer.

Columbia Terrace Bike Path - Engineer Garrison and Superintendent Frey were present. Engineer Garrison submitted the plan. He explained that they have worked on the bike path with the committee. There were many meetings with the Walsh Pool/Columbia Terrace Park Committee. This proposal was submitted to the Council last fall. There is a state grant for this bike path so he has to award the bid by March 22. The grant does not fund the installation of the basketball court but will be included in the specifications. There had been talk about whether the pool remains in operation. The bike path as designed would remain no matter what happens with Walsh Pool. They could loop it around the park at some future time. It cannot be looped on the north side because the pool is there. The State is reviewing the plans and specifications now. The location of the basketball court has been agreed to with the committee.

Superintendent Frey wanted to know what they were going to do with Walsh Pool. He did not think it made any sense to put in a bike path and a basketball court that they could move if the pool were closed. He presented the statistics for the pool use from 1997, 1998 and 1999. Approximately 62 permits were issued to North Haledon residents in 1999. It appears that half the attendance in 1999 was from North Haledon.

Councilmember Etlar pointed out that if the pool were closed, the residents wanted a green area so he did not see the effect on the bike path and the basketball court. Superintendent Frey explained that the bike path could be continued if the pool did not exist. They could put the basketball court in place of the pool with tables, benches and fencing. Attorney Lustgarten noted that even if the Council decides in March he doubted that anything could be done for this season. He felt if the Council is trying to implement something at the facility for this season it makes sense to get the bike path and the court done now. Mayor Ganz did not think it was safe the way it was designed. He asked how long it would take to engineer the bike path differently. Engineer Garrison advised that he needs to use the State funds now. There is only \$60,000 that they are stretching to cover the design as it is. Mayor Ganz indicated he would rather see them not complete the loop in the rear instead of the front then create something that is unsafe. Engineer Garrison advised that it cannot be done without closing the pool because of the topography.

Deputy Mayor Adler noted that the Columbia Heights Neighborhood is undecided on the pool. The Council has to decide. She has heard all kinds of things including some kind of water activity. She wanted to know if they wanted the basketball court. Mayor Ganz replied that they have been promised the basketball court for some time now. The only question was the location.

Engineer Garrison clarified that the bike path would dead end where he had planned to put the turn around. He stressed that the grant will not cover this addition. There might be money left over from another capital project. The basketball court was funded two years ago in the capital budget. The area along the soccer field must be fenced and a guardrail installed which will result in a loss of parking spaces.

The consensus was to extend the bike path toward the field house.

Mayor Ganz asked if the location were the optimal place for the basketball court and what the construction time would be. Engineer Garrison thought it would be two months.

Mayor Ganz asked if the Council decided to close Walsh Pool how long would it take to turn it into a park Engineer Garrison that it would take six to seven months to just to fill in the pool. He estimated that the basketball court would cost \$12,000 to install.

The consensus was to build the basketball court so that it would be ready for the spring.

It was agreed to place the discussion on Walsh Pool on the first work session agenda in March.

Council Meetings at the Schools - Mayor Ganz noted that there appears to be a problem using the schools. The consensus was that if the Borough is unable to use the schools the Borough Manager is authorized to rent space in an appropriate location with Councilmember Etlar dissenting.

Recreation Initiatives for Year 2000 - Superintendent Frey asked for a decision on Memorial Pool. They will be getting new sand. Hopefully FEMA will reimburse the Borough. The sand will have to be bid. He has included \$375,000 in the budget in case there is no reimbursement. Mayor Ganz suggested upgrading the sand as much as economically feasible.

Superintendent Frey wanted to know if they were going to renovate the buildings for the 2001 season. He did not think it would be possible to build them for this season. Attorney Lustgarten suggested using trailers as a temporary measure.

Superintendent Frey advised that he would like to hire an architect and be able to start construction after the pool closes so that for 2001 they would have new buildings. Mayor Ganz suggested that the Council approve replacement of the sinks, the toilets and the urinals for this season. It is cosmetic but it will improve the appearance. Attorney Lustgarten suggested painting the floor of the bathrooms. Mayor Ganz asked for a cosmetic plan for this season for February 1st meeting.

Superintendent Frey asked if the pool season will be extended. He does not open the pool earlier or close it later because the staff is not available. He probably cannot get staff after Labor Day during the week. He was not sure if they are available after school. Mayor Ganz suggested applying for the aquatic permits to open Memorial Day and close at the end of September. Superintendent Frey advised that the budget will have to be increased for the salaries, water and chlorine.

The consensus was to apply for the permits from Memorial Day through the end of September and then deal with the actual opening and closing dates with the financial constraints that might exist. Superintendent Frey advised that the contract for the concession stand has expired. Usually 20 packages are sent out to various restaurants but only one bid is received. There have been complaints. Last year he looked into catering trucks without any success. Mayor Ganz advised that he sent out a letter and an e-mail to every major franchise chain but only Wendy responded. They sent it to the local franchisee. He asked for permission to approach some of the restaurants to see if there is any interest. He thought they could make the food off premise and bring it in and reheat it. Superintendent Frey noted that he needs to know by the end of February if he has to bid.

The consensus was to authorize the Mayor or any other Councilmember who wishes to do so to approach the merchants. He was authorized to waive the lease fee, but the vendor would have to pay for the electricity and water.

The consensus was to hold the fireworks on July 3 with July 5 the rain date.

The consensus was to use the same fees as last year with the addition of a presale fee of \$12 for a family of five with up to two adults with Councilmember Etlar dissenting.

The consensus was to keep the pool fees the same as last year with the addition of a \$6.00 senior citizen guest fee on the weekends with Councilmember Etlar dissenting.

Manager Sacks suggested the camp fees be raised \$5.00 a week. Mayor Ganz wanted to know if there was a possibility of running the Small Fry Camp on weekends in June and September. Superintendent Frey will come up with the cost of running a program for small children.

The consensus was not to raise camp fees.

Superintendent Frey suggested that they sell the Arts Center. The proceeds from the sale could be used to expand the Rec Center to build a Cultural Center so all programs would be under one roof. Mayor Ganz advised that while the building is safe, it has various structural deficiencies. To be brought up to current standards and to comply with ADA the estimate is \$600,000 to renovate it and then to maximize its use a second story should be added so it would be a \$900,000 project. The Council last year was not willing to undertake that kind of renovation.

Superintendent Frey recommended that the Council look at Mr. Meeker's report and then revisit this issue. Councilmember Etlar thought it would be expensive to fix and maintain it. He thought the money would be better spent. He favored selling it and expanding the Rec Center. Councilmember Amato would not like to see something historic destroyed and wondered if it were important to the River Road Improvement Corp. Deputy Mayor Adler thought it could be designed like a little theater.

Manager Ganz asked Municipal Clerk Kwasniewski to distribute the minutes and Mr. Meeker's plans. This item will be on the first work session of March.

Superintendent Frey advised that the in line skating rink is finished. There is about \$93,000 left over in capital funds. He would like to use that money for lighting the new court.

The consensus was to investigate the cost of lighting.

Attorney Lustgarten noted that the Council has been talking about flooding an existing facility for ice skating for years. Superintendent Frey advised that in 1997 he looked at the possibility of a liner that cost \$4,000 for Berdan Grove. He proposed flooding Memorial Pool parking lot behind the bath house. He could cover the drain and flood it. Supervision is needed and the circle would have to be blocked off. Rules would have to be posted. Attorney Lustgarten wondered if the emergency services vehicles would have a problem with access.

The consensus was that if the Fire Department or Police Department has no objection the Manager was authorized to have it done immediately with Councilmember Etler dissenting. Councilmember Etler wanted to look at the area himself.

Purchase of Borough Property (Block 5818, Lot 34-39 Devaney) - Attorney Lustgarten distributed the appraisal on Chester Street. He suggested that this matter be deferred for two weeks in Closed Session to set the value.

School Bus License Fee - Mayor Ganz noted that at one time there was a license fee for all school buses that parked in the Borough. It was designed to cover the cost of inspecting the vehicles and to cover the cost of the buses on the roads.

The consensus was to ask the Manager to give the Council a recommendation on what the fee should be. This matter will be on the agenda in two weeks.

Ground Space Lease Bids - Manager Sacks recommended that the two bids be awarded. Attorney Lustgarten advised that he received a call from one bidder asking if since they were the higher bidder did they get to chose the location first. Manager Sacks advised that the bid must be awarded to the highest bidder first and then the second highest bidder.

The consensus was to award the bid.

Law Enforcement Block Grant - Manager Sacks noted that to use the money they have to reappoint the committee.

The consensus was to reappoint the committee.

Adoption of Notice of Tort Claim Form by Ordinance - Attorney Lustgarten recommended introducing the ordinance at the next meeting. The Council concurred.

Auction of Borough Owned Property (Shotmeyer) - Attorney Lustgarten advised that the appraisal has been received. This item was deferred for two weeks.

Proposed Ordinances 1778-2000 and 1784-2000 - These items were deferred for two weeks.

It was agreed to add anything the Council does not get to this evening to a work session following the next Council meeting.

Ellington Road - Speed Calming - Manager Sacks liked the recommendations from the Police Department. Councilmember Etler liked the three ideas. He wanted to be sure that the people on the block want the speed humps before they were installed. Deputy Adler suggested that if this is on the next agenda, the people should be notified so they can comment. Attorney Lustgarten noted that the Ellington Road residents have been complaining that the Council has not done anything. If this is a good idea, the Council should do it. They do not need the consensus of the residents.

The consensus was that the Manager be directed to implement all three suggestions of the Police Department. Manager Sacks was asked to notify by mail all the residents on Ellington Road of the action taken and the action that will be taken. Manager Sacks thought they would need State approval to change the curb. Mayor Ganz asked Manager Sacks to give the Council a report on the items done and when the others will be done.

Board of Education Liaison Meeting - Parking at the schools on the Election Day will be added to the agenda for that meeting.

Chamber of Commerce Fair Lawn Day - This item was deferred to February 1.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the following closed

session resolution was unanimously adopted at 11:05 p.m.

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

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss personnel; and
WHEREAS, 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 by the introduction of ordinance within 30 to 45 days;

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. ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 11:20 p.m.

Respectfully submitted,

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