

Work Session - June 15, 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(late), Tedeschi and Trawinski.

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

Review of Tentative Agenda - Attorney Lustgarten circulated the interlocal services agreement with North Haledon. Municipal Clerk Kwasniewski advised that Councilwoman Merkel faxed a copy of the rules and regulations this afternoon for review by Superintendent Frey who thought they were fine. Those rules and regulations will be a part of the agreement. In addition, North Haledon will give those rules and regulations to those who buy the permit.

Manager Sacks noted that there will be an additional resolution to authorize her to execute the DOT agreements for repaving and Radburn bike paths.

Special Meeting - Upon a motion by Councilmember Trawinski a second by Councilmember Tedeschi, the work session was unanimously adjourned to a Special Meeting.

Mayor Ganz reconvened the meeting at 7:45 p.m.

Announcement by Deputy Mayor Ahearn - Deputy Mayor Ahearn announced that he was going to decline the nomination to run for reelection this November. He indicated it was a painful decision but he felt not running is the right thing to do for his family and for the voters of Fair Lawn. He cannot fulfil his duties as a Councilmember and a candidate for election without burdening his family. It was his outrage over his predecessor moving out of town without resigning that made him run for Council. He has had a legal practice and a consulting business. When he ran for Council he stopped taking on new clients and concentrated on his consulting business. He will continue to serve the balance of his term. He thanked his fellow democrats for nominating him and for their good wishes and the people of Fair Lawn for the opportunity to serve them. He assured them that he will continue to do what the people elected him to do for the balance of his term.

River Road cooperative Parking - Bob Landzettel of River Road Improvement Corporation was present. Part of the B4/B5 ordinance includes the adoption of a cooperative parking plan. Cooperative parking or shared parking enables neighboring property owners to plan so that there is better utilization of the parking in the district. RRIC asked Bohler Engineering to review the parking in the area. They have created a number of studies and map. RRIC is asking them to determine the parking that is actually required for the current ordinance and to review the existing properties within the main area of the district from Bergen Avenue to Berdan Avenue. These are the blocks that are most impacted. They would also provide a parking utilization study to show what is actually happening and then to try to anticipate what a full build out would do to the parking. Bohler Engineering is in the process of developing a proposal. RRIC will pay for these services.

Bier Associates has submitted a proposal to develop a cooperative parking agreement at a cost of \$7,500. RRIC has reduced the scope of services and he will be submitting a new proposal. The ordinance contains a provision that no development may be done in the B4/B5 zone unless a cooperative parking agreement is in effect. Deputy Mayor Ahearn noted that the Planning Board has been imposing a condition that the developer agrees to the system once it is enacted. RRIC needs to know who is going to write the cooperative parking agreement.

Deputy Mayor Ahearn wondered if there was a sense from the business owners of how they want to share the space. Mr. Landzettel noted that there are examples of shared parking that have been done over the years without formal agreements. Mayor Ganz had supplied them with a model ordinance from the State of Washington that may have pieces that can be used. The issue is really how to use the spaces.

Councilmember Tedeschi thought the spaces were worth \$15,000. There must be some contributory mechanism so that if someone is going to be excused from building a certain number of spaces so they can expand their building that is considered in the value of the spaces. Attorney Lustgarten noted that utilization of Borough owned spaces as parking for those properties that have no room for expansion has its limits. The George Street lot was built to take overflow parking not necessarily for expansion. There is no unanimity over cooperative parking among RRIC members.

Seymour Karas pointed out that RRIC does not have the expertise to provide a cooperative parking plan. They have to hire someone who has that expertise to provide the information that must go into an agreement. They are recommending that Bier Associates be retained because they have the expertise.

Mayor Ganz felt that RRIC needs to articulate what it needs. The fundamental questions of how to share the spaces and how to

allocate the costs need to be decided. Councilmember Trawinski pointed out that the economic motivation that drives the cooperative parking is a deviation from the parking standards. He thought they had been told that it was not necessary to know the maximum build out. There was a request for additional funding from the Borough. He wanted to know what it was for and how much it would be. He thought RRIC was saying that they are not equipped to develop a cooperative parking agreement without some help.

Councilmember Dobrow arrived at 8:15 p.m.

Mr. Landzettel advised that the Bohler Engineering has already done the scope of work that the Borough already agreed to share in the cost. Bohler Engineering will now assess the building in the main blocks as to what parking is actually required based on a gross square footage area and a net square footage area. RRIC will pay for that service. RRIC had asked for a contribution for Bier's service. They have decided to proceed with a smaller scope of service that RRIC will pay for. If it is necessary to do more, they may come back to the Council for additional funds if they need a parking management plan.

Councilmember Trawinski pointed out that the resolution adopted in September 1996 contained components that need to be addressed. The permit parking for the residential area has not been addressed. Don Smartt indicated that the Bank of New York needs to meet with RRIC and the Borough to resolve the residential parking. Attorney Lustgarten thought it would be better if RRIC makes a recommendation to the Council and then the Borough will take it to the Bank of New York. He can draft something once he is told what they want to do in terms of permits, eligibility and the mechanics.

Sandford Road Parking Restrictions - Manager Sacks advised that resident of Sandford Road are having a problem with commuter parking. It is not the telephone company employees. Mayor Ganz wondered where the commuters will move if an ordinance restricting parking. Municipal Clerk Kwasniewski advised that she received several calls from people who live past Sheridan expressing concern that the cars will move to their block. Manager Sacks noted that there is a safety issue because the street is narrow. Councilmember Tedeschi asked for a report from the traffic safety officer. Councilmember Trawinski noted that because piecemeal restrictions do not work, they had the former Manager using the summer intern analyze the streets around Saddle River Road so they could do all the streets at one time. He suggested trying to do something similar on Sandford Road. He suggested that the entire area be reviewed to see where the commuters will go. He had no problem with restricting the parking on Sandford.

The consensus was to introduce an ordinance to restrict parking on Sandford Road between Fair Lawn Avenue and Sheridan Place. Manager Sacks will advise those who signed the petition that the Council is going to restrict the parking.

Ordinance Prohibiting Landscapers Dumping at Recycling Center - Attorney Lustgarten indicated that they could make a change by ordinance or direct the Manager to adopt different rules and regulations. Attorney Lustgarten recommended establishing rules and regulations that would ban comingling grass clippings and leaves. The Manager should distribute this new regulation to everyone who had a permit last year. The Council needs to decide if they are going to permit the landscapers to dump at the Recycling Center. If they are going to do that, they need to give everyone sufficient notice. Councilmember Tedeschi indicated he supported Millbrook's recommendation and the Manager's recommendation to ban the landscapers.

The consensus was to change rules and regulations and to discuss banning commercial entities after the next regular Council meeting.

Councilmember Tedeschi did not think the odor problem will be solved as long as the landscapers are allowed to bring the leaves into the Recycling Center.

Councilmember Trawinski noted that one of the ways to eliminate Millbrook's contract is if the land is needed by the Borough. The Council has asked the Recreation Director to explore the feasibility of an ice rink. He thought he should be asked to consider the feasibility of this site. It should be possible to build it even though it is in the flood plain. There is enough parking. Other sites would be in heavily residential areas. He thought it should be considered even though the Council has not made a definite decision to build the ice rink. The consensus was to ask Superintendent of Recreation to consider this site.

Sidewalk Ordinance - In 1994 Attorney Lustgarten issued an opinion and drafted an ordinance. He will recirculate that information for their consideration. This item was deferred to the July 13 work session.

Creative Cable - Candice Vivino was present and submitted a list of production requirements and a list of anticipated production for 1999. Mayor Ganz reiterated that the Council wanted a report. He asked Ms. Vivino to work with the Manager to create a form that could be submitted quarterly. Councilmember Trawinski reminded her that the Council had asked for a clearly defined mission statement. Ms. Vivino indicated that she had that already and would distribute it to the Council.

Use of Walsh Pool by Community School - Councilmember Tedeschi recused himself. The Community School would like to use Walsh Pool three days a week. There was no problem with others using the facility at the same time. Attorney Lustgarten advised that Walsh Pool is not on the indemnity agreement between the Borough and the Board of Education. He suggested that it be

included.

The consensus was to approve the request. A resolution allowing the use will be on the next agenda.

Cabling of Council Chambers - Municipal Clerk Kwasniewski reported that she spoke to Martin Gruen of Sound and Sight who indicated that there was some confusion with his original proposal. Originally he had not planned on having microphones for each Councilmember. However, when the Council wanted the cut off switches, it meant that each person had to have his own microphone. His proposal included 12 microphones. He can redraft the proposal.

Councilmember Trawinski thought the Council should proceed with cabling the Chambers. He felt strongly that the Council meetings should be broadcast. He proposed authorizing the Manager to wire the Council Chambers. Deputy Mayor Ahearn wanted to know if the vendor has the specifications for Creative Cable and who was going to connect the two systems. He wanted the vendors to guarantee that the systems would work together. He suggested that the vendor who is doing the sound system be asked to do the cabling as well so there is only one vendor. He expressed concern about the impedance issue.

The consensus was to proceed with the wiring of the Council Chambers provided that the vendors guarantee that the systems are compatible with a report back in two weeks of the status of this project. One of the vendors will agree to connect the system.

Wireless Acquisition Services, Inc. - Omnipoint/Sprint Spectrum Lease Agreement - Councilmember Trawinski was recused. Attorney Lustgarten received a proposal from Mr. Imperato for the Ambulance Corps. site with a rental of \$2500 per month, a five-year term with four options to renew, a 25 feet by 30 foot-fenced site and rent escalation of 15% for each five-year renewal. He also received a proposal for the DPW site which requires a 25 feet by 30 foot location of equipment, \$1,000 a month for four five-year renewal terms and rent escalation of 15%.

Mr. Imperato indicated that any co-locator would be forced to negotiate with the Ambulance Corps. for ground space which will give them the rent for the ground space. There is no revenue sharing for a co-locator on the pole but if they want to get on the pole they will have to deal with the Ambulance Corps. for the ground space. Mayor Ganz would not be in favor of an agreement that the Borough was not sharing in any rental from the co-locators. Mr. Imperato thought this proposal was better for the Ambulance Corps. than sharing the revenue for the co-locators. He thought the rent from the other co-locators would be \$1,000.

Lisa Fusco, a member of the Ambulance Corps. thought the original offer was for 20% of the rental revenues. She wondered if it was possible to raise the rental revenue to 40%. Mr. Imperato indicated that Sprint believes that anyone who wants to go on the pole will have to lease ground space although Deputy Mayor Ahearn did not agree.

Mr. Imperato indicated that he communicated Sprint's best offer as he was requested to do. He asked for a recommendation as to what the Council would be willing to accept. Attorney Lustgarten suggested that in the event that Sprint leases to a co-locator a percentage of that revenue be given to the Ambulance Corps. Mayor Ganz noted that the Council wants a guaranteed number. Councilmember Tedeschi noted that the objective is to create a revenue stream to satisfy the needs of the Borough and that is to be able to pay for the ambulances.

Mayor Ganz concluded that the Council wants \$63,000 a year for the Ambulance Corps. site and Sprint can do whatever they can do to recoup that money. Attorney Lustgarten will send a letter to Mr. Imperato.

Ambulance Corps. - Mr. Epstein, an Ambulance Corps. member, noted that the original purpose was to purchase the ambulance. The original proposal was for the Borough to pay for the ambulance and then the revenue from the towers would repay the loan. CFO Eccelston has indicated that if the borough purchases two ambulances over the next two years, the debt service would be \$63,000. Mr. Epstein suggested skipping a year.

Request from Chamber of Commerce for Sidewalk Sale - Manager Sacks advised that the Chamber of Commerce wants to hold a sidewalk sale in connection with the Opening Day of the farmer's market. Attorney Lustgarten advised that the liability will be the responsibility of the merchants.

Mayor Ganz suggested trying it this time and see how it works. If there are problems, the Council will have to regulate it. The Manager will ask Construction Official VanHook what needs to be done so it is not a violation of the Zoning Code and will report back to the Council in one week.

The consensus was to authorize the Manager to administratively allow the sidewalk sale.

Flea Markets - Manager Sacks indicated that a Flea Market is not a permitted use. However, the Construction Official has allowed religious and civic organizations to hold them. Recently there was a request for a huge flea market at the Bowling Alley which Construction Official VanHook said they could not hold. There is nothing in the ordinance that permits them for non-profits. Councilmember Trawinski noted that the Code prohibits flea markets under 26-6.13 f except if they are conducted by non-profits.

Manager Sacks thought the Council may want to make a distinction between non-profits who are not local. She will ask Construction Official VanHook to look at this issue.

Recodification of Municipal Ordinances - Municipal Clerk Kwasniewski reported that she and Attorney Lustgarten have been meeting weekly to go through the manuscript. All of the departments have submitted their critiques and recommendations for changes. There a number of policy calls that the Council will have to make. Attorney Lustgarten indicated that it may be necessary to devote a meeting to reviewing the manuscript and making policy decisions.

Green Thumb, Inc. - Manager Sacks advised that Green Thumb, Inc. provides the personnel to take care of the food at the Senior Citizens Center. They have not received any funds from the Borough although they do receive funds from other municipalities they service. They have asked for \$600 per year. It is a token amount but will help them with the expanded services of identifying and helping seniors go back to work. Councilmember Tedeschi proposed taking it out of the Senior Citizens line item.

The consensus was to take \$600.00 out of the Senior Citizens budget.

Ambulance Corps. Jackets - Manager Sacks advised that three bids were received for jackets for the Ambulance Corps. The lowest bidder had a substitute so it was not a responsive bidder. The middle bidder added on a surcharge ranging from 10% to 20% in order to cover longs and extra, extra large. When she did the calculation, the higher bidder was actually lower. For 50 jackets it would cost \$11,544. For 60 jackets it would be \$13,839. The other bid, which does not have a surcharge, is \$11,500 for 50 jackets and \$13,800 for 60 jackets.

Attorney Lustgarten noted that the law requires that the Borough award to the lowest responsible bidder. He indicated that he had not seen anything detailing how many jackets of each size are needed. Manager Sacks indicated that she has that information. Attorney Lustgarten wanted to see that information before making a recommendation. Mayor Ganz wondered if the surcharge made the bid nonconforming. Attorney Lustgarten felt it was a conforming bid because they gave a unit price bid. If the Manager is satisfied that bidder number three with no surcharges in a lump sum is lower than bidder number two with the surcharges, then bidder number three would get the bid. He was concerned that bidder number two sent a letter after the fact advising them to forget the surcharge. Unfortunately, they cannot do that because he sent it after the bids were received. His initial reaction was to reject the bids. The Manager will send him the figures so that he can make a recommendation. This item will be on the next agenda for discussion and possible action.

Ad in the Record - Manager Sacks asked if the Council wanted to buy an ad for the millennium edition of the Record. The consensus was not to purchase an ad.

Closed Session Resolution - Upon motion of Councilmember Trawinski and a second by Councilmember Dobrow, the following Closed Session Resolution was unanimously adopted at 10:30 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 personnel, anticipated litigation and pending litigation; and

WHEREAS, these matters permit the exclusion of the public from the discussion of these matter; and

WHEREAS, public disclosure of the results of these discussions will be made in 30 days for personnel and at the end of the litigation except for litigation strategy and attorney client privilege.

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 is one which permits the exclusion of the public.

ADJOURNMENT - Upon motion of Councilmember Trawinski and a second Councilmember Tedeschi, the meeting was adjourned at 11:25 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE

Municipal Clerk

Special Meeting of June 15, 1999

Mayor Ganz reconvened the meeting at 7:40 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Ahearn, Councilmembers Tedeschi and Trawinski.

ABSENT: Councilmember Dobrow.

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

RESOLUTION 198-99 INTERLOCAL SERVICES AGREEMENT WITH NORTH HALEDON

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Resolution No. 198-99 was unanimously adopted.

ADJOURNMENT TO WORK SESSION - Upon motion of Councilmember Trawinski and a second by Deputy Mayor Ahearn, the meeting was adjourned to a Work Session at 7:45 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AEE

Municipal Clerk