

SPECIAL MEETING OF MAY 1, 2000

Mayor Ganz opened the meeting at 8:15 a.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, notice of this special meeting of the Borough of Fair Lawn was published in "The Record" issue of April 18, 26, 27 and 28 2000. 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 Notices identified the meeting location and the time of the Special Meetings and Receipt of Bids.

PRESENT: Mayor Ganz, Deputy Mayor Adler and Councilmember Etlar.

ABSENT: Councilmembers Amato and Dobrow.

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

RECEIPT OF BIDS:

Municipal Clerk Kwasniewski announced that bids for supplying, delivery and grading of 14,000+/- tons of seagull white beach sand (SGWBS) were received this morning at 8:00 a.m. The bids were turned over to the Superintendent Frey for his review and recommendation.

RESOLUTION No. 147-2000 Use of Walsh Pool by the Fair Lawn Community School

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar, Resolution No. 147-2000 was discussed.

Mayor Ganz asked if this resolution limited the Community School to the specific three days of the week. Municipal Clerk Kwasniewski advised that in reality if it rained they were allowed to use the pool on another day to make of for it. Mayor Ganz suggested amending the resolution to provide for rain dates at the discretion of the Superintendent of Parks and Recreation.

Hearing no further comment, Resolution No. 147-2000 as amended was unanimously passed.

ORDINANCES: FIRST READING

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

Ordinance No.1801-2000

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A TELEPHONE SYSTEM AND AN AUTOMATED TELLER MACHINE AND IMPROVEMENTS TO WALSH POOL, BY AND IN THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH") APPROPRIATING \$194,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,845,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar, Resolution No. 148-2000 introducing Ordinance No. 1801-2000 was discussed.

Mayor Ganz explained that this ordinance establishes the funding for the automated teller machine, the telephone system for the Police Department and the improvements at Walsh Pool. The numbers are estimates. The Borough cannot spend more than is authorized by the bond ordinance.

Upon motion by Deputy Mayor Adler and a second by Councilmember Etlar, Resolution No. 148-2000 introducing Ordinance No. 1801-2000 was unanimously passed.

DISCUSSION ON "COFFEE WITH THE COUNCIL" AT MEMORIAL PARK

Manager Sacks asked the Council to reconsider holding the "Coffee with the Council" at the Senior Citizen's Center instead of Memorial Park. She felt that holding it at the Senior Citizen's Center would be easier. She thought they could do something at the pool in August. Councilmember Etlar agreed indicating that it would be more sociable at the Center. Deputy Mayor Adler also agreed.

The consensus was to hold it at the Senior Citizen's Center.

DISCUSSION ON SUNDAY BLUE LAWS NON-BINDING REFERENDUM

Manager Sacks advised that there have been inquiries about the blue laws and whether Fair Lawn businesses can open Sunday. There seems to be a desire of the public to have stores open Sunday. She recommended putting a non-binding referendum on the ballot to get a sense of how the community feels. Councilmember Etlar did not want to see businesses open Sunday. Deputy Mayor Adler pointed out that there are a number of stores that are open Sunday. There will be competition when Paterson is developed. It may be interesting to see how people feel about it. As a business person she did not see why she cannot be open. Mayor Ganz felt that the blue laws a breach of the wall of separation of church and state. He felt it was illegal and unconstitutional. He felt the people are entitled to be surveyed. Councilmember Etlar disagreed. He felt that the people have a right to regulate commerce and they have a right to have one day of peace and quiet.

Attorney Lustgarten noted that he had not heard any strong sentiment to put this on the ballot and he was not sure that the November election was the appropriate time for it to be on the ballot. Paramus strictly enforces the blue laws. The blue laws have evolved into a quality of life issue. The critical issue would be how to phrase the question.

After further discussion Mayor Ganz asked Attorney Lustgarten to prepare a legal opinion on the Federal law, the County ordinance, and the local ordinance and then give an opinion on what direction the Council should take.

INTERLOCAL AGREEMENT WITH ELMWOOD PARK FOR USE OF WALSH POOL

Manager Sacks advised that initially Elmwood Park did not want to have an interlocal agreement but just wanted their residents to use Walsh Pool. She told him that this Council wanted it to be government unit to government unit. Mayor Mola is going back to his Council. He is also putting a letter in the Shopper to see how many residents are interested.

Guest fees were discussed. The consensus was to have the same guest fees as those for the Fair Lawn residents.

DATES FOR TOURING PISTOL RANGE

The Council will tour the pistol range at 8:00 a.m. Wednesday, April 10.

ZONING BOARD OF ADJUSTMENT PUBLIC ADVOCATE

Mayor Ganz advised that the Zoning Board will be starting the Scholastic Bus case very soon. He proposed that the Council request the public advocate's involvement in this case.

The consensus was to request the public advocate's involvement in this case.

Manager Sacks was asked to advise the public advocate. Mayor Ganz also noted that the public advocate should be receiving the same packet as the members as early as possible.

BERKSHIRE ROAD STOP SIGN

Councilmember Etler pointed out that the Council received a request for a stop sign on Berkshire Road some time ago. He thought it could be placed at 26th or 27th Street. Manager Sacks advised that the traffic officer has not given a report yet. Mayor Ganz asked that this be scheduled when they receive the traffic report.

CROSS WALKS ON RIVER ROAD

Deputy Mayor Adler asked for information on this issue. She expressed concern that there is no enforcement of the laws by the Post Office. She asked that the traffic officer make some suggestions to improve safety on River Road. The Council could then make some recommendations to the County.

AWARD OF BID

All bids procedurally were received in accordance with the specifications. From the time the bids were received at 8:00 a.m. and 8:55 a.m. Superintendent Frey has had an opportunity to review the content and the quality of the sand and has performed the visual and tactile tests specified in the specifications.

Mayor Ganz noted that there were six items visually inspected. It was obvious to him that the fourth item is crystal clear to the eye. Numbers one, two, five and six are murky and number three is still a little cloudy. In addition, number four cleared almost immediately after being stirred by the Superintendent of Parks and Recreation.

Superintendent Frey recommended awarding the bid to Let It Grow Inc. at a cost of \$462,000, which is item four that he presented.

Mayor Ganz reiterated his comments. Councilmember Etler indicated number four was clearly the clearest with no emulsification. Deputy Mayor Adler concurred.

Attorney Lustgarten advised that the law requires the Council to award the bid to the lowest responsible bidder. The bid must meet the specifications. While Let It Grow Inc. is mathematically the fifth highest, it appears that their product meets the specifications. The others because of their lack of clarity under the same testing conditions do not meet the specifications. He concurred with the recommendation.

Upon motion by Deputy Mayor Adler and a second by Councilmember Etler, Resolution No. 149-2000 was unanimously passed.

Mayor Ganz requested that Superintendent Frey maintain the samples and the water until the start of the pool season.

ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 9:05 a.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AAE