

Work Session - March 2, 1999

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 Dobrow, Tedeschi and Trawinski.

ABSENT: Deputy Mayor Ahearn.

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

Mayor Ganz deferred Bond Counsel and Status Reports for Y2K and Police Director to March 9 following the regular meeting.

Review of Tentative Agenda - There are some items to be added including the salary ordinance for supervisors, several raffles and awarding bid for custodial services.

Petition to Restore Bus Stop - Manager Sacks advised that she received several requests from residents to restore the bus stop on Saddle River Road and Terhune Place. They have quite a walk now. Attorney Lustgarten advised that the ordinance was adopted deleting the bus stop in response to a request by a resident through his attorney. At that point there was no correspondence to the contrary. The Council received a petition looking for the restoration of the bus stop signed by sixteen residents. He had sent a letter to Mr. Van indicating that the Council would be discussing this at a work session to which they would invite the residents. Municipal Clerk Kwasniewski advised that as requested she sent a letter to each person on the petition and Mr. Raffiani and his attorney inviting them to this meeting.

With no objection from the Council, the residents were allowed to speak on this subject.

Eric Linder, 13-66 Comeford Place, stated that the bus stop that was deleted created the largest space between bus stops along Saddle River Road. Elderly people commute so it has created a problem particularly in the inclement weather. It creates a tremendous inconvenience to walk the extra two or three blocks.

Avrom R. Vann, Esq., 13-35 Henrietta Court, advised that the elimination of the bus stop was done without any real notice to the residents. The bus stop was not in front of Mr. Raffiani's house. He had a great deal of concern when one person can have a bus stop removed. It is a hardship and they should restore it. Mr. Raffiani operates a commercial business out of his home so he had no idea what the inconvenience was to him. He suggested that the bus stop be moved a short way from the original location.

Attorney Lustgarten pointed out that the process to remove the bus stop took five to six months. It did not happen that quickly.

John Raffiani, 12-62 Saddle River Road distributed and then read a lengthy statement detailing the problems caused by the bus stop. He also presented a map showing the bus stops in red and the bus stop that was eliminated in blue and three pictures showing the problems caused by people standing in front of the bus stop making it impossible to see the traffic. He also presented the tax map showing his property and the eliminated bus stop and showing where the people who signed the petition live in relationship to that bus stop. Since they eliminated the bus stop, it has been quiet with no litter.

Anna Joyce, 12-58 Saddle River Road, concurred with Mr. Raffiani. Getting out of her driveway when there are people waiting at the bus stop is difficult. It is a dangerous spot.

Mr. Van felt that Mr. Raffiani had not made a case for changing what has been in existence for eighteen years. The residents of Henrietta have a longer walk. He stressed that it was a tremendous hardship to have the bus stop eliminated. He wanted to know what had changed to make the bus stop a problem.

Mr. Linder reiterated that for the elderly it is a difficult walk two blocks. The beauty of Fair Lawn is its accessibility to the bus.

Henry Klein, Esq., attorney for Mr. Raffiani, felt his client had given substantial reasons why they should not disturb the ordinance. Mr. Raffiani gave those reasons in 1997 and 1998 and there was an opportunity to dispute that testimony but they did not do so. Mr. Klein asked that the ordinance not be changed.

Mayor Ganz noted the Council has to decide whether to take no action, to change the bus stop to a different location or to keep the bus stop where it is. Councilmember Trawinski noted that before they made the change, he visited the bus stop on seven occasions. It was poorly maintained which was one reason he voted for the change. He thought that the Council should consider placing the bus stop north of the Saddle River Road and Terhune Place intersection on the west side of Saddle River Road. He expressed concern about the underlying animosity between Mr. Van and Mr. Raffiani.

Mr. Raffiani noted that until ten years ago there was a bus stop at the corner of Ackerman Drive and Saddle River Road. He noted

that none of the other bus stops are where there is an intersecting street across from it. Councilmember Trawinski suggested asking the Manager to have the traffic safety officer look at the location. Mayor Ganz requested that Manager Sacks have Traffic Officer Franco submit a report to the Council.

Mr. Van noted that the bus stop in front of the funeral home simply disappeared. Manager Ganz asked the Manager to contact NJ Transit to find out what happened to it.

Mayor Ganz thanked the residents for coming.

Closed Session Resolution - Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the following closed session resolution was unanimously adopted at 8:20 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 matters under pending and anticipated litigation; and

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 within 90 days with the exception of strategy (possibly never);

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 above are ones which permit the exclusion of the public.

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

Street Hockey Parents - Superintendent Frey, Engineer Garrison and Paul Passuit were present. In addition several parents were also present. Superintendent Frey noted that last year they requested funds to build a building at the Parks garage. The Hockey Parent's Association paid for the architecture and did a feasibility study.

Mr. Passuit noted that the Council had allocated \$85,000 for the construction of that building. They met with an architect and Ken Garrison and George Brouca who estimated that it will cost between \$125,000 and \$140,000. Their architect sought bids that ranged from \$165,000 to \$330,000. They decided to pursue alternatives.

Engineer Garrison advised that the building would be 1,000 square feet. The problem is that they are building it in the floodway. The building would have to be six feet off the ground so the ADA compliance would be expensive. Apparently their architect was not really trained in municipal bidding laws which require using prevailing wages and the increased costs for DEP requirements.

Mr. Passuit proposed as an alternative keeping the \$85,000 and researching a trailer that is on wheels which eliminates the DEP requirements. It would have rest rooms, kitchen, refreshment sales and storage. A new trailer costs between \$15,000 and \$18,000 plus the cost to customize the trailer.

Councilmember Trawinski wondered if moving the roller hockey rink would be possible. Superintendent Frey noted that they could move the court slightly. They are working on that now.

The consensus was to have the Hockey Parents research the trailer and reschedule this matter for sixty days when Mr. Passuit will have the cost of the trailer and the cost to customize it.

Arts Center Fees for Use - Mayor Ganz indicated that CFO Eccelston has advised that the average operation of the Arts Center is \$28.00 so \$100 a day would be appropriate. The consensus was to introduce the ordinance for a \$100 a day fee.

Arts Center Presentation - Carl Mecky was present. Mr. Mecky advised that the study is confined to the existing building with a second floor over one part of the building. They were really commissioned to see how the existing groups could be served by rehabbing this building. They interviewed seven or eight of the groups now in the building. He presented several versions of what could be done to modify the building. The capacity was increased by twenty to twenty-five people in the theater, an art gallery and meeting rooms were added. A second floor over the old fire house can be added. He showed a conceptual drawing with the second floor. The renovation without the second floor would be \$500,000. Adding a second floor and elevator would be another \$300,000. It would be 6,000 feet on the first floor and 2,000 on the second floor. There are only sixteen parking spaces on the property although there are another twenty spaces at the Video Store.

Attorney Lustgarten wondered if it were cheaper to knock the building down and rebuild it. Mr. Mecky noted that everything would have to be replicated so he thought it would be more expensive. Councilmember Tedeschi expressed concern that they were taking

an old building and trying to bring it up to what they would like it to be in a place with no parking. He thought it had dubious value to River Road because it runs when the stores are closed. He was not sure that this was the best place for the theater and to serve the clubs. Mr. Mecky noted that the community is putting a great deal of effort into River Road. He thought there could be other uses for the building. It could be rebuilt even though it is not in the greatest location. It does work. They have examined so many different locations.

Councilmember Trawinski noted that Mr. Mecky's original proposal of August 1995 was to upgrade the existing facility. They also asked him to evaluate adding the Arts Center to the existing Recreation Building. They then asked him to evaluate vacant land and to evaluate the functional use of the Grange Hall and the Radburn Church facilities. As a result the Fair Lawn relocation study had six options. In 1997 the best two options were to remain in the existing building or to build an addition to the existing Recreation building. Councilmember Trawinski thought they should find out if the Council still wants to keep the existing Arts Center building. RRIC was asked if they had a preference and they had said that they wanted the Arts Center to remain on River Road. He thought Mr. Mecky should make his presentation to the RRIC. RRIC might be willing to lease a small portion of the space. He did not want to delay a decision too much longer. He thought the Arts Center would bring some type of night life to River Road.

Mayor Ganz wondered if the Council were to proceed with a moderate plan if doing upstairs first would be possible so that they could rent it. Mr. Mecky thought it would be better to do them simultaneously although it is possible. It is a containable project but the entire roof has to be done at the same time. He thought it would be six to eight months for the actual construction.

Councilmember Trawinski noted that he has been convinced that something has to be done and this is the logical choice. He just wants to be sure that this plan is the most economical. The only other option is to demolish the building. Councilmember Dobrow proposed a committee that would come up with imaginative ideas for the use of this facility. Mayor Ganz pointed out that the issue is whether to proceed or to stop. Councilmember Dobrow felt that they could not afford to let the building die. Mayor Ganz concurred.

Manager Sacks advised that the next step is to fine tune the plans so that they are compatible with the uses and to start looking at numbers. Mr. Mecky will give them a memo with the cost to move from where they are now to the next stage. Engineer Garrison asked for direction. He suggested presenting options. Mr. Mecky noted that has already been done on the plans. Mr. Mecky was asked to estimate the costs of maximization of the building. He will come back to the Council on April 6.

Killam Associates SCADA Engineering Services Phase III - Engineer Garrison advised this is contract administration for the project. He will be receiving bids on March 30 so within two months the work should start. Once the system is in place and operating for a period of time there may be a significant return on this investment. The consensus was to award a professional service contract.

Broadway Beautification - Manager Sacks pointed out that there is not enough Borough-owned property to do landscaping. She thought that through easements on private property and the Borough putting in landscaping the Borough could set the tone. Rite Aid is coming and they have a very attractive landscaping plan. The next step is to encourage beautification on the rest of Broadway. The River Road Board is enthusiastic about working with the Borough. There are several landscape architects in the Borough who would be willing to work with the Borough if there was a concentrated plan. One of the things needed is a commitment from the Council. Applying for pedestrian safety grants to improve the sidewalks may also be possible. RRIC would be willing to coordinate creating an architectural landscape plan. Many merchants on Broadway were supportive of River Road so the RRIC sees this as a way to give back to the Borough and those merchants.

Councilmember Trawinski expressed concern that RRIC is not being very realistic although he recognized the need to do something with Broadway. He was afraid that they have already too much to do. He was not opposed to trying to develop a plan at no cost but not at the expense of the items still to be done by RRIC. The Council tried about five years ago and the business owners were not interested in improving Broadway.

Manager Sacks asked the Council to consider committing funds for the installation and maintenance of landscaping and easements at some time in the future.

The consensus was to allow RRIC to do some type of landscape plan at no cost.

Credit Cards for Municipal Court Fines - Attorney Lustgarten advised that he has received conflicting information on whether this is a biddable item. He expects to have more definitive information within the next two weeks. They rescheduled this matter for March 16.

Reinhart Safety Contract for 1999 - Manager Sacks advised that the proposal is for the same rate as last year. The Health Officer has pointed out that there is more training covering more people. She recommended that the right to know training portion should not exceed \$6,000. The rate is the same but the number of people will be different. If it is a per capita cost then it needs to be changed, but if it is a flat rate it should be the same. Manager Sacks will check.

Naming Public Facilities after People - Manager Sacks advised that she received a request from an organization to name a park after someone. She wondered whether they wanted to create guidelines or to decide on a case by case basis. Attorney Lustgarten advised that historically the Council has made those decisions on a case by case basis and recommended that guidelines not be adopted.

Park Hill Condominium Parking - A letter was received from Pagano are asking for permit parking. Councilmember Trawinski thought a study was done about two years ago which showed that there were sufficient spaces but not necessarily at their door. Manager Sacks will ask the Managing Agent if anything has changed since the last time they reviewed this.

Fireworks Fees - Superintendent Frey did an analysis of the attendance and what the Borough has been charging and felt that they can raise the admission fee \$1. However, she did not endorse raising the fee. Last year the advance fees were \$4 for adults; \$3 for children and seniors and at the gate it was \$5 for adults and \$4 for children and seniors. Mayor Ganz suggested staying at the same rate but adding a family rate for four. He wanted it not to cost more than \$20 for a family. Councilmember Tedeschi felt that the fireworks should cover the costs. He wanted to know the effect of a family fee would have on revenue. Manager Sacks suggested having a family rate only for advance sales. Manager Sacks was asked to present a fee schedule.

Update Joint Council Board of Education Meeting - Councilmember Trawinski asked for a report on the recent joint meeting. He also pointed out that traditionally Councilmembers have been asked if they want anything on the agenda which did not happen this time.

Mayor Ganz advised that they have concerns about the parking problem. He suggested that there was a parking facility that could be used in the Fair Lawn Jewish Center and offered to speak to them. He did speak to the Center's Executive Director. They are going to provide up to eighty spots at a nominal rent. Parking is limited in the area surrounding the school but the way the students get around those restrictions is unsafe. They are going to come back with a creative sticker program so that they can park during the school day. They have started a significant education program to try to stop the littering and the boisterous behavior that typically annoys the neighbors.

Manager Sacks advised that this year it is the Board of Education's turn to take one of their fields out of use and to irrigate one of the fields. The broadcast journalism program that is being done jointly with Creative Cable and the Board is a big success. They need to relocate the deaf program but they need dedicated space. Mayor Ganz added that he suggested they cable the auditorium in one or more of their schools.

Omnipoint (Planning Board and Ordinance) - Councilmember Trawinski recused himself. Attorney Lustgarten advised that when the Council listed the DPW site as a permitted use for the monopole, they listed it by one lot and block. In fact the DPW lot includes many lots. When the applicant appeared before the Planning Board, the Board Page approved the application but indicated that the specific spot was a different lot number. The attorney for Omnipoint is asking for a letter indicating that the Council's intent was for the entire complex.

The consensus was to send the letter.

Sprint (Ambulance Corps.) - Attorney Lustgarten advised that this is a permitted use so Sprint would have to get site plan approval. He will advise the attorney for Sprint to contact the Ambulance Corps.

Budget - Councilmember Tedeschi wanted to know how much the Ambulance Corps. dinner cost. The Ambulance Corps. and Fire Department will attend the budget meeting following the March 9 regular meeting.

Letters to Vendors re Marathon - The PTA has asked him if the Council could include an informational letter with the checks to the vendors. He thought this was done in 1996 although Manager Sacks advised she had been told it was not done before. She was not in favor of it because it sends an inappropriate message to the vendors. Mayor Ganz thought it should be done by the marathon committee by giving them the labels for the vendors. Councilmember Tedeschi will bring the letter to the next work session.

Closed Session Resolution - Upon motion by Councilmember Tedeschi and a second by Councilmember Trawinski, the following closed session resolution was unanimously adopted at 10:50 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 matters under attorney/client advice, anticipated litigation and personnel; and

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 within 30 days on personnel matters, anticipated litigation other than attorney/client advice within 30 days to 60 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 above are ones which permit the exclusion of the public.

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

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AEE

Municipal Clerk