

REGULAR MEETING OF MARCH 28, 2000

Mayor Ganz opened the meeting at 7:30 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 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 Etlar.

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

MANAGER'S REPORT

Manager Sacks stated the reports were out on the table and there were no changes to report.

RESCINDING ORDINANCES:

Ordinance No.1793-2000

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" TO EXTEND THAT POSITION

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Ordinance No. 1793-2000 was unanimously rescinded.

Ordinance No. 1796-2000

AN ORDINANCE FIXING THE SALARIES OF CERTAIN BOROUGH EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Ordinance No. 1796-2000 was unanimously rescinded.

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. 1797-2000

"AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY", AS AMENDED

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 101-2000 introducing Ordinance No. 1797-2000 was unanimously passed.

## ORDINANCES: SECOND READING

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

Ordinance No.1794-2000

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS TO THE BOROUGH'S POOL AND TENNIS COURTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$1,491,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,420,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

Al Placa, 38-12 Pellington Drive, thought FEMA would be covering this. Mayor Ganz explained there was a problem with FEMA. Mr. Placa felt this was a losing proposition. He questioned the amount of money the Borough was putting into Memorial Pool. Mayor Ganz explained the amount.

Leon Wender, 7-22 Manor Avenue, stated the pool is in poor shape. The bathrooms need to be replaced. The road leading into the pool should have signs prohibiting stopping or standing. Mayor Ganz said that was a good point and advised the Borough Manager to check with the Traffic Officer for recommendations. Mr. Wender continued that the Borough has to accommodate the handicap residents. He sees people struggling. He felt that a cut out on the road would help. Mayor Ganz stated his recollection was to have the Borough Manager investigate and get back to the Council. Mr. Wender said the garbage and security had to be improved at the pool. People use the pool facility without being checked for passes. People eat in unauthorized place. The water in the pool has been green. He is surprised there have been no incidents of disease. He suggested the Borough make it a winning asset.

Don Oliver, 8-32 Mitchell Place, asked if the Borough gets the FEMA money will it apply it to this debt. Mayor Ganz informed him it would. Manager Sacks stated that it was directed in the ordinance to use FEMA funds to offset the debt.

Mr. Oliver questioned the life of the bond. Attorney Lustgarten informed him it was 12.9 years.

Jane Young, 38 Pomona Avenue stated the algae bloom, which made the water brown, was from the drought this past summer. She asked if the sand would be carted out of town. Mayor Ganz informed her the Council will determine that tonight. If the Council decides to close Walsh Pool, the sand would go there. Ms. Young questioned if the sand was contaminated. Mayor Ganz informed her that it absolutely was not contaminated. There was just twigs and other debris in the sand. Manager Sacks confirmed that there were over 250 tests done on the sand.

Julia Goodman, 11-14 Floral Avenue, questioned the chemicals in the water and if they intend to keep it a sand bottom. Mayor Ganz informed her it would be a fine sand bottom and that chlorine will be used.

Jim Rose, 17-32 Bellaire Avenue, questioned what happened to the water park. Mayor Ganz informed him this was not part of this matter. There was a study done which said a water park could be done for six or seven million. It is not fair to impose on the residents such a large amount. He felt the flood turned out to be a blessing. The sand has to be stripped and replaced which will give it a clean look. It has been determined it would be prudent to obtain temporary structures. Any buildings will have to be built seven feet off the ground because of being in the flood zone. The Council has looked into trailers and think they can obtain them in for \$300,000. Mr. Rose asked what was going to be new in the park. Mayor Ganz referred him to the Recreation Department.

Mark Sternberg, 38-51 Victoria Road, applauded the Council for keeping Memorial Pool as people enjoy it. He said too many people use the beach as an ashtray. Attorney Lustgarten thought it was illegal to smoke at the beach. He suggested they designate a smoking area. Superintendent Frey was in the audience and said they did put in a non smoking area but that does not stop the people from smoking. Mayor Ganz said that possibly with the new sand the

people will look at it differently.

Stan Kaplan, 0-97 Bellaire Avenue asked if the pool will remain only for residents. Mayor Ganz informed him the pool will not be open to non residents. They have kept the rates the same as last year. He said at his request the Senior Citizen visitors rates have gone down.

Wendy Dabney, 41 Albert Avenue, questioned what FEMA was paying for. Mayor Ganz informed her it was \$150,000 from FEMA and the Joint Insurance Fund, a portion of it is in dispute so they do not know how it will turn out with FEMA. What they are talking about this evening is bonding and the Borough will bear the cost either way. If FEMA and the JIF reimburse the Borough that will be that much less that the Borough has to bond. Ms. Dabney wondered about the sand being contaminated. Mayor Ganz assured her it was not. She asked why the insurance company might pay for it and Mayor Ganz told her because of the flood.

Jim Funcheon, 49 Albert Avenue, suggested the sand be brought to the borough yards. Mayor Ganz informed him that would be one of the considerations.

Leon Wender, 7-22 Manor Avenue questioned if the pool would be opened as is. Mayor Ganz stated the muck and sand had to be replaced. The Council decided to replace the sand. Mr. Wender suggested they hire a security guard and give him a cart to get around in. Mayor Ganz said he would pass that on to the Borough Manager and the Superintendent of Parks and Recreation.

There being no further comments by the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato Resolution No. 102-2000 adopting Ordinance No. 1794-2000 was unanimously passed.

Mayor Ganz advised, with the permission of the Council they go to the Resolution by Consent and the awarding of the bids and then hold the discussion on Walsh Pool.

#### RESOLUTIONS BY CONSENT #7-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #7-2000 containing the following items was unanimously adopted.

- a. Resol. #103-2000 Approval of Minutes:  
Regular Meeting 2/8/00  
Work Session 2/8/00  
Closed Session 2/8/00
- b. Resol. #104-2000 Release of Performance Bond Lackland Storage
- c. Resol. #105-2000 Transfer of Funds
- d. Resol. #106-2000 Award of Bid: Well House Cold Water Meters
- e. Resol. #107-2000 Authorizing Execution of Fireworks Contract
- f. Resol. #108-2000 Accepting Resignation & Appointments to Planning Board
- g. Resol. #109-2000 Interlocal Services Agreement with Ridgewood
- h. Resol. #110-2000 Approval of Knights of Pythias Flea Market Hand of Friendship Day and Circus
- i. Resol. #111-2000 Award of Bid: Well Rehabilitation 2000
- j. Resol. #112-2000 CDBG Agreement Hearing Center Building Conversion
- k. Resol. #113-2000 Change Order Municipal Building Parking Lot
- l. Resol. #114-2000 Approval of Fair Lawn High School Annual Marathon
- m. Resol. #115-2000 Appointment to Rent Leveling

RESOLUTION No. 116-2000 Award of Bid: Stripping & Removal of Beach Sand at Memorial Pool

Mayor Ganz stated it was his understanding that based on the bid that was there that were two portions of it and the recommendation from Manager Sacks was to award on a portion of it and reject the balance. Attorney Lustgarten stated he had no objection to the process but questioned what the Council was considering awarding the bid on Resolution No. 116-2000 because there is an option that was in the specs. So they have a choice, they have to go with the lowest responsible bidder, which in this case would be Let It Grow, Inc., River Edge, New Jersey. They were a lot cheaper than the other bidder. They will also have to decide whether they are going to throw in the option of the other pool with the sand. They have not decided what to do at Walsh Pool yet. The Manager's recommendation was to award the removal, he disagreed with that. He thought what they should do is award the removal but leave open the option aspect of it. Mayor Ganz asked if it would make sense to postpone this portion of it till a later time. Attorney Lustgarten thought they shouldn't defer this because time was becoming the essence of this whole process. He recommended they award the base bid for the removal of the sand and leave the option issue for further vote which they can do as soon as they make this decision.

Upon motion by Deputy Mayor Adler and a second by Councilmember it was unanimously agreed to divide the question of the lowest responsible bid between the base bid for general removal and the issue of the minus \$2,000 removal if it would be transported to Walsh Pool.

Upon motion by Councilmember Dobrow and a second by Councilmember Etlar to divide the question was unanimously passed.

Upon motion by Councilmember Dobrow and a second by Councilmember Etlar, Resolution No. 116-2000 was discussed.

Attorney Lustgarten stated the way the Municipal Clerk has prepared the resolution, it gave the Council the option to accept at a later date minus \$2,000 because this resolution does not award the number \$81,000 it stated not to exceed \$81,000.

Hearing no further discussion, Resolution No. 116-2000 was unanimously passed.

Upon motion by Councilmember Dobrow and a second by Councilmember Amato, to postpone the public portion of the divided question was unanimously passed.

Mayor Ganz stated that at any appropriate time any member of the Council may make a motion to take from the table the motion that we have postponed consideration of.

**RESOLUTION No. 117-2000 Rejecting Bid: Supplying, Delivery & Grading of 14,000 Tons of Beach Sand**

Upon motion by Councilmember Dobrow and a second by Councilmember Amato, Resolution No. 117-2000 was discussed.

Attorney Lustgarten stated that when the bids came in he and the Municipal Clerk had an extensive discussion about alternative procedures. He had her send a copy of the bid specifications to one bidder who had a problem with the specifications. He saw that the Manager prepared a memo today which appeared to have all the concerns he had covered. He does recommend that this bid be rejected. Two of the three bidders apparently brought in multiple samples of sands. One of the individuals thought it was only one sample, one bid and one price. Obviously that put that bidder at a disadvantage by not giving multiple bids. Prudence dictates that his recommendation to the Council be to reject all bids and to rebid. He understands that the Superintendent of Recreation has prepared new specifications which will allow all of the bidders to submit multiple sand samples.

Mayor Ganz asked if it was appropriate for the Council to take a consensus to have the Borough Attorney review the specifications on this bid. Attorney Lustgarten said it was fine with him. The consensus was to have Attorney Lustgarten review the bid specifications. Municipal Clerk Kwasniewski had a copy of the new specifications and passed it along to Attorney Lustgarten to review. Attorney Lustgarten said the idea was to get the specifications out tomorrow.

Mayor Ganz wondered if there was enough time to get this done. Manager Sacks said there was if everyone cooperated.

Hearing no further discussion, Resolution No. 117-2000 rejecting the bid was unanimously passed.

Mayor Ganz recessed the meeting for a ten minute break at 8:15 p.m.

Mayor Ganz reconvened the meeting at 8:30 p.m.

#### DISCUSSION ON WALSH POOL

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

Mayor Ganz stated they have heard from local groups, they have seen the recommendations of prior pool committees, they have had the experience of several summers prior to last summer, they have had the people from North Haledon use the pool which increased the attendance, they have reviewed the budget figures and they now wanted to hear from the public. He suggested they do it in an orderly fashion. Everyone will be able to speak on the topic. They will try to answer any questions the public may have.

Elaine Winshell, 7 Beekman Place, Chairperson of the Environmental Commission stated she had a few concerns which were raised by the Environmental Commission. They are not convinced that the pool area is not in the wetland areas. They think it would be prudent for the Borough to obtain a letter of interpretation from the Department of Environment Protection in order to protect themselves from any liability concerning the wetlands. They understand there are financial considerations in keeping the pool open. Filling in the pool will create other problems. There would be no flow from the pool to the brook. During the summer when the flow is low there would be an odor. The other potential threat is if there is standing water in the brook there would be a problem with mosquitos. She would like the Council to take into consideration the liability of taking away a wetland and the problem of having standing water if there is no water flowing from where the pool is to the brook. Mayor Ganz stated he did not want the record to reflect that there was a wetland until it is determined whether that is correct or not. He asked Attorney Lustgarten to make the appropriate inquiries.

Wendy Dabney, 41 Albert Avenue, said she had the same concerns as Ms. Winshell and she had been raising this issue since last summer. There were figures that reflect that 86,000 gallons of water leave the pool and flow into Diamond Brook. On the other side of Harristown Road the water was not free flowing and there was an odor.

There was a consent to ask the Borough Engineer to give engineering solutions with a cost estimate to resolve this problem.

Mayor Ganz stated there will be no standing water there. They will take whatever steps are necessary to alleviate that condition. Ms. Dabney had concerns that it was part of the wetlands.

Leon Wender, 7-22 Manor Avenue, said that in his estimation this town will survive with only one pool. Mayor Ganz informed him that was what was before the Council tonight. Mr. Wender continued saying the Borough should attract more people to the larger pool.

Jane Young, 38 Pomona Avenue, said this was one of the few wild spots around. It used to be Schneider's Pond. It used to be a wildlife sanctuary. They owe it to the animals because without the open areas they are doomed. The population has increased within the last thirty years. They need spaces like this to reenforce their souls. She felt that with improvements it will be a wonderful place. Some residents don't even know this pool belongs to Fair Lawn. She knows that many people want to give it a chance. Mayor Ganz said they had this discussion last year and even with North Haledon having use of the pool the attendance did not increase. Ms. Young said if there weren't an algae bloom last summer, attendance would have been higher.

Jim Funcheon, 49 Albert Avenue, asked what was the main reason the Council wanted to close Walsh Pool. Mayor Ganz replied there were several reasons such as low attendance, the cost of thirty thousand dollars a year to run it and if it were to be filled in it would offer other recreational facilities. Mr. Funcheon stated it used to be well maintained. The town took away many of the recreational facilities in the pool. He wondered if anyone had calculated the cost to each taxpayer. Mayor Ganz told him it was approximately \$3 per year, per household. Mr. Funcheon asked to make it the way it used to be. It is not fair to the community. It keeps the value up on the houses in town.

Katherine Kay, 24 Albert Avenue, said she used it as a kid. The pool was taken care of by the community. People volunteered to help take care of it. She agreed with Ms. Young about the wetlands. She asked when did the day camp start using the pool. Mayor Ganz informed her it was about fifteen years ago. Ms. Kay continued that she felt that part of the problem was that at noon time the pool was overrun with kids. She did not want to go there with her children and that is probably why the attendance is down. Mayor Ganz stated that was an interesting argument but wondered how does that explain the low usage on the weekends.

Deputy Mayor Adler stated they were talking about two different camps. The camp that goes to Walsh Pool is from the community school. Ms. Kay thought they used to be based at Memorial Pool. She wondered if they pay to use the pool. Superintendent Frey, who was present in the audience, said they paid \$2,000 to use it.

Jim Rose, 17-12 Bellaire Avenue, wondered if anyone addressed where the kids will go. Mayor Ganz stated they will go to Memorial Pool.

Jill Ryan, 48 Heights Avenue, said the reason they bought their house in this area was because of the schools and the pool. The age group has changed and they look forward to going to Walsh Pool. The older kids want more recreation facilities. Mayor Ganz stated he has heard the same argument for the last three years.

Jerry Bruno, 50 Albert Avenue, said it sounded like a decision has already been made. Mayor Ganz replied that was not true, not until every Councilmember has voted. They have asked questions and know the options. Mr. Bruno thought it was a unique spot. He thinks it will be awful to see the pool closed. He felt that the parking was not good there. He asked if the pool was there to make money. Mayor Ganz informed him the aim was to not spend foolishly.

John McKarin, 29 Albert Avenue, with the attendance being down, that is not by accident. The pool is always colder and dirtier than Memorial Pool. When there are sporting events there is no parking. His children prefer Memorial Pool because there are more things to do. The Borough took away the diving board at Walsh Pool. He felt it takes an effort to make it successful.

Sue Benjamin, 8 Albert Avenue, stated she agreed with what had been said. She and her family do attend Walsh Pool but because of the attractions at Memorial they go there but they prefer Walsh Pool. They think that Walsh Pool is the last bit of recreation that can be considered part of Columbia Heights. In the event that it does get closed, passive recreation would be good. She was interested in knowing the attendance. Mayor Ganz informed her it was thirty or fifty people a day. Some days there were no people there. Weekends tended to be higher. These figures included North Haledon. Ms. Benjamin wondered if attendance studies were done at Memorial Pool. Mayor Ganz thought that swimming is less popular than twenty years ago. He is not surprised there is a downturn.

Mark Sternberg, 38-51 Victoria Road, stating because of the population change Thomas Jefferson Middle School was almost closed. The population runs in cycles. If Walsh Pool was filled in it would be gone. He felt it might be worth it to keep it open and not put a basketball court there.

John DeVries, 69 Pomona Avenue, stated he was part of the original group of people with Walsh Pool. All the work was done with donated time. Over the years it was a neighborhood family get together place and as far as he knows it still is. He suggested keeping the pool open.

Joanne Cannici, 0-14 Berdan Avenue, stated the water in Memorial Pool is filthy. Mayor Ganz stated they were putting new sand in which should help the situation. The Borough is spending a great deal of money for high quality

sand, dredging and chlorine. Ms. Cannici spoke about the ice skating area and the parking situation. She felt that if the water was cleaner more people would go there. She asked where the Borough was posting information.

Councilmember Amato stated that as far as the ice skating area he has parked right there with no problem. Mayor Ganz stated the Council made the determination that it would be nice to have an ice skating area. He informed her that the Borough puts the information on its website and also on the 24 hour cable channel. Deputy Mayor Adler stated the ice skating area was a good idea. The Council has the luxury of putting information on the cable channel and the website. She felt the residents get the information faster that way. Mayor Ganz informed her that late last year the cable channel started operating 24 hours a day with current news there all the time. Deputy Mayor Adler continued that she found it interesting that people would pay for the pool. One of their considerations has to be how the residents feel about this situation.

Ms. Cannici stated the Borough should make the pools more attractive for people to go to. Membership is not that much. People work during the week. The pool used to be skimmed but it is not anymore. Perhaps that is causing the discoloration. Councilmember Amato agreed that the water had been cloudy but thinks her comments are harsh and unfair. Superintendent Frey, who was in the audience, stated he makes sure his staff cleans the pool on a regular basis.

Paula Keim Bruno, 50 Albert Avenue, said she heard that most people don't want to see the pool closed. She felt it should be kept open, cleaned up and kept nice for the residents and they will use it. It would be a disservice to the residents if it were closed. She suggested the Council take into consideration all the negative and positive aspects about the pool. Mayor Ganz asked her how many times she used the pool. Ms. Bruno said she was working as a jockey at Monmouth Park and was away most of the summer but is now home and intending to use the pool.

Jane Spindel, 395 Plaza Road North, stated she agreed with what everyone said. She and her family go to Walsh Pool finding it quieter and cozier. The area is considered part of a wetland area and once filled in the Borough could not go back. The algae may be the reason for the decrease in attendance.

Jim Funcheon, 49 Albert Avenue, stated the pool has not been cleaned properly. The leaves sit there all winter.

Stan Kaplan, 0-97 Bellaire Avenue, said he used Memorial Pool and has never been to Walsh Pool. He felt that if the Borough had capital assets they should not get rid of them. Walsh Pool has a value. Work on it and it will increase in its value.

Jim Rose, 17-12 Bellaire Avenue, suggested opening the snack bar and adding a diving board. Mayor Ganz informed him that they have already put the food concession out to bid for Memorial Pool and received no bids.

Jane Young, 38 Pomona Avenue, asked them to fix Walsh Pool up and to give it a second chance.

Wendy Dabney, 41 Albert Avenue, said she was a member of the Pool Committee and at the onset of the committee they were told not to discuss the pros and cons of closing Walsh Pool. In summary, the residents would like to see all the amenities done. There is no handicap accessibility on the site. She asked them to put in the bike path and a nature path. She asked them to give it another year and look at the numbers again. She feels the water is too shallow. To close a recreational facility is not something they would want to be remembered for.

Mike Companioni, 7-15 17th Street, asked if the town had such financial problems that they could not keep the pool open. Mayor Ganz said Walsh Pool is not a winner and if it were run as a business it would have been closed years ago. Mr. Companioni continued that it would make the town less attractive. Mayor Ganz explained that the pool has been losing money for the last fifteen years. Mr. Companioni said the Council should consider keeping it open.

Mary Sternberg, 38-51 Victoria Road, said she lives on the other side of town. She has driven by Walsh Pool and felt it looked nice. She asked that they not put a basketball court in if they do close the pool.

Katherine Kay, 24 Albert Avenue, stated that people tell her all the time the pool is wonderful. She felt it was in the forgotten end of town. Councilmember Etlar stated he took offense to that statement. The Borough has invested a lot

of money in the Columbia Heights area.

Evelyn Tomasi, 30 Albert Avenue, stated it hurt her deeply to hear that the Borough wanted to discard all the work that had been done at the pool. In 1950 Hilda Walsh decided, through the Recreation Department, that she and her neighbors could do something with the pond. The neighbors cleaned it up. They worked hard and made it beautiful. Her children were fortunate to have grown up there. She suggested instead of discarding it to make it into a memorial to the people who have worked so hard at that pool.

Jerry Bruno, 50 Albert Avenue, said he did not understand why the pool had to make money to keep it open. He asked if they were going to plan on not plowing or sanding the streets. He thought this was something that didn't have to make money. Many people use the pool.

Councilmember Dobrow stated that was not the point and they would be giving this a great deal of consideration.

Attorney Lustgarten stated so that there was no misconception about the word profit, he thought the word subsidy should be used. If a particular aspect of a Borough service loses money when they allocate cost of labor, materials, capital costs, etc. that means there is a user fee for that particular service. If the user fee is less than the cost of the facility that means that people were not using that facility. Profit and loss in a municipal corporation is irrelevant. It is the equation of to what degree do they go to for the general population to subsidize a particular facility in town that is utilized by only a part of the population. That is the decision that has to be made.

Deputy Mayor Adler added that before she was elected to the Council she attended a Council meeting where a discussion was held concerning the water bills. A former Councilmember said that the water bill covers filling these two pools and what a bad idea he thought it was. She felt that everyone understood that the taxes they pay are what she called value received. She felt their remarks were very relevant. She has heard people say the Borough should raise the fees and these are valid issues the Council has to consider. This is a very serious and critical decision that has to be made. The Council has to represent everyone.

John McCarren, 29 Albert Avenue, stated he thought Deputy Mayor Adler had a good point except for the fact that water for Walsh Pool comes from a well. Mayor Ganz stated the Borough ends up paying for it anyway. He said he wanted to know what all the costs were going to be. Mr. McCarren felt the Council had already determined what their decision was going to be. Mayor Ganz informed him that no decision had been made. He has been on the Council for three years now and has heard many different views on the subject. Mr. McCarren stated the residents have heard nothing from the Council. Mayor Ganz stated there were many valid reason to keep Walsh Pool open.

Deputy Mayor Adler stated she did not understand why the residents don't want the camp to use their pool. She was a little disturbed to hear that people don't want to use the pool because of the camps. One of the solutions could be to let Columbia Heights maintain the pool.

Jim Funcheon, 49 Albert Avenue, said he took exception to Councilmember Etler's comments about the Borough spending money in the Columbia Heights area. Mayor Ganz explained they awarded the contract for the bike path which cost \$60,000. Auxiliary Police are using the old rescue building and is a community thing which requires fewer Police on payroll. There are also other projects that the Engineering Department is working on.

Mike Companioni, 7-15 17th Street, asked how the population came to the Council that they are unhappy with Walsh Pool. Mayor Ganz informed him this issue predates him. He had seen complaints in the past. Mr. Companioni stated but if the town was financially secure they should keep the pool open.

Attorney Lustgarten explained that back in the mid 1980's the State suffered a drought. The State came in with restrictions. About ten years ago the Council considered closing Walsh Pool. The Council decided at that time because of the community interest in the pool to keep it open. The State would not let the Borough use chlorine. The Council negotiated with them to use the chlorine again. The pools lost attendance because of that. Past Councils said the timing was not right to close the pool.

Jill Ryan, 48 Heights Avenue questioned if there was a time when families were at either one of the pools without the camp kids. She enrolled her son at Camp Sycamore and she is happy about that because it is a smaller pool. Mayor Ganz stated the Council has not made a determination. There are things that can be done by the Recreation Department to make it a safer place for the younger kids.

Sue Benjamin, 8 Albert Avenue, said she found it a little disturbing to hear the comments about cost cutting. She has been on the Pool Committee for years. She knows that the dollars that are spent at Walsh Pool are significantly less than what are spent at Memorial Pool. It is not Walsh vs Memorial.

Bill Ryder, 100 Heights Avenue stated that it seemed to him that the Borough always had money for whatever they needed but never has money to maintain Walsh Pool. He could not understand why the town could not find money to put into the pool to bring the people back. He felt it was the Borough's fault that the pool was hardly used.

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

#### 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.

Richard Macionis, 8-62 Forest Street, stated that on behalf of himself and his neighbors he wanted to thank the Mayor and Council for making the decision to turn the Chester Street property into a park.

Mike Companioni, 7-57 17th Street, stated when he goes to play basketball at the schools the nets are missing from the hoops. Manager Sacks stated this came up about a year ago. The Board of Education intentionally takes the nets down to avoid vandalism. They have had numerous complaints from the neighbors. Mayor Ganz suggested he take it up with the Board of Education.

Don Oliver, 8-32 Mitchell Place, a member of the Fair Lawn Homeowner's Association inquired about the Flood Assistance Coordinator. Attorney Lustgarten explained that the previous ordinance had a sunset date of June, 2000. The Council agreed to extend it until December, 2000. Mr. Oliver asked if there would be a new ordinance. Attorney Lustgarten stated it was introduced at the last public meeting. Mr. Oliver inquired if the fireworks contract went out to bid. Attorney Lustgarten explained that it was a biddable item but because it was below the bid threshold, the Borough did not have to go out to bid for it. They obtained quotes.

Mr. Oliver continued that he saw the Flood Assistant Coordinator had a side business as Emergency Management Advisory Consultants. Mayor Ganz stated there were 168 hours in a week. People budget their times. Mr. Oliver asked about the tattoo parlor ordinance. Mayor Ganz explained the Council was still discussing it with them. There was no guarantee they won't challenge this in court. Mr. Oliver spoke about the ATM machine. He wanted to know who would be liable if someone used the machine with a stolen credit card. Mayor Ganz told him the owner of the card was liable for the first fifty dollars. Attorney Lustgarten stated that ultimately the ATM dealer who would be liable.

Mr. Oliver spoke about the River Road shared parking program where the RRIC wants more money. He is not a great supporter of it as he does not see a return of an investment. He thought that before the Borough considered doing anything financially they should get a copy of the survey of River Road. He thinks it is a nice attempt but is not working. The parking lot authority is out of the question. After speaking with business owners in Ridgewood he found they had substantial backing from the Chamber of Commerce.

Mr. Oliver inquired about the parking violations and about raising the fees. He asked when it would be discussed again. Mayor Ganz stated they had received a memo from the Court. Attorney Lustgarten stated the Court Administrator had requested they raise the fines.

Mr. Oliver asked about Joe Maslo taking over as Superintendent of the Department of Public Works and that the Manager had to take over some of his jobs. He wanted to know why Mr. Maslo couldn't handle his duties. He felt that maybe he wasn't fit for the job. He concluded by asking when to expect the Council Chambers to be wired for cable television. Mayor Ganz informed him the acoustics were not worked out yet.

Al Placa, 38-12 Pellington Drive, questioned the removal of the sand. He only used the pool once and stopped going after he saw babies in the water with diapers on.

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

Deputy Mayor Adler announced that Councilmember Etler and herself attended the DARE graduation. She wanted to thank the DARE officers for a wonderful day for the kids. The County Sheriff's department was there with two inmates.

#### ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 10:30 p.m. to Work Session.

Respectfully submitted,

Marilyn B. Dugan, RMC  
Assistant Municipal Clerk

#### WORK SESSION OF MARCH 28, 2000

Mayor Ganz reconvened the meeting at 10:0 p.m.

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

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

Recodification of Borough Ordinances (Shade Tree) - Municipal Clerk Kwasniewski advised that when the Council reviewed this section, they decided to delete the entire section and send it to Shade Tree for their recommendations. Superintendent Maslo has asked that the first and second paragraphs be included and the rest deleted. He prefers not to list the trees but to have the decision made by the Superintendent and/or the Manager. He wants the requirement to replace trees included. Attorney Lustgarten concurred. Councilmember Etler asked what would happen if someone did not want a replacement tree. Attorney Lustgarten noted that Superintendent Maslo makes the final decision and can say that the street needs trees. Manager Sacks added that the Superintendent Maslo may agree with the homeowner. Councilmember Dobrow asked Manager Sacks to advise Superintendent Maslo that the Council wants trees.

The consensus was to submit the information to General Code as recommended by Superintendent Maslo.

RRIC Shared Parking Program - The Council was to look at the draft submitted by RRIC. Mayor Ganz indicated that he had asked for the discs from Mr. Smartt but he has not yet received it. Mayor Ganz asked Municipal Clerk Kwasniewski to call Mr. Smartt again.

Deputy Mayor Adler felt that they presented the ordinance and it was now in the Borough's hands. She did not think there were any alternatives. Mayor Ganz pointed out that is how they presented it. However, that does not mean that it has to be the Borough running the program. They are supposed to give the Council the disc. Councilmember Etlar noted they submitted Bier's report that he feels does not put together the parking plan. Mayor Ganz noted that RRIC has said that the ordinance makes it clear that it is to be block by block and then seamed together. Deputy Mayor Adler added that they have said this parking space exists; it just has to be put together. Mayor Ganz felt that the issue is whether it is going to be the Borough or someone else who is going to put it together.

Attorney Lustgarten added that besides a special review of the format of the agreement, they need to decide a conceptual matter. RRIC has said that the best method is to have the Borough be the leader of the parking system. If the Council does not agree, then they have to decide what entity will be responsible. Mayor Ganz is not prepared to decide until he has seen a written document with the lay out. The bulk of the references that are the Borough should be changed to RRIC. Attorney Lustgarten felt that perhaps the Council needs to ask RRIC if they are going to resume responsibility for it. Mayor Ganz continued if the Council decides that RRIC should do it, then the Borough Attorney will draft the ordinance to accomplish it. The Borough will have to have some responsibility, as will RRIC, the land owners and the tenants.

Councilmember Etlar pointed out that parking is the key element. This should have been done before they started the beautification. If RRIC spent \$15,000 on parking study and all they can come up with is that a parking authority is needed, it was wasted. Deputy Mayor Adler disagreed. Mr. Bier gave a framework. It is up to the Council to decide what it wants to do. Mayor Ganz pointed out that there is no unanimity on the RRIC Board. It is time because there are applications before the Planning Board. The applicants have been requested to put money in escrow. It needs to be done on a block by block basis. There are two blocks that are doable.

Attorney Lustgarten advised that the Borough has spent \$493,000 on River Road. In addition there was a grant for \$500,000 for the improvements on River Road.

The Council will not consider this matter until they have the disc.

Walsh Pool - The residents will be given another opportunity to comment on Walsh Pool at the April 4 meeting at Lyncrest School.

Closed Session Resolution - Upon motion by Deputy Mayor Adler and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 11:15 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 upon formal appointment by the Mayor and Council within 30 days or upon by the Manager in the Manager's report within 30 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 11:25 p.m.

Respectfully submitted,

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