

## Special Meeting - September 7, 1999

Upon a motion of Deputy Mayor Ahearn and a second by Councilmember Trawinski, the meeting was adjourned to a Special Meeting at 10:20 p.m. Mayor Ganz reconvened the meeting at 10:20 p.m.

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

ABSENT: Councilmember Tedeschi

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

### RESOLUTION 253-99 APPOINTMENT TO FAIR LAWN BOROUGH GARDENS COMMITTEE

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn Resolution No. 253-99 was unanimously adopted.

ADJOURNMENT TO WORK SESSION - Upon motion by Councilmember Trawinski and a second by Deputy Mayor Ahearn, the meeting was adjourned to a Work Session at 10:25 p.m.

Respectfully submitted,

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

## Special Meeting - September 7, 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 and Trawinski.

ABSENT: Councilmember Tedeschi.

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

Upon motion of Councilmember Trawinski and a second by Deputy Mayor Ahearn the meeting was moved to the Council Chambers due to the size of the public present.

Review of Tentative Agenda 9/14/99 - Municipal Clerk Kwasniewski advised that the approval of a bingo application for St. Anne's would be added to the agenda. Councilmember Trawinski noted that the residents have asked for an hour at the next Council meeting on Shop Rite. A public comment portion on Shop Rite will be added to the agenda.

Bergen County Freeholders re Fair Lawn Avenue - Freeholder James Sheehan was present at the invitation of the Council. Councilmember Trawinski noted that the Council is interested in the Freeholder's position on the installation of a traffic light at Chandler Drive. In addition, he wondered if the Freeholders would be willing to adopt a resolution of support of the Borough's request to take back Broadway from the State.

Freeholder Sheehan advised that the Freeholders generally do not get involved with the traffic lights. The County Planning Board met with the contractor and the local Planning Board. He read a May 1998 letter that summarized the agreements reached at the meeting. He also read an amendment requiring the application to develop an access road off Route 208. If the Borough wants a light, the State would have to approve it. They must send a resolution of the governing body requesting the light to the County. It some times takes years. The State gets involved in intersection

improvements which might be very expensive. If the Council wants to pursue that route, he suggested the Council adopt a resolution.

He indicated he could not speak for the Board, but he would not object to the Borough pursuing asking the State to return Broadway to Fair Lawn.

Without objection the meeting was open for questions.

Martin Etler, 15-12 Elmary Place asked if the developer had put up \$150,000.

Freeholder Sheehan reread the section indicating that the developer had to put up \$150,000 as a cash contribution to be applied to improvements to Fair Lawn Avenue in the vicinity of the development. Councilmember Trawinski advised that was intended to provide a source of funding for the traffic light. If they could not install the light there, taking the dip out of Fair Lawn Avenue by Land and Sea.

Mayor Ganz thanked Freeholder Sheehan for attending.

Request to Purchase Borough Owned Property (Block 3517, Lot 21) - Mort Hirschklau, Esq. was present and indicated that there is a variance application before the Zoning Board of Adjustment by the Mobil Station. When the Borough vacated the strip at the rear of the property half was supposed to have gone to the Erie Railroad, but they did not want it. It is designated as a planting strip, but nothing is on it. A retaining wall would be placed there to stop the erosion. It is not on the tax map. It is 25 feet wide and not attached to any street in Fair Lawn. He requested that it be sold. He thought the only persons interested in it would be his clients. He has reviewed this matter with the Engineer and Tax Assessor.

Attorney Lustgarten noted that if it is less than the minimum size required, they must offer the land to contiguous property owners before they can hold a private sale. They need a certificate from the Engineer and DPW that the property is not needed for public purposes.

Mr. Hirschklau indicated the application is before the Zoning Board of Adjustment now. This is not time sensitive but it needs to be resolved.

This matter was referred to the Manager to get input from Engineering and DPW. This matter will be on the September 21 agenda.

Community Development Project Bris Avrom - This matter was deferred to September 21. A special meeting will be scheduled for September 21 to approve the application if the Council so chooses.

Report from Labor Counsel Regarding Religious Holidays - Manager Sacks reported that the union wants this matter on hold. The Labor Counsel indicated that it was a negotiable item.

CDBG Funds for Signs and Facades - Councilmember Dobrow thought it was possible to file for some funding to help property owners in enhancing their building which would improve their businesses so they would hire more employees. Manager Sacks is exploring this possibility. She knows that HUD allows this type of funding, but she did not know if it was included in the County funding.

Manager Sacks reported that the deaf program project may be able to be done out of another fund. If the deaf program can be funded elsewhere, the priorities would be the curb cuts, Memorial Pool improvements for handicap facilities and the interpreter for cable shows. If there are no other funds available, the deaf program project may become third.

This item will be on September 21 meeting.

Councilmember Trawinski noted that if the County has the program, the municipality has to have design criteria to be eligible for the funding. He thought that beginning to develop the design criteria for next year would be better.

Manager Sacks agreed that there is a list of items they would have to do, but if the County does not participate, it will not even be an eligible project.

Amendment to Rent Control - Manager Sacks did not think the rent control ordinance needed to be amended. A procedure for property owners of single family units to register when they have a rental unit needs to be established. Councilmember Trawinski thought the statute applied to non-owner-occupied two family units or more. He suggested adopting an ordinance similar to Waldwick's.

Attorney Lustgarten advised that rent control covers single family rentals. A registry needs to be maintained of single family non-owner-occupied units. Waldwick's ordinance requires single family rentals to register.

The consensus was that the Borough should have such an ordinance. Attorney Lustgarten will draft the ordinance. The consensus was that the ordinance will contain a provision to require brokers to register those homes they are involved.

With no objection, the public was allowed to comment.

Louise Orlando, 12 Arlington Place, did not think the single family homes should be subject to the rent leveling ordinance. The single family homes are going to rent at fair market value. She supported the registry.

Attorney Lustgarten noted that the ordinance does not differentiate between the number of units. Mayor Ganz asked the Municipal Clerk to distribute the minutes relating to the creation of the rent leveling ordinance.

Supporting H.R. 2272 (Central American Haitian Parity Act of 1999) - Councilmember Trawinski received a request from Reina Valenzuela, who is a native of El Salvador, that the Council support H.R. 2272. The consensus was to adopt a resolution at the next Council meeting.

Discussion Regarding Keeping Memorial Pool Open - Mayor Ganz indicated that he asked Manager Sacks see if was possible to keep the pool open on weekends for the balance of the warm weather. There are several issues to be considered including if there are sufficient lifeguards, safety when the pool is not used during the week and funds to pay for the lifeguards. Councilmember Trawinski advised that when the Council considered this issue several years ago, the School Board was very concerned about keeping the pool open right next to the Middle School.

Manager Sacks stated that it will cost approximately \$30,000 to keep the pool open. She spoke to Superintendent Frey who had the lifeguards polled and there will be sufficient guards to keep the pool open through September. Councilmember Trawinski wanted to hear from Superintendent Frey. Councilmember Dobrow favored it provided there were sufficient lifeguards. Deputy Mayor Ahearn thought they should speak to the School Board. He expressed concern about the pool being open and unguarded when school is in session. He did not think they should do it and suggested Walsh Pool instead. Councilmember Trawinski agreed with Deputy Mayor Ahearn. CFO Eccelston will know Monday if there any funds left. Transferring funds in November is also possible.

Mayor Ganz liked Walsh Pool noting that it will cost less and it removes the concern over being close to the school. Councilmember Trawinski indicated that conceptually he agreed, but they should speak to All Sports and the Football Association.

Without objection the public was allowed to comment.

Irving Pollard, 0-50 Thirty-fourth Street thought they should consider this idea for next year. He expressed concern about the pool during the week.

Louise Orlando, 12 Arlington Placed wondered whether the cost included having someone checking the pool every day. She noted the difficulties involved in having sufficient lifeguards. She thought they would be spending too much money for too little attendance. She suggested reviewing the attendance records and considering this next year.

Jane Diepeeven, 14 Ryder Road, did not think it was worth the expense since it is not that hot in September.

Charles Coviello, 5-07 Fifth Street, indicated that anything the Council tries for the children is worthwhile.

Reina Valenzuala, 2 Katherine Avenue, indicated that she never wished to have the pool open after Labor Day, although she sometime wished it were open earlier.

Georgette Minsky, 9-16 Fair Lawn Avenue, thought it was too late for this year. She suggested planning it for next year.

Councilmember Dobrow wanted the pool closed. Deputy Mayor Ahearn thought it might be a good idea to keep it open one more weekend. He suggested an earlier opening for the spring. Councilmember Trawinski agreed to another weekend at Walsh Pool although he still wanted to hear from Superintendent Frey.

Assistant Superintendent Graff indicated that he thought they already drained Walsh Pool. Mayor Ganz thought they could just refill it.

The consensus was to keep Walsh Pool open for two weekends.

Street Hockey Parent's Association - Jim Graff, Assistant Superintendent was present. In the spring they had come to the Council to ask for funds for a trailer to supplement the one that is there instead of a much more expensive building. CFO Eccelston indicated that the funds have been approved.

The consensus was to have specifications drawn and to go out to bid.

Pedestrian Safety Report - Phil Plotch was present to discuss recommendations for making Fair Lawn Avenue safer for pedestrians. The Committee held a work shop last spring to hear about the problems on Fair Lawn Avenue.

Mike McGowan, 4 Reading Terrace and a member of the Pedestrian Safety Task Force, mentioned some problems including lack of consistent sidewalks and frequency of speeding. Both drivers and pedestrians must be accommodated, but there is room for improvements for the pedestrian.

Jack Molenaar of the RBA Group presented a Draft Concept Plan and Cost Estimates. They are seeking comments from the Council and the Task Force and then they will make a final report. He presented a map of Fair Lawn Avenue. They are recommending new sidewalks in many places, more crosswalks in several areas, twenty-nine more curb ramps, more bike racks, increased enforcement and an education program. He presented short-term and long-term recommendations. The report does not contain traffic counts. He reviewed several areas along Fair Lawn Avenue including Parmalee Road, Abbott Road, Pollitt Drive and Plaza Road.

Without objection the meeting was open for public comments.

Charles Coviello, 5-07 Fifth Street, asked if there any suggestion to lower the speed limit on Fair Lawn Avenue. Mr. Molenaar replied that every time the County looks at it, they determine that the speed is correct. Mr. Coviello then wondered if they could put stop signs on Fair Lawn Avenue. Mr. Molenaar replied that the County would not do that because of the use of the Road.

Reina Valenzuala, 2 Katherine Avenue wanted the RBA Group to look at other intersections, i.e., Maple Avenue and River Road.

William Boswell of the Task Force stressed that what they were discussing were concepts. The Task Force has not seen some of the boards presented this evening. There is sharp disagreement among the Task Force on many of the proposals. The agreement was that the Task Force would not make any recommendations until they saw it drawn to scale.

Deputy Mayor Ahearn wondered about the location of the crosswalks and if some could be done now.

Mr. Plotch indication that the purpose was bring the concepts to the Council's attention and to hear the Council's comments. They were not ready to give their final recommendations.

Louise Orlando, 12 Arlington Place, noted the Task Force has been looking at these things and refining them for a long time. They may not be able to give the Council any answers without looking at it further.

Jane Diepeeven, 14 Ryder Road, thought a painted cross walk at the flashing light in Radburn might help slow the traffic as it approaches Abbott Road.

Laurence Koplik, 6 Reading Terrace, asked if the police could enforce the speed limits better.

Helen Rubin of the Department of Transportation noted that the draft report is incomplete. The final chapter will have an implementation schedule with time frames matching them with funding. They will work with the Borough matching the appropriate project with the funding. The critical element is that the Council gives their support to the Task Force and their recommendations. She thought that bringing the County in was critical and getting some type of cooperative venture. Otherwise, they recommendations will not be implemented. She commended Fair Lawn for having the most involved citizens.

Mayor Ganz thanked Mr. Molenaar, Ms. Rubin and the Task Force.

After a short discussion the Council decided not to place copies of the draft report in the Library. It was agreed to get the final draft from the Task Force and put that in the library and on the web with a public comment period. Mr. Boswell suggested putting the drawings in the Engineering Office so they can comment on them.

Lisa Yourman, 317 Plaza Road North and chair of the ADA Committee advised that the ADA Committee agrees with the recommendations for curb cuts throughout the corridor.

Ms. Orlando advised that the Task Force did have a public meeting and had input from the community. Some of things that came out of that meeting were so scary that she does not want to do that again. The residents of the community need to comment, but she did not want the Council to think that the Task Force did not have input. They will have another meeting with the public once they have recommendations that make sense to the Committee as a whole. They have had open meetings. These are complex issues. They have worked very hard to understand the implications of some of the suggestions. They disagree on many issues. Mr. Molenaar has worked very hard to come up with plans that will work in Fair Lawn. She thought this evening's meeting was very premature.

Deputy Mayor Ahearn asked the Task Force to consider whether the municipal channel or Creative Cable could be helpful in getting information out to the public.

Larry Koplik, 6 Reading Terrace, was pleased that the people are interested in these issues.

Mayor Ganz thanked the Task Force.

Upon a motion of Deputy Mayor Ahearn and a second by Councilmember Trawinski, the meeting was recessed for ten minutes at 10:07 p.m.

Mayor Ganz reconvened the meeting at 10:20 p.m.

Special Meeting - Upon a motion of Deputy Mayor Ahearn and a second by Councilmember Trawinski, the meeting was adjourned to a Special Meeting at 10:20 p.m.

Mayor Ganz reconvened the meeting at 10:25 p.m.

Final Review of Capital Budget - CFO Eccelston was present. Attorney Lustgarten advised that he received the NJAC

section from Fire Marshall Bender relating to the fire suppression system. Councilmember Tedeschi had questioned why both ovens had to have the equipment. Attorney Lustgarten felt that one system is required for each cooking operation. Deputy Mayor Ahearn noted that when this was discussed at the Fire Board they said that they did not cook greasy things because they do not have the hood. He thought either they needed two or the Council did not have to give them any so they could not cook. Mayor Ganz thought the Fire Marshal said that because they had two ovens they had to have two hoods. Deputy Mayor Ahearn noted that once they start cooking telling which oven is being used will be difficult. Councilmember Trawinski still had a problem with understanding that "shall" means shall in this instance considering all the fire fighting equipment housed in the fire house. Conceptually he agrees.

The consensus was to budget for one.

CFO Eccelston indicated that there was \$438,000 in must do projects in the general capital budget and \$50,000 in water which was acceptable to Manager Sacks. There is \$1.6 million deferred to next year in general projects and \$180,000 in water. Two large items will take about six months to arrive so that part of the debt will be shifted into 2001. The \$2.3 million already appropriated will be in 2000. He retires about \$700,000 in principal a year. There is about \$8 million in bond anticipation notes. He will roll them into long term bonds when they reach \$10 million.

The consensus was to approve the must have items and introduce a bond ordinance to fund those projects.

Councilmember Trawinski raised the computer-aided dispatch system. CFO Eccelston advised that he met with the Fire Chief. The Fire Department has formed a committee to look at various systems.

The consensus was to approve this project conceptually.

ADJOURNMENT - Upon motion of Councilmember Trawinski and a second by Deputy Mayor Ahearn the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

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