

## WORK SESSION OF MARCH 12, 2013

Mayor Cosgrove called the meeting to order at 7:30 p.m.

**PRESENT:** Mayor Cosgrove, Deputy Mayors Baratta and Trawinski, Councilmembers Peluso and Swain.

**ALSO PRESENT:** Manager Metzler, Municipal Clerk Kwasniewski and Attorney Mondello (late).

### **BUDGET OVERVIEW**

Manager Metzler stated that he and CFO Palermo had concerns about the disappearing surplus and the lack of sustained revenue. They have built surplus during 2012 of about \$1.5 million but they still do not have a sustained source of revenue. The changes in the health care benefits for the retirees and the payments from FEMA have certainly helped but that is not the way to build surplus. In 2013 there are some sources of additional revenue. The FEMA claims as a result of Superstorm Sandy will help although they do not know when they will get the money. There was a substantial decrease in the number of tax court settlements but they cannot depend on that from year to year. Although some stability has been created, they need to find sources of sustained revenue or make significant cuts.

Manager Metzler reviewed the recap of the revenue and expenses explaining the increases and decreases from the 2012 budget. This budget uses \$3 million in surplus. The tax rate is \$.881 which is a .012 increase. The budget is \$98,727.65 under cap. The average assessment is \$320,679 and the municipal portion of the tax bill will be \$2,836.72 or an increase of \$38.86.

Manager Metzler reviewed the salary and wage line item by Department comparing 2012 to 2013. The budget does not include any new hires but does include promotions for two individuals in Parks who have been working out of title and agreed not to file desk audits in 2012. The vacancy in the Sewer Division will not be filled. Two employees will be transferred out of Recycling into the Water Division.

Manager Metzler noted that for the most part the Departmental budgets were flat. The Council agreed to reduce the salary and wage line item for Council by \$7,500. Manager Metzler reviewed the grants that the Borough anticipates receiving but it is anticipated that there will be grants that come in during the year.

CFO Palermo stated that debt service remains steady because they have budgeted \$500,000 for a bond anticipation note payment. She closed out \$280,000 of interest appropriated in the 2012 budget. They reviewed the fund balances. CFO Palermo noted that if they stick to the plan envisioned in the budget they will replenish surplus.

Deputy Mayor Trawinski wanted to know when Police overtime could be cut if the Borough hired new officers. Manager Metzler felt they could work toward that but did not believe that it will be attainable in 2013. Deputy Mayor Trawinski felt the Council might want to hire additional officers at the end of the year anticipating retirements as well as adding an additional officer if they want to reduce the overtime costs. Manager Metzler will submit an analysis.

Manager Metzler reviewed each Department's budget.

Municipal Clerk – Deputy Mayor Trawinski inquired if the budget included a sufficient amount to cover the inordinate amount of time spent on OPRA request. Municipal Clerk Kwasniewski assured him that there was no overtime generated for responding to OPRA requests. If anyone has to stay, she does and she does not get paid overtime.

Deputy Mayor Trawinski felt strongly that the Legislature should not have exempted themselves from this legislation. Mayor Cosgrove noted that the intent of the law was transparency but the law has gone too far.

Legal - Councilmember Swain inquired about the amount in Legal. CFO Palermo indicated that they reviewed the total and chose to include the same amount as budgeted in 2012. Manager Metzler added that a number of pending legal matters that have been resolved now so there may be an opportunity to reduce this item.

Labor Attorney – Deputy Mayor Trawinski thought this item may be too high but Manager Metzler recommended not cutting it.

Planning Board – Councilmember Swain thought their budget seem too high. The Board requested \$38,000 for professional services and the Manager reduced it by \$3,000. Deputy Mayor Trawinski noted that the litigation with Landmark is done. There is only one matter pending before the Planning Board which is not likely to go to a suit. Manager Metzler noted that there have been inquiries regarding Sandvik and the Vander Platt properties. The Council wanted to have the Planning Board secretary attend and give them details.

Police Department - Councilmember Swain inquired why there was such an increase in the overtime. Manager Metzler noted that they will be shorthanded for most the year. The officers in the academy will not be on the road until October. In addition, with the promotions there will be two less patrolmen.

The crossing guard summer guard program will not be done this year.

Acquisition of Police Cars – The budget includes four new cars.

The new vehicles that have arrived are six cylinders so they will be more energy efficient. The cars that they are recommending are four cylinders rather than hybrids.

Police Dispatch – The wage line items include the cost for per diem dispatchers.

Municipal Court - Councilmember Swain inquired about the line item for professional services. CFO Palermo explained that this amount is a reallocation from another area.

Roads – Mayor Cosgrove inquired about the work done by PSE&G. Manager Metzler originally they were going to do it in the overnight hours in the fall but it is scheduled for the spring. They have marked where the road will be milled.

Buildings and Grounds – Manager Metzler advised that they have not been successful with the outside cleaning services, so they have hired a part time person. The cost will be about the same but the service should be much better.

Maintenance Garage – Manager Metzler explained that they hired a part time mechanic. The Board of Education feels their buses are in better shape now. The Board has reduced its expenses and the Borough receives a little revenue. CFO Palermo added that there is no tax cap advantage for the Borough. Deputy Mayor Trawinski indicated that Senator Sweeny is working on that issue.

Animal Control – This page was created so the actual cost could be shown.

Recreation – Councilmember Swain questioned the line item Department Equipment Rental/Video Machines. Manager Metzler explained that the 501(c)3 purchased the games when the building was built. They are now starting to put a plan together for the future since the games are aging. They are considering leasing instead of purchasing. Mayor Cosgrove noted that the machines are six years old. They are played a lot. He felt leasing those kind of games would be wiser.

Attorney Mondello arrived at 9:00 p.m.

Parks – CFO Palermo explained that she created a separate line item for chlorine so that the expense can be tracked easier.

Telephone – Manager Metzler indicated that there was a substantial increase in this line item. He explained that there are a number of areas where there is a great deal of static in the lines. They are now considering going to the T-1 lines but that requires a monthly fee. Deputy Mayor Trawinski indicated that it is possible to eliminate the T-1 lines if they go to the trunk line and give the County Fair Lawn's frequency. If the County can obtain the frequencies they can expand the trunk system. The Prosecutor has said that he will use forfeiture money to upgrade the municipalities' radios. If the County relinquishes the frequency, it would come back to Fair Lawn for \$1. It would not change dispatching. Manager Metzler indicated that he budgeted \$850,000 for radio hardware.

Library - CFO Palermo explained that the book money is now coming out of one line so that the amount is the same.

#### Water Utility

Manager Metzler indicated the budget includes \$39,700 for the purchase of vehicles for the meter readers. There will be an increase in the cost of water testing. The budget does not include an increase in the water rate. The service charge is going up this year. This charge is a sustained revenue that will help replenish surplus.

Deputy Mayor Trawinski wanted to know the cost of using the water from the wells instead of water that is purchased.

#### Capital Projects

Manager Metzler indicated that he is proposing projects that total \$2.6 million. The Ambulance Corps. wanted a new ambulance but he was able to get them on a plan that would have them purchasing an ambulance every other year.

Manager - Parking kiosks at the Radburn Station and the Route 208 Station are included.

OEM - \$150,000 is included to refurbish the EOC since the equipment is seven or eight years old.

Library - New carpet is included.

The standard improvements to the infrastructure have been included.

Police Department - \$850,000 has been included for communication related equipment which has nothing to do with dispatch. Funds for a new tower on the Municipal Building have been included.

Engineering – CFO Palermo pointed that there is a placeholder for new grants that require a match.

Councilmember Swain inquired about speed tables. Manager Metzler explained that the request goes to Officer Franco and Engineer Garrison for their recommendation. Three speed tables have been requested, but he is waiting for their report.

Councilmember Swain wondered if the fuel tank that will be replaced at the Animal Shelter will be safe from flooding. Manager Metzler assured her that it is double walled concrete.

Councilmember Swain wondered what they should do about the police communications since they have not yet made any decisions. Manager Metzler recommended keeping the \$850,000 in the budget. The tower has to be replaced. The Council has to have a discussion on the trunking issue. If the County is going to buy all new radios, CFO Palermo will not bond them.

Manager Metzler noted that they only want to talk to the Planning Board and the Engineer. He did not believe they need to meet on Saturday. Manager Metzler thought they could get reports next week. If they have enough information, they can let Municipal Clerk Kwasniewski know. If they need more information, they can be scheduled for a work session.

CFO Palermo indicated that she would like to introduce the budget as soon as possible. It was agreed that they would introduce the budget at a special meeting during the work session on April 2.

The Council agreed that the budget meeting scheduled for Saturday would be cancelled.

#### **REVIEW OF TENTATIVE AGENDA:**

Municipal Clerk Kwasniewski stated that she is adding a resolution memorializing the settlement with Captain Cook, a resolution regarding a municipal lien on 18-

01 River Road, a bid award for concrete repair and replacement and a resolution authorizing a settlement of Kneer vs. Borough of Fair Lawn, et al. Attorney Mondello stated that he received an email from Tax Collector Lee stating that the mortgage holder came in and paid it. Municipal Clerk Kwasniewski stated that resolution would be removed.

Councilmember Swain asked about the multi-year contract for Global Connect. Manager Metzler explained that was the new reverse 911 system.

#### **COUNCIL LIAISON REPORTS:**

Councilmember Swain stated that the ADA Committee was holding a teen dance on Friday, April 5<sup>th</sup> from 7:00 to 9:00 p.m. at the Community Center. The Bergen County Zoo Train will be free in honor of Autism Awareness Day on April 28<sup>th</sup>. There will also be free admission to the zoo during April.

She stated that Emil DeLuccia would like to build a raised garden at the Opportunity Center. Jane Spindel viewed the site and there is a free standing garage with a flat roof for planting, but it would need to be structurally reinforced to support the weight of people and plants. She wondered if it was possible to get a grant from Sustainable Jersey. Mayor Cosgrove stated that Sunrise Rotary expressed interest in contributing some funds.

She suggested having an early registration discount for members who sign up to use Memorial Pool by April 1<sup>st</sup>, a pro-rated membership for people who join later in the season and a fee for weekends only.

There was consensus to obtain input from Superintendent Graff regarding a revised fee structure for Memorial Pool.

Manager Metzler asked if they would be in favor of changing the fees if they find they will lose revenue. The Council stated they would not.

Councilmember Peluso stated that the Alliance for Substance Abuse Prevention is working with Officer O'Brien and Health Officer Wagner to form focus groups, which are needed to satisfy new prerequisites for several grants. They are trying to find young people in their teens and 20's to join the Alliance. Deputy Mayor Trawinski stated that St. Anne's has an active Youth Ministry.

Deputy Mayor Trawinski stated that the County was hosting "Together New Jersey" about sustainability grants on April 24<sup>th</sup> from 6:30 p.m. to 8:00 p.m. at Bergen Community College in the Moses Center. The meeting is open to the public.

The Planning Board discussed the report from the Zoning Board and was advised that the Council has already moved on items 1 and 2. The Board concurs that items 3 and 4 should be part of the Master Plan process. They reviewed the School Board's proposal for the renovation of the High School's football field and there were no objections.

Deputy Mayor Baratta stated that Bergen Community College is hosting a job fair on March 21st from 9:00 a.m. until 3:00 p.m. Over 100 companies will be involved.

She stated that Jim Storozuk expressed interest in bringing back the paver program for veterans.

Mayor Cosgrove stated that he attended the Saddle River Flood Meeting in Lodi where they discussed the Marsellus Bridge. Mr. Crifasi was present from the County. The center pier in the bridge is a problem, so they will try to obtain 404 mitigation funding to have it removed. Mr. Crifasi stressed that the County was committed to replacing and raising the bridge. There was a suggestion from Mayor Shrieks to have each community contribute \$50,000 to \$100,000 to do a design and engineering study to get the process started. They discussed other ways to finance the project.

Manager Metzler clarified that the 404 Mitigation funding pays for everything, but 25%. The County has to make the application. Deputy Mayor Trawinski stated that they were using Millennium Strategy. Manager Metzler stated that it would benefit the County if all the towns along the river submitted resolutions supporting the project. Deputy Mayor Trawinski stated that the State has already received \$1.6 billion from FEMA, of which \$40 million has been earmarked for Bergen County's two anticipated applications, including the Marsellus Street Bridge. All they need to do is say that they support it, which they have already done.

Mayor Cosgrove stated that Mr. Crifasi spoke about de-snagging and asked to be emailed if anyone sees a problem in any of the waterways. A representative from Passaic Valley Commission was present. They will be sending a crew down the Saddle River starting in Fair Lawn to survey and repair any blockages.

Mayor Cosgrove reported that Battalion Chief Tim Yuskaitis is participating in the Transit Police Annual Bike Tour.

Councilmember Swain stated that she, Municipal Clerk Kwasniewski and Manager Metzler visited the County PESOC to see Police Dispatch Services. Captain Lapinski took them on a very informative tour.

### **FLOOD RESOLUTION**

Deputy Mayor Trawinski objected to the wording "the County failed to dredge the banks of the river" because they de-snag and de-silt on a regular basis.

There was unanimous consensus to remove that paragraph from the resolution.

### **REQUEST FOR TEMPORARY CHANGE OF PARMELEE AVENUE TO COLLURA AVENUE**

There was unanimous consensus to temporarily rename Parmelee Avenue "Collura Avenue" in memory of Officer Mary Ann Collura.

### **INTERLOCAL SERVICES AGREEMENT WITH RIVER VALE FOR EMERGENCY TELEPHONE CALLS**

Manager Metzler explained that River Vale was switching to the same company they were going to use for reverse 911 calls. There is an initial fee to bring the data into their data base. If they enter into a shared service agreement with River Vale the company has agreed to split the cost equally between both towns.

There was unanimous consensus to enter into an agreement for the joint purchase of the emergency service listings from Verizon.

### **MISCELLANEOUS PUBLIC COMMENTS:**

There were no public comments.

### **CLOSED SESSION RESOLUTION:**

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 10:15 p.m.

**WHEREAS;** the Open Public Meeting 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 of the Borough of Fair Lawn desire to discuss Contract Negotiation – Hakim; Personnel – Contract for New Manager and Settlements – Kneer; and

**WHEREAS;** these matters are ones which permit the exclusion of the public from such discussions; and

**WHEREAS;** minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

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

#### **SEARCH PROCESS FOR NEW MANAGER**

Attorney Mondello felt that if they bring someone in as Manager for six months, as opposed to an acting or interim Manager, they were still liable for the statutory three months of pay. Attorney Mondello stated that whenever a manager is laid off or terminated they are entitled to three months' severance pay. Manager Metzler suggested giving notice 90 days before December 31<sup>st</sup>.

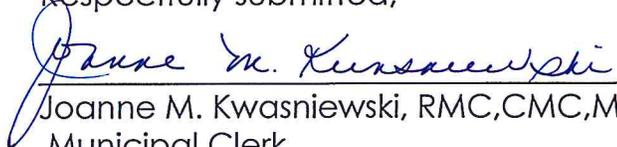
Deputy Mayor Trawinski suggesting appointing an Acting Manager and then deciding about doing a serious search after the election. He recommended against hiring New Jersey Management, because the Council did that years ago and it was a waste of money. After the election they could invite the two new Councilmembers to participate in the process. Councilmember Swain agreed that they should do an acting manager. Mayor Cosgrove asked for a list of employees who would be eligible to serve as Acting Manager, such as Department Heads. Municipal Clerk Kwasniewski stated that the Attorney, Judge and CFO were specifically excluded by ordinance.

Deputy Mayor Trawinski suggested obtaining a recommendation from Manager Metzler as he knew all the employees. Mayor Cosgrove stated that if the Council did not agree with his suggestions they could add their own. The Council was in agreement that they should not hire a fulltime Manager now. Manager Metzler stated that CFO Palermo preferred that they name someone already on staff. She is concerned that they stay on point with the budget. Municipal Clerk Kwasniewski will add this to the next Work Session.

**ADJOURNMENT:**

Upon motion by Deputy Mayor Baratta and second by Councilmember Swain, the meeting was adjourned at 10:35 p.m.

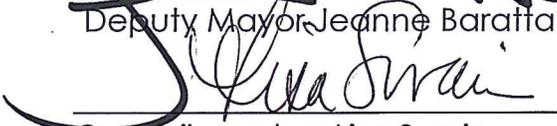
Respectfully submitted,

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

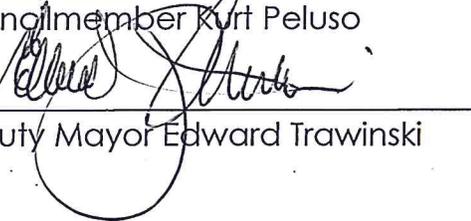
The undersigned have read and approve the foregoing minutes.

  
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Mayor John Cosgrove

  
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Deputy Mayor Jeanne Baratta

  
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Councilmember Lisa Swain

  
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Councilmember Kurt Peluso

  
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Deputy Mayor Edward Trawinski