

Work Session - June 1, 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, Deputy Mayor Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

Special Meeting - Upon a motion by Deputy Mayor Ahearn and a second by Councilmember Dobrow, the work session was unanimously adjourned to a Special Meeting.

Mayor Ganz reconvened the work session at 7:45 p.m.

Review of Tentative Agenda - Attorney Lustgarten suggested that if the Council concurs, the CO Ordinance is ready and could be introduced at the next meeting. Councilmember Trawinski asked if the two groups involved were notified about the relocation of the bus stop. Manager Sacks advised that they notified the commuters and will send a letter to Mr. Raffiani and Mr. Van.

Ambulance Corps. - John Steffanie, President of the Ambulance Corps. was present to speak to the Council about the cellular antenna. Mr. Steffanie advised that the committee met with Mr. Imperato two weeks ago without reaching any agreement. The membership agreed initially to lease the site. They discussed an amount of \$2500 a month. Attorney Lustgarten advised that the Borough entered into an agreement with Omnipoint for \$18,000 a year. Councilmember Trawinski noted that \$2,000 to \$3,000 a month is the range if the lease is not more than five years. Deputy Mayor Ahearn added that it depends on the number of the carriers on the tower.

William Imperato, of Wireless Acquisition Services, Inc. explained that Sprint will install the 150 foot monopole and share revenue as other carriers co-locate. The possibility of other carriers coming onto that location was not high because AT&T, Bell Atlantic and Nextel are already on towers across the street. They could do something less obvious which would be a flag pole to alleviate the Ambulance Corps.' concern about the loss of donations if people do not like the tower on their property. The \$2500 would be for the flag pole tower. A more probable or realistic rental rate was between \$1800 and \$2000 a month but he may be able to push them to the \$2500. The equipment shelter would be at the base and would be landscaped. The only offer was \$1,000 a month. He thought the Ambulance Corps. was looking for some assurance from the Council that they would receive the revenue from the cellular tower and then the Council would purchase the ambulance. Although he noted that he was not present to discuss this tower. He was here to discuss the DPW tower.

Mr. Imperator indicated that he could propose to Sprint a \$2500 a month rental rate, a 20 percent revenue sharing to the Ambulance Corps., ground area of approximately 40 feet by 40 feet to hold two other carriers, a five-year term with four five-year options with a 15 percent escalation at each renewal period. Mayor Ganz wondered what would happen if technology made the pole obsolete and asked if they would be willing to take the pole down. Mr. Imperator indicated that was reasonable. He also did not think it would be a problem to illuminate the flag at the top of the pole. The Borough and the Ambulance Corps. would be able to have access. The flag pole does limit the amount that can go on the pole.

CFO Eccleston will be asked to calculate the debt service for the purchase of the ambulance. The Ambulance Corps. was asked to extend the purchase of the ambulances for the next twenty-five years. Sprint will submit the terms recited this evening, without prejudice, for the Council to consider. This item will be on the June 9 work session after the Council meeting.

Early Warning System - OEM Director Metzler was present and indicated that they will activate the new siren system soon. They are waiting for Public Service to connect the power. He explained the benefits of the new system which is a radio activated system. They can test the towers silently. The testing will take one day and will be heard throughout the Borough. The preprogrammed digital message will advise that this is a test. They will be sending out a press release. They will announce the test date on Channel 40. Attorney Lustgarten suggested a paid announcement in the newspaper. An element of the population will not be aware of the test despite all the pre announcements. They are notifying neighboring towns of the test.

CCO Ordinance - Borough Attorney Lustgarten advised that the changes recommended were incorporated. The ordinance will be introduced at the next meeting.

Wu Request for Zoning Change - Mr. Wu purchased the property from the Borough. He had some difficulties with the neighbors that have been resolved and he has applied to the Planning Board. The property is zoned R 1-1 because it was vacant land owned by the Borough. The contiguous property is R 1-2. Engineer Garrison and Assessor McCullum have no objection to amending the lot and block so that it is the same as the other properties in the neighborhood. The ordinance will be introduced at the next Council meeting but it will not be adopted until the July meeting because the Planning

Board must review the ordinance and the surrounding property owners must be given notice.

Flag Protocol Committee - The Flag Protocol Committee submitted their report. Mayor Ganz suggested that the Council thank them for it and then consider whether they should continue the committee for advice in the future. The consensus was to thank them for the report. The consensus was to continue the Committee for consulting purposes.

Final Report Regarding Memorial Pool - John Keith, chairman of Financial Planning Committee for the Family Aquatic Center was present and introduced the members of the committee who were present including Peter Seiden, Alan Cann and Drew Hayes. Chuck Levy and Bob Abate were not able to be present.

They estimated that there was a subsidy of \$5 for the average house. The committee feels there are several reasons for the decline in attendance including water quality issues, poor sand quality, changing demographics, poor aesthetics and old bathhouses and food concession area. Interest in swimming has not declined nor should the fees account for the decline in membership.

The Committee believes it would be ill advised to hold a referendum on Memorial Pool. Framing clear choices and educating the public on the question is difficult. Most referendums involve only a yes or no question. This would have to be a multiple-choice referendum which would be difficult. A referendum will only delay decision and action. The Committee recommends that the Council take action now.

Mr. Keith reviewed key items in the report including current costs, income, Borough subsidy and four alternatives proposed. The low-cost alternative represents a minimum upgrade while maintaining a low capital investment. They estimate the cost at \$1.8 million. He presented a conceptual sketch of the low-cost alternative to show that something good can be done at this cost. They have suggested fencing Memorial Park to help control access. The Committee stressed that a professional designer should figure out the details. A key element of this alternative is that there would be less water surface area.

They estimated a capital cost of \$139,000 per year with operating costs similar to the costs for the existing pool. The Committee estimated that if the rates are the same as 1998, the revenue should cover operating costs. He noted that they used the 1997 membership numbers. The Committee felt they could pay for the capital costs with no greater subsidy than last year.

He presented a time line for this alternative that would have a design phase over the summer and construction within the nine-month period for next season but that was not realistic. He thought the design and financing should be arranged over the next year and then construction to start on Labor Day 2000 with the new facility to open in June 2001. He felt this timeline was possible with the low cost and medium cost facility. It may not be feasible with the family aquatic center alternative.

He explained the family aquatic center alternative. The capital expense is \$6.5 million with an annual capital cost of \$502,000 per year. Operating costs are estimated at \$350,000 per year. Membership is difficult to estimate. The Committee discussed that many users of the pool are on fixed or limited income so raising fees may affect the people who are most dependent on Memorial Pool. If the capital and operating cost had to be covered, it would not be financially viable.

The medium cost alternative allows the Council to pick the items they want to do. There is a capacity issue and it maybe necessary to turn people away. There are more constraints on the concrete pool or family aquatic center than the sand bottom pool. Under any alternative, the area is still in the flood way so the pool will get flooded. The bath houses and concession areas would have to be flood proofed as best they can be which adds substantially to the cost. In the low-cost alternative, DEP approval would have to be received for the trade off of moving and demolishing the concession stand and bath house. The estimated cost is \$2.7 million. The operating costs would be similar to the current pool. They estimated that the revenue would cover the operating costs. Capital costs would have to be subsidized unless they raised the fees.

The Committee considered the conventional pool alternative. They estimated a cost of \$4.3 million. They estimated \$310,000 to operate the conventional pool. They were not sure that covering all the operating costs from the fees would be possible.

Once the pool is finished any of the alternatives could be privatized. Operating costs would be the same. The walkways would have to be kept out of the privatized area. To be economically viable, it would have to be a contract with the Borough.

The committee had several recommendations including not shutting the pool down and doing something now because the facility needs renovations and interest rates are low. The Committee believes that the Council should select the family aquatic center with the Borough covering the capital costs from general tax revenue. They stressed that their numbers are conservatively low for membership and revenue and conservatively high for construction costs.

The committee stressed that the demographics have changed. Recreation is important. The Borough does a good job on sports but they neglect swimming. Membership should increase when they improve the facility. They recommended purchasing a higher grade sand and a sand cleaning machine. They urged the Council not to skimp but to give the people some value for their money. This is a town issue that relates to property values and the future of the community. Landscaping is essential. Water play amenities are

magnets for children who bring the parents. Dry land furnishings will bring people and give the impression that it is new and different. The Committee thought the injury rate would be higher from a water slide than a diving board because of the volume, friction issues and abuse by children. The potential for slipping on hard surfaces increases the more hard surfaces exist. The present facility is low risk partly because there is not a great deal to do there. Part of providing services includes risk.

Mayor Ganz thanked the committee for an outstanding job. Mr. Keith thanked the committee members for their efforts and Municipal Clerk Kwasniewski for handling and managing all the logistics of their meetings. Councilmember Trawinski commended John Keith and the committee for the time and effort they put into the report and the level of detail and focus of that report. This item will be discussed on June 22, 1999 after the regular meeting.

Wireless Acquisition Services Inc. - Omnipoint/Sprint Spectrum Lease Agreement - Councilmember Trawinski was recused. William Imperato, President of Wireless Acquisition Services, Inc. was present. Attorney Lustgarten received a letter from William Imperato, President of Wireless Acquisition Services, Inc. indicating that Spectrum wants to be a sub lessee. They are requesting a 20-x 25-foot area for their equipment on the ground. The Borough has a lease with Omnipoint for \$18,000 a year for the pole. Sprint Spectrum has proposed an initial five year term with four five-year renewals at a rate of \$800 a month with a 15% inflation increase for each term for the ground space.

Engineering needs to supply a schematic that shows that three sub lessees will fit.

Mr. Imperator advised that Sprint plans to house all of their equipment in that space. They will elevate the platform eight feet because of the stream encroachment requirements. Sprint's engineers have met with Engineer Garrison. Sprint would like to get on the pole as soon as possible.

The Council was interested in how much revenue Sprint expects to generate from co-locators on this pole, how many customers they have and what fee they will pay. If the equipment has to be elevated, the Council wanted a visual schematic with a plan for making it visually less offensive. If they receive this information by Friday, this item will be discussed after the regular meeting on June 22, 1999.

Distribution of Information/Council, Borough Manager and Borough Clerk/Review of Current Protocol - Councilmember Tedeschi wanted to review the procedure currently being used for the distribution of information. Manager Sacks advised that the Municipal Clerk does not get anything that is not a public record. Attorney Lustgarten advised that he distributes his correspondence to the Mayor and Council, Manager and Borough Clerk and a particular department head if directed to them. If one Councilmember asks for information about a topic being generally discussed, the information is circulated to all Councilmembers.

Sandford Road Parking Restriction - The Council received a request for no parking from 8:00 a.m. to 10:00 a.m. Monday through Friday on Sandford Road between Warren and Sheridan. Manager Sacks will check with the telephone company to see how many employees they have and where those employees are parking. This item will be on the June 15 agenda.

Status of Abbott Road - Manager Sacks will give a report to the Mayor and Council.

Leaf Status Update - Councilmember Trawinski reminded the Council that Ray Bleeker told them there are 3,500 to 4,000 cubic yards of grass clippings that the Borough is disposing of because the landscapers are bringing them into the Center. He felt that they should not permit landscapers to dump at the Center. The grass clippings exacerbate the odor. Mr. Bleeker recommended banning the landscapers. Manager Sacks noted that if she had not already recommended banning them, she would. There is the issue of how many leaves are actually coming from Fair Lawn. The consensus was to ban all commercial drop offs at the Recycling Center.

Attorney Lustgarten thought it would be possible to ban the landscapers and prorate the fee and return it to them. He suggested amending the ordinance so that if they mix leaves and grass clippings, the Council can revoke their permit. The ban will go into effect December 31. Attorney Lustgarten will prepare a draft. This item will be on the agenda in two weeks.

Councilmember Tedeschi suggested having no leaves in the street. Deputy Mayor Ahearn concurred.

Creative Cable - Manager Sacks advised that Candice Viviano has been putting in many hours, at least thirty hours a week. Her salary is \$9,000 a year. She would prefer to be paid through her company instead of as an employee. Manager Sacks recommended adding \$10,000 to \$12,000 to the \$4,500 still left for this year. This is a critical time since they are trying to get a station up and running. They need to fill programming for the twenty-four hour channel and they need a station manager. She is training others to do programming.

Councilmember Trawinski noted that Ms. Viviano threatened to leave if the Borough did not pay her. She told the Council that they would get quarterly reports, programs and increased coverage. The Council did that and now she wants to go to a consultant basis but she wants more money to do what she told the Council she was going to do. Attorney Lustgarten thought the Council should have a written proposal. Deputy Mayor Ahearn suggested getting a proposal with hourly rates. He also raised the question of an

intellectual property agreement. Manager Sacks will ask Ms. Vivian for a written proposal and for the quarterly reports that she has not yet submitted.

Status of Cabling of Municipal Chambers - Manager Sacks obtained a price for running the cable and circulated it to the Council but they did not decide. She is also exploring using the Borough's electrician although using the outside vendor probably would be better. Councilmember Trawinski noted that during the budget process he suggested adding \$10,000 but the Manager said it would only cost \$2100. He thought the Council told her to proceed and the cable was going to be run while the wiring was being done for the security cameras. Manager Sacks noted that the cost is the same whether they ran it then or if they have to come back.

Mayor Ganz was concerned about the sound system. He was not in favor of cabling the chambers until they revamp the audio system. Manager Sacks noted that it is two different systems. Municipal Clerk Kwasniewski had submitted a proposal for a new sound system but they did not include funds in the budget. She will call the vendor to make sure that the proposed system can be integrated for broadcasting the meetings. Mayor Ganz wanted to be sure that each Councilmember has his own microphone. This item will be on the agenda after the regular meeting.

Proposal to Tape Closed Session Meetings - Councilmember Tedeschi advised that in 1992 he suggested that they tape work sessions which the Council did. He suggested that they tape closed sessions. Attorney Lustgarten objected to taping closed session meetings for legal reasons. He thought the minutes were too comprehensive. He thought there would be a chilling effect on the discourse if they were taped. The tapes would probably be discoverable. He did not think litigation strategy was ever discoverable. Councilmember Trawinski thought the Council needed to balance the need to protect the Borough and the right of the public to have confidence in what the Council does in closed session. He thought it was the area that the Council is subject to the most scrutiny. He thought they should be taped. The Council deferred this item without reaching any decision.

Appointments to Boards - They will reappoint the people whose terms expired to the Cable Television Board. There has been a resignation from the Health Advisory Board. Resumes were received from three people whom they will appoint to the Pedestrian Bicycle Safety Task Force.

Criteria for Evaluating Borough Manager - Mayor Ganz distributed some general criteria. He asked that Councilmember submit any additional information. Councilmember Tedeschi wanted to discuss creating objectives for 1999. This item will be on the next closed session.

ADJOURNMENT - Upon motion of Deputy Mayor Ahearn and a second Councilmember Dobrow, the meeting was adjourned at 12:10 a.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE

Municipal Clerk