

REGULAR MEETING OF NOVEMBER 22, 2005

Deputy Mayor Etler called the meeting to order at 7:39 p.m. Assistant Municipal Clerk Bojanowski 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 18, 2004. 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 North Jersey Herald and News and the Shopper. The annual notice identified the times and locations of the Council meetings and work sessions.

PRESENT: Deputy Mayors Etler and Weinstein and Councilmember McCarthy.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Attorney Lustgarten and Assistant Municipal Clerk Bojanowski.

ABSENT: Mayor Ganz and Councilmember Caan.

MANAGER'S REPORT

No report.

COUNCIL COMMENTS

Deputy Mayor Weinstein stated on November 5th he attended the Meadowlands Band Championships. Fair Lawn finished high in many categories and finished third overall. He added this is a credit to their band director, Paul Kaffer as well as all the students and parents who are so strongly committed. He congratulated them and stated they are a credit not only to Fair Lawn High School but to the whole Borough of Fair Lawn.

Councilmember McCarthy stated on November 11th he attended, along with his colleagues and many members of the audience, the dedication of the monument and plaques in front of Borough Hall in honor of the Veterans. It was a moving ceremony and he believed the monument was a very worthwhile remembrance of all those who have given so much for us.

Councilmember McCarthy attended the League of Municipalities Convention, multiple seminars dealing with changes in Municipal liability, the Master Plan, the State Plan. He attended seminars dealing with Cable telecommunications laws and proposals that are out there.

Councilmember McCarthy stated early this evening he and his colleagues attended the first work session with the two Councilmembers-elect, Ed Trawinski and Jeanne Baratta. They acted as two strong participants in the work session and he looked forward to working with them.

Deputy Mayor Etlar read his monthly activity report. He attended the following: Fire Company #4's open house, Environmental Protection meeting, C.E.R.T. meeting, Fire Company #2's open house, a walk through at the new Community Center, Columbus Day Ceremony at the Cosmo's Club, Fire Board meeting, Joint Insurance Fund information meeting, 75th Anniversary Service at Van Riper Ellis Church, Open Space meeting, Fair Lawn Historical Committee session, Eagle Scout Ceremony for Troop 53 and the Van Riper Ellis Church Fair.

ORDINANCE: FIRST READING

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 2037-2005

“AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS FROM THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION THEREFORE.”

Borough Attorney Lustgarten explained this ordinance is the procedural device for the Borough to accept \$140,000 from the Department of Transportation Municipal Aide Program for Berkshire Road and Arcadia Road.

Deputy Mayor Etlar stated this has been a long time in coming. There is light at the end of the tunnel and hopefully with this the County will start its renovation. When this is completed this should alleviate the flooding in that area.

There being no further discussion, upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, Resolution No. 314-2005 introducing Ordinance No. 2037-2005 was unanimously passed.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 2038-2005

“AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE.”

Borough Attorney Lustgarten explained this ordinance is the procedural device for the Borough to accept \$95,000 for barrier free improvements for Fire Company #2. This is provided through the New Jersey Statewide Livable Communities Program.

Deputy Mayor Etler added this will provide an elevator in Fire Company #2.

There being no further discussion, upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, Resolution No. 315-2005 introducing Ordinance No. 2038-2005 was unanimously passed.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 2039-2005

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SUBSECTION 232-11, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

Borough Attorney Lustgarten explained this ordinance creates a no parking zone between 8:00 am and 10:00 a.m. on Hartley Place from Rosalie Street to Rafael Street. Councilmember McCarthy explained this was done at the request of the residents on that block who had problems with commuters in that area.

There being no further discussion, upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, Resolution No. 316-2005 introducing Ordinance No. 2039-2005 was unanimously passed.

RESOLUTIONS BY CONSENT # 33-2005

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, Consent Agenda 33-2005 containing the following items was unanimously adopted

- a. Resol. #317-2005 - Approval of Minutes:
Regular Meeting - 9/13/05
Work Session - 9/13/05
- b. Resol. #318-2005 - Refund of Tax Overpayments
- c. Resol. #319-2005 - Approval of Raffles & Bingos:
Temple Beth Sholom Bingo
Temple Avoda - Off Prem 50/50
- d. Resol. #320-2005 - Approval of Grant - Division of Highway Traffic Safety:
You Drink and Drive, You Lose 2005 Year End Crackdown

- e. Resol. #321-2005 - Appointments to the Youth Advisory Board
- f. Resol. #322-2005 - Execution of Lease Agreement with the Board of Education
- g. Resol. #323-2005 - Extension of Electrical Repair Contracts: TEC Electric, Inc. and Sal Electric Co., Inc.
- h. Resol. #324-2005 - Award of Bid: Uniforms - Police, Auxiliary Police, School Guard
- l. Resol. #325-2005 - Transfer of Funds
- j. Resol. #326-2005 - Cancel Unexpended Balances - Various Funds
- k. Resol. #327-2005 - Cancel Unexpended Balances - Current Funds
- k. Resol. #328-2005 - Award of Bid: Fair Lawn Community Center - Audio Visual Systems

MISCELLANEOUS PUBLIC COMMENTS

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

Donal Meyers, 8-22 Mayfair Terrace asked about the overtime budget information that Mayor Ganz promised Manager/Municipal Clerk Kwasniewski would get for him. Manager/Municipal Clerk Kwasniewski apologized and stated she had forgotten but would have it for him by tomorrow. Mr. Meyers asked if Resolution 325-2005 which adds \$321,000 to various salary and wage accounts was related to the overtime in the Borough. Deputy Mayor Etlar stated the transfer of money that goes on in the month of November is purely an accounting procedure because of one account gets too much money it is switched to another account. Mr. Meyers believed they were double talking him, he was promised an answer and Manager/Municipal Clerk Kwasniewski still does not have that answer. He understood that the overtime had exceeded the budget by \$250,000.

Mr. Meyers stated at the March 1st work session Mayor Ganz cut overtime across the board by 25% and that cut the amount to be allocated to about \$185,000. Now at the end of the year, the election is over and the overtime is \$250,000 over what was budgeted. He believed cutting the overtime was a device to artificially reduce the spending being allocated for the election year.

Mr. Meyers added at the March 1st work session Mayor Ganz proposed cutting overtime by 25% and allowing Manager/Municipal Clerk Kwasniewski to manage it. He asked Manager/Municipal Clerk Kwasniewski what steps were taken by the Borough Manager to manage the Borough's overtime if any. Manager/Municipal Clerk Kwasniewski stated there were numerous steps taken. When the Council cuts any line item across the board, a budget is simply that it is a budget and you are not going to get to exactly that point. It sets a bottom line for the budget that they cannot overspend so if they spend more in overtime then they have to spend less in something else. She explained part of the problem with the overtime this year was the amount that had to be spent on the snowstorms. They are forced to cut the things that they can, snow plowing is not one of them. There is not a lot of discretionary overtime. The Council has decided there are services that need to be provided and they do cost overtime. They have attacked the things they do control. She gave Mr.

Meyers examples of different things and explained that they have to cut down in other places and that is the reality of local government budgeting.

Mr. Meyers stated Manager/Municipal Clerk Kwasniewski mentioned that a large part of the overtime that could not be avoided was the snowstorms. He most of the snow removal took place in January and February so that by March 1st they knew that the overtime cost were going to be the same or higher. He added they should have known that a cut in the overtime line item would be irresponsible. Manager/Municipal Clerk Kwasniewski stated that is a policy call that she leaves to the Mayor and Council. Mr. Meyers believed it had something to do with it being an elections year. Manager/Municipal Clerk Kwasniewski stated they decide how much overtime is going to be in the budget and then staff works to meet those goals. She added every single year the Mayor and Council cut overtime either across the board, by percentage or by number and they say manage it. She had been here for 13 years of budget meetings and that is the way it is done.

Mr. Meyers asked if it was a mere coincidence that is 2003 taxes went up 0% and in 2004 they went up 23% , 2005 they went up 6%. His preliminary estimate that this Council has put this town in the hole for about 13 tax points before they even get started. Deputy Mayor Weinstein stated since he has been on the Council for 4 years they have always cut overtime. This is the way they look closely at it and ask the Manager to please manage it closely. He explained this is not a question of an election year, they cut it in 2003 as well.

Mr. Meyers stated in 2006 what it looks like is going to happen is about a 12% to 13% tax increase. He explained this year a tax percentage point was \$229,000 and next year they will have the operating cost of the Recreation Center which will be approximately \$300,000 to \$350,000 which is a point and 1/4. Last week this Council passed a \$300,000 spending increase for 2005 that will be paid for out of the 2006 taxes which is another point and 1/4. They will probably have 5% in inflationary increase they are now up to about 7 points or more. There is also the spending in 2005 that was not covered in taxes but by other means. There was \$700,000 that the Mayor and Council took out of surplus in March, \$300,000 in additional spending in 2005 that they will pay for next year which is another 4 1/2 points. They are up to 12% -13% increase and they have not even started to figure out what the impact on the homeowners is going to be when they do the revaluation.

Mr. Meyers stated now is the time when the foundation of the budget is started. he Manager should be looking to see how to save tax payers money and a lower budget should have been brought to the table. He believed that has to do with how the budget process is being managed. He believed the Department Heads should be given a charge to come in with a zero increase or 5% cut. This should be done now not next year. If they wait until February or March when they hold the budget meetings it is already too late.

Mr. Meyers stated the election two weeks ago has sent a message that Fair Lawn is no longer satisfied with business as usual. Fair Lawn does not want to see tax increases at triple the rate of inflation and right now unless something changes that is what they are going to see. He asked them to do something to break this pattern.

Harvey Rubinstein, 28 Rutgers Terrace was upset that Mayor Ganz and Councilmember Caan were not present. He believed this Council should be looking to cut 20% to 30%. From all the

analysis that Mr. Meyers has done this Borough is broke and they should not be looking to spend anymore money. He added Mayor Ganz never gave him an answer as to what the surplus of this Borough is. Deputy Mayor Etler stated the estimated surplus for this Borough right now is \$2,295,000.00, however the water budget is different. Mr. Rubinstein asked if the water had a surplus. Deputy Mayor Etler stated it will next year. Mr. Rubinstein asked what the water surplus would be next year. Deputy Mayor Weinstein stated they should know around January or February.

Mr. Rubinstein asked what the \$15,000 payment for Mary Burdick was on the October 7th Manager's Report. Manager/Municipal Clerk Kwasniewski explained that was money due to her because under the Terminal Leave policy she should not have been paying her medical premium.

Mr. Rubinstein stated when Engineer Garrison and Officer Franco were discussing the traffic tubes he wanted to speak up but they were already gone. He stated Mr. Storozuk wrote a letter to the paper which he discussed how these tubes block a bicycle rider. He noticed one night there were three tubes and if the tube that is closest to the sidewalk or the middle tube on each end of the arch then a bicycle rider could easily get through. He suggested letting them know and added he was fully in favor of these tubes. He also believed if the painted arch that is drawn on the tubes in drawn in a little might also help the traffic.

Mr. Rubinstein stated he attends both Planning and Zoning Board meetings. Vice Chairperson Stramiello wrote a letter to the paper about the Naugle House saying the decision was a travesty. Mr. Rubinstein pointed out to the Planning Board and wished to put it on record of the Council that this letter said the people of Radburn were the only ones against it and that is not true. There were other people beside the people of Radburn who spoke out against this and examples were given from other cases. He added two Planning Board members, Mr. Kornright and Mr. Levy both appeared to testify against it. Mr. Levy stated he was not there as a Planning Board member but as a citizen.

Mr. Rubinstein suggested since they would have two new Councilmembers they hire a town engineer who is responsible for both the Planning and Zoning Board and the COAH obligation that will be facing the Borough. He felt this was a disservice to the Borough to not have an Engineer at the Zoning Board meeting and leaving it up to the Zoning Board Clerk. He also believed it was a disservice to the Borough to out source the Borough Engineer position for the Planning Board. He felt if they added up all the money that is paid to Boswell Engineering they may find they could afford to have a Borough Engineer charged with overseeing both boards.

Mr. Rubinstein would like to see this Council consolidate all of the debt and suggested with the Recreation Center that they go to a hometown bank and see if they would help them out in this respect. He believed this town is bankrupt. They should make some money as well as help the town out or consider bankruptcy for the Recreation Center and let the County pay it off. Deputy Mayor Weinstein stated Fair Lawn is not bankrupt.

Page Seven

Regular Meeting

November 22, 2005

Councilmember-elect Jeanne Baratta, 12-02 Fair Lawn Avenue thanked the Council for their warm welcome. She also thanked the Clerk and Manager for providing them with their mail packages and information. She was looking forward to the year ahead.

Council-member Ed Trawinski, 3-33 Lyncrest Avenue wished to echo what Councilmember-

elect Baratta said.

There being no further comments from the public, upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy, the time for public comments was unanimously closed.

ADJOURNMENT

Upon motion by Deputy Mayor Weinstein and a second by Councilmember McCarthy , the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Absent
Mayor David L. Ganz

Absent
Councilmember Allan Caan

Deputy Mayor Martin Etlar

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein