

WORK SESSION OF MAY 2, 2006

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

PRESENT: Mayor Etler, Deputy Mayors McCarthy and Weinstein, Councilmembers Baratta and Trawinski.

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski and Attorney Kates.

REVIEW OF TENTATIVE AGENDA:

Municipal Clerk Kwasniewski stated that she would like to add another Raffle for St. Anne's Church to the Consent Agenda.

Councilmember Trawinski expressed concern that the Council had not see the proposed bond ordinances. Municipal Clerk Kwasniewski indicated that CFO Eccelston expected to have them so they would be in the packages on Friday.

REDEVELOPMENT PROPOSAL BY CLARIANT INDUSTRIAL COMPLEX:

Mayor Etler stated that this is a concept presentation only. Colin M. Quinn, Esq. was present and stated that he was representing Shellmark, LLC the contract purchaser for the Clariant property on 3rd Street. He requested that this parcel be referred to the Planning Board to change the zoning from I-2 (Industrial) to R-5-4 which is a multi family residential single family zone. The Mayor and Council is authorized to make changes to the land use ordinance but the Council must refer any changes to the Planning Board for their report.

The Fair Lawn master plan allows the increase of town homes development for the purpose of multi family living by senior citizens and individuals of varying means. It also allows for the development to meet Fair Lawn's COAH obligation. The project allows multi types of family units; i.e., single citizens, senior citizens, multiple members of a family. The present use of the site is industrial. It is obsolete, underutilized and it does not fit with the residential character of the neighborhood.

Don Smartt, representing RRIC stated that in 1994 they did a master plan for River Road that would benefit the commercial vitality of the district and not harm the residential neighborhood. Several Board members and neighbors were present. Those neighbors attended a meeting hosted by the RRIC to discuss the zoning changes without the presence of the developer or the Mayor and Council. RRIC endorses the rezoning for this project. It is consistent with the study of 2001 which included this site. This site is ideally suited for this type of development. They believe that this development will be a benefit to the community. RRIC will work closely with the developer to make sure that the development is consistent with what is good for the community.

Bob McNearny stated that the site is located on the corner of Fair Lawn Avenue and 3rd Street. It is an industrial corporation consisting of five buildings. At its full peak, several hundred people were employed and they operated three shifts. The neighborhood is residential. They would like to rezone the parcel to accommodate a residential use. They propose to construct 178 condo units that would have two bedrooms and two and one half baths. At the north end of the site they would build 48 two-bedroom, two bath units for Page

active adults over 55 years of age. It would be three stories with eight units per floor in each building with a parking garage under the building. No one younger than 19 would be eligible to live there. Eighteen of those units would be affordable and the remainder would be market rate units. The second section at 3rd Street and Fair Lawn Avenue would have 40 townhouse type units. Each unit would have a garage. The units would be 1,750 square feet on three levels. He presented renderings of the various units and explained each.

3rd Street is 45 feet wide so they will install an island running down the middle of 3rd Street which would provide a buffer. It is a gated community. The property will be fenced. It will be a secure community. It will have a swimming pool and a club house for the use of the townhouse owners.

They anticipate that the 55+ units will sell for \$300,000 to \$350,000; the affordable units will range from \$125,000 to \$150,000; the small town homes will sell for \$450,000 to \$550,000 and the larger interior town homes along the Passaic River will sell for \$550,000 and \$650,000. They are trying to attract people in the community who are selling their homes but want to retain a residence in Fair Lawn or those who do not want to maintain their property and young professionals who like the proximity to the train and bus to New York City. They anticipate that only 11 school age children will be generated from this project.

The parcel is currently generating \$733,910 in annual real estate taxes. Once it is developed, it will generate \$1,684,864. To date Clariant has spent \$11 million to remediate the site. It is not a functioning facility. They anticipate that they will spend another \$10 million to clean it up. Clariant is committed to cleaning up this property to meet residential standards. They spent two years developing this concept.

The contribution to COAH will be a big benefit to Fair Lawn. There is a lack of this type of housing in Fair Lawn. It will be an asset to the community. The only possible negative may be traffic. However, if this parcel was redeveloped as an industrial site, the traffic would be much more.

Councilmember Baratta asked if they were willing to fund a traffic light if it was determined to be needed at Bergen Avenue. Mr. McNearny indicated that they were open to suggestions. Federal law dictates that an age restricted community must be on a separate lot and block. It will be two communities. There are no affordable units proposed for the market rate units. COAH's guidelines would dictate that they would have set aside 10% of the project for affordable housing. Councilmember Baratta would like to see more age restricted housing.

Mr. McNearny stated that there is a pump and treat facility treating the underground water. It is the plan to move the groundwater treatment plant down by Range Road. DEP has given them verbal approval to implement an injection method. The ground water is 30 feet below the surface and will be treated until DEP signs off. They will cap the entire site with concrete and paving so nothing can come up through the ground.

Councilmember Trawinski asked if they were looking for a master plan amendment or rezoning of the parcel. Mr. McNearny replied that they would like the zone changed for this

property. Attorney Quinn stated that they would have to reconcile the master plan with the zoning change which is what they are asking for now. The Mayor and Council may have to amend the master plan. Councilmember Trawinski wondered who would pay for the amendment to the master plan. Mr. McNearny stated they would not expect the residents of Fair Lawn to pay for something that benefits the developer. Attorney Quinn stated that the 1992 master plan clearly endorses redevelopment of certain areas for multifamily housing so it may not be necessary to amend it.

Councilmember Trawinski indicated that he had hoped to see a larger Mt. Laurel component. Attorney Quinn said that it will be 13.31 units per acre. The site has many physical constraints due to the flood plain. They designed what they thought the site could accommodate. Councilmember Trawinski asked how many additional Mt. Laurel units would they be willing to include if the density was increased from 13.31 to 15 units. He also asked Attorney Kates to see if that increase would satisfy the Borough's round three obligation. Mr. McNearny stated they could add 16 units. He suggested that a split might be possible. The court yard which is proposed to be kept green would have to be used for parking. Councilmember Trawinski stated he would like to see if this project could help solve the Borough's COAH obligation.

Mayor Etlar indicated that he was not in favor of increasing the density. R 1-5 density is 10 per acre.

Councilmember Trawinski pointed out that the Passaic River is becoming an increasing nicer amenity. Mr. McNearny stated they have explored a river walk. They would offer an easement but it is a walkway to nowhere. There is sufficient space to do it.

Councilmember Trawinski wanted to know why they are asking for a new zone instead of an overlay. Attorney Kates stated that the idea is to get rid of the industrial site. Councilmember Trawinski stated that the concept is one he would favor and he would even favor a slight increase in density if some of the Mt. Laurel obligation can be shifted to this site.

Deputy Mayor Weinstein indicated he was also interested in satisfying the COAH obligation. He wanted to see the calculation of the cost of the services for this development. He also wanted to see the calculation of the projected students. Mr. McNearny stated that they have done an extensive analysis. He mentioned several projects including Clifton, Butler, Kinnelon and Ramsey and the number of school age children generated

Deputy Mayor Weinstein wondered if they considered using Range Road. Mr. McNearny indicated that Tanis uses that road for their trucks. It is a steep road. The only access would be for emergency vehicles and to service the pump and treat facility.

Mayor Etlar felt it was a good plan although he was concerned about the density. He stressed that at this point this presentation was only a concept. Residents would have ample opportunity to comment when the plan comes before the Planning Board

Don Smartt stated that 29 residents attended the meeting held by the RRIC.

Taina Stremmer, 3-06 Legion Place was concerned about the traffic. She recommended that they use Range Road. She was in favor of the project.

Ron Daurizio, 15-16 4th Street was in favor of the project. It is better than trucks. He would like to see a restriction so that it could only be three stories.

Aniello Scelzo, 15-27 4th Street felt it was a better use of the property. He wanted to go on the list for one of the units.

Harry Poster, 13-10 2nd Street questioned the sewage. In the last two years the County has said they were going to expand Fair Lawn Avenue. Mayor Etler said at some point they have to redo the bridge but acquisition of the property would be minimal.

Barbara Hattzel, 14-18 6th Street wanted to know why there is no fire lane within the fence line. Traffic is a very serious problem. Their block is used so people can avoid the light. She expressed concern about the possibility of an implosion and the removal of the toxic waste by trucks.

Mayor Etler assured her that the Planning Board will review the plans.

Suzanne DiGeronimo, 16 Beekman Place felt the plan does not comply with any of the setbacks. She disputed the number of children they projected. She thought it should be rezoned to a lesser zone than the zone being requested. She thought the people who are going to purchase the homes should understand what it means to live over a capped contaminated site.

John McGarry, 15-07 3rd Street wondered how wide the street would be. Mr. McNearny stated that the street is 45 feet wide. It would be 20 feet wide on Mr. McGarry's side.

Felice Koplik, 6 Reading Terrace mentioned the Indian fishing weir and expressed concern that the construction might interfere with it.

Councilmember Baratta wanted to know if there was attic space on the highest floor. Mr. McNearny advised that there could be. It would be a drop stair.

There was a consensus to refer this request to the Planning Board for their comments and recommendations.

Councilmember Trawinski reiterated that he wanted the attorneys look at the density and the Mt. Laurel issue.

ENERGY SAVINGS DEREGULATION:

Manager Metzler asked for permission to have an analysis done since there may be an opportunity to save some money on the free market for electricity. They would do a free analysis on the Municipal Building. They are a brokerage firm. They would bring the Borough's usage to five markets. It is possible to save up to 20%. There is no charge for

the initial analysis and there is no obligation. The contract periods can be from three months to five years. The fee that is paid to the broker is less than 1 percent of the cost.

There was a consensus to have the analysis done.

BANNING PAY TO PLAY ORDINANCE:

Attorney Kates distributed a redlined version of the ordinance. He has not yet done the analysis of Deputy Mayor Weinstein's alternative proposal.

This matter will be on the next Work Session.

The Council noted that it would prefer to see things before the meeting. Manager Metzler indicated that he and Municipal Clerk Kwasniewski were discussing the ever-changing agenda items and suggested that perhaps a cut off time of Friday at noon for items that are going to be on the following Tuesday's agenda. As the agenda is drawn up by Municipal Clerk Kwasniewski and sent home to the Councilmembers, if something is not ready she could let them know. Also, staff likes to prepare which is often not possible when agenda items are thrown on at the last moment.

Mayor Etlar indicated he could agree as long as each Councilmember still has the right to come to the meeting and with the consent of the Council add something to the agenda. Deputy Mayor Weinstein thought the Council should be respectful of the agenda.

The consensus was to set the cut off of noon Friday to add items to the agenda.

COUNCILMEMBER BARATTA'S REQUEST FOR A NEW PROCEDURE FOR APPOINTMENTS:

Councilmember Baratta proposed an ordinance to establish a procedure for appointments that would make government more open. It. A form is required which is kept for two years. A public list would be kept of the Boards and when the terms expire. When an opening becomes available a notice would go out in the paper and people would have 10 days to respond. A provision does exist for an emergency appointment.

Deputy Mayor Weinstein thought there should be a list of openings. They have advertised for new committees. He did not see the need for an ordinance. Resumes are discussed in Closed Session. Perhaps people would not want their resume kept. He thought the present process may just need a little refining. Deputy Mayor McCarthy stated that the Municipal Clerk is already keeping the resumes. He suggested explaining the Boards on the website.

Mayor Etlar did not see any substitute for the Councilmembers suggesting members of the Board. They have advertised for members in the past. He was not in favor of changing the procedure.

Councilmember Trawinski stated that in the past resumes did not come to the Council. Mayor Etlar stated that since 2000 all resumes have come to the Council. Deputy Mayor McCarthy stated there was never any attempt to shut out the minority members.

Councilmember Trawinski thought it was symbolic that the Council can say that it is a new procedure.

Deputy Mayor Weinstein thought ordinances and laws are put into effect when people cannot control their own actions. Every resume comes to all the Councilmembers. They should make sure they advertise for resumes in September.

There was no consensus to adopt an ordinance with Mayor Etlar, Deputy Mayor Weinstein and Deputy Mayor McCarthy dissenting.

MUNICIPAL REPRESENTATIVE ON 501 (c)3:

Manager Metzler stated that George Frey resigned from the 501(c)3. John Cosgrove has requested that the Council provide them with a name. There was a meeting with John Cosgrove, Mayor Etlar and Deputy Mayor Weinstein regarding some issues. They have agreed that Manager Metzler would attend their meetings to address the misinformation. He suggested asking Superintendent Frey to recommend a member of his staff to be the Borough's representative.

Councilmember Trawinski stated that the Borough had to take a hands off approach in order for the 501(c)3 to work. He expressed concern that appointing a Borough employee would be contrary to that policy. Deputy Mayor McCarthy stated that he thought as long as it was not a majority of municipal representatives it would not be a problem. Deputy Mayor Weinstein stated that John Cosgrove wanted someone from the Recreation Department. Councilmember Trawinski thought they should leave it to the Manager and the Superintendent to decide who it should be but he wanted it very clear that the representative is not authorized to make any representations on behalf of the Council. He wondered why they are still in existence. Attorney Kates stated that the bond requires that they remain in existence.

The consensus was to have Manager Metzler request Superintendent Frey to recommend a staff member to be a voting member. Manager Metzler will attend the meetings representing the Borough.

Councilmember Trawinski wanted to know why they met instead of the Council committee. Mayor Etlar stated they met to discuss the opening ceremonies. Councilmember Baratta stated that she and Deputy Mayor McCarthy attended two meetings.

CELLULAR TOWER RECOMMENDATION:

Manager Metzler recommended that they move forward with a zoning change on the Municipal Building. The carrier would install the tower and the related electronics and antennas would generate a savings of \$80,000. Additional revenue depending on the number of carriers that would co-locate on the tower could be between \$20,000 and \$80,000 a year.

On the Saddle River Road site they could put an additional three carriers with temporary towers that would generate between \$20,000 and \$80,000 per year. He recommended drawing specifications for the Saddle River Road site.

Councilmember Trawinski stated that the Municipal Building was removed from the CA zone because of the concerns of the residents. The economics make sense but it is likely that they will hear from the residents. Notice has to be given to everyone in the zone and everyone two hundred feet around it unless they do a master plan reexamination report. Attorney Kates wondered about combining this issue and the Clariant development into one reexamination report. Deputy Mayor McCarthy added that the Planning Board agenda is full through July. Councilmember Trawinski thought they could send out a notice by regular mail as a courtesy to the affected residents.

The consensus was to do it in conjunction with a reexamination report.

Councilmember Trawinski wanted to know what remedies are available to the Borough concerning the tower that was built in the wrong place. Manager Metzler stated that if the Council wants to give approval there is room within the lease area to accommodate three c-ows. Councilmember Trawinski pointed out that if someone is using the land without the permission of the Borough, adverse possession may take effect. The Borough Attorney should look at the lease and tell them to get off the property.

LETTER OF INTENT TO BOARD OF EDUCATION FOR TEMPORARY PARKING LOT ON BERDAN AVENUE:

Mayor Etlar stated that the Board of Education asked the Council to allow them to use the land on Berdan Avenue for a temporary parking lot during the construction at the High School. The neighbors are concerned that the Board of Education will make it permanent. The previous Council felt that when the construction was finished the parking lot should be returned to green. He asked that the Council send a letter to the Board of Education.

The consensus was to send a letter to the Board of Education. Attorney Kates will send a letter.

SHARED SERVICES:

Deputy Mayor Weinstein stated that there are many areas that should be explored. Dan Zino suggested forming a committee. He thought this will be a good opportunity to save tax dollars. He would like to be on that committee. Councilmember Trawinski agreed.

Manager Metzler advised that Hasbrouck Heights is organizing the communities in Central Bergen. He has expressed an interest in meeting with them. He has reached out to Ridgewood. Fair Lawn is a member of the Riverside Cooperative although the other communities benefit from Fair Lawn more than Fair Lawn benefits from them. He thought the opportunity to achieve substantial savings was in partnering with communities of equal size.

Councilmember Trawinski thought it would be advantageous to do this from time to time jointly since most of the work is going to be done by staff.

This item will be on the next work session agenda.

OUTDOOR SOUND SYSTEM:

Councilmember Trawinski wanted to be sure that the Manager is taking steps to be sure that at the next event the sound system works properly. Manager Metzler stated that they tested the sound system for an hour and half and it worked well. They allowed Channel 77 to use wireless mikes which tripped out the system.

FIRE TRUCK & OTHER GRANTS:

Councilmember Trawinski proposed that the Manager ask Congress Rothman to help get grants to buy big ticket items. Manager Metzler pointed out that Fair Lawn applied for the Fire Fighter's Assistance Grant every year but 2004. In 2005 they did apply for funding for the fire truck that is being replaced this year. They applied in 2006 for a number of items on the long term capital plan. The cut off was April 15. Fair Lawn is competing against towns all over the country many of which are not funded to the extent that Fair Lawn is.

CELLULAR TOWER DISCUSSION SADDLE RIVER ROAD PUMP STATION:

Manager Metzler stated that in the area of Amerisuites there is a dead zone for a number of carriers. It is not zoned to allow cell towers. The sewage pump station is in that area. He asked if the Council was interested in rezoning the area. Councilmember Trawinski wondered if a stealth tower could be bid. Mayor Etler wanted to look at the area before making a decision.

This matter was deferred for two weeks.

Attorney Kates reported that Datanet is seeking permission to install fiber optic cabling on Route 208 near Pollitt Drive to service the Route 208 corridor. The attorneys have asked for the opportunity to make a presentation to the Council. They want to install their system in the right-of-way.

The consensus was to invite them to the June 8 work session.

PROFESSIONAL SERVICES AGREEMENT - FAIR LAWN ECONOMIC DEVELOPMENT CORP. AND FAIR LAWN BROADWAY IMPROVEMENT CORP.

These items were deferred to the next work session.

RESCUE SQUAD BUILDING PROPOSAL:

Manager Metzler reported that the Rescue Squad researched the cost of the improvements that would be required on the Board of Education property and has determined that it is cost prohibitive. They would like to come to the Council with some preliminary drawings and ideas for the Cadmus Place Water facility. There is a four-vehicle garage that houses water department equipment. They would be willing to put an addition of equal size which they

would give to the Water Department and they would occupy the existing garage. If it is possible to work out a shared services agreement with the mechanic's garage that is currently being used by the Board of Education, they would like that bay as well.

The consensus was that the Council was willing to listen to the presentation. Manager Metzler will schedule it.

UPDATE ON THE COMMUNITY CENTER:

The Grand Opening has been scheduled for June 10 with a ribbon cutting at 10:00 a.m. and activities held through 4:00 p.m. After the ribbon cutting outside everyone will go into the auditorium for a brief presentation. The trustees are doing the organizing on the cultural side and the Recreation Department will coordinate with them on the programming for the recreational side of the building. It is a joint venture for this event. The intent is to bring all the clubs back into the building. There will be programs going on all day.

Manager Metzler reported that the trustees have withdrawn their offer to hire the Marketing Director. He has received a number of resumes. He recommended going out for bid for a Marketing Director and offering a professional services contract instead of hiring someone. The building is extremely hi tech so the training period is extensive. They have received a number of inquiries about renting the facility. On Friday they will have some preliminary numbers for the fee schedule. He expects to have it for the next work session.

Councilmember Trawinski pointed out that the trustees said they have \$20,000 for the Marketing Director. If they are not hiring the Marketing Director, they should give that money to the Borough. Deputy Mayor Weinstein stated that they will still be doing fund raising and they will use that money for their seed money. Manager Metzler stated that while they have not received anything in writing from the trustees, he expects that the bond payment due in September will be paid and \$200,000 will be applied to the next payment. It is possible that the budget will be two points less.

Councilmember Trawinski wanted to know if the Council will get an accounting. Manager Metzler stated that at the point the trustees declare the facility completed, the money will be frozen. If he is continuing to ask them to pay for items for the Center, it is not in the Borough's interest to freeze that money. He thought that at the Grand Opening the trustees intend to present a check for the September payment and a second check for the remaining amount of money. Councilmember Trawinski did not think it was right to make a public display. Deputy Mayor Weinstein stated the trustees wanted to show that they came in under budget. Their intention is to give the Borough the money to pay the debt.

Councilmember Baratta stated that the trustees are talking about holding fund-raising type of events and the Recreation Department has events and then the Executive Director will have events. She expressed concern that the people of Fair Lawn will get bumped from the Center that the Council building for them. Manager Metzler stated that has been resolved so that Recreational activities are first. George Frey will oversee the master schedule.

PROPERTY MAINTENANCE ISSUES - SIDEWALK REPLACEMENT PROGRAM AND DRY CLEANER REGISTRATION

These items were removed for further consultation with the Borough Attorney.

REQUEST TO INSTALL PAVERS IN RIGHT OF WAY (15-51 ELMARY PLACE):

Mayor Etlar stated that the resident on the corner of Emerson Street has expanded the house and installed a pool. The pool filter is in the garage. They went to the Zoning Board to request a circular driveway. The Zoning Board denied their request. They are now requesting permission to install pavers in the Borough's right-of-way. They would have to agree that they would remove the pavers if the Borough needed to get into the right-of-way. He recommended that the Borough permit.

Manager Metzler explained that there are no sidewalks. They want to park a car parallel with the curb and put pavers where a sidewalk would normally be. Councilmember Baratta thought the circular driveway was a poor idea. They had some land that they did not want to use. Manager Metzler stated the Zoning Board has said they would be willing to look at a second curb cut at Elmary but that would require moving a utility pole. They have proposed the pavers as an alternative. He sent the site survey to the Engineer who did not have any objections.

Councilmember Trawinski wanted to talk to the residents before making a decision.

This item was deferred to the next work session.

PUBLIC COMMENTS

Harvey Rubinstein, 28 Rutgers Terrace stated the Elmary item is a good reason why there should be proper minutes from the Zoning Board. He asked if the Council will ask the cell tower carriers to pay for the master plan reexam as they asked the Clariant developer. He then asked if other items could be added to resolution when it is voted upon by the Board. Attorney Kates indicated that there is a great deal of important crafting that the Board attorney should be doing with the memorializing resolutions. The cases have indicated that when Boards vote to memorialize, it is a separate vote as important as the first vote. A memorializing resolution can include things that were not in the original vote. It is possible to rehabilitate.

Donal Meyers, 8-22 Mayfair Terrace reported that he noticed on his way to the meeting one of the Fair Lawn ambulance with its lights and sirens on but it was not an emergency. Manager Metzler stated they may have been bringing the rig back to change crews. He will investigate. Mr. Meyers continued that he thought an audit should be done on the Recreation Center. He also thought the Council should anticipate more surplus.

Suzanne DiGeronimo, 13 Beekman Place asked about the status of the Landmark litigation. Attorney Kates advised that the matter is still in the discovery process. Deputy Mayor McCarthy added that a case management conference is scheduled for early June.

Councilmember Trawinski added that the Council has authorized the hiring of two experts. Mrs. DiGeronimo continued that CCRF is going to do a petition drive for a democracy ordinance for Radburn.

Craig Miller, 5 Ramapo Terrace stated the rules of conduct contained a provision that allows people to speak again once everyone speaks but he noticed that no one asked if anyone else wanted to be heard. Mayor Etlar stated that it is up to the chair to decide. Councilmember Trawinski thought the Council took a consensus that this procedure was to be followed at the regular meetings. Deputy Mayor McCarthy pointed out that no one else was standing up so it would have been redundant to make the statement.

Municipal Clerk Kwasniewski advised that the rules have been revised to add that no food or drink except for bottled water would be permitted in the Council Chambers. New copies will be out at next week's meeting.

Howard Mark, 12-23 Ferry Heights suggested that people who abuse the ambulance service should be fined instead of making everyone pay. Manager Metzler explained that the municipality cannot ignore a 911 call regardless of the ailment. Using the paid service should eliminate some of the abuses.

Robert Gulack, 4 Bancroft Place stated he had previously asked the Council to call Don Morris and urge him to meet with the CCRF. Deputy Mayor McCarthy stated that he did speak to Don Morris who advised that they are working on three reforms, public participation in the meetings, ADR and access to documents. He is optimistic that changes will be made. Mr. Gulack indicated that those are not the issue. He wants changes to the election process. Deputy Mayor Weinstein stated that he also spoke to Don Morris. Mr. Gulack reiterated that the important issue is changing the election process. He urged the Council to speak to Don Morris about that issue.

The consensus was to allow people to speak again with Mayor Etlar dissenting.

Don Meyers, 8-22 Mayfair Terrace asked for an explanation of the interfund balances. Manager Metzler explained that it is the tracking of the movement of money from accounts that have money to accounts that do not have money at a given time. Mr. Meyers stated the Council should decide where they want the surplus to end up and then have the CFO show them where some of these items he has raised could be used to lower this year's increase. Manager Metzler stated that the amount of money that is put into surplus and how that money is spent is a policy decision. At the point it is presented to the Council, it is the Manager's policy. It will become the Council's budget and the Council will have to decide if they want to take the surplus in a single year to reduce the taxes or do they want to put some of it away for future years. The Council has asked some very difficult questions and they have been satisfied with the answers and the supporting documentation given them. He believes that it is in the best interest to hold on to the surplus and use a portion next year to minimize a greater tax increase. He believes that if they hold on to the surplus they can stabilize taxes to an increase of seven points over the next four years.

Councilmember Trawinski stated that he has asked many questions of the CFO. The amount of surplus to be used is a policy call. He has not decided what his policy call will be. Deputy Mayor Weinstein had asked what the impact would be if they reduce the surplus. They are all looking at that data. They are not hoarding surplus.

Howard Mark reiterated that people who abuse the ambulance service should be fined. He felt the developer of the Naugle House is not acting in good faith. Deputy Mayor McCarthy stated that there is an application before the Planning Board. There have been two nights of hearings and they still have other witnesses to be heard. The Planning Board Engineer has a list of 41 items that they deem deficient. They are on a future agenda. It is a pending application. Mr. Mark wanted to know why the Council did not rezone the property. Councilmember Trawinski stated that Council discussed it and decided not to do so at this time. Councilmember Baratta stated that the Chairman of the Planning Board raised the same concerns.

ADJOURNMENT:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski , the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Martin Etler

Councilmember Jeanne Baratta

Deputy Mayor Owen McCarthy

Councilmember Edward J. Trawinski

Deputy Mayor Steven Weinstein