

## Work Session - August 24, 1999

Mayor Ganz called the meeting to order at 7:35 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

ABSENT: Deputy Mayor Ahearn.

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

Review of Tentative Agenda - CFO Eccelston explained that he would like to introduce the ordinance for the grants for the minibus and the Radburn pathways at the next meeting. Municipal Clerk Kwasniewski noted that Ordinance No. 1763-99 concerning the Certificate of Continued Occupancy was tabled. The Council needs to discuss the comments from the Planning Board before taking it off the table. Manager Sacks has asked that a resolution be added concerning the Law Enforcement Block Grant to reappoint the committee.

Renewal of Knights of Pythias Lease - Councilmember Trawinski asked if there was a conflict since he is running with the Chancellor Commander of the Knights of Pythias. Attorney Lustgarten indicated that he did not see any conflict. Attorney Lustgarten advised that the Knights of Pythias Lease would like a five-year lease. Manager Sacks indicated that Superintendent Frey who has no problem with renewing the lease as long as they do not want more meeting dates. Councilmember Trawinski did not want a blanket five year lease. Attorney Lustgarten advised that this is a perpetual lease with an automatic renewal. The consensus was that Borough Attorney Lustgarten would advise them that the Council has no objection to renewing the lease but they are not inclined to enter a fixed five-year lease.

Garbage Contractor Not Returning Garbage Cans to the Curb - Councilmember Trawinski indicated that this is a continuing problem. He has seen the cans in the street in the Lyncrest section. At some point they become obstructions and hazards. The contract is clear and they are not following it. He was aware that the Manager has taken some enforcement action but he thought the Council should ask her to increase the enforcement. Manager Sacks has told them in writing that she will start fining them. Councilmember Tedeschi noted that the last two weeks his street has been much better. Manager Sacks has been documenting the complaints.

Cabling Municipal Chambers - Municipal Clerk Kwasniewski advised that she received a proposal from Sound and Sight to run the wire for the cable at a price not to exceed \$1400. The cost does not include permits, exemptions, high voltage electrical work or other nonstandard requirements. They will pull and terminate all cables and connect the audio rack in the Council chambers. They will help the cable personnel with the connections at their end. The cost to include sets for the hearing impaired is \$700 and the audio portion is \$8,600. They have not funded this project. CFO Eccelston advised that the project can be added to the capital ordinance. The consensus was to approve this project and to add it to the capital ordinance.

Amendment to Rent Control Ordinance - Councilmember Tedeschi suggested that if someone buys and then rents three individual one family homes, the Rent Leveling ordinance should cover those homes. Borough Attorney Lustgarten thought the ordinance already covered them. He will check and report to the Council. Councilmember Trawinski wondered how widespread this issue might be. This item will be on the work session of September 7.

Creation of Citizen Broadway Revitalization Committee - Mayor Ganz distributed the sign up sheets used on July 20. It was his intention to name everyone on that list to the Committee. Councilmember Trawinski thought that the Mayor had the statutory power to create an advisory committee of the Planning Board. He wanted to create a committee that would be an advisory committee of the Council. He thought former Councilmember Keith was on the right track in 1993/94 with that committee. The stakeholders need to develop the vision for Broadway. Councilmember Dobrow advised that she spoke to Steve Rinko who is interested in working on this project. She read the purpose of the Face Lift Committee. Mr. Rinko would work with the Chamber of Commerce. She thought the Face Lift Committee was the place to start. Councilmember Trawinski disagreed. The Face Lift Committee has not focused on Broadway and its members do not necessarily represent the stakeholders on Broadway. This committee needs to go beyond the facelift issues. Issues including planning, zoning, business and policy issues are beyond the scope of the Facelift Committee. It is more akin to the River Road process. He did not think the planner should be developing the vision but helping them to achieve it. The residents, the tenants, the businesses should be helping to develop the vision.

Councilmember Dobrow thought they should start in the area where the parking is sufficient. They could make improvements to make those areas look better. She thought a facade and sign committee should be working on it and then get the property owners to agree to work on it. She felt they should start it in these areas and if they need more she could come back to the Council.

Councilmember Tedeschi disagreed. The FaceLift Committee is a town-wide committee. If twenty more people are added to that committee, it will become unwieldy. A vision needs to be defined. He wanted a small number that is focused and concentrating on rejuvenating Broadway.

Mayor Ganz did not necessarily think the Face Lift Committee is the right way to go. He is going to appoint this committee. It will be an open committee focused on Broadway. He will ask Charles Tregidgo to chair this Committee.

Creation of Third-Party Billing Committee re Ambulance Corps. - Councilmember Trawinski thought that discussing this item would be inappropriate until everyone has an opportunity to review the report. This item will be on the September 7 work session agenda.

Special Meeting - Upon a motion of Councilmember Tedeschi and a second by Councilmember Trawinski, the meeting was adjourned to a Special Meeting at 8:10 p.m.

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

Capital Budget - Manager Sacks indicated that she and CFO Eccelston reviewed all of the items covered to date looking for areas that there were outstanding issues. CFO Eccelston reviewed the pending items.

Fire Department - Telephone system did not need to be in capital budget.

Police Department - Pol 9.11 Police Headquarters - The Council had decided to wait to hire a consultant but to let the Police Department define their space needs. Chief Marshall has formed a committee whose report is due September 15. Chief Marshall will then make a recommendation for 2000. This item will be taken out of the 1999 budget.

Pol 9.06 Renovation - This item will be removed until 2000.

Pol 9.09 Dog Pound - CFO Eccelston suggested waiting to see if the DPW Complex is under budget. If there is money left, it could be done under that appropriation. Councilmember Tedeschi noted that it was not included in Phase II of the DPW Complex. The Council needs to decide if they even want to do the pound. Mayor Ganz felt substantial work was needed on that building. Councilmember Trawinski indicated he spoke to Paramus who has room in their new dog pound facility and they are looking for tenants. He suggested asking the Manager to explore an interlocal agreement. The residents around the DPW facility complained about the noise so this may be a solution. Mayor Ganz thought they needed to determine the cost of the facility and its maintenance. The consensus was to explore alternatives including sharing with Paramus or another municipality as well as to determine the cost for the Borough's facility.

EI 20.01 Areolift - Superintendent Davidson was not able to find another municipality interested in sharing this piece of equipment.

This is the platform truck that is used frequently so sharing it is difficult. Mayor Ganz asked if they had explored sharing someone else's. Councilmember Trawinski suggested exploring sharing the cost with the Board of Education. Mayor Ganz asked that both options be explored. CFO Eccelston noted that this piece of equipment was in the capital budget.

Rec 11.14 Hockey Facility - Manager Sacks advised that the Hockey Association will be making a proposal on September 7. They have formed a committee to explore the trailer which will cost \$40,000.

Arts Center - This is still an open item.

CFO Eccelston noted that all the other items were either moved out of the capital budget or approved at the earlier meetings. The Council has to decide what they want in the capital ordinance.

Councilmember Trawinski noted his notes indicted that the item Fire 1.02 - Fire Ancillary System was on hold. Borough Attorney Lustgarten was supposed to render an opinion. Manager Sacks indicated that the question was whether they were legally required to have a fire suppression system in the Fire House. Fire Marshall Bender has indicated that the Code requires it. Attorney Lustgarten indicated that he would do the research but he had not been asked to do so up to this point.

CFO Eccelston advised that they have already introduced bond ordinances totaling \$2,290,000. The Council has to decide if they want to bond anything else. Manager Sacks suggested staying as close to \$2,000,000 as possible. She would ask Department Heads what cannot wait until next year. Mayor Ganz suggested having the Department Heads establish priorities. Councilmember Trawinski cautioned them against holding off on too much because at some point it will catch up with them. The reason it is so high is because of the DPW building. He did not think they should be skimping on maintenance items.

The Council will discuss this item again after the next Council meeting.

Councilmember Trawinski advised that the Borough should try to get reimbursed for the thermal imaging camera already purchased. The consensus was to have the Manager investigate.

Open Space Preservation - Manager Sacks advised that the State has a program to distribute money for open space which the County will administer the County. They are asking the municipalities to introduce an ordinance to allow an interlocal agreement with Bergen County.

Councilmember Trawinski suggested that this program may be a source of funds to acquire the necessary property for a nature walk as suggested in the Walsh Pool Committee report. He also suggested advising the Environmental Commission of the program. Borough Attorney Lustgarten recommended adopting the ordinance which does not obligate the Borough for any money but it does allow the Borough to apply for funds. They will not allocate funds for caretaking or maintenance expenses.

The consensus was to introduce the ordinance.

Manager Sacks recommended appointing George Brouca as the liaison with Councilmember Dobrow as the alternate.

The consensus was to adopt a resolution making the appointments at the next meeting.

Comments from Planning Board re CCO Ordinance - Attorney Lustgarten advised that the Planning Board is recommending exempting private sidewalks, driveways, fences, etc. from this ordinance because the property maintenance code covers them. They also think that the catchall of the inspection is too broad. He recommended that in view of the Leonia case regarding sidewalk liability the Council defer this matter until the Council discusses this case on September 21. The Council concurred.

CDBG - Manager Sacks asked for ideas for projects for CDBG funding. The Borough Engineer recommended asking for another \$25,000 in curb cuts. She is looking at funding to renovate the building next to the Library for the deaf program. Councilmember Tedeschi indicated that those funds would not go against the Borough's allocation because they are from another fund. Councilmember Trawinski noted that the Walsh Pool Committee recommended some handicap accessibility play apparatus and water fountains. Engineer Garrison will be asked to determine if any of those items would qualify. Councilmember Tedeschi advised that several private organizations will be seeking the Council's endorsement for funding for their projects. Councilmember Trawinski also suggested that the Pedestrian Bicycle Safety Task Force may have changes on Fair Lawn Avenue that would qualify.

Manager Sacks advised that they are keeping the old minibus to use as a jitney. She is asking DOT to help with the costs of maintenance and driver.

This item will be reviewed again following the August 31 work session.

Health Educator's Contract - Manager Sacks advised that the contract has expired. Last year Ms. Davis requested a 3 percent increase which she was not given. Manager Sacks recommended increasing the contract amount by 3 percent. The Public Health Priority Funding covers the cost of this contract.

The consensus was to approve the contract with a 3 percent increase. A professional services resolution will be on the agenda for August 31.

Parking for Commuters Near Radburn Station - Manager Sacks advised that there have been a tremendous number of complaints. The Engineer's Office and the Police Department are coming up with proposals to increase the number of spaces short term and long term. One of the things that the Borough needs to look at long term is the actual construction of additional parking. In the short term they are looking at on street parking or using other facilities in the area.

The Route 208 lot only allows for twenty nonresident spaces. She received many complaints from residents who could not find a parking space. They issued many tickets to nonresidents. After Labor Day they will take another count. They are trying to take care of the residents first and then trying to get some more space for the nonresidents. The priority is still to try to make sure that every resident who needs a space gets a space.

Attorney Lustgarten noted that in 1983 Fair Lawn entered an agreement with the State that did not require any nonresident spaces. In the latest agreement the State said that they could not permit Fair Lawn residents only parking. The Borough negotiated twenty nonresident spaces. It appears on the permit form that a permit does not guarantee a spot.

Councilmember Trawinski suggested changing the ordinance so that they can pay the fine by mail rather than mandating a court appearance. Mayor Ganz noted that the Council should consider this change for all parking offenses. Attorney Lustgarten will look at this and report back to the Council. If the fine is too low, the deterrent will be removed. Councilmember Dobrow suggested increasing the fine for each offense. She thought other towns were taking care of their parking problems by relying on Fair Lawn. Councilmember Tedeschi was concerned that the more spaces created, the more people will come. He did not want Fair Lawn to turn in a transportation hub.

Mayor Ganz suggested thinking about having a penalty of \$9 and having a traffic officer there every day.

This matter will be on the work session of September 7.

Wireless Communications Facility Ground Lease - Councilmember Trawinski was recused. Borough Attorney Lustgarten noted that the ordinance allows a total of three carriers on the tower. They not only want to attach to the tower they need ground lease space. It was his opinion that the borough has to auction the ground space. The Borough has to prepare specifications and bid the lease of the space. The Borough can set a minimum bid price. The highest bidder would get the lease. He noted that this process should be done expeditiously because there are firms interested in locating on the tower and they cannot to do that without the ground space lease.

The consensus was to authorize Manager Sacks to prepare specifications and bid the ground lease space.

Walsh Pool Columbia Heights Park Citizens Advisory Committee Report - Councilmember Dobrow advised that she spoke to Wendy Dabney who indicated that they would like to leave pool area just the way it is for another year. However, over the winter they would like to have all of the amenities done, i.e., bike path, basketball court, some play equipment. Mayor Ganz suggested deferring discussion on the pool until after Labor Day. Councilmember Dobrow thought Mrs. Dabney was talking about the items that the Borough has received grant funds for or appropriated the funds already, i.e., basketball court and the bike path. Manager Sacks pointed out that the bike path cannot be designed without knowing what is going to happen with the pool. One item already approved includes funds for fencing for the Walsh Pool. She did not think they should start spending money until there is a plan.

Councilmember Trawinski thought the Council has to decide whether to accept the Walsh Pool Committee report. The plan made no assumption on whether the pool was open or closed. If they make the pool smaller, it does not impact the design of the bike path or the fencing. The fencing was on the perimeter because they need protection for Elm Avenue and Harristown Road. The basketball court was laid out with the input of the Columbia Heights Neighborhood Network, All Sports and the Football Association to take into account that pool would stay there. He thought there was no reason not to do the fencing, the bike path and the basketball court. There are other elements of this plan including the user education program on the parking and to see if the bathroom facilities of the Football Association could be used during activities that need to be discussed.

Mayor Ganz thought the Council wanted to see the bike path done although he would like to have the path run all around the area. Councilmember Trawinski noted that the Committee looked at this aspect very closely. There are some real safety concerns associated with looping the bike path.

Mayor Ganz thanked everyone who worked on this report. It is well thought out and well conceived. He indicated that this item will be on the agenda right after Labor Day.

The consensus was to proceed with the bike path. The consensus was to proceed with the basketball court.

Mayor Ganz had no issue with the fencing around the playground area, but he wanted to look at the proposal for the guard rail area. He asked that this be postponed for two weeks. He asked the Manager to give them a count for the pool use for the end of the season for that meeting.

Councilmember Trawinski asked if Attorney Lustgarten would release the title search in a summary form to the Columbia Heights Neighborhood Network. Mayor Ganz asked for a paragraph in English. Attorney Lustgarten will prepare something and send it to Ms. Dabney.

Converting Borough-owned building for Deaf Program - Manager Sacks advised that the Engineer, the Construction Official and the Director of the Community School toured the Borough-owned building next to the Library to see if it could be converted for use for the Deaf Program and what the conversion would entail. They estimated that it would cost \$96,000. Obtaining an \$80,000 CDBG grant may be possible. The Borough would have to fund the difference. Councilmember Tedeschi indicated that the funds are available because the Deaf Program services not only Fair Lawn adults but adults throughout the County. He has spoken to Joe Rutch, Director of Community Development who has indicated that they would qualify but they would have to have a ten-year lease with the Borough. The Deaf Program would receive the money and assign the proceeds to the Borough. The rent for the building

would be about \$1,000 a month. Ownership of the building would remain with the Borough.

The consensus was to proceed.

Councilmember Trawinski noted that there was some discussion two years ago about the Police Department using that building. He suggested that the Manager confirm that there is no longer any interest.

Sale of Arts Center - Manager Sacks spoke to the adjacent property owner who may be interested depending on the price. She obtained a value from the Tax Assessor. Mayor Ganz wanted to be sure that the Council still did not want to invest the funds to renovate the building. Councilmember Tedeschi reminded the Council that the consensus was to defer this project for the year. He indicated that he was not prepared to sell the building. Councilmember Trawinski expressed concern about the River Road Improvement Corporation's position that the Arts Center should not be on River Road because it is so different from their initial indication that the Arts Center would be an asset to River Road. He was not interested in selling the Arts Center until they find another site for it. Councilmember

Dobrow was not ready to sell it either. Manager Sacks will make sure that the Construction Official has made the safety inspection.

Proposed Ordinance Banning Landscapers/Banning Blowing Grass Clippings - Councilmember Dobrow expressed concern that the blowing of grass clippings adversely affects people with asthma problems. She would like to see it prohibited. She felt that if cut their grass short enough and they would not need the blowers. However, Councilmembers disagreed. Attorney Lustgarten did not think the Borough could ban what is a lawful enterprise. The noise ordinance covers the blowers although the Borough does not have the measuring equipment. The consensus was to do nothing on this item.

Councilmember Trawinski suggested that the Environmental Commission look at this issue. Mrs. Winshell, Chairman of the Environmental Commission advised that they had looked at it years ago. Mayor Ganz asked Attorney Lustgarten to contact the League of Municipalities to see if there is a comparable statutory reference in another location that might be helpful.

Closed Session Resolution - Upon motion of Councilmember Tedeschi and a second by Councilmember Trawinski, the following Closed Session Resolution was unanimously adopted at 10:05 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 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 within thirty days regarding pending litigation and personnel by appointment or by a summary within 120 days.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth above 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 10:25 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE  
Municipal Clerk

SPECIAL MEETING OF AUGUST 24, 1999

Mayor Ganz reconvened the meeting at 8:10 p.m.

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

ABSENT: Deputy Mayor Ahearn.

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

RESOLUTION 235-99 AUTHORIZATION TO EXECUTE GRANT AGREEMENT BARRIER FREE CURBS

Upon motion by Councilmember Tedeschi and a second by Councilmember Trawinski, Resolution No. 235-99 was unanimously adopted.

ORDINANCES: FIRST READING

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

Ordinance No. 1766-99

A BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW AMBULANCE, A LAWFUL AND PUBLIC PURPOSE, BY AND IN THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (THE "BOROUGH"): APPROPRIATING \$145,215 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$138,300 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Upon motion by Councilmember Trawinski and a second by Councilmember Dobrow, Resolution No. 236-99 introducing Ordinance No. 1765-99 was considered.

Councilmember Trawinski wanted to be sure that a contract for the assignment of rents is in place before the funds are appropriated and the ambulance bid. Attorney Lustgarten advised that he asked Gail Cebular and John Steffanie for an outline of what they are looking for so he can prepare a draft contract. He has not received that information yet. The ordinance can be introduced and then adopted, but until the contract is in place, the purchase should not be made. There was some question on whether or not the Ambulance Corps. will be trading in a vehicle. The Mayor remarked he did not think the contract was essential for the ambulance purchase.

PROCLAMATION: WOMEN'S EQUALITY DAY IN FAIR LAWN

Municipal Clerk Kwasniewski read the Mayor's proclamation proclaiming August 26, 1999 as Women's Equality Day in Fair Lawn marking the 79<sup>th</sup>

Anniversary of the ratification of the 19<sup>th</sup> Amendment to the United States Constitution guaranteeing women the right to vote.

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

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AE

Municipal Clerk