

3/28/13

Work Session

7:30 P.M.

April 2, 2013

Closed Session

1. Pending Litigation – Tax Appeals

Work Session

1. Special Meeting
(5 minutes)
2. Review of Tentative Agenda
(5 minutes)
3. Council Liaison Reports
(15 minutes)
4. Sponsorship by the Borough for Garden State Grandmas
(Council Carryover)
(10 minutes)
5. OPRA – Non-payment of OPRA Requests
(Deputy Mayor Trawinski)
(5 minutes)
6. Request from Woodland Park for Resolution Supporting Delaying
Draining Three Reservoirs on Garrett Mountain
(Deputy Mayor Trawinski)
(5 minutes)
7. S-2364 Early Voting Bill
(Deputy Mayor Trawinski)
(5 minutes)
8. Open Space Items
(Deputy Mayor Baratta and Deputy Mayor Trawinski)
(10 minutes)
9. Donation of a Fire Truck
(Councilmember Swain and Mayor Cosgrove)
(5 minutes)
10. Formation of a Committee Regarding Police Communications
(Manager Metzler)
(10 minutes)

11. Crossing Guards Salary
(Manager Metzler)
(5 minutes)

12. Memorial Pool and Camp Shining Star Fees
 - a. Early Registration Discount
 - b. Pro-Rated Membership for the Season
 - c. Fee for Weekends Only
 - c. Use of Pool by Intelichild Academy
 - d. Pro-rated Fees for Camp Shining Star

13. Interlocal Service Agreements with Northwest Bergen County Utilities Authority
 - a. TV Inspection
 - b. Sanitary Sewer Cleaning
(Manager Metzler)
(5 minutes)

14. Miscellaneous Public Comments

Closed Session

1. Contract Negotiation – Department Heads Association
2. Personnel – Acting Manager

NOTE: FORMAL ACTION MAY BE TAKEN AT REGULAR MEETINGS, WORK SESSIONS OR SPECIAL MEETINGS. AGENDAS ARE PUBLISHED 48 HOURS IN ADVANCE TO THE EXTENT KNOWN.

AGENDA

SPECIAL MEETING

APRIL 2, 2013

1. ORDINANCES ON FIRST READING:

ORDINANCE NO. 2265-2013 (RESOLUTION NO. 133-2013)

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) CALENDAR YEAR 2013

- Mayor asks for a motion to read the Ordinance by Title. Mayor asks for a Mover, Second, Roll Call.
- Municipal Clerk reads the Resolution of Introduction. Mayor asks for a Mover, Second, Discussion, Roll Call.

2. RESOLUTION NO. 134-2013 – Introduction of Budget by Title Only

- Mayor asks Municipal Clerk to read resolution. Mayor asks for a Mover, Second, Discussion, Roll Call.

3. RESOLUTION NO. 135-2013 – Introduction of River Road Improvement Corporation Budget by Title Only

- Mayor asks Municipal Clerk to read resolution. Mayor asks for a Mover, Second, Discussion, Roll Call.

4. RESOLUTION NO. 136-2013 – Introduction of Broadway Improvement Corporation Budget by Title Only

- Mayor asks Municipal Clerk to read resolution. Mayor asks for a Mover, Second, Discussion, Roll Call.

5. RESOLUTIONS BY CONSENT 8-2013

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. No. 136-2013 - Amendment to the Purchase of Sale Agreement with HADCO Company, LLC
 - b. Resol. No. 137-2013 - Self Examination of the Budget

- Mayor asks for a Mover, Secunder, Discussion, Roll Call.

6. ADJOURNMENT TO WORK SESSION

- Mayor asks for a Mover, Secunder, Roll Call.

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

April 2, 2013

RESOLUTION NO. 133-2013

By

Seconded by

BE IT RESOLVED that Ordinance No. 2265-2013 entitled:

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) CALENDAR YEAR
2013**

be introduced and does now pass a first reading and that said ordinance be further considered for final passage at a regular meeting of the Borough Council to be held at the Municipal Building, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey, on the 23rd day of April 2013, at 7:30 p.m. or as soon thereafter as the matter can be reached and at said time and place, all persons interested be given an opportunity to be heard concerning the same, and the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law prior to said hearing with a notice of its introduction and of the time and place, when, and where said ordinance will be considered for final passage.

ORDINANCE NO. 2265-2013

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) CALENDAR YEAR 2013

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Fair Lawn in the County of Bergen finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$514,096.05 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Fair Lawn, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Fair Lawn shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$1,199,557.45 and that the CY 2013 municipal budget for the Borough of Fair Lawn be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be

retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

Approved:

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

John Cosgrove
Mayor

Introduced: April 2, 2013

Adopted:

By:

Resolution No. 134-2013

Seconded by:

April 2, 2013

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of Fair Lawn, County of Bergen for the Calendar Year 2013.

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013;

Be it Further Resolved, that said Budget be published in The Record in the issue of May 3, 2013.

The Governing Body of the Borough of Fair Lawn does hereby approve the following as the Budget for the year 2013:

RECORDED VOTE (insert last name)

Ayes { Nays { Abstained { Absent {

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of

of Fair Lawn, County of Bergen, on April 2, 2013.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, on May 14, 2013 at

7:30 o'clock (A.M./P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons. (cross out one)

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

April 2, 2013

RESOLUTION NO. 135-2013

By:
Seconded by:

NOW, THEREFORE, BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the River Road Special Improvement District Budget for the year 2013;

BE IT FURTHER RESOLVED, that said Budget be published in The Record issue of May 3, 2013;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn does hereby approve the following as the River Road Special Improvement District Budget for the year 2013;

BE IT FURTHER RESOLVED, that a hearing on this Budget will be held at the Municipal Building on Tuesday, May 14, 2013 at 7:30 p.m. at which time and place objections to said Budget may be presented by taxpayers or other interested persons:

\$150,000.00 River Road Special Improvement District Budget
2013 RIVER ROAD SPECIAL IMPROVEMENT DISTRICT

<u>ANTICIPATED REVENUE</u>	<u>PRIVATE</u>	<u>COUNTY</u>	<u>BOROUGH</u>	<u>SPECIAL ASSESSMENT</u>
Trustees, Fees	2,685	0	0	0
Other	19,875	0	0	150,000
TOTAL REVENUES	22,560	0	0	150,000
<u>APPROPRIATIONS</u>				
Professional & Clerical Exp	9,170	0	0	60,905
Other Operating Expenses	4,300	0	0	28,700
Promotional/Marketing Exp	7,780	0	0	51,705
Res for Capital/Contingency	1,310	0	0	8,690
TOTAL APPROPRIATIONS	22,560	0	0	150,000

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

April 2, 2013

RESOLUTION NO. 136-2013

By:
Seconded by:

NOW, THEREFORE, BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Broadway Special Improvement District Budget for the year 2013;

BE IT FURTHER RESOLVED, that said Budget be published in The Record issue of May 3, 2013;

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fair Lawn does hereby approve the following as the Broadway Special Improvement District Budget for the year 2013;

BE IT FURTHER RESOLVED, that a hearing on this Budget will be held at the Municipal Building on Tuesday, May 14, 2013 at 7:30 p.m. at which time and place objections to said Budget may be presented by taxpayers or other interested persons:

\$118,200.00 Broadway Special Improvement District Budget
2013 BROADWAY SPECIAL IMPROVEMENT DISTRICT

<u>ANTICIPATED REVENUE</u>	<u>PRIVATE</u>	<u>COUNTY</u>	<u>BOROUGH</u>	<u>SPECIAL ASSESSMENT</u>
Trustees, Fees	1,850	0	0	0
Other	47,240	0	0	118,200
TOTAL REVENUES	49,090	0	0	118,200
<u>APPROPRIATIONS</u>				
Professional & Clerical Exp	20,3000	0	0	67,700
Other Operating Expenses	6,240	0	0	23,500
Promotional/Marketing Exp	9,500	0	0	27,000
Res for Capital/Contingency	13,050	0	0	31,415
TOTAL APPROPRIATIONS	49,090	0	0	118,200

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

April 2, 2013

CONSENT AGENDA 8-2013

By

Seconded by

WHEREAS, the following resolutions having heretofore been placed on this Resolutions by Consent Agenda which require no discussion and same having been previously reviewed by each Councilmember, be and are hereby adopted, ratified, and confirmed in their entirety by the Mayor and Council of the Borough of Fair Lawn:

- a. Resol. #137-2013 - Amendment to the Purchase of Sale Agreement
with HADCO Company, LLC
- b. Resol. #138-2013 - Self Examination of the Budget

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

April 2, 2013

RESOLUTION NO. 137-2013

By:
Seconded by:

WHEREAS, the Mayor and Council of the Borough of Fair Lawn previously authorized the Mayor and Municipal Clerk to execute documents related to providing affordable housing for senior citizens at the Hadco/KEM site on January 3, 2013 by way of Resolution No. 56-2013;

WHEREAS, Special Master Michael Lubin, Esq. requested that minor changes be made to each of the three documents listed in said Resolution;

WHEREAS, Special Master Lubin's changes have been incorporated into the documents through amendments to same requiring the approval of the Mayor and Council of the Borough of Fair Lawn;

WHEREAS, the changes have been reviewed by the Borough Attorney and all parties to the transaction without any objections;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the Mayor and Municipal Clerk are hereby authorized to permit the execution of amended and revised agreements, as counsel for the Borough may deem sufficient for following documents:

1. Purchase of Sale Agreement with HADCO company, LLC for the purchase of premises known as block 5384, Lot 1.02;
2. Agreement between Fair Lawn Promenade and the Borough of Fair Lawn
3. Agreement for Development of Senior Housing between the Borough of Fair Lawn and Fair Lawn Senior Housing

Aye Nay Abstain

Baratta
Peluso
Swain
Trawinski
Cosgrove

April 2, 2013

RESOLUTION NO. 138-2013

By:
Seconded by:

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Fair Lawn has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Fair Lawn that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

NOTE: FORMAL ACTION MAY BE TAKEN AT REGULAR MEETINGS, WORK SESSIONS OR SPECIAL MEETINGS. AGENDAS ARE PUBLISHED 48 HOURS IN ADVANCE TO THE EXTENT KNOWN.

**TENTATIVE AGENDA FOR COUNCIL MEETING
OF TUESDAY, APRIL 9, 2013**

COUNCIL WORK SESSION

April 2, 2013

1. **Call to Order by Mayor**
2. **Statement of compliance with the Open Public Meetings Act**
3. **Roll Call**
4. **Flag Salute**
5. **PROCLAMATIONS: LIMB LOSS AWARENESS MONTH
DAYS OF REMEMBRANCE**
6. **COUNCIL COMMENTS**
7. **PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY**
8. **RESOLUTIONS BY CONSENT #9-2013**
 - a. Resol. #139-2013 – Approval of Minutes:
Work Session 2/26/13
Closed Session 2/26/13
Regular Meeting 3/5/13
Closed Session 3/5/13
 - b. Resol. #140-2013 – Refund of Overpayment of Taxes
 - c. Resol. #141-2013 - Authorizing Issuance of Massagist License:
Ketevan Leluashvili
 - d. Resol. #142-2013 – Interlocal Agreement with Elmwood Park:
For the use of the Fair Lawn Training Center and the
Elmwood Park Gear Laundry System
 - e. Resol. #143-2013 - Approving Fire Board Actions
9. **PUBLIC COMMENTS**
10. **ADJOURNMENT**