

REGULAR MEETING MARCH 9, 2004

Mayor Ganz opened the meeting at 7:35 p.m. Manager/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" issue of December 19, 2003. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

PRESENT: Mayor Ganz, Deputy Mayors Etlar and Weinstein, and Councilmembers Caan and McCarthy.

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

COUNCIL COMMENTS

Deputy Mayor Etlar gave his activity report for February:

- Swearing in of new Police Officer
- Opening of the New Hallmark Store
- Borough E.P.A. Meeting
- B.C.D. Grant Meetings in Hackensack
- CERT Meeting
- Gave a talk on Borough Updates to Senior at the Senior Center
- Fire Board Meeting
- Steven Rothman Public F.Y.I meeting at the Council Chambers
- DARE Ceremony at St. Annes
- Rotary Sunrise for check given for Collura Scholarship Fund
- Troop 45 Annual Installation Dinner at St. Annes

Deputy Mayor Weinstein wished mentioned two wonderful people who passed away this week and last week, Penny Nakashian and Debbie Wallack a Sunrise Rotarian. He stated both exemplify the spirit of volunteerism in Fair Lawn. He also mentioned Matt Mappa the crossing guard over at the Radburn School who the Radburn School Family misses and can't wait for his return.

Councilmember McCarthy congratulated the High School winter athletic teams, specifically the Ice Hockey team and the wrestling team. He wished to all the spring athletic teams the best of luck.

ORDINANCES FIRST READING:

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

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER XII, ENTITLED AWATER@, SUB-SECTION 12-4.2, AWATER RATES

Mayor Ganz stated this ordinance will change the water rates from \$3.31 per thousand gallons to \$3.38 it is a self liquidating water utility which means they have to have a sufficient amount of money to pay all the expenses and this is designed to help accomplish that. He stated the water has been conserved quite well for the last two years and practical affect of that is they did not raise enough revenue and as a result the surplus are down. This is an amount the CFO has determined is sufficient for them to properly run the utility and to put money into the utility rainy day fund. He stated they also have some capital items this year that are expensive and modest increase will serve the Borough very well.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 110-2004 introducing Ordinance No. 1973-2004 was unanimously adopted.

ORDINANCES SECOND READING:

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

ORDINANCE NO. 1970-2004

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

Mayor Ganz stated this is an ordinance that would allow improvements to various streets in the amount of \$50,000.00 from the 2004 Safe Streets to School Program which includes traffic calming devices and other devices that will be implemented according with the Council=s plan.

Mayor Ganz stated there is no affect on the taxpayers other than the fact that it is being paid for by a different taxing authority other than the Borough itself.

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

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 111-2004 adopting Ordinance No. 1970-2004 was unanimously adopted.

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

ORDINANCE 1971-2004

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

Mayor Ganz stated this ordinance involves two sets of improvements totaling \$63,000.00 made available through Federal Community Housing and Development Act, including \$38,000.00 for the Senior Citizen Center improvements and \$25,000.00 for barrier free curb cuts thus continuing the practice of the Borough applying for grants whenever possible to cover expenses for items that are necessary.

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

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 113-2004 adopting Ordinance No. 1972-2004 was unanimously passed.

Upon motion by Councilmember Caan and second by Deputy Mayor Etlar , it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

ORDINANCE 1972-2004

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

Mayor Ganz stated this involves improvements to both Berkshire Road and Arcadia Road in the amount of \$500,000.00 and is part of the fiscal year 2003 Discretionary Aid Program from Trenton. He stated he was pleased to announce the County Budget that was unveiled by County Executive McNerney last week and which will be formally presented to the Freeholder Board tomorrow has an additional \$50,000.00 for drainage and will culvert improvements on Midland Avenue which is absolutely linked to this project. He stated this help with the resolution of extensive flooding on Berkshire of a that has existed for more than fifty years and they are hopeful they will get additional grant money as the project progresses over the next couple of years.

Borough Attorney Lustgarten stated just as it was announced when the Ordinance was introduced the ability for Fair Lawn to get this aid is due to the good efforts of Senator Joseph Coniglio and through the Governor=s office.

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

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 113-2004 adopting Ordinance No. 1972-2004 was unanimously discussed.

Mayor Ganz added Senator Coniglio has fought tirelessly for the people of the Borough of Fair Lawn and the whole 38th District to

get grants for the Borough and last year was a very good year. He stated \$500,000.00 is an extraordinary amount of aid to receive and unlike promises that were received from other Legislators in the past, this is cash in hand and will enable this project to be implemented.

There being no further discussion, Resolution No. 113-2004 was unanimously passed.

RESOLUTION NO. 114-2004 Introduction of 2004 Budget by Title Only

Mayor Ganz stated this evening the Council votes to introduce the budget for 2004. The budget is about \$33.34 million, compared with \$30.089 million last year, for a change of about 10.5%. The increase to Borough taxpayers amounts to about \$343.98 for the average homeowner, or a change from last year of about 94.2 cents per day for each homeowner. Introduction does not mean final approval. When the Manager originally presented the Council the budget in early January, the expenditures were nearly a million dollars higher. The Council went through the budget line-by-line, department -by-department, and made cuts that it thought were appropriate, including reducing overtime across-the-board by about 30 percent.

The smallest line-item cut was \$38 to the police department for academy and range work. The largest cut was \$71,000 for administrative and executive salaries. A new department, the Office of Emergency Management has been created, in recognition of the importance of homeland security and emergency preparedness, and Tom Metzler will be the first full time director. He presently supervises OEM. This year's budget caused the Council to make difficult choices. They deferred, for example, adding a full time nurse, preferring a less expensive route of a part time nurse and outsourcing assistance from Valley Hospital, at a savings of \$26,000 to the taxpayers.

Although departments asked for over \$3.4 million in capital projects, the manager recommended \$2.9 million worth, the Council reduced that still more. The Bergen County Improvement Authority (BCIA) will assist the Council in reducing overall taxpayer cost of the 5% down payment requirement. They will paid for over their useful lifetime, which is sound municipal accounting, and save the taxpayers by using the BCIA's lower bonding rate. Six police cars will be purchased this year, as part of the policy of rotating five cars one year, six years the next -- and the COPCARS program that he was able to help the Board of Chosen Freeholders implement will be utilized to bond those cars over their useful lifetimes, again saving the taxpayers high up-front costs, but also allowing for payment in a fiscally prudent manner. Fair Lawn's capital program spends money each year on important long-term items that benefit the community as a whole. For example, this year, they put three new recycling garbage trucks on line. They also added a new ambulance to replace an 18 year old vehicle, and bought a new fire truck that will take the place of an 18 year old truck. They will also be converting our spare 18 year old truck to a "foamer" for further use this year -- all at the request of the all-volunteer ambulance corps and fire department.

The addition to the municipal building, was completed giving the police department, victims of the building department and the health department badly needed extra space -- so that employees don't have to share desks and chairs with co-workers. A new DPW garage, the Davidson Pavilion, was placed in service; the pool facilities at Memorial were revitalized. They continue to pay down capital debt; in 2002, over \$2.07 million was paid off this year, \$1.975 million will be paid off, \$2.9 million or nearly 10 percent of our budget is being used to pay for past capital and current capital improvements vitally needed for the borough infrastructure.

State mandated services -- required to be undertaken on a municipal level, but unfunded by the state-- also increased. The recycling program, for example, will cost over \$1-million in this year's budget. Other fixed cost items that are not very visible, but are very necessary, are also seen in this budget. For example, the cost of electricity for streetlights and at municipal buildings is up 13.9%. We will spend \$159,900 for gasoline just as you and I pay more at the pump.

Salaries for the most part are increasing an average of 4% -- we locked in long-term union contract savings. several years ago -- but the added cost of social security contributions is over \$700,000 in this year's budget. State mandated changes for employee pensions cost an additional \$100,000 this year. Passaic Valley Sewer Authority's rates for removal of sewage increased by 13.9%, too. Our self-insurance fund for claims made against the Borough, and worker's compensation, has increased by nearly 12%.

Employee benefits, principally health insurance, is over \$4.8 million in this budget -- an increase of 11.82% over last year. The Council's actions in negotiating with the blue and white union contracts for health insurance savings will, over the next 10 to 15 years, save taxpayers over \$1-million annuallyB but that is just beginning now with the first tens of thousands of dollars of savings. A temporary hiring freeze implemented by the Council as part of this budget will further initially assist in stabilizing taxes.

All of us on the Council pay property taxes, directly or indirectly. We spent hundreds of hours of collective time in bringing this budget in on time so that we can seek assistance from Trenton, our Governor and our legislators to help us further reduce the overall budget. Governing is about choices. This Council deliberated carefully, but judiciously, eliminated waste, and proposed

continued services that maintain strong property values while at the same time recognizing that everything costs more today than it did last year, but is probably cheaper than buying it in the future. We look forward to hearing from you at our budget hearing, or before, as to ideas that you have for further reductions. We will be receptive to proposals to bring down the overall rate, or amount that each of us as residents must pay. And as always, we are all available to answer any questions that you may have about where all of our tax dollars go now, and in the future.

Deputy Mayor Etler stated this budget represents long hours, and a line by line search for cuts in the Borough expenditures. They have reduced the Manager=s request by thousands of dollars. They have argued over the necessary priorities and now are prepared to support this budget. Some hard decisions were made but in total they believe they are preparing to move Fair Lawn into a sound future. They take no comfort in a tax increase in times like these, but when they must look to the future, to protect the health, safety and welfare of the Borough=s citizens. He will always stand with those of good common sense and judgment. Fair Lawn is a great community and he hopes to serve it for many more years. While it is still a good place to visit, it is a better place to live.

Deputy Mayor Weinstein stated this has been the third budget he has been through and the hardest one yet. It is very difficult balancing the needs of the citizens in Fair Lawn and trying to minimize the tax bite to the whole Fair Lawn family as well as his own. He stated one thing everyone must remember the budgetary process does not stop during this time of year, it is a continuous process and they did request many of their department heads to look ahead and try to save the town money. They will be aggressive in seeking grants. Deputy Mayor Etler and he obtained over \$200,000.00 in CDBG grants which still have to be approved by the Freeholders. He stated he looks ahead to reducing the taxes further next year but the key is maintaining the high quality of service in Fair Lawn and they did so in this budget.

Councilmember McCarthy stated this is his first budget process and there is definitely a different perspective you get when you sit at the table and are the one making the decisions. He stated the people of Fair Lawn should be happy and grateful for the experience among the other people up here on the dias, the other Councilmembers, Borough Manager, Borough Clerk and the CFO and the countless hours devoted. People are fortunate to have experienced leaders involved in this process. He stated the Department Heads should be commended for coming forward with realistic budgets. Everyone realizes these are difficult economic times and difficult decisions had to be made. They believe they made the best decisions possible for the Borough and continuing to have Fair Lawn to be the place that all of us do enjoy to call home.

RESOLUTION NO. 115-2004 Introduction of 2004 SID Budget by Title Only

Mayor Ganz stated this is the budget for the River Road Special Improvement District that has been prepared by the River Road Improvement District itself. He stated the bulk of it is in the form of a special assessment, there are private units of \$25,500.00 and \$13,637.00 which comes from the Borough. He stated this program worked very well. The Borough advanced the funds and it=s coming back in the form of taxation from the individuals themselves over that period of times.

RESOLUTIONS BY CONSENT #7-2004

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Consent Agenda 4-2004 containing the following items was unanimously adopted.

- a. Resol. #116-2004 - Approval of Minutes
Work Session 9/16/03
Closed Session 9/16/03
Special Meeting 9/16/03
Closed Session 9/16/03
Regular Meeting 9/23/03
- b. Resol. #117-2004 - Award of Bid: Tree Planting
- c. Resol. #118-2004 - Refund of Tax Overpayments
- d. Resol. #119-2004 - Recreation Facility Review Committee Appointment
- e. Resol. #120-2004 - Authorize Extension of Emergency Water Main and/or Storm and Sanitary Sewer Repairs Bid
- f. Resol. #121-2004 - Budget Transfers
- g. Resol. #122-2004 - Approval of Fair Lawn High School Annual Marathon
- h. Resol. #123-2004 - Public Advocate to the Planning Board
- i. Resol. #124-2004 - Fair Lawn Business Leadership Committee Appointment
- j. Resol. #125-2004 - Community Forestry Management Plan

MISCELLANEOUS PUBLIC COMMENTS

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

Daniel Bachamann 4 Fulton Place, stated he was here this evening to congratulate Mayor Ganz. He stated in 1998 Mayor Ganz voted against increasing taxes by 5% to 6%. He called it at that time a Republican tax and spend increase and was glad he had done that because middle class voters from this town really need to keep taxes stable and low. He stated he hoped Mayor Ganz would continue the same kind of fiscal conservatism and consideration for the people in this town and vote against this budget and this tax increase and try to keep things and costs down. The Governor really isn't providing adequate funding for a lot of our programs in town. Everyone knows that in both parties. This is a middle class town with hard working people who have lived here for two or three generations. He hoped they could find a way to keep this tax increase from being so large. He stated also in this time when taxes are being increased so much, they should either delay or put a referendum on building a new recreation center because the recreation is going to cost the town eight to ten million dollars over a twenty five year period and he felt that was too much to impose on people right down.

There being no additional comments from the public, upon motion by Deputy Mayor Etlar and second by Councilmember Caan, the time for public comments was unanimously closed.

ADJOURNMENT

Upon motion by Deputy Mayor Etlar and second by Councilmember Caan, the meeting was unanimously adjourned at 8:06 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk