

REGULAR MEETING OF MAY 23, 2006

Mayor Etler called the meeting to order at 7:35 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in The Record issues of December 14, 2005. 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 Etler, Deputy Mayors Weinstein and McCarthy, Councilmembers Baratta and Trawinski.

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski, Attorney Kates and CFO Eccleston.

MANAGER'S REPORT:

Mayor Etler said the Manager's Report was on the table and there were no changes or additions.

COUNCIL COMMENTS:

Deputy Mayor McCarthy stated that there were many people that wanted to comment on the budget. He also wanted to remind everyone that the Memorial Day parade is Monday which is another opportunity to thank the Veterans both past and present for the services they provide us. He also offered his condolences to Officer Tim Franco and John Cosgrove on the recent passing of their mothers. Both of these gentleman have provided years of service to the Borough. One of the resolutions on the Consent Agenda is in opposition to the FAA's proposal to route air traffic over Fair Lawn. He suggested all members of the public who are opposed to this which will increase the noise by 9 decibels direct their comments to the FAA, their e-mail address is faa.deis@ngc.com. He will also provide that information to the Manager and Municipal Clerk so that they have this information for anyone who didn't get to write that down.

Councilmember Baratta stated she had no comments.

Councilmember Trawinski stated that he echoed Deputy Mayor McCarthy's comments.

Deputy Mayor Weinstein expressed his condolences to both the Franco and Cosgrove families. He said he was looking forward to the comments on the budget.

Mayor Etler stated that once again Fair Lawn has been named Tree City. The Borough spends at least \$100,000 a year on cultivating trees and it is a great honor.

PUBLIC HEARING ON BUDGET

Mayor Etler stated that since this is a very important topic, he will relax the five minute rule and allow each up to 10 minutes. He asked that everyone be as brief as possible to let everyone talk. He realizes it is an important subject.

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Trawinski, the time for public comments on the budget was opened.

Allan Caan, 19-62 Chandler Drive, stated he saw an article in The Record today that spoke about the budget at this point being 14 points. He wondered if that was an accurate statement. Councilmember Trawinski stated it was 14%. Mayor Etler said that 14% is not accurate because you know that a point is not a percent. Deputy Mayor Weinstein stated the accurate amount is 17%.

Mr. Caan said he made comments several weeks ago about the budget, but with the CFO here, he wanted to know the way this budget is proposed are they actually going to bring in significantly more dollars than they are going to spend this budget year. If that is the case, what is the dollar amount. CFO Eccleston stated the Borough never collects more money than the year before. Mr. Caan wanted to know why there is an increase. CFO Eccleston said there is a lot more involved in the budget than the money that is spent. It is also the collection ratio, how much state aid the Borough gets, and the use of surplus. Mr. Caan said they are talking about 17 points which is higher than last year. This year if they pass the budget as it is, it may stabilize the budget for the next two to three years. By doing that they are actually raising the rate higher than it needs to be this year in order to make that stabilization for the next two or three years. The question is what are the dollars that are part of the increase they are using to make that stabilization. CFO Eccleston stated they are using a smaller percentage of surplus, which means they are using less surplus to offset the tax increase which has an impact of raising more taxes.

A lengthy discussion took place between Mr. Caan and CFO Eccleston regarding the percentages of surplus and expenses. CFO Eccleston stated they were making cuts and increasing taxes and trying to make it easier for the residents. The budget has gotten larger and the surplus has to increase to cover the expenses. Mr. Caan felt the taxpayers need a break. Councilmember Trawinski stated that they receive information from the CFO that if they reduce the surplus the 2007 increase would be 21 points. He said they cannot look at the budgets in one year cycles. He felt they were paying more because of the prior Council approving the \$13,000,000 Recreation Center. The expenses alone are \$150,000 a year. He would like to go back and ask the taxpayers if they want the Recreation Building. He also reminded him that they cannot forget the reval that was looming ahead of them. Mr. Caan felt the Council had a choice, they can decrease the amount.

Arlene Rubinstein, 28 Rutgers Terrace, asked where Allan Caan has been for the last six years. It is because of the prior Council the Borough is in this situation. She noticed that

this Council is bonding holsters which only cost \$6,000 each. She wondered how much interest they would be paying on an item like that. She is appalled that they are bonding small items. She suggested they pay cash for the holsters.

Donal Meyers, 8-22 Mayfair Terrace, spoke about last year's budget and how a week after the election, the Borough didn't have enough money in the budget to pay for water or gasoline. He felt the surplus that has gone up should go to the taxpayers.

Mr. Meyers felt that \$500,000 extra from the construction of the Recreation Center should be taken off. He knows the CFO wants the surplus at five million. He suggested reducing the head count and to make structural changes within. There is fat in the budget that can be trimmed.

Bob Spinnelli, 8 Bedford Place, asked how much the taxes will increase. Mayor Etlar explained that this is a Manager's budget but the Council can go back and come up with their own proposal. Mr. Spinnelli asked why it was almost triple over inflation. Mayor Etlar explained the biggest payment goes to the Board of Education. Mr. Spinnelli said as the taxes increase it makes it difficult for retired people to stay in Fair Lawn. He has made a commitment to the Borough for forty years. The taxes hurt him since they don't get increases in their income. He asked how they could reduce taxes to help the people. Mayor Etlar informed him that sixty-four cents goes to the school, twenty-four percent goes to the Borough and eight to nine percent goes to the County. The Mayor and Council have no control over this. He said that actually they don't have control over two thirds of the budget. Mr. Spinnelli suggested that in the areas they can control they should make cuts.

Harvey Rubinstein, 28 Rutgers Terrace, said he was confused because a few weeks ago he was told that sixty-two cents of the budget goes to the school. He asked if the Council was in control of the budget. CFO Eccleston stated that when the Manager introduced the budget it was before the residents voted on the school budget.

Stuart Golding, 14 Rutgers Terrace stated that the residents always hear how the Council spends times developing and going over the budget but wondered if they ever think of how to save money. In regard to the surplus, he thought it was well and good this year but next year there will be hidden things that come up, such as the reval. He would like to see the reserves applied to this years budget. He also felt they should identify where the increases are and try to work to get them down.

Craig Miller, 5 Ramapo Terrace, asked if the Borough was spending more than last year. CFO Eccleston stated that people think the Borough is nesting the surplus but they are not. When you take out the expenses for the new Recreation Center's operating and expenses and the salaries, the entire budget is only going up four percent. There is not much wiggle room. Mr. Miller asked if the Borough needs the Recreation Center open all those days. He felt reducing the hours would help reduce the budget. He also asked about making cuts in other departments. Manager Metzler stated that a few weeks ago Mr. Rubinstein

asked what the Recycling Department costs the Borough. Through the course of the year, they have gotten a lot of feed back from the residents. People want twice a week garbage collection. People want to keep Walsh Pool open. The Borough is thinking about eliminating cleaning sewers. He felt there are certain departments that are understaffed and these will be reviewed and he will make recommendations. Deputy Mayor McCarthy stated this is the third year that items have been cut. They always ask Department Heads to make cuts.

Rita Golding, 14 Rutgers Terrace, said there are a large number of homes for sale in Fair Lawn. She would like to see a percentage of the surplus used to reduce the taxes. People should see that the Mayor and Council are willing to do that. She talked about how difficult it is for the seniors. Mrs. Golding suggested bringing more industry into Fair Lawn. She felt the Recreation Center was a big white elephant.

Arlene Rubinstein, 28 Rutgers Terrace, talked about the sewer cleaning in the resident's homes and she suggested the Borough remove big trees that may be causing the problem.

Barbara Gremilot, 1 Bristol Place, read a letter expressing her concerns about the Community Center and the budget. Mayor Etler stated that the building will be the heartbeat of Fair Lawn. Deputy Mayor Weinstein stated that he has worked on the budget for a number of weeks. Currently is at 18.27 points but in March it was 21 points. The point is that there are a lot of uncontrollable costs. They could go back ten years and you will see each Council made their own attempts to reduce the budget. He showed a chart that had the population and percentages. He felt Fair Lawn was in good shape. At the next Work Session they will be cutting more from the budget. He felt Fair Lawn was in good shape. Deputy Mayor Weinstein concluded that in the Economic Development Committee, they have been talking to businesses to get them to come into Fair Lawn to increase the ratables.

PUBLIC HEARING ON RRIC BUDGET

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, the time for public comments on the RRIC Budget was opened.

CFO Eccleston said that money is collected from the Special Improvement District and gets turned over in quarterly payments to the RRIC.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor McCarthy, the time for public comments was closed.

PUBLIC HEARING ON BIC BUDGET

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the time for public comments on the BIC Budget was opened.

Councilmember Trawinski asked for confirmation that this was the same process as the RRIC budget. CFO Eccleston said it was.

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Trawinski, the time for public comments was closed.

ORDINANCES ON SECOND READING:

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

Ordinance No. 2053-2006

BOND ORDINANCE APPROPRIATING \$3,087,000 AND AUTHORIZING \$2,940,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY

Harvey Rubinstein, 28 Rutgers Terrace, asked what the \$147,000 was going to be used for as the down payment for improvements. CFO Eccleston stated that the law requires a 5% down payment. Mr. Rubinstein questioned the land acquisition. Deputy Mayor Weinstein stated that part of it will go to green acre funding. Mr. Rubinstein asked what the gross debt of the Borough was. CFO Eccleston informed him it was \$51,000,000. Mr. Rubinstein felt that if the Borough had some cash in their pocket, they should pay cash and not borrow money.

Donal Meyers, 8-22 Mayfair Terrace, questioned the purchase of the fire truck on the fast track bond ordinance. Manager Metzler stated they requested it be fast tracked along with the postage machine. Mr. Meyers said he has talked to Fire Chiefs who have told him that \$862,000 was a lot to pay for a fire truck. He questioned if the Borough needed two ariel trucks. The Borough has a problem of buying today and not thinking of the future. He talked about the history of the trucks that have been purchased. He felt the Fire Department needs the equipment but there should be long range planning. Manager Metzler explained each truck purchased for the various Fire Companies. He said that all of the equipment gets tested every year. He knows that Fair Lawn is not the only municipality of this size with two ariel trucks. The Fire Commissioners make the decision to purchase a new truck and present it to the Mayor and Council. A lot of thought goes into this process.

Councilmember Trawinski said he viewed this as buying needed equipment. This is for Fair Lawn, not for the Fire Company. These people

are
volunteers
and go out
and serve the
Borough.
When it
comes to
giving
volunteers
equipment, it
is for the
people of Fair
Lawn. The
Manager has
also
recommende
d this and he
has extensive
Emergency
Management
background.
Deputy Mayor
McCarthy
said he is the
liasion to the
Fire Board.
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He felt they really tried to contain the cost of the truck. This is the Borough's Fire Department, they have to know that the Mayor and Council are behind them. These men are sons, husbands and fathers. Mr. Meyers said he echoed the sentiment but questioned the reasoning for two arial trucks.

Harvey Rubinstein, 28 Rutgers Terrace, thought the Borough had passed an Open Space tax. Mayor Etler stated this acquisition is different. Deputy Mayor Weinstein said the Borough must be a partner. CFO Eccleston stated that the tax that has been collected is not enough.

Pam Coles, 13-34 George Street, stated that she lives on George Street and she sees the men giving their time to the Borough. The Borough has good people in town. They give plenty of time to the Borough. They are all heroes. They need this equipment to save lives which is priceless.

Allan Caan, 19-62 Chandler Drive, stated that he also wanted to say he supported buying

the fire truck. This is one part of the Capital budget that the Council knew about. He felt this was a small price to pay for the great job they do.

Councilmember Baratta said as a new Councilmember she had many questions. She asked the Chief about this and also to the fire fighters who they have to rely on. The Council has to rely on what the Manager and Fire Department recommends.

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

Upon motion by Deputy Mayor McCarthy and a second by Councilmember Trawinski, Resolution No. 191-2006 adopting Ordinance No. 2053-2006 was unanimously adopted.

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

Ordinance No. 2054-2006

BOND ORDINANCE APPROPRIATING \$373,800 AND AUTHORIZING \$356,000 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS WATER UTILITY IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY

Harvey Rubinstein, 28 Rutgers Terrace, stated that until this year he never looked this close at the bond ordinance. He wondered why it was a separate bond. Mayor Etler stated they have to be two separate bonds. CFO Eccleston stated it had to be separate because the Water Utility's debt service is isolated because it is self liquidating. Mr. Rubinstein asked if there was a surplus in the Water Utility and if there is, do the residents get a reduction in their water rate. CFO Eccleston said the decisions the Council make

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today affect future year's budgets. He spoke about the pension increases and how they want to stabilize the taxes in the future. He also stated that there is surplus in the Water Utility because there has to be enough to pay for the water.

There being no further comments, upon motion by Deputy Mayor Weinstein 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 Deputy Mayor McCarthy, Resolution No. 192-2006 adopting Ordinance No. 2054-2006 was unanimously adopted.

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

Ordinance No. 2055-2006

- d. Resol. #197-2006 - Amendment to Open Space Planner's Agreement:
Hakim & Associates
- e. Resol. #198-2006 - Budgetary Allocation- Broadway SID
- f. Resol. #199-2006 - Budgetary Allocation - Fair Lawn EDC
- g. Resol. #200-2006 - Appointments to Property Maintenance/Facelift
Committee
- h. Resol. #201-2006 - License Agreement: 15-51 Elmary Place

MISCELLANEOUS PUBLIC COMMENTS

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

Maureen Moriarity, 14 Burnham Place, thanked the Council and Manager for working so hard on the budget. The County Open Space plan is very well funded and the Borough will be getting money from that Open Space tax.

Robert Gullack, 4 Bancroft Place, stated that on June 6, 2006 everyone will be going out to vote at the Primary. He is not happy with Fair Lawn Democrats. He talked about Barry Winston receiving over \$200,000 in salary from the County and for former Assemblyman Ahearn. He asked what his credentials were to work in these agencies. He stated that Mayor Etler wanted to sell Archery Plaza to have townhouses built on it. Mayor Etler said that was incorrect. He said this was not the place to say things against Barry Winston, who happened to be a friend of his.

Matt Ahearn, 6 Beekman Place, stated that he wanted to correct what Mr. Gullack said about Mr. Winston worked for him as light security and his salary was adjusted downward.

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Harvey Rubenstein, 28 Rutgers Terrace, said that at the Work Session on May 16th, there was a discussion about Glen Rock's solid waste truck, have they talked to Glen Rock about sharing services. He suggested that since the fees for the new Recreation Center were established, they should be reviewed every six months. In regard to the professional services for the Fair Lawn Economic Development and Fair Lawn Broadway Improvement Corp, he understands it is part of the start up cost but wanted to remind Councilmember Trawinski to contact the State Economic Development Corp. He brought up other topics such as bringing in industry from New York City and in a magazine he read about lighting solutions.

Manager Metzler stated that Glen Rock did provide the name of the vendors for Solid Waste. They are paying a smaller fee than Fair Lawn is. He also stated that ten central Bergen County towns met to develop a shared service program which will include Paramus and Hackensack. He sees a potential for saving substantial amounts of money. In regard to the Recreation Center, they would like to offer the rooms at a fair price while they are learning. They are looking at all areas for programs to offer. Mr. Rubenstein said Manager Metzler was doing a terrific job and is very professional in every answer that he gives to the

Council.

Councilmember Trawinski stated that he did contact Karen Francini, in the State's Economic Development group and will have someone contact Don Smartt.

Audrey Tracey, 16-26 Eberlin Drive asked about the traffic light at Morlot Avenue and 17th Street is a very long light crossing Morlot. She wondered if anyone was considering making it a blinker. Councilmember Trawinski stated that there is a time when it goes to blinker status. Ms. Tracey stated that in the middle of the day when there isn't a lot of traffic, the light is very long. Mayor Etler said it was designed to slow traffic down by the school. But if you think it is a bit to long, they can look into it. Ms. Tracey stated that more and more people run red lights, particularly at Fair Lawn Avenue and Orchard Street. They come up over Route 208 where they go through red lights. Also at 17th Street and Broadway, there are an unbelievable amount of cars that go through the red light from Fair Lawn going towards Paterson. Manager Metzler stated that one of the things the Police Department has implemented is a Traffic Division and what they have done is develop a target list. Complaints get forwarded to the Police Department and they go out and enforce that area. They have been very successful in targeting certain areas. They do not stay for long periods of time and the reason is drivers become aware of the fact that there is enhanced enforcement. He will pass this information to the Traffic Division. Ms. Tracey thought that the area of Elmary and Orchard was a nightmare.

Councilmember Trawinski stated there have been a lot of comments about the budget. In two areas, one was the Building Department, he hoped that soon they will be self liquidating. The second areas was the Police Department. The Council hired two more Police Officers this year. This is an area that will have increasing personnel. The Council is not prepared to cut Police Officers.

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Walter Weglein, 18 Ramsey Terrace, said he saw that there will be a Closed Session next and wondered if the Landmark case would be discussed. While he thought Richard Lustgarten was an excellent attorney, he wondered why Attorney Kates was not in charge of the case. He should be giving assistance to Richard Lustgarten. Attorney Kates stated that he and Mr. Lustgarten are consulting with each other in this matter. He advised that they were not discussing this at the Closed Session. He explained that the Borough has obtained a planner for the Third Round Certification. Mr. Weglein asked if they are confident that Attorney Kates is involved and they know that he is an excellent land use attorney. Mr. Weglein spoke about a satellite dish on the corner of Ramsey Terrace and Plaza Road. He felt the dish blocks the view. Mayor Etler said it cannot be in the right of way.

Craig Miller, 5 Ramapo Terrace, asked about the traffic light at Chandler Drive and Fair Lawn Avenue. Manager Metzler said there was a hold up because Verizon had to move some wires. Mr. Miller said that around town he noticed that you have to walk in the middle of the road because the shrubs are too large. Manager Metzler said the Property Maintenance person is reactive not proactive. He encouraged the residents to make

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 anticipated litigation; and

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

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Mayor and Council of the Borough of Fair Lawn.

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 TO CLOSED SESSION:

Upon motion by Deputy Mayor Weinstein and second by Deputy Mayor McCarthy, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

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The undersigned have read and approve the foregoing minutes.

Mayor Martin Etlar

Councilmember Jeanne Baratta

Deputy Mayor Owen McCarthy

Councilmember Ed Trawinski

Deputy Mayor Steven Weinstein

