

WORK SESSION OF MAY 16, 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, Councilmembers Amato, Dobrow and Etlar.

ABSENT: Deputy Mayor Adler.

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

Proclamation: Police Week - Municipal Clerk Kwasniewski read the Proclamation.

Review of Tentative Agenda - There were no changes.

Cops in School Grant - Manager Sacks advised that the Board of Education will probably be approaching the Council to apply for this grant that would partially pay for police officers to be in the school. She has some reservations. The Borough would have to provide 25% matching funds and bring the table of organization up to fifty-nine for the three years of the grant. It will be costly and will bind future councils to the number of police officers. She does not know the sentiment of the students or the community about having police officers in the school. The officers would be under the control of the school. They would take direction from the Board of Education. She recommended that they not pursue this grant.

Chief Marshall explained that the Borough will be responsible for \$35,000 for the first three years. He expressed concern about the conflicts with the collective bargaining agreement. The officers assigned to the school would have to attend extracurricular activities generating overtime. He did not think it was a program that they could institute and then abandon.

Attorney Lustgarten did not think the police chief can divest his authority. The police officers are always subject to the chain of command of the department.

Elmwood Park Use of Pool - Manager Sacks asked for and received a consensus to enter an interlocal agreement so Elmwood Park's residents can use Walsh Pool.

Opening Day for the Pools - Mayor Ganz thought they had agreed that Memorial Pool was to be free on Memorial Day so that the residents can see the improvements. The Council agreed. A press release will include that information. An announcement will be on the web site.

Boy Scout Silver Bear Award - Manager Sacks advised that one of the employees has been given the Silver Bear Award. This award is the highest honor that can be given. She asked for a proclamation from the Mayor and a resolution from the Council.

The consensus was to do both. The date for the presentation will be coordinated between the Manager and the Municipal Clerk.

NIFRS Update - Manager Sacks advised that the State will install the program on three of the Borough's computers on June 7. This software is free from the State.

Mobile Trailer Bids - Two bids were received and reviewed by Attorney Lustgarten. Attorney Lustgarten advised that there were several mechanical problems with one of those bids. One bidder did not total the components of the bid. He listed certain items as optional when they were mandatory. He believed that they could waive those defects because the Borough could add all the items. That bidder is mathematically less than the other bidder. However, the time of delivery is a defect that they cannot waive. The specifications call for four to six weeks. The lowest mathematical

bidder put in ten weeks. The other bidder put in six weeks. It is his opinion that the lowest mathematical bidder is not a bidder because he failed to comply with the specifications. He recommended awarding to the second bidder.

Meeting Dates and Attendance in June - It was agreed to cancel the June 13 work session and schedule a meeting for June 14. The first hour of that meeting will be a work session and the remainder will be for the Cooperative Parking.

Salary Report by League of Municipalities - Councilmember Amato advised that it is not completed yet. This item will be on the work session after the Regular Meeting.

Property Maintenance Issues Regarding Nonowner Occupied Homes (Rentals) - This item was deferred for one month.

Ellington Road Neighbors - It was the consensus of the Council to allow everyone who wished to speak on this issue to do so.

Frank Brenneisen, 23-34 Ellington Road, stated there is a great deal of disagreement on what should be done on the street. He wanted the corner of Plaza Road and Ellington Road dead ended.

Viola Betty Salsbery, 23-29 Ellington Road, advised that she calls every day about the trucks and speeding. She did not think the police were interested in helping them. She does not want speed bumps. She complained about the lack of enforcement by the police. If the police gave tickets, the trucks would not keep coming down the street. She stressed several times that enforcement is the answer. The police should be giving tickets.

Keith Brown, 23-05 Ellington Road, had hoped to hear from the Police Chief. One recommendation from the Broadway Advisory Committee will be to remove the center divider on Broadway similar to K-Mart in Elmwood Park. At one time there was a left turn on Midland Road. Ellington Road and the other streets should become "no through streets". He asked for no parking before 10:00 a.m. on Ellington Road although Mayor Ganz thought that would increase the speeding.

Mr. Brown continued that he has seen an increase in police but did not know why they use a marked car. He suggested putting an unmarked car at the other end. The traffic laws are not enforced. The police do a poor job in responding to their complaints.

Rosemarie and David Rooth, 23-06 Berkshire Road mentioned the speeding and the lack of police officers. Ms. Rooth would like to see the bumps installed.

April Amato, 23-25 Ellington Road complained about the speeding, the trucks using the street and the lack of enforcement by the police.

Jim Meyers, 23-13 Ellington Road, disagreed with speed bumps. The painting of the lines does not help. He liked the idea of limiting parking in the morning.

April Meyers, 23-13 Ellington Road, asked for the speed monitor to be returned to the street.

Scott Osback, 22-13 Cambridge Road, sympathized with the people of Ellington Road. Midland Avenue and Plaza Roads are main through streets between two highways. It will just move the traffic to the other streets. He agreed with the suggestion from Mr. Brown regarding the median although it will be expensive. The Council has to be pro active.

Jomarie Pecoraro, 23-17 Ellington Road felt it was a major problem. She suggested blocking off the street for a month because it will divert the traffic to the next street so they can see the problem. The street has gotten worse. She agreed with a left-hand turn off Broadway.

Jim Cantasano, 23-33 Ellington Road expressed concern about commercial vehicles parking in the Columbia Savings Bank Annex lot for extended periods. He did not want speed bumps.

Gary Pecoraro, 23-17 Ellington Road wanted the sidewalks continued down the street. Emergency vehicles could jump

the curb but cars could not go over it. Mayor Ganz noted that the State may not allow that but it is a novel approach the Council had not considered.

Councilmember Amato suggested dead ending all the streets. He wondered how the residents feel about dead ending the streets. He expressed concern about the emergency vehicles being able to get into the streets.

Cathy Emestica, 0-101 Midland Avenue did not like the idea of dead ending the streets. She wondered why the divider was there and felt that knowing that information before taking it down was important. She wanted the no turn on red eliminated. She noted that there are some doctors on the street that a parking restriction might affect.

Howard Lowenstein, 0-93 Plaza Road was against dead ending the streets. He wanted a solution but not at the expense of the other residents. He did not want speed bumps. He thought if the streets were dead ends the property would be devalued.

Jay Rutmman, 23-34 Arcadia Road, did not want additional traffic on Arcadia Road.

Betty Yost, 23-14 Berkshire Road, expressed concern about the speeding.

Joe Yost, 23-14 Berkshire Road, liked the speed bumps.

Carolyn O'Brien, 23-17 Cambridge, empathized with the residents on Ellington Road. Speeding is a problem on all the streets. Years ago making a left turn onto Midland Avenue from Route 4 was possible but she did not think it will be logistically possible now. It would have a major traffic impact unless they redesign it. Any change implemented will impact everyone who lives in that area. She would like to see something done by the end of this year.

Jareb Port Vliet, 23-26 Ellington Road, pointed out that in Lodi there is a three-foot bump and they put fluorescent paint on the curb. He thought emergency vehicles could just go over the bump and curb. He wanted to dead the street.

Linda Port Vliet, 23-26 Ellington Road noted that the traffic has increased in the past few years. She was opposed to lines and speed bumps.

Frank Brenneisen asked if the garbage trucks were exempt from the laws. Manager Sacks advised that they have been getting tickets. Attorney Lustgarten advised that they were not exempt.

Attorney Lustgarten suggested having streets one way but the residents thought that might not work. Mayor Ganz noted that it works in Washington, D.C.

Keith Brown suggested a four-way stop on Berkshire Road that would slow the traffic and discourage people from using it. Mayor Ganz advised that the Council has requested a stop sign but he was not confident that the State will allow it. Mr. Brown added that the increase in traffic flow is due to Route 287. The residents have improved their houses. They need a resolution not just send the traffic somewhere else. He asked that the Police Department be diligent and to come on a regular basis. He expressed concern about the gate at the old Columbia Savings Bank since someone will be buying that property. Mayor Ganz advised that anyone who purchases it will have to appear before the Planning Board or the Zoning Board. He suggested that they appear and tell them that gate must remain.

Frank Brenneisen suggested a stop sign before they make a right across Broadway.

Rosemarie Rooth suggested no through traffic.

Jim Meyers asked that the Council act on some of the suggestions presented by the residents. He suggested getting some ideas from civil engineers.

Scott Osback suggested that the Council hire an outside consultant to do a traffic survey and study.

Gary Pecoraro felt dead ending the street was the only way to solve the problem.

Cathy Emestica felt the monitoring device was a good idea. She thought speed bumps would work.

Howard Lowenstein did not think dead ending the street would solve anything. They will just move the problem from that street to another street.

Joe Yost pointed out that Berkshire Road is the only street that goes from Midland Avenue to Parkway Lane. They changed that street to a one way to decrease the traffic. He did not think dead ends decrease property values. He felt speed bumps were the only answer. He asked that speed be reduced on Midland Avenue.

Attorney Lustgarten suggested grooved pavement such as on Route 287. He pointed out that there is no perfect solution but the Council is trying to get a solution that will help most of the people.

Al Placa, 38-12 Pellington Drive suggested posting a cop for eight hours a day for a month. It is an enforcement problem. The police are not doing their jobs.

Bob Moore, 23-25 Ellington Road was against speed bumps. He wants enforcement.

Carol O'Brien, 23-17 Cambridge Road liked Attorney Lustgarten's suggestion of grooving the pavement that would slow the traffic. It may not be too expensive and it may be removable so they could try it.

Don Oliver, 8-32 Mitchell Place expressed concern that the reports indicate that so far this year 2000 parking tickets were issued but only ninety speeding tickets. The police should be there during commuting hours but they should not be visible.

Jareb Port Vliet, thought the speed humps would make plowing impossible. He asked for a dead end.

Frank Brenneisen expressed outrage that Councilmember Etlar visited Ellington Street and promised action but nothing has happened. Councilmember Etlar disagreed noting that they did talk about rerouting traffic but he did not make any promises.

Keith Brown thought that selling houses with speed bumps on the street would be difficult. They do not enforce the parking restrictions. The major issue is that the laws are not enforced. He asked for no parking when the streets are snow covered. Cars are parking on both sides of the road and there is no enforcement.

Howard Lowenstein concurred that enforcement is the solution. Other solutions will just move the burden to other areas. He thought the speed monitor would be effective.

Betty Yost asked for better enforcement and the speed monitor.

Helen Johnson, 23-10 Cambridge expressed concern that this section of the Borough is neglected. The speeding is awful.

Frank Brenneisen stated that the residents are frustrated because nothing gets done.

Keith Brown asked what the next step the Council plans to take. Mayor Ganz suggested engaging a traffic engineer to give the Council serious options that they can act upon although it may be expensive. Councilmember Etlar preferred to have it done in-house.

The consensus was to hire a consultant to report to the Council in July although the Council was deadlocked on paying for it. An additional consensus was to get cost proposals for the study.

Mayor Ganz wanted the consultant to review all of the ideas suggested this evening. Councilmember Amato noted that this is a problem that has been around for a long time. There is clearly no easy solution. There is no question that they

require an outside expert, but he did not think all the residents would be happy with the solutions proposed by an outside consultant. Mayor Ganz agreed. The expert will look at the problem and give solutions that the Council can consider. Councilmember Amato thought enforcement should be increased and they should get reports of the results. He felt there were two problems, speed and volume. Speed can be addressed but volume is another issue.

The consensus was for increased enforcement, increased reporting and no plea bargaining after July 1.

Mayor Ganz asked Attorney Lustgarten to draft a press release that discusses this issue for the Shopper and the web site.

Don Oliver and Jareb Port Vliet felt enforcement is a good idea. Mr. Port Vliet asked that the residents be kept informed.

Linda Port Vliet felt enforcement is good, but that the police have to park in the right place.

Frank Brenneisen and Keith Brown thanked the Mayor and Council for listening to them.

Cathy Emestica thought enforcement is a good way to start. She thought the Council should see if enforcement works before spending too much money.

Violet Etler, 15-12 Elmary Place expressed her pleasure with what the Council is doing.

Bob Moore thought the problem was not the volume. It is the speeding and the trucks that are not supposed to be there. The problem will go away with enforcement. Last October and November he was advised that the police were tired of the residents calling and they were going to retaliate. Attorney Lustgarten advised that if anyone feels that they have received retaliatory treatment they should contact him. They will not tolerate that sort of thing in Fair Lawn.

Special Meeting

Upon a motion by Councilmember Etler and a second by Councilmember Amato the work session was adjourned to a Special Meeting at 10:20 p.m.

Mayor Ganz reconvened the meeting at 10:50 p.m.

Save Trees at the Chandler Drive Apartments - With permission of the Council, Stuart Shaw 19-32 Chandler Drive, was permitted to speak. He asked the Council to help him save the trees at the Chandler Driver Apartments. He presented a summary of the problem with photographs attached.

Manager Sacks advised that she spoke to Wayne Canastra, of Affiliated Management on this issue. Mr. Canastra advised her that he is removing shallow rooted evergreens that have fallen over in the last year. The roots are infiltrating the building and doing damage. They are shrubs that are overgrown. He has a complete landscaping plan. He will be planting much more than he is taken down. He is a very landscape conscious landlord.

Mayor Ganz asked if this matter can be referred to the Garden Club for their recommendation. Mr. Shaw asked the Council to request Mr. Canastra not to take any more trees down until the Garden Club makes a recommendation.

The consensus was to refer this matter to the Garden Club and to ask Manager Sacks to ask Mr. Canastra not to do anything more until they respond.

Closed Session Resolution - Upon motion by Councilmember Etler and a second by Councilmember Amato the following closed session resolution was unanimously adopted at 11:00 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 desire to discuss pending litigation and contract negotiation;

WHEREAS, these matters permit 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 concerning pending litigation within 30 days if the matter is resolved other than legal strategy; concerning contract negotiation upon formal award of contract within 30 day;

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 11:15 p.m.

Appointment to Planning Board - Upon a motion by Councilmember Etlar and a second by Councilmember Amato, Resolution No. 168-2000 Appointing Joseph D'Arco as Alternate II to the Planning Board was unanimously passed.

Request for Documents - Councilmember Amato requested that the 2001 projection and the follow up document on the 1999 salaries be sent to him by the Chief Financial Officer electronically. Mayor Ganz and Councilmember Etlar are also to receive the documents electronically.

ADJOURNMENT - Upon motion of Councilmember Etlar and a second by Councilmember Amato the meeting was adjourned at 11:30 p.m.

Respectfully submitted,

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

SPECIAL MEETING OF MAY 16, 2000

Mayor Ganz reconvened the meeting at 10:20 p.m.

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

ABSENT: Deputy Mayor Adler.

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

ORDINANCES: SECOND READING

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

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 \$184,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Al Placa, 38-12 Pellington Drive, thought the Borough put in a new telephone system a few years ago. Manager Sacks explained that the Police Department was not included when the Borough put in the new phone system.

Hearing no further comments by the public, upon motion by Councilmember Etlar and a second by Councilmember Dobrow, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Dobrow and a second by Councilmember Amato Resolution No. 164-2000 was considered.

Mayor Ganz announced that this ordinance includes many improvements at Walsh Pool. He is proud to be on a Council that is going to be an activist.

Hearing no further comments, Resolution No. 164-2000 adopting Ordinance No. 1801-2000 was unanimously passed.

RESOLUTION NO. 165-2000 Awarding Bid: Mobile Trailer Units

Upon motion by Councilmember Dobrow and a second by Councilmember Etlar, Resolution No. 165-2000 was considered.

Mayor Ganz asked that the following comments from the work session be included as part of these minutes: "Attorney Lustgarten received and reviewed two bids. Attorney Lustgarten advised that there were several mechanical problems with one of those bids. One bidder did not total the components of the bid. He listed certain items as optional when they were mandatory. He believed that those defects could be waived because the Borough could add all the items. That bidder is mathematically less than the other bidder. However, the time of delivery is a defect that cannot be waived. The specifications call for four to six weeks. The lowest mathematical bidder put in ten weeks. The other bidder put in six weeks. It is his opinion that the lowest mathematical bidder is not a bidder because he failed to comply with the specifications. He recommended awarding to the second bidder."

Attorney Lustgarten advised that when the specifications were prepared the clause allowing twenty-one days for the contracts to be signed was not changed. He asked that Municipal Clerk Kwasniewski call the contractor to expedite the signing of the contracts. Also in the future he recommended that unique speciality type bids go through the Legal Department.

Municipal Clerk Kwasniewski advised that the bid contained an alternate to knock down and relocate the trailers. The Council did not discuss whether to award the alternate. Manager Sacks added that they will deliver the trailers in July. At the end of the summer they will be moved. They will be demolishing the existing buildings and permanently installing the trailers. She recommended authorizing the award of the alternate. Attorney Lustgarten suggested that the Council approve the total bid price and reserve the decision on the alternate. He recommended amending the resolution.

There being no further discussion, Resolution No. 165-2000 as amended was unanimously adopted.

RESOLUTION NO. 166-2000 Awarding Bid: Stripping and Removal of Beach Sand at Walsh Pool and Supply, Delivery and Grading of 2200 tons of Seagull White Beach Sand SGWBS

Upon motion by Councilmember Etlar and a second by Councilmember Dobrow, Resolution No. 166-2000 was discussed.

Attorney Lustgarten advised that the Superintendent of Recreation has indicated that the mathematically lowest bidder

did not conform to the specifications. Manager Sacks noted that the sand was brown and cloudy. It was not actually seagull white sand.

Mayor Ganz asked Manager Sacks to advise the Columbia Heights residents that they will have 2200 tons of beautiful sand at Walsh Pool.

Hearing no further discussion, Resolution No. 166-2000 awarding the bid was unanimously passed.

RESOLUTION NO. 167-2000 Award Food Concession Memorial Pool

Upon motion by Councilmember Etler and a second by Councilmember Amato, Resolution No. 167-2000 was discussed.

Attorney Lustgarten advised that this resolution awards the concession for \$200 but the terms of the particular lease have not been finalized. There are some terms that have not been agreed to between the Borough and Mr. Ottino. The concessionaire has been selected and a cost fixed, but substantive issues still have to be resolved. This is a nominal amount this year because no one else bid. Mayor Ganz added that he sent letters to twenty restaurants begging them to get involved, but he received no responses. Councilmember Etler thought that giving the lease for just \$200 was outrageous. He thought they should explore a canteen. Mayor Ganz pointed out that there is just not enough time since the pool opens in thirteen days. Manager Sacks added that vending machine companies are not interested. Attorney Lustgarten noted that adopting the resolution only authorizes the administrative staff to negotiate. If the negotiations fail, they can rescind the resolution.

Hearing no further comments, Resolution No. 167-2000 Awarding the food Concession at Memorial Pool was unanimously passed.

ADJOURNMENT TO WORK SESSION

Upon motion of Councilmember Amato and a second by Councilmember Etler, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

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