

Regular Meeting - June 22, 1999

Mayor Ganz opened the meeting at 7:31 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, Deputy Mayor Ahearn, Councilmembers Dobrow, Tedeschi and Trawinski.

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

MANAGER'S REPORT:

Manager Sacks stated the reports were on the table with no additions.

ORDINANCES: FIRST READING

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

Ordinance No. 1765-99

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 1981, BY AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC", SUBSECTION 7-3.4, SCHEDULE 11, PARKING PROHIBITED CERTAIN HOURS

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 199-99 introducing Ordinance No. 1765-99 was considered.

Mayor Ganz stated it was his understanding that this was designed to cover Sandford Road which was previously discussed. They were unaware that there was a restriction on that portion between Fair Lawn Avenue and Warren. The local residents, by petition, on Sandford between Sheridan and Sherman have also requested a posting that is slightly different which would allow no parking between 10 a.m. to 12 noon. The Municipal Clerk has redrawn this to remove the Fair Lawn Avenue to Warren Road section as it was not necessary and added the portion for Sherman Place.

Councilmember Trawinski asked about the west side of Sandford between Fair Lawn Avenue and Warren Road. His recollection is there are no signs there.

Manager Sacks stated there are no restrictions. The only request was on the east side as the west side is apartment buildings and there has been no complaints or problems on that side of the street. There were no requests whatsoever between Fair Lawn Avenue and Warren Road.

Councilmember Trawinski stated the Council had discussed this when he was Mayor looking at Sandford from Fair Lawn Avenue all the way down past Rutgers Terrace. His recollection was the Council decided to add Sandford and they did not realize the east side was restricted. He stated he had a concern about the west side. He feels they are only kidding themselves leaving the west side out.

Manager Sacks stated the Traffic Officer said he saw no need for it on the first block between Fair Lawn Avenue and Warren Road as the street is wide there. If you put restrictions there you will push the cars to the other streets. He felt the real problems are on the second and third block where the street gets narrow and there is a sight line problem.

Councilmember Trawinski noted if history tells them anything when they stated closing streets, the commuters simply move to other streets. He would like to support the Ordinance with the amendments the Clerk has prepared.

Mayor Ganz stated they should consider what is going to happen to those cars and they know those cars are there everyday. He felt the real question was do they push them to where no one was complaining and risk having a petition in mid July or should they leave that portion alone.

Councilmember Trawinski stated that was exactly what they discussed previously. Even if they did Sheridan to Warren they were likely to push the commuters down to Rutgers Terrace along Sandford. They had spoken about looking at the surrounding streets

either through summer help or some other way to see whether or not they need additional restrictions to do it all in one shot.

Mayor Ganz stated since this was just the first reading he suggested they talk about this at the Work Session tonight. Councilmember Trawinski asked if they would entertain a motion to amend the ordinance to include the west side of Sanford Road.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, an amendment to include the west side of Sanford Road was unanimously passed.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 199-99 introducing Ordinance No. 1765-99 was passed.

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. 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"

Henry Klein, 145 Main Street, Hackensack, New Jersey, stated he was the attorney for John Raffiani. He had sent a letter to the Mayor and Council last week which has been made a part of this record and is heretofore attached as "Schedule A". He stated that last year the Mayor and Council did Ordinance No. 1721-98, taking away the bus stop. Last March Mr. Raffiani and several other residents testified about the traffic, unsafe driving conditions, garbage and other factors requesting the Mayor and Council to maintain elimination of the bus stop. He was surprised the ordinance was re-introduced to put the bus stop right back where it was previously eliminated a year ago. He would like Mr. Raffiani to address the Council to put forth the reasons once again why he believes the bus stop should be eliminated and if relocated should be relocated north of Terhune.

John Raffiani, 12-62 Saddle River Road, stated the Mayor and Council have already heard his concerns about the elimination of that bus stop. The location of that stop is less than 300 feet from the other bus stop. The area south of Ackerman Drive is the midpoint between the two existing bus stops. Putting the stop 100 feet south of Terhune puts it a stones throw away from the Tierney Place bus stop. The area south of Ackerman is a side fenced yard, there is no driveway and no street coming out into the bus stop which is directly across the street from Vanderplatt's which is only used on occasion. They left the March meeting with the impression that another location would be studied. He wondered why the Council has chosen to drop it right back where it was in the first place.

Mayor Ganz asked Manager Sacks if this was the same location as it was previously. Manager Sacks stated it was the same block and was recommended by of the Police Department's Traffic Officer and the Borough Engineer. Mayor Ganz said at the beginning part of the block is adjacent to the property of another homeowner and was the homeowner queried as to what her opinion was of this ordinance. Manager Sacks said the homeowner had no problem with it as long as there was no shelter or bench.

Mr. Klein stated looking at the old and the new ordinances the location is precisely the same as the other.

Municipal Clerk Kwasniewski stated the Borough Engineer said he will move it as far as he can within the NJ Transit parameters and it is not going to be in the exact place. It will be closer to the property with the side yard as Manager Sacks just said.

Mr. Raffiani stated the homeowner of that property is Mrs. Casagrande, 40-34 Terhune Place, who has never noticed the problem as she has no windows or doors facing Saddle River Road. Furthermore for years he has been picking up the garbage - she never noticed it.

Mayor Ganz asked Attorney Lustgarten whether the ordinance as presently drafted accomplishes what the Council wanted to accomplish. Attorney Lustgarten stated it was clearly the Council's intent to move the bus stop closer to Terhune. It is very possible that the existing bus stop is in the wrong place based on the old ordinance. He said it was a policy call.

The Borough Manager has indicated the Borough Engineer measured it. The bus stop will not be on Mr. Raffiani's property. It will be on the other property. He asked that the record reflect that no one testified as was stated by Mr. Klein.

Mr. Klein stated he respectfully requested that if the Council is not exactly sure where it is going to be located they defer action until they know for sure rather than adopting this Ordinance that may very well have to be changed later.

Avrom Vann, 13-35 Henrietta Court, stated he was the one who drafted the petition which led to the Ordinance they are now

considering. He thinks the property where the bus stop is to be located is 100 feet in length. It strikes him that a bus is not 100 feet long so that when it pulls in it clears Terhune. It appears that Mr. Raffiani can be accommodated if the bus stop is simply put at a location within that 100 feet. He would like to see the Ordinance adopted tonight so that they can get their bus stop back.

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

Councilmember Trawinski stated that about three weeks ago, actually four weeks ago, when they discussed this in Work Session, after they got the Traffic Safety Officer's recommendation and he believes the Manager's recommendation, he asked the question of the Manager whether or not they were putting it back in the same location that it originally started in. The Manager said no and based on the Manager's explanation he was satisfied that they are not putting it back where they started from. He also went and looked at the tax map and Ms. Casagrande's property appears to be 100 x 100, this is 100' and he is confident that the Manager will implement the intent of the Council to keep it as close to Terhune as possible. Based on all of that he is prepared to support the Ordinance as they have amended it.

Attorney Lustgarten stated he had another side discussion with the Manager. He thinks the confusion may be from Mr. Raffiani's Counsel is that they think the bus stop will be exactly at the 100 foot point, south of Terhune. This Ordinance would authorize the placement of the bus stop within that distance and Councilmember Tedeschi advises him that a bus is probably 40 to 45 feet long so obviously you don't get a pinpoint one spot of a particular footage and say the bus fits right there because obviously the bus extends in this case on a northerly bus stop south of that point. So even if this language is correlative to the Ordinance that was repealed it is the intent of the Council to put the bus stop as close to Terhune Place as can be. This would be the authorizing dimension to do that. I echo what Councilmember Trawinski said that the Manager knows full well the intent of the Council is and that's the implementation of physically where the spot is going to be.

Mayor Ganz stated so that there is no mistaking this for codification purposes, he wanted to repeat the colloquy between Attorney Lustgarten and Councilmember Trawinski verbatim in the minutes so that anyone searching for it would find that this is clearly the Council's intent. Without objection it was so ordered.

Councilmember Tedeschi said there was no statement. Mayor Ganz stated they would let the individual statements be placed in the record to reflect the intent of the Council.

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 200-99 adopting Ordinance No. 1762-99 was unanimously passed.

RESOLUTIONS BY CONSENT #13-99

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, Consent Agenda #13-99 containing the following items was unanimously adopted.

- a. Resol. #201-99 Approval of Minutes:
 - Work Session 5/4/99
 - Special Meeting 5/4/99
 - Closed Session 5/4/99
 - Regular Meeting 5/11/99
- b. Resol. #202-99 Refund of Overpayment of Taxes
- c. Resol. #203-99 Approval of Raffles & Bingo:
 - Warren Point PTA - on-premise merchandise
 - Warren Point PTA - 50/50
- d. Resol. #204-99 Authorizing Manager to Execute DOT Agreements
- e. Resol. #205-99 Appointment to the Planning Board

RESOLUTION No. 206-99 Authorizing Fair Lawn Community School to use Walsh Pool

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 206-99 was unanimously passed with Councilmember Tedeschi recusing himself. Mayor Ganz stated he thought this was a good use of Walsh Pool for the community and for the school.

RESOLUTION No. 207-99 Award of Bid: Ambulance Corps Jackets

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 207-99 was unanimously

passed.

RESOLUTION No. 208-99 Emergency Well Repair

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 208-99 was unanimously passed.

Mayor Ganz thanked the Borough Engineer, Municipal Clerk and Borough Manager for acting so quickly as this problem just became known to them.

Councilmember Tedeschi explained that they had to start filling the pool with the fire hose. The dirty water could have been sucked back into the water system.

MISCELLANEOUS PUBLIC COMMENTS

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

Harvey Rubenstein, 22 Rutgers Terrace, noticed while walking by Fair Lawn Commons there is a big black hole filled with stagnant water. He asked who would be spraying for mosquitoes. Councilmember Trawinski explained it was an on-site retention center that puts the water back into the soil. It is built by the Department of Environmental Protection as required by the County of Bergen and the State of New Jersey. The developer is to take care of it. Mayor Ganz stated there is a specific time period for it to dry up and if the water stays longer then that there is a design issue. Mr. Rubenstein asked from enforcement perspective who will the Borough rely on the owner or the town officials. Attorney Lustgarten stated on previous properties the Borough's officials went and kept an eye on it.

Katherine Trzaskowski, 1-33 36th Street, said she has been going to the Recycling Center for years to get wood chips. This year the wood chips are the worst she has ever seen. They were half leaves and half wood chips. She asked that someone look into this. Mayor Ganz referred this to Manager Sacks.

Jenny McGowan, 23 Sandford Road, stated hers was the first petition for Warren and Sheridan and she hopes it does not get delayed. Mayor Ganz stated that several Councilmembers have driven through that area and are committed to doing this ordinance. They realize that when this gets enacted it will cause problems somewhere else.

Raina Valenzuela, 2 Katherine Avenue, asked what Resolution No. 208-99 was in reference to. Mayor Ganz explained it was to repair well #8 which allows the pool to be filled without using fire hoses.

Ms. Valenzuela expressed concern about Lackland Storage not planting shrubbery along the property line in accordance with the Planning Board resolution.

Councilmember Trawinski stated that under the Planning Board process no Certificate of Occupancy is granted unless signed off by the Borough Engineer or the Construction Official. He asked to have Manager Sacks get Planning Board documents to confer with to see if everything was done or refer it back to the Planning Board.

Attorney Lustgarten stated that Ms. Valenzuela, from her recollection, should send a list to the Legal Department of what was to be done.

Wendy Dabney, 41 Albert Avenue, stated she had been to the Planning Board office about Lackland. She referenced the trees that were planted by the river. She has seen vehicles drive down by the river and is afraid there is dumping going on.

Councilmember Trawinski stated they had agreed to offer it to the Borough as a pocket park and for a variety of reasons the Borough did not take it as a pocket park. The suggestion of the Council was to offer it to the River Road Improvement Corporation and then to Columbia Heights Network Neighborhood. He did not recall what was supposed to happen to it if it was not accepted by any of those entities. However, any property owner is liable under the property maintenance codes for the proper maintenance of their property. Ms. Dabney said the area looks haphazard and just wants to know what is going on as it is all rutted and there is a pathway down to the water with tire tracks. Councilmember Trawinski stated that curbing might help but the County has jurisdiction over when to install curbs. He stated the Borough could memorialize the County to act on this sooner. Mayor Ganz stated that was not unreasonable for the Council to do that. He then asked Municipal Clerk Kwasniewski to put that on the Agenda.

Ms. Dabney commented that they were under the impression that Lackland's final landscaping plans would depend on the soil samples they were drilling. It was the Columbia Heights Network Neighborhood's understanding that Lackland would be going by what was originally settled on. Mayor Ganz stated they have asked Ms. Valenzuela to compile a list of her recollection of what Lackland was to do. He suggested Ms. Dabney confer with her.

John DeVrees, 69 Pomona Avenue, stated he understood Walsh Pool was going to be closed but now North Haledon will be using it. That will bring more people and money to it. The Council should consider keeping it open and see how it works out. Mayor Ganz said it was under advisement.

Leon Wender, 17-22 Manor Avenue, wondered why there was opposition to open the pool to all. He read in the Shopper that North Haledon would be using the pool and thinks it is nice to bring money in.

Arlene Rubinstein, 28 Rutgers Terrace, asked who chose the colors painted around Memorial Pool as they do not represent Fair Lawn. They were garish and not tasteful. Manager Sacks stated the paint chips were passed around. Ms. Rubinstein felt the buildings should be repainted.

Harvey Rubenstein, 28 Rutgers Terrace, stated when he was on the Planning Board they followed the conditions of a resolution.

Charles Coviello, 5-07 5th Street, member of the Fair Lawn Homeowners Association questioned Manager Sacks as to why the Shade Tree Department was not included in her monthly report and who planted over a hundred trees. He asked where the trees came from and if there these trees were guaranteed. He wanted to know what kind of savings the Borough gets. Manager Sacks stated she will get this information for him.

Mr. Coviello asked about the interlocal agreement with North Haledon and why was the Borough doing this. Mayor Ganz replied that the Borough was doing it as a good neighbor. Mr. Coviello wondered if the wells could be tested before they start filling the pools. Manager Sacks stated well #8 was not expected to go down. Councilmember Tedeschi stated there is a State regulation requiring the well to be shut down to be tested.

Mr. Coviello spoke about the commuter lot not being utilized and that most people park in the streets. He also asked if the Council would be considering the Memorial Pool Committee's report recommending a water theme park and whether or not it will go out to referendum.

Mr. Coviello talked about the Early Warning System and the effect on the residents and people who are looking to buy property in Fair Lawn. He asked what the cost of this system was. Councilmember Trawinski stated it was over \$100,000. In terms of good planning he complimented Tom Metzler for bringing this to a level never seen before in the Borough and stated he has done a commendable job.

Mary Funcheon, 53 Pomona Avenue, stated she was concerned that no one was alerted about the major water main break on Wagaraw Road. She felt that there should be a better system of alerting the residents of such incidents. Councilmember Trawinski stated he was not notified and only learned about it from reading it in the Shopper.

Wendy Dabney stated the Borough seems to have more than its fair share of water main breaks. Mayor Ganz explained that breaks are not anticipated. The pipes are 75 to 100 years old and they break. Councilmember Tedeschi stated that the Mayor was partially correct explaining that when there are circumstances that put extra pressure on the pipes, such as flushing the pipes in a high volume period, pipes break.

Ms. Dabney stated another one of the problems they have is the diversion of traffic through the neighborhood. She believes the Borough should reconsider diverting traffic on to the main roadways instead of the neighborhood streets during emergencies. Mayor Ganz asked Manager Sacks to consult with the Traffic Officer to see if there is a need to revise the plan.

Councilmember Trawinski stated the point of the Council being informed goes back to what was done on Maple Avenue. Between 1970 and 1990 the Borough spent enough money to rebuild that water line three times over on emergency repairs. The Council around 1996 asked for data on all the breaks and did some analysis with the Manager and Borough Engineer and determined that they should replace the line on Maple from one end to the other. He is confident that if the Council at that time had all of the information on the breaks the problem would have been corrected sooner. Ms. Dabney asked if there was any chance of the line being replaced on Wagaraw Road. Manager Sacks stated that the Borough Engineer was looking into it.

Ms. Dabney stated she had more concerns of not being informed of emergencies than worrying about what Mr. Coviello referred to as the real estate values going down because of the early warning system. She said the neighborhood is very happy with the early warning system as they realize the Borough does not have the manpower to notify people. She also stated that as far as the trees that were planted last year there are several that are leafless and have died. Mayor Ganz suggested reporting it to Manager Sacks.

Raina Valenzuela, 2 Katherine Avenue said she and her neighbors came out to express their concerns about Walsh Pool and the idea of forming a committee came about. At the end of that meeting they were asked for more input. No one knew of the decision to let North Haledon use Walsh Pool. People are wondering if the Borough was keeping information from them. She stated she would like to be part of the discussions. She felt that if the Council wanted them to be part of this process they have to be informed.

Mayor Ganz stated she had a valid point. North Haledon had an emergency situation. He asked her to point out to her group that they were empowered to talk about the future of the pool. If the Council did this at a July meeting word would have gone out to you. They were faced with an emergent situation and the Council acted prudently.

Sue Benjamin, 8 Albert Avenue, stated she is not against the Walsh Pool decision it is just the fact that North Haledon waited three months to come to Fair Lawn with their problem. She talked to other parents and the sentiment was not to open the pool to out of towners. She was curious as to the Council's reasoning and wondered if this will continue with other towns.

Mayor Ganz explained that the Mayor of North Haledon called him at home and he was told it would be put on the Agenda. The Council offered Walsh Pool because the Council felt the use of the pool was so low.

Ms. Benjamin asked where the head count came from because she has not seen either pool over crowded.

Councilmember Tedeschi stated the Community School brings 150 - 300 kids in to use Walsh Pool. It was an emergent issue with North Haledon.

Jane Young, 38 Pomona Avenue, stated the big reason for the decline of usage at Walsh Pool is because they took away an acre of beach property for parking, the diving board has been taken away and the pool depth has decreased and has become a toddlers pool. She just wants a facility that everyone can be happy with.

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

Councilmember Trawinski stated he was glad to bring Sam Wolosin back to the Planning Board even though there were some concerns regarding his attendance at the Environmental Commission meetings. He also commented about the Borough Engineer being reappointed and that he had done a great job for Fair Lawn.

ADJOURNMENT TO WORK SESSION:

Upon motion by Councilmember Trawinski and a second by Councilmember Tedeschi, the meeting was unanimously adjourned to Work Session at 9:30 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk

Work Session - June 22, 1999

Mayor Ganz reconvened the meeting to order at 9:40 p.m.

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

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

John Cosgrove 75th Anniversary Committee - John Cosgrove was present. He reported that they have held six of eight events. September 5 is Fair Lawn Day. They are sending a flyer to every household in the Borough for preregistration. They are trying to get an idea of how many are coming. The ball is scheduled for November 13 at the Wayne Manor.

The Committee is putting together an anniversary journal. Mr. Cosgrove distributed a sample of the journal. Mayor Ganz suggested that the Committee consider ordering some hard bound journals through special orders. The Committee needs money to print the journal. They are going to sell them at a \$2.50 profit per journal but they do not have the money to lay out. They are going to bid 3,000 with an option of purchasing 1,000 more. They are asking for a \$25,000 loan but if none of the journals are sold the Borough will not get their money back. The Committee is holding a raffle to help raise money. They want to have the journal by the end of August so they have them for Fair Lawn Day.

The consensus was to advance the printing cost of \$25,000 to the 75th Anniversary Committee with the understanding that they will pay it back out of sales although there is the possibility that paying it back may not be possible.

The Borough will have to bid the journal. The consensus was to authorize the appropriate department to advertise for bids for the printing and to authorize the Municipal Clerk accept the bid and report to the Council on either July 13 or July 20 with the intent of the Council to award the bid on July 20. If there is a problem with the bids, the Council will authorize an agreement for the

Committee to make a commitment for the printing with the Borough advancing the money and the Committee repaying it.

Ordinance Prohibiting Landscapers Dumping at Recycling Center - Deputy Mayor Ahearn noted that there is no way to keep the landscapers from going to other towns and then dumping at the Center.

The consensus was to adopt an ordinance banning commercial dumping at the Recycling Center. Attorney Lustgarten will draft the ordinance for introduction at the work session on July 13.

Mayor Ganz suggested that the landscapers be notified immediately that the Council intends to prohibit commercial dumping at the Recycling Center. Councilmember Trawinski suggested advising the residents around the Recycling Center. Mayor Ganz noted that the landscapers can collect the leaves, bag them, leave them at curbside and the Borough will pick them up. An announcement should be made on the web site and a press release should be issued. Manager Sacks will send the letter.

Clarification of Sheriff's Picnic - Councilmember Tedeschi noted that the Manager indicated that there will be around 300 people attending the picnic. Superintendent Frey indicated that the permit is for 400. Councilmember Tedeschi advised that he was told by Mr. Winston that 2,000 people are coming. He suggested that the Borough Manager find out how many people are coming. He expressed concern that it will be very disruptive if 2,000 people come. Police Chief Marshall will have a traffic plan in place before the event so that the normal traffic and emergency traffic are covered. Councilmember Trawinski reminded the Council that the permit is only for 400.

Report of Walsh Pool Columbia Heights Park Citizens Advisory Committee - Attorney Lustgarten reported on the title search. They obtained most of the property from tax foreclosure in 1935. There was a vacation of numerous streets. There was a pond and lake going back to the turn of the century. They have not come across any deed restriction referring to the use of the property for pool or recreation facilities. He expects to have the full report next week.

Councilmember Trawinski acknowledged the presence of the committee members, Reina Valenzuela, Jane Young, Wendy Dabney, Susan Benjamin, and John DeVries. Chris Bonafede made all of the meetings, but was not able to be present this evening. He noted that the Committee did not make a recommendation on whether to close the pool or leave it open since that was not its charge. The Council asked them specifically to focus on some issues which they did.

The Committee recommended that the bike path not loop around the entire park. There was some concern about its proximity to the brook and how it interfaces with the parking lot. The location on the concept plan is not the exact location for the bike path.

Councilmember Trawinski thanked Engineer Garrison and Superintendent Frey for their assistance. The Columbia Heights Neighborhood Network did the traffic counts. They are generally indicative of the three areas throughout the year. It may be that more parking is not needed, but rather a major education effort on the parking that is there in other areas. It may help if the rest rooms at the Football Building were available. He noted that Lisa Yourman was helpful on the ADA issues.

The Committee generally liked the concept of access from Smith Street but that involves requesting an easement so it is a policy call by the Council. The Committee felt strongly about the Diamond Brook nature walk with the appropriate signage which is also a policy call. It may be possible to include this as a project under the County Open Space Trust Fund when that is established. Input is needed from the Environmental Commission on several issues. The issue of possible acquisition of wetlands behind Pathmark needs to be explored by the Environmental Commission. The Traffic Safety Officer, Borough Engineer and County Engineer need to look at the cross walk at Harristown and Maple Roads to see if it is in the safest place. The Committee felt that some area should be left as a shallow pond with aeration.

A very rough estimate of cost of the improvements was attached to the report. Engineer Garrison felt strongly that since this facility has not been surveyed since 1976 an accurate survey needs to be obtained at an estimated cost of about \$10,000.

Wendy Dabney, 41 Albert Avenue thanked Councilmember Trawinski for all his efforts. The meetings were well organized and there was a good exchange of ideas. She presented a video on earth ponds for the Council to review. She thought they should acknowledge Helga Walsh in some way. She felt that the cross walk on Maple Avenue is not in a safe location. Once they fill the pool area there will be less inclination to reopen it. If the pond is left there, at some point in the future a Council could decide to reopen the pool. This an opportunity to create something for future generations. She noted that the members of the Garden Club also think the pond idea is a good one.

Jane Young, 38 Pomona Avenue spoke to the Ridgewood Duck Pond people. The greatest depth is five feet at the Center. They have not had any accidents. She thought it could be flooded for year round use.

Reina Valenzuela, 2 Katherine Avenue felt the Committee worked very well together. She appreciated the opportunity to work with Chris Bonafede of All Sports.

Evelyn Tomasi, 30 Albert Avenue thought Hilda Walsh should be acknowledged for her vision and efforts to make that pool. It was

the feeling of the Council that they would keep the name even if the pool is closed.

Sue Benjamin, 8 Albert Avenue encouraged the Council to act quickly on the bike path and landscaping.

Mayor Ganz wondered why the bike path terminates at the easterly end without looping down to the other amenities. Councilmember Trawinski pointed out that the topography drops off quickly. There are magnificent trees there. It is too close to the road. There is a huge amount of pedestrian traffic by All Sports. Mayor Ganz thought it should be connected to the play area at the least. It really should be looped around so someone can enter the play area without pushing a bike over the sand.

John DeVries, 69 Pomona Avenue noted that although he favored the plan, he would like to see the pool remain open.

Mayor Ganz thanked the Committee for their efforts and expressed his appreciation to Councilmembers Trawinski and Dobrow for the time they put in.

Cabling Municipal Chambers - Municipal Clerk Kwasniewski reported that she spoke to Martin Gruen of Sight and Sound who can do this project. He has done similar projects in Florida on a larger scale. He operates another company called Applied Legal Technologies who did the Orlando Court Room. Deputy Mayor Ahearn was familiar with their work. He needs to meet with Creative Cable to see what they need which will take place on June 28 at 10:15 a.m. Councilmember Tedeschi and Deputy Mayor Ahearn need to put together a protocol for broadcasting the meetings. This item will be on the July 13 agenda.

Fair Lawn Creative Cable - Candice Vivino was present. Manager Sacks sent a memo asking the Council to consider Fair Lawn Creative Cable's request to have a contract with the Borough instead of paying an employee. Fair Lawn Creative Cable would do the Cable TV shows for the remainder of 1999, manage the new Cable Station to see that there is programming on that station and recruit and train volunteers. Attorney Lustgarten advised that the Borough could enter a professional services agreement for a sum in exchange for services rendered. The issue of ownership of the intellectual property was discussed as well as what happens to the archives if the Borough terminates the agreement. Deputy Mayor Ahearn noted that since this is community access he was not sure the Council could control it.

Councilmember Tedeschi wanted to know the benefit to the Borough if the Council makes the requested change. Manager Sacks advised that Creative Cable wants to do it. The Borough will save on payroll taxes. The Borough currently only hires one person. Fair Lawn Creative Cable could hire more or they could use more volunteers. Attorney Lustgarten expressed some concern about giving money with no control over it. Creative Cable has to understand that if the Council agrees to the proposed change support services from the Borough will stop.

Ms. Vivino noted that Fair Lawn Creative will also be taking care of the facilities and training people to use those facilities. For the past ten years the facility has been used to produce programs for Channel 40. Channel 40 runs throughout the Cablevision system.

Creative Cable cannot take on extra work as volunteers to run a 24-hour station. Attorney Lustgarten reminded Ms. Vivino that she had been complaining that they had not gotten the 24-hour station and that they could fill the twenty-four hours. Councilmember Tedeschi wondered if the Council decided that it did not need the 24-hour channel would Creative Cable continue as volunteers. Ms. Vivino pointed out that volunteers have come and gone. They have continually to train people as technicians. They kept enough programs on Channel 40 so Cablevision would not take the channel back. Mayor Ganz wanted to know if they had 168 hours of programming for July 18. Ms. Vivino indicated that she did but she did not have the schedule. There will be notices of the activities for 75th Anniversary, the Borough Departments can make announcements and it is available for emergency broadcasts. In a typical week there will be thirty hours of live or tape programming not computer generated. The rest would be computer generated.

Thirty-five people are involved in Creative Cable. She expected that at least two people will be paid; one administrator who will be full time and one part-time backup person. Creative Cable belongs to the Alliance for Community Media from which they can purchase video tapes. They were not able to tape the long time citizens banquet because the person who was going to do the taping was unavailable because he had a paying job. They did not have funds to hire someone. Creative Cable plans to do fund raising. She wanted to be able to attend conferences, seminars and work shops.

Deputy Mayor Ahearn did not see any advantage to the Borough to do what they are asking. He had too many concerns. They are asking for a major shift of policy into underwriting a nonprofit corporation. Councilmember Tedeschi was willing to send Ms. Vivino to conferences, but he was not ready to give up any control. Mayor Ganz suggested that the Council add \$5,000 to Creative Cable budget to be used to hire per diem technical assistance as necessary. It would still give the Council control. The next issue the Council has to decide if an individual should be in the position and if so, the extent the Borough should fund it. The Council should have something that works within the budget process. Deputy Mayor Ahearn thought this was a club operation that needs administrative support. He suggested that it be under the Recreation Department instead of setting up a separation corporation.

Mayor Ganz asked Ms. Vivino to submit a break down showing how she intends to spend the money she is asking for so the

Council can decide. Ms. Vivino noted that after June 30 she will no longer be able to do that because the funds run out and she will be doing free lance work. Manager Sacks noted that the funding stops some time in the July but it could be extended if the Council chooses. The consensus was to extend the appropriation through July 31. This item will be on the July 13 agenda.

Closed Session Resolution - Upon motion of Councilmember Trawinski and a second by Councilmember Tedeschi, the following Closed Session Resolution was unanimously adopted at 11:55 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, and anticipated 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 specific dates unknown.

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 Tedeschi and a second Councilmember Trawinski, the meeting was adjourned at 12:20 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AAE

Municipal Clerk