

REGULAR MEETING OF MARCH 10, 2009

Mayor Weinstein called the meeting to order at 7:31 p.m.

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in the Record issue of December 2, 2008. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and work sessions.

PRESENT: Mayor Weinstein, Deputy Mayors Swain and Tedeschi and Councilmembers Baratta and Trawinski.

ALSO PRESENT: Acting Manager Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

PRESENTATION BY GARY I. KANE – IRS

Mayor Weinstein announced that there would be two presentations tonight. The first is by a representative of the IRS and the second by the Historic Preservation Commission.

Mayor Weinstein introduced Gary I. Kane, from the IRS who is a Fair Lawn resident. Mr. Kane said that he has lived in Fair Lawn resident for the past eighteen years and he would be discussing changes that the IRS made in 2008 and IRS leniency in connection with the recent financial crisis. A number of initiatives have been announced by the IRS to aid taxpayers who are in difficulty.

Mr. Kane stated that about 500 changes were made by Congress to the tax code and he described some of the changes that would have the most impact on taxpayers in Fair Lawn. Mr. Kane said that the standard deductions have been increased along with an increase in the amount of property taxes that can be deducted. Personal exemption per person has also been increased. The mileage rate allowance for personal business use has been increased as well as the mileage rate for moving and the receipt of medical care. Last year's recovery rebate credit, which was the check that was received last spring, is not taxable income for 2008. Mr. Kane explained who would be eligible for further rebates regarding this payment and he added that the IRS is willing to calculate this for the tax payer. He also explained which tax payers could claim additional credits over and above the stimulus payment received last year. He said that those with lower incomes in 2008 than in 2007 would also qualify for a credit.

Mr. Kane spoke about the First Time Homebuyer Credit which is equal to 10% of the home price up to \$7,500 and anyone purchasing a home after April 9, 2008 through the end of the year is eligible. A first time home buyer is one who hasn't owned a home for the past three years and Mr. Kane explained that this money actually has to be paid back to the government over 15 years beginning in 2010.

Mr. Kane explained forgiveness of debt regarding foreclosures. If a mortgage was taken out to buy, build or substantially improve an existing home up to \$2 million of cancelled debt is no longer considered taxable income. Debt on second homes, rental and business property does not qualify and forgiveness of credit card debt and car loans do not apply.

Mr. Kane referred to changes regarding tax the Kiddie Tax law which increases the amount of tax on children's investment income and children between the ages of 18 to 24 with unearned income may be subject to this tax. The earned income tax credit has been expanded in 2008 and Mr. Kane described how this would apply to individuals in specific income groups with and without children. Mr. Kane said that the government has expanded the e-file program and everyone is eligible to e-file for free on the IRS website and he explained the process.

Mr. Kane turned to IRS leniency and he said that the IRS has provided guidance on assisting tax payers who have difficulty paying their taxes in this financial environment. This would be done on a case by case basis, however, he stressed that a tax return must be filed and the IRS must be contacted. He said that many options have always been available for taxpayers needing help such as the installment payment plan. This plan can be requested when the taxes are filed. Taxpayers may qualify for a partial payment plan where monthly payments are made that are less than the total tax bill. These two plans cannot have duration for longer than ten years. For those who are unemployed the IRS can have a hold placed on the account which means that the IRS can deem the account currently not collectable for up to a year and any tax liability is put on hold. In special cases there are agreements, also known as an offer in compromise, that is available from the IRS which enables both parties to settle a tax debt for less than the amount due.

Mr. Kane said that the IRS has recently added other means to help during this financial crisis. IRS employees will be able to suspend collection actions against taxpayers who cannot pay their full tax obligations. The IRS will also be more flexible with taxpayers who are on the installment payment plan and missing a payment will no longer be grounds to suspend the plan. Mr. Kane said that the IRS will no longer terminate the offer in compromise agreement due to a missed payment and he stated that home equity will no longer reject an offer in compromise application. To help homeowners avoid foreclosure, the IRS will work quickly to resolve tax liens and will speed levy releases so that the money can be used to pay bills and make purchases.

Mr. Kane mentioned that an individual can now give up to \$13,000 away to another individual without incurring gift tax. This was increased from \$12,000 in 2008 and is an estate tax planning tool.

Mayor Weinstein thanked Mr. Kane for his informative presentation.

PRESENTATION OF HISTORIC PICTURES BY FAIR LAWN HISTORIC PRESERVATION COMMISSION

Mayor Weinstein welcomed Pamela Coles, Vice Chairman of the Historic Preservation Commission. Ms. Coles said that every year the Commission does something regarding education. She introduced Larry Koplik, architect and photographic historian; and Ron Lotterman, photographer, who have put together a collection of all the historic treasures in Fair Lawn. Ms. Coles listed many of the historical buildings which were photographed by Mr. Koplik and Mr. Lotterman and have been framed by Broadway Picture and Framing. She presented the collection to the Mayor and Council for display at the Municipal Building, the Library, the Community Center, etc.

Deputy Mayor Swain thanked Ms. Coles and said she thought that the lobby at the Community Center might be a good location to display the photos because it is larger than the area in the Municipal Building. Mayor Weinstein recalled his child taking a tour of many of these sites in third grade. He also thanked Ms. Coles, Mr. Koplik and Mr. Lotterman.

COUNCIL COMMENTS

Mayor Weinstein announced that the budgetary process is coming in with a tax cut of \$8 on the average household. He stated that this Council intends on further tax reductions. Residents are concerned about taxes, mortgage payments, utility bills, college payments and the general cost of living and these concerns will continue until the recession is over. The Mayor and Council are doing their part. Three years ago the Council recognized and advocated that municipal budgeting must encompass long term planning so that one good year does not create several bad years. Over the years, the Council has adopted budgets assuring that Fair Lawn would have an established rainy day fund to meet the needs of succeeding years. Unfortunately the rainy day is here but since the Council planned for it the taxpayers of Fair Lawn will have one less thing to worry about.

Mayor Weinstein said that because of the vision and good planning this year's tax cut will not result in a spike in taxes next year or the year after. It will continue to be the policy of the majority of the Council to view municipal budgets on a long term planning cycle. Mayor Weinstein stated that no services have been cut and none of the employees have been laid off, therefore, public safety and other quality of life services will not be affected.

Councilmember Baratta thanked the presenters this evening along with Mr. Koplik and Mr. Lotterman. She stated that this weekend (March 13-15) and next weekend (March 19-22) St. Anne's Stages is presenting Joseph and the Amazing Technicolor Dream

Coat at the Community Center. Information regarding tickets is available at the St. Anne's website.

Councilmember Baratta announced that there will be a Beefsteak Dinner and Dance on April 4th at 7:30 P.M. at the Community Center. This dinner is sponsored by the 501(c)3 and will honor John Cosgrove and Benny and Mary Salerno. Tickets are available on line or at the Community Center.

Deputy Mayor Swain stated that she had the pleasure of attending a unification service at Temple Avodat Shalom on Friday. This is a merger between Temple Avoda in Fair Lawn and Temple Shalom in River Edge and the new temple will be known as Temple Avodat Shalom. She said that Senator Gordon and the Mayor of River Edge also attended.

Deputy Mayor Swain announced that the Borough received an award for achievement in occupational injuries during 2008 and she congratulated the following departments who are the recipients of these citations: the Parks and Recreation Department, Road Department, Sewer Department and the Vehicle Truck Maintenance Department. She congratulated the Borough Employees who collected \$153 on Wear Red Day. The money was donated to the American Heart Association.

Deputy Mayor Swain said that Governor Corzine has announced an Economic Recovery Website which can be accessed at www.recoverynj.gov. She also stated that PSE&G continues to provide energy assistance information.

Councilmember Trawinski announced that the County will begin work on the pedestrian bridge in the area of Williams Street at the County Park. The bridge had to be built regardless of the resolution of the situation between Bergen County and Oceano's and he said that the discussions regarding resolution of this dispute are still ongoing.

Councilmember Trawinski said that he attended a funeral today for a World War II veteran who landed during the first wave at Omaha Beach proceeding through France and Germany. Councilmember Trawinski stated that although he knew this person well all he knew was that he participated in World War II. He was amazed to see the amount of medals on his chest. He said that attending a funeral with an honor guard is an overwhelming experience and he asked that whenever anyone sees a veteran to thank him or her for their service to the county.

Deputy Mayor Tedeschi thanked Mr. Kane for his presentation concerning the IRS. He also thanked the Historical Commission and he said that these pictures give meaning to the Commission that is tangible. He suggested obtaining a second copy of the pictures so that they can be permanently on display in the Municipal Building while the other ones circulate around the town.

Deputy Mayor Tedeschi spoke regarding the budget and said that it is the product of something that began three years ago. After this budget is completed, they will begin work on the next three years and they must continue to plan and look at ways to save money while continuing to deliver services.

ORDINANCES ON FIRST READING:

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE NO. 2145-2009

AN ORDINANCE TO AMEND ORDINANCE THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 150 ENTITLED "NOISE" REGARDING HOURS OF OPERATION FOR CONSTRUCTION ACTIVITIES OCCURRING ON FAIR LAWN BOARD OF EDUCATION PROPERTY

Mayor Weinstein said that this ordinance is a good example of working together with the Shared Services Committee and the Board of Education. Tonight the Council has agreed to accommodate the Board of Education regarding window and boiler replacement. Although, they are restricted by the noise ordinance, they will have the ability to complete the construction before the next school season.

There being no further discussion, Resolution 115-2009 introducing Ordinance No. 2145-2009 was adopted with Deputy Mayor Swain dissenting.

ORDINANCES ON SECOND READING:

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

ORDINANCE NO. 2142-2009

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 24 ENTITLED "LENGTH OF SERVICE AWARDS PROGRAM" MORE SPECIFICALLY SCHEDULE "A"

There being no comments by the public, upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 116-2009 adopting Ordinance 2142-2009 was discussed.

There being no discussion, Resolution No. 116-2009 adopting Ordinance 2142-2009 was unanimously passed.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE No. 2143-2009

AN ORDINANCE TO AMEND CHAPTER 59 ENTITLED "AMUSEMENT DEVICES" OF THE CODE OF THE BOROUGH OF FAIRLAWN 2000, MORE SPECIFICALLY SECTION 59-2 ENTITLED "LICENSE FEE; TERM OF LICENSE" AND SECTION 59-3 ENTITLED "APPLICATION FOR LICENSE"

There being no comments by the public, upon motion by Councilmember Baratta and a second by Councilmember Trawinski, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, Resolution No. 117-2009 adopting Ordinance No. 2143-2009 was discussed.

Acting Manager Kwasniewski explained that this ordinance adds a fee of \$50 per machine for each of the amusement machines located in the Borough.

Councilmember Trawinski thanked the Police Chief for bringing this to the attention of the Council due to other issues of enforcement.

There being no further discussion, Resolution No. 117-2009 adopting Ordinance No. 2143-2009 was unanimously passed.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Tedeschi, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

ORDINANCE No. 2144-2009

AN ORDINANCE TO AMEND CHAPTER 204 ENTITLED "SOLID WASTE" OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, MORE SPECIFICALLY SECTION 204-15 ENTITLED "DEFINITIONS" AND SECTION 204-18 ENTITLED "MANDATED SEPARATION OF RECYCLABLE MATERIALS"

Harvey Rubenstein, 28 Rutgers Terrace, asked if residents will be informed regarding the disposal of stone, brick, etc. Acting Manager Kwasniewski said that it is up to the

homeowner to make arrangements with their contractor to have the material removed and the Borough will not be providing a central location.

There being no further comments by the public, upon motion by Deputy Mayor Swain and a second by Councilmember Trawinski, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Swain and a second by Deputy Mayor Tedeschi, Resolution No. 118-2009 adopting Ordinance No. 2144-2009 was discussed.

Councilmember Trawinski stated that this is another example of a state mandate that makes someone in the DEP feel good but not providing the means for a Borough such as Fair Lawn to allow for residents to lawfully dispose of these items. He added that Trenton needs to provide the funding necessary to dispose of these kinds of materials.

There being no further discussion, Resolution No. 118-2009 adopting Ordinance No. 2144-2009 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the time for public comments on Agenda items only was opened.

Harvey Rubenstein, 28 Rutgers Terrace, questioned Resol. #122-2009: - Authorizing Application with New Jersey DEP for GAC Demonstration Project. Acting Manager Kwasniewski said that the DEP asked the Borough to install the equivalent of air strippers. This is a \$1 million project that DEP will fund, however, the Borough is entitled to apply for a grant or a loan with no interest in case the project exceeds a \$1 million. This loan or grant is part of the stimulus package.

Mr. Rubenstein referred to Resol #125-2009 – Authorizing Issuance of Massage Licenses. He asked if this was a renewal license or a new license. Acting Manager Kwasniewski said that this is a renewal of an existing license.

There being no further comments by the public, upon motion by Councilmember Trawinski and a second by Councilmember Baratta, the time for public comment was unanimously closed.

RESOLUTIONS BY CONSENT #7-2009

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Consent Agenda 7-2009 containing the following items was unanimously passed.

- a. Resol. #119-2009 - Approval of Minutes
Work Session -12/2/08
Special Meeting – 12/2/08
Closed Session – 12/2/08
Regular Meeting – 12/9/08
- b. Resol. #120-2009 - Authorizing Submission of Recycling Tonnage Grant Application
- c. Resol. #121-2009 - Approving the LOSAP Certification List
- d. Resol. #122-2009 - Authorizing Application with New Jersey DEP for GAC Demonstration Project
- e. Resol. #123-2009 - Opposing New Jersey State Interscholastic Athletic Association Realignment Plan
- f. Resol. #124-2009 - Authorizing Signature of the contract with Fire Company No. 1 of Fair Lawn, Inc.
- g. Resol. #125-2009 - Authorizing Issuance of Massage Licenses

MISCELLANOUS PUBLIC COMMENTS

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, it was unanimously agreed to open the time for public comments.

Pam Coles, 13-34 George Street, asked if further information had been gathered regarding the lawsuit involving River Road Condo, LLC. Attorney Rosenberg said that he spoke to the Planning Board Attorney, Douglas Bern, as well as the Planning Board Secretary and neither of them have any knowledge of any litigation being filed by this developer in order to amend the obligations regarding affordable housing contained in the Planning Board approval. Ms. Coles said that she would deliver copies of what the businesses have received to the Municipal Clerk's office.

Sylvia Zasloff, 12 Maltese Drive, referred to the noise ordinance and said noise made by the Board of Education is the same as noise made by neighbors. She said that all of the schools are in residential neighborhoods and she recommended that the Board of Education obtain a variance if there is an emergency situation. The Board of Education is being given carte blanche and Ms. Zasloff stated that in these cases the government is being more arrogant than it should be because it allows itself to do things that it would not let other people do.

Mayor Weinstein said that the Council is trying to help the Board of Education complete projects before the fall school season. Most of these projects are inside and still subject to the noise ordinance. Ms Zasloff noted that the noise ordinance allows for notice and this ordinance doesn't have that provision. Mayor Weinstein said that this ordinance has a sunset clause for August 31, 2009 and it will be re-evaluated at that time.

Councilmember Trawinski said that it is not fair to say that government is acting out of arrogance. The changes and discussion that took place were a reaction to earlier comments by Ms. Zasloff and no other residents from the Borough have commented on this ordinance. This originated from the Shared Services Committee meeting with the School Board who indicated that they have difficulty completing projects when students are in attendance. They can get the jobs done quicker in the summer when students are not in the building and on weekends if necessary. The council agreed to monitor the ordinance and make it one of short duration which will end on August 31, 2009.

Councilmember Trawinski said that the noise ordinance originates from State law and it is not being changed. He added that he thought the standards should be changed to distinguish urban and suburban communities from rural communities a blanket noise ordinance really is not suitable for every community in the State.

Deputy Mayor Swain said that she voted against the ordinance, however, she hopes it will work out. She added that the Council needs to hear from the community to know whether or not it is working.

Harvey Rubenstein, 28 Rutgers Terrace, was glad to hear about the tax situation and he hopes that the residents will return Councilmembers Trawinski and Baratta to the Council.

Mr. Rubenstein recalled that at the last meeting regarding former Manager Metlzer, it was stated that morale in the building was low. He asked if employee morale had improved. Mayor Weinstein said he wasn't aware of morale being low then or now.

Craig Miller, 5 Ramapo, Terrace, said that a lot of money had been spent on the sound system in this room. He was at the Planning Board meeting last night and there were problems. Deputy Mayor Swain said that she has taken care of the problem.

Mr. Miller referred to the DPW budget discussion where it was said that the Borough buys auto parts cheaper than the State contract. He said that if this is the case the State should look at what Fair Lawn does to save tax payer money.

Acting Manager Kwasniewski stated that the Borough could buy these parts at a reduced rate but are not allowed to. They can only make purchases at Auto Zone and the only way this would work is if the Borough exceeded the threshold and went out to bid to buy more items than needed. Mr. Miller suggested that Senator Gordon and Rothman should look into this.

Councilmember Trawinski said that there is a long list of shared services items Fair Lawn is involved in. The problem is that the community providing the shared service gets no credit on the agreement, however, the taxpayer of the receiving community benefits. The State needs to provide a benefit for taxpayers in both municipalities in

order for this program to work. Councilmember Trawinski said that Assemblywoman Connie Wagner listened to the Council and has put a bill in the assembly to see if the Department of Community Affairs can craft incentives whereby the taxpayers of both municipalities can benefit from this system.

Councilmember Trawinski stated that the Borough is involved in mutual aid with other municipalities. He added that, as part of the Shared Services Committee, he, Mayor Weinstein, and the School Board representatives spent time touring facilities to see if they could come to a better arrangement to make them logistically better for the emergency services providers.

Deputy Mayor Tedeschi pointed out that the salt dome at the DPW is the result of a shared services purchase with Glen Rock. He stated that until two years ago Shared Services was a buzz phrase and now municipalities are being forced by necessity to look at this seriously. He predicated that this will succeed because people are running out of options.

There being no additional comments from the public, upon motion by Councilmember Baratta and a second by Councilmember Trawinski the time for public comments was unanimously closed.

CLOSED SESSION – Attorney Client Privilege – George Street Lot

Upon motion by Councilmember Baratta and a second by Councilwoman Trawinski, the following closed session resolution was unanimously adopted at 8:51 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 of the Borough of Fair Lawn desire to discuss Attorney Client Privilege - George Street Lot 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 Baratta and second by Councilmember Trawinski , the meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Deputy Mayor Joseph Tedeschi

Councilmember Ed Trawinski