

## **BUDGET MEETING / WORK SESSION OF FEBRUARY 3, 2015**

Mayor Cosgrove called the meeting to order at 6:30 p.m.

**PRESENT:** Mayor Cosgrove, Deputy Mayors Dunay and Lefkowitz, Councilmembers Peluso and Swain.

**ALSO PRESENT:** Manager Van Kruijning, Municipal Clerk/Deputy Manager Kwasniewski and Attorney Mondello.

### **FINAL BUDGET DISCUSSION:**

#### **PERSONNEL REQUESTS FOR 2015:**

Manager Van Kruijning reviewed the personnel requests.

There was a request to make the part time clerk position in the Recreation Department and the part time Office of Emergency Management Coordinator fulltime positions. Mayor Cosgrove did not feel there was a need to make any changes at this time. Deputy Mayor Lefkowitz asked Manager Van Kruijning for his recommendation. Manager Van Kruijning did not recommend making either position fulltime.

There was consensus to keep both positions as part time.

Manager Van Kruijning indicated that he did not recommend the following: the addition of a part time clerk in the Engineering Department, a promotion from Public Works Repairer to Senior Works Repairer in Buildings and Grounds, promotions in DPW Administration from Keyboarding II to Keyboarding III, Keyboarding I to Keyboarding II, a promotion from Recreational Leader at the Senior Center to Supervisor.

There was a request for three additional Police officers for 2015, but based on revisions to the Police contract the Police Chief agreed with him that there was no longer a need and the positions were eliminated from the budget.

There was consensus that the positions discussed above be eliminated from the budget.

Manager Van Kruijning stated that the Electrician's helper who runs the Electrical Department obtained his Electrical license three months ago. The employee is a longtime worker and does an excellent job. He recommended promoting the employee to Assistant Supervisor of the Electrical Department. The increase would be \$9,500 over three years.

There was consensus to approve the promotion of the Electrician's Helper to Assistant Supervisor.

The Payroll Clerk in Finance is at the top of the salary guide and has done an outstanding job. The request is for a promotion from Keyboarding I to Keyboarding II, an increase of \$10,800 over three years. Councilmember Peluso asked if a promotion brings increased responsibilities. Manager Van Kruijning confirmed that the employee has been given additional work by CFO Palermo, such as pension reports and other tasks and has saved the Borough money as there is less overtime costs than with the previous Payroll Clerk.

There was consensus to approve the promotion of the Payroll Clerk from Keyboarding I to Keyboarding II.

The Engineering Department has requested a fulltime Assistant Municipal Engineer. Engineer Garrison, who is responsible for the Borough's entire Water System, will be retiring in the next few years. There is also an increase in the number of roadway and underground infrastructure projects. Although there is an Engineering aide, he does not have full certification. He felt it was important to fill the position, which is budgeted at a salary of approximately \$80,000. Several licenses will be required.

There was consensus to hire a fulltime Assistant Municipal Engineer.

The Recreation Department has asked to increase the hourly rate for seasonal employees that work at the pool or camps by \$0.25. The overall cost is \$5,000.

There was consensus to allow the Recreation Department to increase the hourly rate for seasonal staff employed at the pool or camp by \$0.25 per hour.

The Sewer Department has requested a promotion from Laborer to Public Works Repairer, which is the result of an ongoing desk audit. The Manager has called for formal examination. The overall cost over three years is \$19,000.

There was consensus to approve the promotion from Laborer to Public Works Repairer.

The Shade Tree Department is requesting a promotion from Public Works Repairer to Senior Public Works Repairer. There were two promotions in the 2014 budget, one of which he supported. After evaluating the second employee for the full year, he is satisfied with the employee's performance and recommends the promotion. The cost is \$8,100 over three years.

There was consensus to approve the promotion discussed above.

There is a request for a fulltime Assistant Construction Official that he needs to research further. The fulltime Plumbing Code Official would also serve as Assistant Construction Official as a cost of \$12,500 over three years. He will report back to the Council.

There is a request to increase the Municipal Court Judge's salary \$5,000 from \$25,000 to \$30,000.

The consensus was not to increase the salary for the Municipal Court Judge.

Councilmember Peluso stated that they currently share the Construction Official with the Borough of Elmwood Park. He asked when the contract would be renegotiated. Manager Van Kruijning stated that there were three more years. Councilmember Swain asked for an update. Manager Van Kruijning stated that he has not received any complaints and there is no back log in the Building Department. Elmwood Park is also satisfied.

#### **OVERVIEW OF THE 2015 CAPITAL BUDGET:**

Manager Van Kruijning distributed a report on the items discussed at the last budget meeting. There were two items on which the Council requested additional information.

The Fire Chief had requested a replacement of the SCBA Packs and Bottles. The packs are compliant but the bottles will become non-compliant over the next three years. He suggested replacing 60 bottles per year for the next three years. The bottles cost \$1,000 each for a total yearly cost of \$60,000. In 2018 they will need to replace 120 packs, which cost \$10,000 per pack.

He continued that the Recreation Department looked into the Lightning Detection System further and learned that one system cost \$5,500, but an additional three or four units could be purchased at a discounted cost of \$11,000. He recommended increasing the line item from \$6,000 to \$11,000 to purchase additional detection systems for Memorial Park, Center Rec and two other major parks.

Councilmember Peluso noted that they also discussed reaching out to the Board of Education. Manager Van Kruijning stated that he had a brief discussion with Joanne Wilson and the Board of Education is interested in working with them on some of the shared fields, such as the field at Thomas Jefferson.

Councilmember Swain inquired about solar power. Manager Van Kruijning stated that he has been meeting with vendors and will report back at a later date.

There was consensus to approve the changes to the Capital Budget discussed above.

**REVIEW OF RIVER ROAD AND BROADWAY IMPROVEMENT BUDGETS:**

Manager Van Kruningen distributed copies of the budgets for River Road and Broadway. The SID assessment for the Broadway Improvement Corp. is \$120,200 and the assessment for River Road Improvement Corp. is \$150,000. The assessment for Broadway increased by \$2,000.

There was consensus to approve the Budgets for the River Road Improvement Corp. and the Broadway Improvement Corp.

**RECAP:**

Manager Van Kruningen stated that when they met in January, the increase was \$50.72 for the year. That amount has now been decreased to \$34.49 per year.

Deputy Mayor Dunay stated that most of the changes are in the Salary Adjustment line item, which shows an increase of \$800,000. CFO Palermo explained they allocated the amount towards the Police contract and when it was settled she removed it from Salary and Wage Adjustment and allocated it directly to that Department. Deputy Mayor Dunay asked if this was because of contractual steps. CFO Palermo said there were also people up for promotions and positions not yet set in stone such as the Assistant Engineer position. The bulk of the change was the Police contract. Deputy Mayor Dunay felt it would be helpful to see a total breakdown of the \$800,000 figure.

Councilmember Swain asked if the positions they just discussed were reflected in the report. Manager Van Kruningen stated that they were.

Deputy Mayor Dunay asked about State Aid. They assumed the same amount going in to the budget, but the 2014 aid was listed at \$3.591 million. CFO Palermo stated they received an additional payment for a total of \$3.744 million, equivalent to last year's amount.

Deputy Mayor Lefkowitz thanked CFO Palermo and Manager Van Kruningen for their hard work on the budget and for being creative. Although they never want to see any increase, considering the road repaving and other projects coming along the budget looks good to her.

Councilmember Swain stated that although the budget discussions have been good, she was just handed some information tonight and would like more time to review the figures. If they wait until their next meeting to make a final decisions they will still be well within the time frame. Manager Van Kruningen thought they would be late. Municipal Clerk/Deputy Manager Kwasniewski thought there was an extension on introduction. CFO Palermo will look it up.

Mayor Cosgrove stated that he was fine with what has been presented.

Councilmember Peluso asked if they could have a Work Session prior to next week's Council Meeting. Manager Van Kruiningen asked if the Council wanted them to be prepared to introduce the Budget on February 10<sup>th</sup>.

Councilmember Swain asked if the Finance Committee would be sharing any information. Manager Van Kruiningen stated that the Committee met and the items they will be reviewing were future items that will not impact this year's budget.

Mayor Cosgrove suggested meeting at 7:00 p.m. next week prior to the Council Meeting. Anyone with questions should send an email so they can be resolved prior to the meeting. Municipal Clerk/Deputy Manager Kwasniewski stated that she will prepare the resolutions for the introduction of the budgets, but if they make any last minute changes they will not be able to introduce the budget. She also explained that a budget can be amended after introduction prior to adoption.

There was consensus to have a Budget Meeting on next Tuesday, February 10<sup>th</sup> at 7:00 p.m., prior to the Council Meeting.

**CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Swain and a second by Deputy Mayor Lefkowitz, the following closed session resolution was unanimously adopted at 7:25 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 Personnel - Mini Bus; 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 7:45 p.m.

**MINI BUS:**

Attorney Mondello stated there was discussion with respect to the mini bus position and he has asked the Mayor and Council not to comment, ask questions or give any opinions on this. The only thing he was asking them to do was vote because an employee has made serious accusations against the Governing Body. They may or may not file some type of litigation against the Borough. All that remains is for a vote without discussion.

Manager Van Kruningen stated this was not elimination of the mini bus service which will continue to run as it has since June 2, 2014. The mini bus will be operated with all part time employees.

Upon motion by Deputy Mayor Dunay and a second by Councilmember Peluso, there was a unanimous vote to eliminate the full time position.

Josephine Buroughs, mini bus driver, asked about the vote. Attorney Mondello explained. She also wanted to know if she would get notice of the change in her employment.

**COMMUTER PARKING UPDATE:**

Manager Van Kruningen stated that since they implemented the Commuter Parking program in August 2014, Assistant Support Specialist Magarelli has overseen that program and has been the contact person with Park Mobile and the residents. He provided a very detailed report with various information. In the beginning there were a few complaints but since then there have been hardly any. Assistant Support Specialist Magarelli said there have been people who have been ecstatic that the Borough has gone to this program.

Councilmember Swain questioned the parking revenue. She wondered about the refunds that were given. Assistant Support Specialist Magarelli stated that a few people had lost their jobs so refunds were given. Deputy Mayor Lefkowitz wondered if they were averaging \$9,500 a month.

Deputy Mayor Dunay wanted to know if the numbers were trending down. Assistant Support Specialist Magarelli explained that people were beginning to see that the parking is being enforced by the Police.

Councilmember Peluso requested the difference in Police overtime.

Councilmember Swain wondered how much money was lost when it wasn't in operation. Manager Van Kruijning said there was a loss of revenue in the first few months but in the four month period from August to December.

Deputy Mayor Dunay stated that the train station parking lot continues to be full. Manager Van Kruijning informed him that the Borough pays \$12 a month for that lot and \$1.00 for the dirt lot by Route 208. The State recently sent a letter asking if the Borough would be interested in purchasing the lots. He requested more information. Mayor Cosgrove asked about other parking facilities on Pollitt Drive. Manager Van Kruijning informed them that the lot at the end of Pollitt Drive was not under the jurisdiction of D'Vita Dialysis but is owned by Express Scripts and he has started preliminary talks with them to see if they would be interested in entering into a cooperative parking agreement with the Borough. There are 100 spaces in that lot. There will be more information to follow. Mayor Cosgrove thanked Assistant Support Specialist Magarelli for his hard work.

#### **PROPOSED REVISIONS TO TOWING ORDINANCE:**

Traffic Safety Officer Franco stated that he had sent the first draft to the towing companies and two of them sent back a reply. One noticed that something was left out and the other one changed everything. Attorney Mondello advised that the Borough was under no obligation to abide with what the towing company wants. There was a very robust discussion with the tow companies. Traffic Safety Officer Franco said the fee recommendations are based on information that he received County wide.

Manager Van Kruijning stated that Traffic Safety Officer Franco did a great job. He thought at this time they should make the proposed amendments to the towing ordinance.

Traffic Safety Officer Franco added in the Borough fees side, those are the fees that the Borough will collect. He will open the time to apply beginning July 1st. He will have to inspect their facilities.

Councilmember Swain wondered how many companies will apply. Traffic Safety Officer Franco said that there were some things in the ordinance that did not change. The towing company would have to be zoned to store vehicles or they will not comply. The five companies they currently have are the only ones that comply. He did not anticipate getting any new companies.

Deputy Mayor Dunay wanted to know what the Borough's exposure was if the fees are too low. Traffic Safety Officer Franco explained that the insurance companies scrutinize the bills that are submitted. If the fees are not listed in the ordinance they will not pay the towing company if it is billed.

There was a unanimous consensus to amend the towing ordinance.

**VETERANS AFFAIRS BOROUGH LIAISON:**

Manager Van Kruiningen stated that Assistant Support Specialist Magarelli was on the Veteran's Council for the Borough and will be assuming the officer of the day title. He has a good working relationship with the veterans. When they attended the League Conference Assistant Support Specialist Magarelli attended a breakout session on a pilot program that Nutley has for veterans. He would become the point of contact for any veteran. Manager Van Kruiningen stated there was a small training class that he will have to attend where he will get certified. He recommended that Assistant Support Specialist Magarelli become the Veterans Affairs Liaison.

Councilmember Swain thanked him for taking this on. She felt they should publicize it. Councilmember Peluso was glad that this program will be in Fair Lawn.

There was a unanimous consensus to appoint Nick Magarelli as the Veterans Affairs Liaison.

**REVIEW OF TENTATIVE AGENDA:**

Municipal Clerk / Deputy Manager Kwasniewski stated she was removing a massage license and adding the minutes of January 10th budget meeting.

**COUNCIL LIAISON REPORTS:**

Councilmember Swain stated that she has gotten involved with the Weight Loss Campaign that will be between Ridgewood, Fair Lawn and possibly Ho-Ho-Kus. It will be very similar to the weight loss campaign that was held last year. Valley Hospital's nutritionist will be involved. It will be a twelve week program and many of the gyms and the Ridgewood Y will have sites for people to go to weigh in. There will be different seminars. Many of the members of the committee were impressed with the Community Center and wanted to do something here. The members that participate they will be able to use the Community Center. The kick off date is March 23rd.

The Green Fair is moving along. They have contacted Shop Rite and Whole Foods to get donations of recyclable bags. Starbucks will be giving out the reusable cups.

Councilmember Peluso stated that the Pool Committee meeting was cancelled because of snow. There will be a Shared Service meeting that he will attend with Deputy Mayor Dunay.

Deputy Mayor Dunay received complaints from residents about Police cars being parked in the visitor's spots. Manager Van Kruiningen stated that he had received that complaint and there was an official memorandum from the Chief to his officers advising them not to park in those spaces. There are some spaces that have been taken up with the snow.

Deputy Mayor Dunay stated that the Open Space Committee meeting was cancelled because they did not have a planner.

Deputy Mayor Lefkowitz stated that the Planning Board will meet next week. The Alliances for Substance Abuse met. The "Too Smart to Start" program for the fifth graders had been in done in sixteen schools. It is a great program for the youngsters.

Deputy Mayor Lefkowitz stated that Lieutenant Bastinick would like to implement a program where the kids would take a voluntary pledge, with the permission of their parents, to be drug and alcohol free and be subject to voluntary screening. There was also a parent handbook that would help encourage drug and alcohol free behaviors.

Deputy Mayor Lefkowitz continued that she would update the Council at a later date about the grant money that was coming in. They have been brainstorming ideas for the street fair in Radburn.

Mayor Cosgrove met with the Shade Tree Committee. They are working on the sign for the Arboretum.

The Fire Department's new officers have been sworn in. Last Saturday there was a fire on Heights Avenue and the Fire Department did a good job of containing the fire and not allowing it to enter into the house.

The EDC has sent a voucher in to New Jersey Transit. They should be moving forward with the planner for the project in Radburn.

Councilmember Swain added that at the Green Fair meeting there was a discussion about bringing electronic items to be recycled to the Community Center. Manager Van Kruiningen said he had no issue with that plan. The staff will pick it up the next day.

Mayor Cosgrove said that tomorrow there will be a meeting with Senator Gordon, Senator Pou, DOT Commissioner Jamie Fox, Don Smartt, Manager Van Kruiningen and himself to discuss the Broadway bump outs and the signal at the train station. As they are aware, the transportation fund is being reallocated for the bridges. He stated that he was going to express his displeasure that it has been pending for so long and the Borough has invested money into this project.

They were put on hold for at least two years. Mayor Cosgrove will report back at the next Work Session.

**LETTER TO US LEGISLATORS REGARDING REDUCTIONS TO VETERANS' BENEFITS:**

Councilmember Peluso stated that he had some veterans' review the proposed letter. He would like them to send it to the State Senators.

There was a unanimous consensus to send a letter regarding reductions to the Veteran's benefits.

**STATUS OF CAMPBELL ROAD PROPERTY:**

Councilmember Swain stated that the ADA Committee has a Housing Subcommittee that tried to meet twice unsuccessfully because of the weather. She described the possible housing development on Campbell Road. They are trying to decide whether to go with a group home or apartment style living. The ADA Committee has met with United Way and Habitat for Humanity. They are leaning towards Tom Toronto and United Way because of the wealth of experience he has having built this specific type of housing. The ADA Committee would like the Borough to give the property to United Way.

Attorney Mondello advised that that he had spoken to Mr. Toronto on several occasions regarding this matter. The Borough is under a judgment of repose. Typically if there was any type of development it would have to go before Judge Martinotti for his approval. The Borough may not have to do that because of the size of this project. If in fact they do have to go before the judge, Mr. Toronto indicated that his organization would pay for any time he or the planner would incur with the application.

Councilmember Peluso wondered if United Way would own this development and the residents would pay rent to them. Attorney Mondello explained that there would be a transfer of the title for \$1. Councilmember Peluso said then they would not be able to collect taxes on this property. Attorney Mondello advised that they would not but like the senior units there will be a payment in lieu of the taxes. Mayor Cosgrove said currently they are not collecting taxes on the property.

Deputy Mayor Dunay wondered why it was difficult to sell the property. Attorney Mondello advised because the price was too high. Attorney Mondello stated that they had an obligation to offer it to the adjoining property owners but no one was interested. Municipal Clerk / Deputy Manager Kwasniewski stated at the first auction there was someone interested but he did not come to the auction with money. Councilmember Peluso thought that after speaking

with real estate brokers, they should combine the two lots which would make it more suitable for building.

**RENTING COMMUNITY CENTER GYM FOR DINNER DANCE FOR STIGMA FREE:**

Mayor Cosgrove said the foundation at Bergen Regional which is a 501(c)3 would like to have the Council's approval to hold a dinner dance at the Community Center and donate the proceeds to the Stigma Free efforts in Fair Lawn and Paramus.

Deputy Mayor Dunay wondered if they will require permission for the liquor. Mayor Cosgrove said he knows the procedure and it will be done.

**CRITERIA FOR PRESENTATIONS BEFORE COUNCIL:**

Mayor Cosgrove stated that this was in no way a reflection on Councilmember Swain or Manager Van Kruiningen because they had met with the presenter before the meeting however the presenter did not disclose what she was going to be doing which might have encouraged the Council to look at this differently. He worked with Municipal Clerk / Deputy Manager Kwasniewski on criteria for when people come in with a presentation. No one knew whether this presenter was for profit or not for profit. They should hesitate when it is a for profit organization because they do not want them to make a sales pitch at their meeting.

Deputy Mayor Lefkowitz felt they should review social media outlets to see what the presentation is so they could know about it. Councilmember Swain thought they should see a professional video of the presentation.

There was a unanimous consensus to prepare criteria for presentations before the Council.

**SUPPORTING BEAR SMART LEGISLATION S687:**

Councilmember Swain felt the resolution was basically about keeping the garbage covered to prevent bears from getting into it. Manager Van Kruiningen mentioned his concern about the cost to the residents since the resolution required getting bear proof containers and wondered who would be responsible for that. Bear proof containers are over \$250. He suggested eliminating that section. Municipal Clerk / Deputy Manager Kwasniewski said the resolution refers to communities that are a bear habitat. Deputy Mayor Lefkowitz said the other paragraph about enforcing it should be removed. Municipal Clerk / Deputy Manager Kwasniewski will remove the last two whereas paragraphs.

Deputy Mayor Lefkowitz wondered if they could say they are supporting the relevant portions of the resolution. Municipal Clerk / Deputy Manager Kwasniewski said the resolution refers to the legislation. Manager Van Kruijning said since Fair Lawn was not designated as bear habit they should be alright. Municipal Clerk / Deputy Manager Kwasniewski said she would put language in saying they are supporting Bear Smart legislation for the bear habitat communities.

There was a unanimous consensus to pass the resolutions with the changes that were stated.

#### **BOE SHARED SERVICE VEHICLE MAINTENANCE:**

Manager Van Kruijning stated in the generic shared service agreement that they entered into with the Board of Education about buying copy paper there was one specific line that stated the Borough will provide oil changes and change tires. The Borough does more than change oil on Board of Education vehicles. He met with Superintendent Neggia and Mechanic LaPresioso who wanted to spell out exactly what they were doing. Right now there are close to 50 to 60 vehicles. They revenue generated was between \$2,000 to \$5,000 a year. There have been no issues on either end and it is running very smoothly.

Manager Van Kruijning stated he would discuss this further at the Shared Service meeting.

There was a unanimous consensus authorizing execution of a shared service vehicle maintenance agreement with the Board of Education.

#### **MISCELLANEOUS PUBLIC COMMENTS:**

Pam Coles, 13-34 George Street, stated she was curious what River Road Improvement Corp. was doing since they just approved their \$150,000 budget. She noticed that a study was done in 2010 that mentioned heavy traffic and signage. There are so many proactive things that RRIC could be doing yet they are meeting less and less and the budget is staying the same. She thought they should revisit the budget. Councilmember Swain stated that River Road has a business assessment that pays for the majority of the budget. They have a Master Plan with recommendations from that report. They are also meeting with the Planning Board members that are working on the Borough's Master Plan.

#### **CLOSED SESSION RESOLUTION:**

Upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 8:45 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 Personnel - Appointments: Grant Writer, Contract Negotiation - Radburn Association, Personnel - Borough Manager Employment Agreement and Litigation Harraka v. Bender; 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.

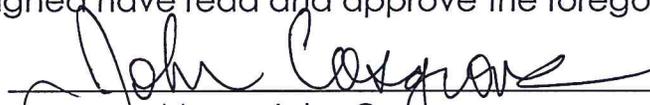
**ADJOURNMENT**

Upon motion by Councilmember Peluso and a second by Deputy Mayor Dunay, the Work Session was adjourned at 9:35 p.m.

Respectfully submitted,

  
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Joanne M. Kwasniewski, RMC/MMC  
Municipal Clerk/Deputy Manager

The undersigned have read and approve the foregoing minutes.

  
\_\_\_\_\_  
Mayor John Cosgrove

  
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Deputy Mayor Daniel Dunay

  
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Deputy Mayor Amy E. Lefkowitz

  
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Councilmember Kurt Peluso

  
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Councilmember Lisa Swain

