

Regular Meeting - June 9, 1999

Mayor Ganz opened the meeting at 7:35 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 "News Beacon" issue of December 17, 1998. 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 Record, 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, Councilmembers Tedeschi and Trawinski.

ABSENT: Deputy Mayor Ahearn and Councilmember Dobrow.

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

ORDINANCES: FIRST READING

Upon motion by Councilmember Tedeschi and a second by Councilmember Trawinski, it was unanimously agreed to read the following Ordinance by title.

Ordinance No. 1762-99

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981 BY AMENDING AND SUPPLEMENTING CHAPTER VII, "TRAFFIC", SUBSECTION 7-9 "BUS STOPS", SCHEDULE XII "BUS STOPS"

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 182-99 introducing Ordinance No. 1762-99 was unanimously adopted.

Councilmember Trawinski wondered if a letter that was sent from Manager Sacks to Mr. Raffiani and Mr. Van. Manager Sacks stated they were contacted. Mayor Ganz stated that the Manager had one comment from a resident who was immediately adjacent to the premises who said the bus stop had been there for several years. She did not have a problem with it as long as there was no shelter connected to it.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, it was unanimously agreed to read the following Ordinance by title.

Ordinance No.1763-99

"AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING CHAPTER XXVI, ENTITLED "ZONING, SPECIFICALLY SECTION 26-10, ADMINISTRATION AND ENFORCEMENT", (HEREINAFTER CODIFIED AS RGO 26-10A)

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 183-99 introducing Ordinance No. 1763-99 was unanimously adopted.

Mayor Ganz commended this Council and several prior Councils for proposing this Ordinance which has been recommended by many people in the building and construction field.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, it was unanimously agreed to read the following Ordinance by title.

Ordinance No. 1764-99

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING CHAPTER XXVI, ENTITLED, "ZONING", SECTION 26-4.2, ZONING MAP

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 184-99 introducing Ordinance No. 1764-99 was unanimously adopted.

Councilmember Trawinski commented that Mr. Wu should be notified if not done already. Mayor Ganz asked Manager Sacks to notify him and pointed out that this Ordinance was done at his request. Municipal Clerk Kwasniewski stated he would be notified of

the hearing as one of the affected property owners.

ORDINANCES: SECOND READING

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

Ordinance No.1760-99

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

There being no comments by the public, upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 185-99 adopting Ordinance No. 1760-99 was unanimously passed.

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

Ordinance No. 1761-99

"AN ORDINANCE AUTHORIZING THE MANAGER AND MUNICIPAL CLERK OF THE BOROUGH OF FAIR LAWN TO EXECUTE AN AGREEMENT WITH THE COUNTY OF BERGEN TO SUPERSEDE THE COOPERATIVE AGREEMENT DATED MAY, 1996, AND AMENDMENTS THERETO ESTABLISHING THE COMMUNITY DEVELOPMENT PROGRAM.

Jane Diepeveen, 14 Ryder Road, asked if this was an extension of something that is already in existence or is it a change. Manager Sacks stated it was an update. Mayor Ganz commented it was his understanding it was an ongoing program that started in at least 1993, renewed in 1996, and is now being renewed with some additional changes.

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

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 186-99 adopting Ordinance No. 1761-99 was unanimously passed.

PROCLAMATION: FAIR LAWN SHOPPING MONTHS

Municipal Clerk Kwasniewski read the proclamation.

Mayor Ganz stated that the Council will consider a series of resolutions with a common thread of honoring individuals that have served their community in extraordinary ways for which the Council is deeply appreciative. In the case of firemen it is risking their lives on behalf of others. In the case of a crossing guard it is someone who had an absolutely wonderful idea that may not have saved lives yet but one day will. In the case of those who served on the 75th Anniversary Committee the Council is also grateful for helping to manage the wonderful turnout at the various events they have had so far.

RESOLUTION No. 187-99 IN RECOGNITION OF SERVICE: NORMAN LIEBROCK

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 187-99 was unanimously passed.

Councilmember Trawinski echoed the Mayor's comments and referred to a letter he received early in his first month as Mayor of Fair Lawn, the Council addressed it and followed through on it and the Manager followed through on it. Today because of Mr. Liebrock's taking the time and going the extra mile, all of the crossing guards in the Borough, are lot better off and most importantly their children are safer. He thanked him on behalf of himself and the people who elected him.

Mayor Ganz noted that people still have the opportunity to donate cellular phones to the Borough. At this time Mayor Ganz presented the plaque to Mr. Liebrock thanking him for his wonderful idea.

RESOLUTION No. 188-99 IN RECOGNITION OF SERVICE: 75TH Anniversary Bus Tour

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 188-99 was unanimously

passed.

Mayor Ganz presented plaques to Jane Diepeveen, Jim Croucher, Joe Lomonico, Tim Yuskaitis, Madge Schiepan, Evelyn Tomasi, Jay Bender and to the Trustees of the Cadmus House. The following were not present to receive their plaque: Ann Lustgarten, Richard Lustgarten and the Trustees of the Garretson Farm and Forge.

RESOLUTION No. 189-99 IN RECOGNITION OF SERVICE: Fire Department

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 189-99 was unanimously passed.

Mayor Ganz presented the plaque to the firemen that were present.

At this time Councilmember Tedeschi gave a check to Jay Bender for his program of giving smoke alarms to the deaf.

Attorney Lustgarten arrived at 8:01. Mayor Ganz presented him with the plaque for the 75th Anniversary Bus Tour.

RESOLUTION No. 190-99 IN RECOGNITION OF SERVICE: Flag Protocol Committee

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 190-99 was unanimously passed.

Mayor Ganz stated when this came to the Council's attention regarding certain issues such as when the flag should fly and at what height, they all thought it was a simple matter. As it turned out it was not simple at all. The Flag Protocol Committee was formed to offer guidance which came in a written report that the Council will take under consideration and ultimately act upon. The Council thanked the individuals for the time that was involved in both meeting and preparing the report and in giving of themselves to the community.

RESOLUTIONS BY CONSENT #12-99

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Consent Agenda #12-99 containing the following items was unanimously adopted.

- a. Resol. #191-99 Approval of Minutes:
 - Special Meeting 4/21/99
 - Work Session 4/21/99
 - Closed Session 4/21/99
 - Regular Meeting 4/27/99
 - Work Session 4/27/99
 - Closed Session 4/27/99
- b. Resol. #192-99 Rejection of Bids: Hockey Rink Boards
- c. Resol. #193-99 Renewal of Liquor Licenses 1999-2000
- d. Resol. #194-99 Appointments to Cable Television Board
- e. Resol. #195-99 Appointments to Pedestrian Bicycle Safety Task Force
- f. Resol. #196-99 Approval of Raffles & Bingo:
 - Fair Lawn Fire Dept.-off-premise merch.
- g. Resol. #197-99 Refund of Overpayment of Taxes

MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, it was unanimously agreed to open the time for public comments.

Jane Diepeveen, 14 Ryder Road, thanked the people in the Borough Clerk's Office for all of the cooperation they have given her and the 75th Anniversary Committees on which she serves. She announced the exhibit on women's contribution to Fair Lawn will be on display at the Cadmus House on the 20th of June and will be open every Saturday that there is a Farmer's Market.

Joe Lomonico, 40-10 Fair Lawn Avenue, wanted to add one comment to what was already said by making sure that due credit was given to Richard Lustgarten and his wife, Ann, as they did an extraordinary job of supplying the committee with the materials they needed. He hoped that a Historical Society could be formed since he felt that the town should not let this spirit die.

Leon Wender, 17-22 Manor Avenue, commented the DPW should be revamped in regard to using outside contractors. He talked about the equipment being antiquated and of hiring mechanics. He feels that parents or guardians should be held responsible for

their children's actions.

Jane Dieveveen stated she would like to second the motion for a Historical Society because the Borough Museum does not act in that capacity. She hope that Fair Lawn would adopt the state model preservation ordinance which gives the Planning Board the power over the exterior of the historical buildings.

There being no additional comments from the public, upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the time for public comments was unanimously closed.

Councilmember Trawinski stated he reviewed the minutes of the Environmental Commission dated June 2, 1999, where they indicated they do not have a member of the Planning Board on their commission because of Larry Josephs' resignation. He was not aware of his resignation. Mayor Ganz stated his resignation was effective May 31, 1999.

ADJOURNMENT TO WORK SESSION:

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the meeting was unanimously adjourned to Work Session at 8:20 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk

Work Session - June 9, 1999

Mayor Ganz reconvened the meeting at 8:20 p.m.

PRESENT: Mayor Ganz, Councilmembers Tedeschi and Trawinski.

ABSENT: Deputy Mayor Ahearn and Councilmember Dobrow.

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

Use of Walsh Pool - Councilwoman Diane Merkel of North Haledon was present. North Haledon has requested the use of the pool this summer. Due to the possibility of pollution they cannot use their pool this season. They would be willing to pay fees that would cover the Borough's costs. Councilwoman Merkel expressed appreciation for the Council considering their request. They found out at the end of February about the possibility of the contamination with the pool so they have not been able to make other arrangements for their residents.

Councilmember Tedeschi indicated that there was sufficient room for the Community School and North Haledon so he did not think it had to be one use or the other. Councilmember Trawinski noted that the lot on Harristown Road is heavily used but the parking studies show that there is more than enough parking at the Complex. He suggested that they encourage the North Haledon residents to park in the back by the tennis courts and the bowling alley. Attorney Lustgarten raised the question of indemnification. He wanted North Haledon to fully indemnify Fair Lawn.

The consensus was to allow North Haledon residents to use Walsh Pool at the rate of \$200 for a family; \$100 for an individual; \$30 for senior citizens and the same day rate as for Fair Lawn residents. North Haledon residents will pay North Haledon and North Haledon will reimburse Fair Lawn. An interlocal service agreement will be prepared.

Councilmember Tedeschi indicated that the Fair Lawn Community School would like to use Walsh Pool three days a week. Since Councilmember Tedeschi will have to recuse himself and Deputy Mayor Ahearn and Councilwoman Dobrow were absent, the Council deferred a decision on this matter to the next meeting.

Recommended Use of the Former Police Auxiliary Building - Councilmember Tedeschi thought the former Police Auxiliary Building was an excellent opportunity for the Borough and for the Board of Education to house the deaf program that is currently located at the Community School. Half the clients are from Fair Lawn. They have had to move out of Edison School. He proposed applying for a

Community Development Grant to cover the costs of the renovations and then to lease it to the deaf program for approximately \$10,000 a year. The Board of Education reduced the fee from \$16,000 to \$10,000 because they could not afford to move unless the rent was reduced. Mayor Ganz asked the Manager to make a recommendation on the rent based on the cost of operating the building. The consensus was to proceed.

Cabling the Municipal Chambers - Municipal Clerk Kwasniewski spoke to Martin Gruen who had submitted the proposal for the sound system. Mr. Martin advised that there will be no problem with the sound system and the broadcasting the Council meetings. The mixer is the important element. There are three ports, one for audio, one for media and one for amplification. He can leave the cutoff switches on each microphone. Mayor Ganz thought the proposal did not include microphones for each Councilmember. Municipal Clerk Kwasniewski will double check with Mr. Gruen.

Mayor Ganz wanted to be sure that there would be no problems with the sound system and the cabling. This item will be on the next work session.

Ambulance Corps. - Councilmember Trawinski recused himself. Attorney Lustgarten recommended that the two nonrecused Councilmembers receive information only.

Ambulance Corps. President Steffanie and William Imperato of Wireless Acquisitions Services, Inc. were present. Mr. Steffanie presented a projection of cost of ambulances for the next six years. Repairs for the three rigs over the last two years were \$10,366. CFO Eccelston has projected \$145,600 for each ambulance although the Ambulance Corps indicated that they included \$125,000 in the capital budget projection. They would require a \$5,000 a month revenue stream to cover the amortization of the purchase.

Mr. Imperator revised their offer up to \$2,500 a month since they were trying to cover the cost of the ambulance. Sprint cannot pay \$5,000 a month for a cell site. He did not even have a firm commitment for the \$2,5000 a month, although he thought it might be possible to get Sprint to pay that much. They proposed a flag pole stealth site. They agreed to share 25% of the revenue from other locators. They agreed to locate the Borough's emergency services communication equipment on the tower. They agreed that if the technology becomes obsolete they will remove the tower or to pay the rent.

Councilmember Tedeschi and Mayor Ganz did not think that \$2,500 a month was sufficient to make them agree to enter a lease. Mayor Ganz wanted a firm offer. He thought they could get to the number the Council needs through creative means such as changing the percentage of the rental from the co-locators or giving up that revenue stream or to show the Council the financial information that shows they cannot do it. He did not accept the answer that this is proprietary information.

Manager Sacks suggested that Sprint purchase the ambulance and then donate it to the Ambulance Corps.

The Council asked Mr. Imperato to put Sprint's last best offer on the table so the Council can make an informed decision. This item will be on the agenda for the next work session.

Lisa Fusco of the Ambulance Corps. noted that the Council has not told them if the Borough will supply the ambulances. She wondered what will happen if paying for the ambulance is contingent on the lease with Sprint and that lease does not happen. Mayor Ganz and Councilmember Tedeschi were not prepared to discuss that issue until after hearing from Sprint.

Wireless Acquisition Services, Inc. - Omnipoint/Sprint Spectrum Lease Agreement - Councilmember Trawinski recused himself. Mr. Imperator indicated that Sprint has raised their offer from \$800 to \$1,000 a month for the DPW site. Tony Suppa, engineer from Sprint presented a conceptual drawing. Sprint is proposing leasing a 23 x 27 foot area just south of the existing Omnipoint monopole and equipment configuration. They will put board on board fence around the leased area. The platform must be raised three feet off the ground because it is in the flood plain. They would landscape it and have bollards around the area. Their antennas would be about ten feet lower than Omnipoint. He felt there was sufficient room around the pole for them and other tenants.

The Council wants to be sure that there is room enough for the equipment. The Council wanted Sprint's last best offer for the DPW site. This item will be on the next work session.

Mayor Ganz mentioned the Borough's need for cell phones for 911 calls.

Creative Cable - Candice Vivino provided a list of Creative Cable's accomplishments to date and a list of items that are in production, groups that they have been working with and an overview of the proposal. Manager Sacks noted that \$10,000 was in the salary line item and \$8,000 in other expenses. Ms. Vivino would like \$17,000 more in salary for a total of \$25,000. Currently the Borough pays Ms. Vivino directly. This proposal is to pay Creative Cable directly. Councilmember Tedeschi did not think that it was possible to pay Creative Cable. He thought CFO Eccelston had told them that they could not pay RRIC directly. He thought this was a similar situation.

Councilmember Trawinski wanted a complete proposal not a partial RFP. Ms. Vivino indicated that she could not do that because she receives calls from people all the time. They average three or four studio productions a month. They do two shows twice a month.

Councilmember Tedeschi reminded her that in February the Council asked for quarterly reports although Ms. Vivino did not recall

that request. Mayor Ganz suggested the Manager work with Ms. Vivino to devise a format to include membership, productions and editing activities so that someone could look at it and see what Creative Cable has been doing. Councilmember Tedeschi thought that some of things they are doing may conflict with Creative Cable's mission statement.

Ms. Vivino noted that there have been problems in getting the 24-hour access channel. Attorney Lustgarten indicated that Cablevision's position has been that Creative Cable does not have enough programming to fill the 24 hours. He asked for something in writing that indicates they have the programming. Manger Sacks will write Cablevision telling them that the Borough is ready for the 24-hour channel. Ms. Vivino will draft a list of the programs.

ADJOURNMENT - Upon motion of Councilmember Trawinski and a second by Councilmember Tedeschi, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AAE

Municipal Clerk