

SPECIAL MEETING OF JULY 27, 2004

Mayor Ganz called the meeting to order at 7:30 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" 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, Councilmembers Caan and McCarthy.

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

PUBLIC HEARING ON BUDGET

Mayor Ganz read the following statement: Good evening. Welcome to our special budget hearing. Tonight, we have our budget hearing on the Budget introduced earlier this year. Later this evening, we will vote on reducing the budget by the \$490,000 that we received in state assistance for homeland security and extraordinary aid. This budget represents a half year's work by all of the members of the Council to try and do more with less.

To those of you who are in attendance, and those watching on Fair Lawn's cable channel, the entire Council appreciates your participation in the budget process. Our budget consists of thousands of separate line items that are integrated by our CFO and Manager into one cohesive document. If you have any questions, we will try to answer any questions that you have about the budget this evening, and if we cannot answer them immediately, we will get the answers for you.

By way of summary, the budget is about \$32.9 million, compared with \$30.089 million last year. The increase to Borough taxpayers amounts to about \$303 for the average homeowner, or a change from last year of about 0.85 cents a day for each homeowner. When the Manager originally presented the budget to the Council 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.

Long after the budget process was concluded, we waited to see what our state aid would be. Last year, and the year before B and the year before that B Fair Lawn received minuscule state assistance. This year, thanks to Governor McGreevey, Senator Joe Coniglio, Assemblyman Bob Gordon and Assemblywoman Joan Voss, we received \$490,000 in right-to-the-bottom line assistance that directly reduced your taxes. The budget we will amend tonight reflects those changes.

This year's budget required all of us on the Council to make difficult choices. We 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 more than

\$3.4 million in capital projects, the manager recommended \$2.9 million worth, and the Council reduced that still more. The Bergen County Improvement Authority (BCIA) has already agreed to assist the Council in bonding these and eliminating overall taxpayer cost of the down-payment requirement, usually 5%. We bought, for example, six new police cars at a modest interest rate of 2.66%. We will still pay them off over their useful lifetime of three years, which is sound municipal planning, and save the taxpayers by using the BCIA's lower bonding rate.

Fair Lawn's capital program spends millions of dollars each year on important long-term items that benefit the community as a whole. For example, this year, we put three new recycling garbage trucks on line. We also added a new ambulance to replace an 18-year-old vehicle, and bought a new fire truck that will take the place of a 20-year-old truck that will be converted to a foamer this year.

We completed the West Wing to the municipal building, to give the police department, victims of crimes, the building department, and the health department badly needed extra space so that detectives and building workers don't have to share desks and chairs with co-workers-- and over the past five years have added substantially to our stock of space. A new DPW garage, the Davidson Pavilion, was placed in service; the pool facilities at Memorial were revitalized.

We continue to pay down capital debt; in 2002, more than \$2.07 million was used; last year and this year, \$1.975 million was used. Overall, \$2.9 million or nearly 10 percent of our budget is being used to pay for past capital and current capital improvements needed for the borough infrastructure. State mandated services -- required to be undertaken on a municipal level, but unfunded by the state-- also increased. Our recycling program, for example, will cost more than \$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% in this coming budget. We will spend \$159,900 for gasoline, mostly due to the new high levels for petroleum products. 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 more than \$700,000 in this year's budget. 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 gone up because of claims made by nearly 12%, to \$667,000.

Employee benefits, principally health insurance, are over \$4.8 million in this budget -- an increase of 11.82% over last year. The Council's actions in negotiating with our blue and white union contracts for health insurance costs will, over the next 10 to 15 years, save taxpayers more than \$1-million annually 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 is consistent with "doing more with less."

All of us on the Council pay property taxes. Governing is about choices. This Council deliberated carefully, and judiciously, 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.

Your Council will continue to be receptive to proposals to bring down the overall rate, or amount that each of us as residents must pay. Not just tonight, but for the balance of the year as well. Thank you.

Deputy Mayor Etler made the following comments: As in any organization, its budget reflects what its makers see in its future. Fair Lawn is no different.

This Council labored for many hours both to remove and replace the many line items that came before us. When we finalized it, these items were the things we thought necessary to keep our Borough moving

forward: a nineteen year old heavy Rescue truck was replaced, an eighteen year old Fire Truck for Co. #2 was replaced, garbage trucks for Recycling were replaced, the water and sewage systems are continuously being upgraded, the recreation fields have been maintained and upgraded by installing lights to the playing field with grant money, the Library was updated, the Senior Center was also upgraded and the Borough is about to break ground on our new Community Center to replace our Recreation Center on Kipp Street. As I for see this new center, it will be the heartbeat of Fair Lawn.

Does all this come at a cost? Of course. However this Council has been prudent with its funding and we are continually looking for ways to cut costs. I can assure you we will be even more diligent to our budget negotiations in the future.

Since we did get a grant of \$490,000 in emergency aid that will be directly applied to reduce our tax obligation. As for further relief, the Governor and State legislatures have approved an \$800 to \$1,200 homestead Rebate Program. Those checks will be on their way in August.

Despite everything, I still say that while Fair Lawn is a good place to visit, it is still a good place to live. Having said that, I will support this budget.

Deputy Mayor Weinstein made the following comments: Like many of you here this evening my wife choose to settle in Fair Lawn some 16 years ago, because of the quality of the homes, the recreational facilities, the school system and the wonderfully diverse and civically minded community that it was.

Along the way, Linda and I became homeowners and the proud parents fo three wonderful children, two girls and a boy. We were not disappointed about our choice of raising our kids in Fair Lawn.

Whether it was the quality of the public school system, or the recreational activities that were provided through All-Sports, or other town-sponsored organizations. My family took advantage of many of them. As a parent I always felt it was my obligation to support those programs, whether through direct participation as a coach or my indirect support through the taxes that I paid.

This sense of obligation to pay for the services that my family enjoys has always been validated and verified every year when I, like so many, receive our tax bill and find out what it=s going to cost us.

For the past three years I have also had the privilege and responsibility as a Councilman to help evaluate and analyze that part of our tax bill known as the Municipal budget.

This year has truly been the most challenging year of all. That is so because crafting a budget is not just about seeing where you can cut and eliminate. It is about making choices in the few discretionary areas that we are able to make this choices. It is about fighting for every last bit of County, State and Federal aid. For example, earlier this Deputy Mayor Etler and I fought for Fair Lawn and will receive \$220,000 from the Community Development Grant Fund. The money will be use for Fire House improvements, a new mini bus and facade and sign improvements to our business districts. While fighting for aid we must pay for state mandated costs, increasing costs of services such as garbage removal and infra structural improvements that make our community such a wonderful and desirable place to live and do business.

In regards to doing business with the support of the Mayor and Council Fair Lawn business leaders and residents we have embarked on town wide economic initiatives and Economic Development Corporation for all of Fair Lawn and a special improvement district for our Broadway corridor. Support for these initiatives will help increase tax rebates as they have on River Road and will increase the vitality of our business districts making them more pedestrian, shopper, and employment friendly all good for our Fair Lawn residents.

It is with all this in mind that although we have a sizable tax increase, it lays the foundation of a strong future for Fair Lawn.

In deed, the question is not whether we could have cut more out of this budget it is whether we could afford to do less to maintain the high quality of our services and infra structure both of which make Fair Lawn a wonderful place to live, work and raise a family.

For example, this year we put \$25,000 into the budget for the resolution of our geese problem at the Memorial Pool. The Mayor and Council were proactive and carefully researched and supported this initiative and Borough wide Fair Lawn residents concurred with this strategy. In fact, the success of our Goose Busters Program was recently written up in People Magazine.

When I think of all that make Fair Lawn special from its superior school system, sports and recreation programs, Department of Public Works, Emergency Management, Ambulance Corp., Volunteer Fire Department and Police all of which receive financial support from the Municipal budget. It is clear to me that the current proposed budget is one which I will support. Thank you

Councilmember Caan made the following comment: The Mayor and Council have put a lot of time and effort into the budget they went line by line and they are receiving some aid from the State. Everyone should take a moment and realize the kind of effort it takes to get that kind of aid, the meetings, the hard work, the phone calls, the follow up. Part of reason is the help we had in Trenton with our State Senator and Assembly people but it is also to the credit to the Mayor and Councilmembers for getting that aid to us. This is aid that we have never really gotten before. He thanked the Mayor and Council for all their hard work on that.

Some of the things that they have done that are positive are the Goose Buster Program, which you can see the difference if you go down to Memorial Park. These steps do not come without dollars attached, but it is well worth it.

They created a new Emergency Management Department this year that he felt was vital to the Community. They can take the time to find out the information as it comes available daily to protect us the way we should be protected.

The budget itself there is an increase and nobody likes an increase but there are things that we have to pay for such as salaries and benefits of our employees. If you look at the Department budgets they have actually gone down over the last three years on a year by year by basis. Overall this year we have an increase, last year we did not so this is just something that they need to take care of.

We have gone through the budget, made significant cuts, received the aid they worked to get and all and all the Council has done a very good job in putting this budget together.

Councilmember McCarthy made the following statement: Over my first seven months serving on the Council, I have found insight from a simple principal that was taught to me at a young age. It was a message that was reemphasized by my parents, my teachers at each level of my education and my coaches starting with the Fair Lawn All Sports and up to playing intercollegiate athletics. The principal is simple and I believe truly provides guidance for all of our daily activities and simply stated is that the easiest decision is usually not the correct decision.

For more than a dozen weeks, my colleagues and I on the Council meet at all different hours of the day to discuss the single most important issue facing all residents, the municipal budget. Our meetings began as early as 7:00 a.m. and ran well past 11:00 p.m. We meet with representatives of each and every department to discuss their proposed budgets and any cuts that could be made. I am pleased to say that we were able to

make substantial cuts from the proposed budget of each department that appeared before us. Despite our efforts, there will be a tax increase which will be felt by everyone in the Borough of Fair Lawn including the members of the Council and our families.

There are many reasons for the tax increase, some within and most beyond the control of the Council. The most obvious reason is that due to inflation the cost of performing any activity is more expensive than it was last year or two years ago. Salaries have increased per collective bargaining agreements, costs have increased per the terms of contracts continued, the costs of supplies, materials, energy, insurance, and just about every other cost of living and operating cost has increased. Most of these costs are all beyond the control of the Council.

Over the last few months, I have been approached by friends and residents I've never met with comments and suggestions on how to control costs. Usually, these suggestions focused on cutting or reducing services that were not enjoyed by the person with whom I was speaking or their family. Randomly cutting services would have been the easy decision to make and would have reduced the tax increase. However, as I have been reminded every day on the Council, the easy decision is rarely the correct decision. While it is easy to suggest eliminating a program that is not used by ourselves individually, our family or close friends, we on the Council share a duty to represent the interests of each of the 31,000 residents of the Borough. We must also remember that while we may not utilize every service offered by the Borough, each program that is offered by the Borough plays a significant role in the lives of our neighbors. Rather than eliminating services, I believe that the proposed municipal budget, which includes an increase of less than one dollar per day per household, is the best solution to these competing demands.

While there is not enough time to address and identify each and every program that is offered to our residents, I believe that it is critical to identify some of the programs that are continued to be supported by this year's budget.

First and foremost, I am proud that this budget continues to support our emergency service personnel, including taking the initiative to create a full time Office of Emergency Management. Our proximity to New York City, one of the most enticing qualities about living in Fair Lawn, has grown into a potential liability in this changing society. In addition to intentional acts of terrorism which every community must now combat on a daily basis, the 111 miles of roadway, including two major highways, an active railroad line and a natural gas pipeline, all create the potential for accidents that could require evacuation or lead to widespread health hazards. I am comforted knowing that the Office of Emergency Management is working with our other emergency service departments are regularly drilling and preparing to respond to these situations, whatever they may entail.

I believe that our Police, Fire, Rescue and Ambulance Corps are among the best in the County, if not the State, and this Council have made every effort to ensure that they are properly prepared, which includes both training and equipment to respond to the emergencies= they so bravely respond to each an every day. In an ideal and unrealistic world, we would not need these emergency professionals. However, someone in Fair Lawn will require the assistance of these professionals every day of the year. This year's budget ensures that for the first time ever the Ambulance Squad will be now be equipped with a pediatric defibrillator, firefighters will have modern turn out gear to protect themselves from the dangers they respond to and our police will be issued new and state of the art body armor. While people are free to criticize these costs, I believe this criticism fails to measure against the cost of having to tell a parent, spouse, sibling or child that their relative was not saved because of budget constraints. My number one concern when serving on this Council has and shall always be protecting the safety of our residents, employees and emergency personnel and I believe that this year's budget does everything within reason to address this concern.

With regard to other programs supported by the Council, I have been privileged to be invited to events at our

Senior Citizen Center and witnessed first hand how important the Center, its staff and activities are to our seniors, particularly during the winter months when the Center provides the opportunity for both recreation and socialization for its members. Equally, as important is the Minibus which provides a free means of transportation for our citizens. While many of the residents who utilize the minibus are seniors, it is available and used by residents of all ages. Growing up in Fair Lawn with a mother who did not drive, my brother and I were able to travel to and from doctors and dentists appointments via the Minibus, as many of our residents continue to do.

I believe that our public work=s services are superior too most other in northern New Jersey. Unlike many municipalities, the Borough continues to conduct biweekly curbside garbage pickups during the summer months. We have a regular recycling program that picks everything from grass to papers at the curb side of our residents. As someone who regularly commutes throughout northern and central New Jersey for my employment, I can state without hesitation that our snow removal is among the best in New Jersey. While I am proud to continue to provide all of these services, we must realize that they all come with price.

Further, I am proud when I speak to other residents of the County and hear their compliments about the condition of the Borough=s recreational facilities. It is a compliment to everyone in our community to hear someone from a neighboring community state that their children look forward to playing their soccer, football, baseball or softball game away in Fair Lawn because of the quality of our recreational facilities. As someone who played and benefitted from the recreational programs offered by the Borough, I am pleased that this year=s budget does not sacrifice any of the programs offered to our youth, our most important resource.

Last summer when walking through the Borough, the number one complaint that I heard from residents was the condition of Memorial Pool, specifically the geese. As someone who spent eight summers working at Memorial Pool and spent countless hours attempting to clean up after the geese, I know better than most residents that the geese have been a thorn in the side of everyone attempting to utilize the pool since the mid 1980=s. I am proud that during my first few months on the Council, this Council has taken the initiative to address a problem that existed in the Borough for approximately twenty years. As anyone who has utilized the pool this year has observed, I am proud to report that the geese for the first time in years are not a problem. I also welcome any resident that has not been to the Pool this year to take the trip down the Avenue of Heroes and witness first hand your tax dollar at work.

Clearly, there is not enough time to defend every line item in this Budget. Nor will I represent to you that this year=s budget is perfect, no budget in the public or private sector has or will ever be perfect. However, I believe that for the increased cost of less than one dollar per day, the budget continues to provide to all of the Borough=s residents the programs and services that each of us in our own way has grown to expect from the Borough of Fair Lawn and its civic leaders. Thank you.

PUBLIC HEARING ON SID BUDGET

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

Keith Brown, 23-05 Ellington Road stated he was not happy with the budget because it calls for an increase of \$302.00 per household which is about sixteen points. He asked what the head count was for the Police Department. Mayor Ganz stated they have fifty- eight sworn officers. Mr. Brown asked if they plan to hire anymore officers by the end of the year. Manager/Municipal Clerk Kwasniewski answered not the end of this year, they recently swore in three that will be starting the Police Academy this week and they do not anticipate hiring anymore this year. Mr. Brown stated when they have eliminated overtime does that mean they are cutting back on Police overtime. Mayor Ganz stated they have cut overtime across the board by 30

%.

Mr. Brown stated there is an increase in the garbage hauler from the old one to the new one in the amount of \$225,000 which is about one point. He stated health costs are up about eleven points which is approximately three points and wondered where the other fourteen points were coming from. Mayor Ganz explained the costs. Mr. Brown stated felt that the last few years they had stable taxes and wondered if the Council considered this stable. Mayor Ganz stated he does not call this stable taxes. It is an increase of about \$303.00 per household on average. Mr. Brown stated he disagreed with leasing things. Mayor Ganz stated he respected his opinion on that but disagreed with him as well as the Council. The Council's view on it is that the useful life of the vehicle is three years and if there wasn't a State prohibition against capitalizing it, the Council would do so. They are able to do so through BCIA because it is an independent authority and for a relatively modest cost they think it makes a lot of sense. Mr. Brown asked if they get fair market value for the car at the end of the lease. Mayor Ganz replied that they would. Councilmember Caan stated the term lease is correct in this case but they are not leasing it in the sense that after three years they give up the vehicle. The Borough still keeps the car but the payments are over after three years. Typically the Police car once it has out used its usefulness with the Police gets handed down to several other departments in the Borough, this is still the case with the cars they are purchasing this year.

Mr. Brown asked if any of the money for this budget was set aside for the new Recreation Center. Mayor Ganz replied no. Mr. Brown asked where the surplus they expect to be next year. Mayor Ganz answered they do not know but when they know they would let him know.

Mr. Brown asked how the State aid would be distributed throughout the budget. Mayor Ganz stated it is a direct reduction from the bottom line taxes that all of us pay. Mr. Brown asked if any of the Councilmembers partake in the town's health benefit programs. Mayor Ganz stated he does not. Mr. Brown asked if he would be willing to give that up. Mayor Ganz replied no. Deputy Mayor Etler stated he uses the dental plan but he is charged for that. Mayor Ganz stated the salaries for the Councilmembers are \$2,500 a year and with that goes health benefits.

Mitchell Slave, 16-02 Jordan Road stated he appreciates the services they provide for the community and he understands that the taxes will go up. He asked how much of the budget is devoted to Municipal services and how much for schools. Mayor Ganz explained how the taxes were divided about 63% of the budget is devoted to schools, 28% is devoted to the municipal components and the remaining 9% is for the County component. Mr. Slave asked if the Council has bonded millions of dollars in project work and are paying very high interest rates. Mayor Ganz explained they have reduced their debt service this year by about \$87,700 and by refinancing last year and the year before they have been able to take advantage of lower interest rates.

Don Oliver, 8-32 Mitchell Place stated he was annoyed by the Council stating the increase is only \$.87 per day. That is only 365 payments of \$.87 per day, which is on top of the \$4.00 a day that is already taken. Since 1998 taxes have been \$1,102 to \$1,705. He added that is not stable government. He stated they all know why they did not get a tax increase last year because it was an election year. Last year the Council with the exception of Councilmember McCarthy took every dime they could take out of every

surplus from every account including the water and pass it on to the budget so there was no budget increase and they looked real good during the election process. He stated the Mayor has stated on more than one occasion where he has said this is good government. He stated this is not good government when we defer our tax increase from last year and take all the money we need in surplus to hide it and then nail everyone with it this year at \$300 or more increase. Part of this budget today is to make up for the amount of surplus we took out so we could rebuild our surplus pot so we are not short of cash. He stated last year CFO had mentioned that taking all the money we took could leave us in a shortfall.

Mr. Oliver was at the meeting when the Police Chief asked for five new police cars and the town bought six. Two years ago they needed a garbage truck and they never got it, the money was budgeted but never bonded. This year now they need three new trucks. He added buying SUVs that get 9 miles to gallon and guzzle gas makes the cost of gas go up.

Mr. Oliver stated in regards to the health benefits, he had no problem with the Councilmembers that are not employed to use them but Mayor Ganz is a Freeholder and he probably receives them through the County and Councilmember Caan also had benefits through them as well. As a gesture of good faith he believed Mayor Ganz and Councilmember Caan should give up their benefits since they are double dipping. He was concerned about where the figure of debt would show up with BCIA on the budget. CFO Eccleston stated it will show up as part of our debt service at the end of this year. Mr. Oliver asked if that would be a separate line item. CFO explained they did not know if they were going to separate it or include it on the principal.

Mr. Oliver read in the paper that the Borough had the aid they applied for was a million five and they received \$300,000, is this \$490,000 from the State in addition to that. Mayor Ganz answered no it was not in addition, which is the fourth largest amount in Bergen County.

Mr. Oliver stated the taxes going up is going to kill this town. They are twenty eight million dollars in debt, the school has sunk us in more debt and that does not include the annual budgets for both the town and school. When you add them all up this town in wallowing in debt. There are lots of people in this town who cannot afford this debt and are hurting. This bogus tax rebate we are getting from the Governor this is one shot deal they will lose it next year when State taxes or something else goes up. County grants comes out of our County taxes and the State grants come out of our State taxes and same as Federal.

Mr. Oliver asked about the ambulance and they pay for it themselves. Mayor Ganz explained the funds are advanced by the Borough and repaid by the Ambulance Corp at a rate of about \$2,500 a month \$115,000 cash out.

Mr. Oliver stated he believed the tax increase was outrageous and for political gain and the Council really needs to get a grip of this tax situation the people of this town are hurting.

Howard Hyde, 13-07 Ellis Avenue stated he is finding a discrepancy with the numbers. He stated they said there is two hundred and fifty employees but the sheet stated only two hundred and seven. CFO Eccleston stated there is two hundred and twenty five as of December 31st. Mr. Hyde asked about the police cars being financed at 2.66% what is the Borough's interest rate is on the cash balance. CFO stated 2.25 right now on a money market account.

Mr Hyde asked if everyone on the Council pays real estate taxes. Mayor Ganz replies directly and indirectly. Mr. Hyde stated tenants are under rent control, would it be possible for a landlord to flow through the entire real estate tax increase to the tax. Mayor Ganz replied it would depend. Mr. Hyde stated tenants although they indirectly pay real estate taxes through their rent they would not be paying an increase afflicable to a homeowner. Mayor Ganz stated that may or may not be true. Mr. Hyde stated Councilmember McCarthy stated all the department budgets were trimmed and then Mayor Ganz said there were department increases across the board. Mayor Ganz stated department increases were affected by this budget but every department had their budget trimmed over their initial request. Mr. Hyde stated Councilmember McCarthy blamed a lot of this on inflation and asked for someone what the inflation rate has been for the last year or two. Mayor Ganz stated in northern New Jersey it is about 2.6% annually. Mr. Hyde stated they are blaming the budget on high inflation and the inflation in low right now. Mr. Hyde stated Councilmember McCarthy was asked by different residents about the money spent of the Recreation Center, Senior Center and others. He asked to them to explain how they have to fund the services.

Mr Hyde stated Deputy Mayor Weinstein said rateable on River Road had increased. Deputy Mayor Weinstein stated the old Library Theater sold for \$900,000 which help with the increase of the values on River Road. Mr. Hyde stated Deputy Mayor Weinstein got his numbers from somewhere and he would like a copy of the numbers. Mayor Ganz stated they would supply him with it. Mr. Hyde they received the fourth highest emergency aid in the County and asked the size of Fair Lawn compared to the other towns in the County. Mayor Ganz stated Fair Lawn is the fourth largest in the County. Mr Hyde stated he thought they would get more since half the Council works for the County at the same time they are working for the town.

Margo Brandeis, 16-36 Raymond Street wonder if Fair Lawn is abiding by the stipulation that was made and signed into law on July 1st. She read in the paper the there were tax bills received late by many Boroughs. This is in reference to what the school and towns can spend. The Bill reduces spending for both the school and municipalities. She asked if this was done. CFO Eccleston stated after their estimated bills went out they received the revised tax schedule certification from the County Board of Taxes. The Borough was already at 2.2 percent cap prior to the Governor. Even though he lowered the tax from 5 down to 2.2 percent the Borough was already in compliance. Mrs. Brandeis stated only 25% of tax bills have been certified in leu allows school board from 6% to 3%, she asked if that was done. Mayor Ganz stated she would have to check with the school board. Mrs. Brandeis added 63% of taxes goes to the school, and the Council and the Attorney should look into this. She added from the newspaper she read that property taxes should increase for the school referendum but the full impact will take three years to show up on tax bills. She stated they are charging \$40 this year and \$71 or \$91 next year and \$127 for the following years, so this huge bill they are getting today reflects a very minimal increase.

Mrs. Brandeis stated she was concerned about the garbage collection, other towns did much better their part did not go up. Mayor Ganz stated their situation was that the garbage hauler went bankrupt on Friday and had to authorize contract at all that was capable with anyone else as quickly as possible so they would have trash pick up on Monday morning. The Manager was able to do that for six months and then it went out to bid again in a public bidding process. Mrs. Brandeis asked when that is renegotiate that reduction will hopefully reflected in a reduction itself. Mayor Ganz stated he did not believe there would be a reduction in trash hauling. Mrs. Brandeis stated the surplus last year last year was a political move because that meant we had no municipal increase in taxes, she asked if this will this be the case every year. Mayor Ganz explained he could not answer that because Council has not looked at next year=s budget.

Ms. Brandeis expressed concern about the number of students in the school system. Mayor Ganz advised her to contact the Board of Education.

Mrs. Brandeis stated the 350 homes that went up on Route 208 must generate a lot of taxes, she wanted to know if that was reflected in the tax structure. Mayor Ganz stated that whatever they are assessed at is integrated into our tax structure but added they are rentals. Attorney Lustgarten stated they were rental properties and are assessed slightly different that if they were single family homes.

There being no comments, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, the time for public comment was unanimously closed.

MISCELLANEOUS PUBLIC COMMENTS ON THE SID BUDGET

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

Suzanne Fishbein, 12 Bancroft Place asked what is the SID Budget. Mayor Ganz stated the SID Budget is the Special Improvement District which is the River Road Special Improvement District located on River

Road. This is a business district that has been established by its own members, they vote and create a budget for themselves which they tax themselves, the Borough collects it for them and then remits it to them.

Don Oliver, 8-32 Mitchell Place asked if the residents contribute to the SID Budget. Mayor Ganz stated they are no longer doing it, their last payment is due at the end of the year.

There being no comments, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the time for public comment was unanimously closed.

RESOLUTIONS BY CONSENT #18-2004

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Consent Agenda #18-2004 containing the following items was unanimously adopted.

- a. Resol. #230-2004 - Amendment to the Budget
- b. Resol. #231-2004 - Municipal Open Space, Recreation, Farm Land and Historic Preservation Trust Fund

MISCELLANEOUS PUBLIC COMMENTS

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

Robert Gulack, 4 Bancroft Place was very interested in the resolution on the open space. The feelings of the community that they are very interested in this resolution and are looking for is clear leadership from the Council to the Community. They are looking for leadership to indicate their support for the resolution and why they support it and what it is intended to be used for. What are examples of urgent uses. The problem is they are doing this while there is a substantial tax increase so to ask for more money from each household is a major thing to ask. The town needs to hear from their political leaders is why this money is needed and why now and what kinds of things it will be used for that are worth investing in. He stated many people are already awake to the issue of Daily Field and want to see it preserved, as an example, the voters want and would respond to if they were to give the voters examples such as Daily Field. Mayor Ganz stated he would have the Clerk send him a copy of the Resolution and with additional information on what this would be used for and other areas that could be involved. He stated they would see the Council coming out with a lot of statements and comments as to why each member supports it or does not. Councilmember McCarthy stated the first step in that program of the support of the Mayor and Council is that it passed on the Consent Agenda. The Council supports this idea which is why it was placed there. Mr. Gulack stated this does not say any specific area. Mayor Ganz replied it does not it was designed to give an open space initiative that will be utilized in Fair Lawn if it is passed by the voters and adopted by the Council for the next several generation. He stated that is why it would be inappropriate to name anything specific. Mr. Gulack asked that they make it clear as the political leaders that one of the immediate objectives here is Daily Field because the voters want Daily Field preserved.

Michael Roney, 14 Burnham Place asked if they could summarize the resolution for open space, the restrictions exists on any money that would be collected. Assistant Municipal Clerk Bojanowski read the areas that could explain that on the Interpretive statement. Borough Attorney Lustgarten stated this is based on statutory requirements.

Don Oliver, 8-32 Mitchell Place asked if there would be a sunset date. Mayor Ganz replied this is not being offered with a sunset date, any Borough Council now or in the future can stop it, lower the tax rate or increase the tax rate as long as it does not exceed one cent per one hundred dollars per assessed valuation if it was to be passed. The County had at one time a five year open space tax that was at

a half cent per hundred dollars of assessed valuation, it went on the ballot last November for one cent. Mr. Oliver asked how much money that brought the County. Mayor Ganz stated he did not have that number but could get it for him. Mr. Oliver stated it comes out to about \$18.20 per family and that is a substantial amount of money. Mayor Ganz stated the Freeholders voted to increase it so they could make open space purchases that they wanted to participate in. Mr. Oliver asked if there could be a provision in that where that money is not spent on any other offsetting tax increasing. If they are going to start collecting another a tax on every homeowner in town of another \$20.00 that is going to go into a magic bucket, if in a chance that he would hate to see that they want to offset their tax increase they would take it out of the bucket. Mayor Ganz stated they could not do that it has to be used for open space initiatives that are expressly permitted under the State statute.

Mr. Oliver stated he had Ordinance 1973-2004 entitled Water, he read part of the Ordinance about the rates raising to \$3.38 per thousand and this rate should take effect April 2004. He asked why on this pay stub dated February 18th - May 17th and they charged him the \$3.38 for everything for February and March and wanted to know why. Mayor Ganz stated he could not answer that question but asked Manager/Municipal Clerk Kwasniewski to find out and report back to him. CFO Eccleston explained the billing rate was effective April 1st and he received it in June. Anything that was billed prior to April 1st would not have the new rate, it is based upon the building.

Mr. Oliver asked why the Council goes to the public for one cent on a hundred and not when they spend six to ten dollar Recreation Center and ask the public if they wanted to spend that kind of money. Mayor Ganz stated they are required under the State statute when they dedicated open space trust fund to go to the public by referendum. The Council=s philosophy on larger scale project they rarely go to public referendum. When each of them were elected they took an oath to do the best that they could under the circumstances and with all the information before them to do what they think is best for the Community. He added it was his belief that the Recreation Center, a Cultural Art Center, a Theater, Senior Citizen=s card room, radio repeater room for emergency services and other things are both necessary and appropriate. It is his hope that they have the ability to obtain outside grants to reduce the overall cost of that and to that extent they have appointed members of a non profit organization to make certain that becomes a reality. They think the people of Fair Lawn have opposed their faith in the Council and the Council has made what they think after many hours the right decision. Mr. Oliver asked if years ago they had a referendum on a six million dollar pool. Mayor Ganz stated they did not, that was a recommendation by another Council that was not followed through. Mr. Oliver stated he was concerned about the kids hold dances at the Recreation Center Friday nights and the music is probably loud. He asked what the sound proofing would be between the Auditorium and the Theater and Gym because if the Theater Group is having a play that night what is going to happen if the sound proofing is not good enough. Mayor Ganz stated the architects have stated there will be a compatible use of both facilities at the same time. Mr. Oliver stated he does not want to see that they cannot hang out there. He does not see on the plan where they separate the kids from the theater. Deputy Mayor Weinstein stated it has been addressed and doors will automatically lock and prevent kids from going from one side of the building to the other side. Mr. Oliver stated he does not want to see it effect the kids. His problem is the theater group using the area and then the kids cannot go to the Recreation Center that day because it would distract the theater group. Deputy Mayor Weinstein stated a lot of people want to use the theater. Councilmember Caan stated in the discussion they have had it has been addressed the architects told them both sides can be used at the same time. Mr. Oliver stated architects in this building put in a sound system that was terrible from the day they put it in until today.

Mayor Ganz stated he served for ten year on the Zoning Board in this room and seven years on the Council and he was right. Mr. Oliver stated his other concern is spending \$15,000 on a sauna in the ladies and mens locker room was useless. Manager/Municipal Clerk Kwasniewski stated he is looking at a fund raising brochure not the plans for the building. These are things people could donate in order to have their name attached to the center. Mayor Ganz stated it is a plague system. Manager/Municipal Clerk Kwasniewski

stated as for the sound system the architect has visited many colleges who have theaters and have to use it for other things and done a lot of research. Mayor Ganz stated the children are their first priority. Councilmember McCarthy stated the uses of this facility will be endless for what they can do there. Mr. Oliver stated he hoped they did not interfere with each other, he has a problem with the way it is set up.

Keith Brown, 23-05 Ellington Road asked about additional Police protection on Ellington Road they have large white trucks over the weight limit are parking on the street all day. Mayor Ganz stated he would have Manager/Municipal Clerk Kwasniewski send that information to the Police Chief.

Mr. Brown asked where they were on the flooding on Berkshire. Mayor Ganz replied the plans are being worked on and it took forty years to get here it will take a little bit longer. There should be nothing in the way once the plans are done to start working. Mr. Brown asked if the traffic study was completed on the ABC street. Mayor Ganz explained they went to the State and had a meeting with DOT to try to continue to persuade them to allow the left onto Midland Avenue. The State is not happy to do this, they say there are not many cars that go down those streets and would only be a ten percent reduction. Mayor Ganz stated they have tried to go around the middle man. Mr. Brown asked if there was anything the residents can do to help. Mayor Ganz suggested Mr. Brown call him tomorrow and he would give him an update.

Mr. Brown stated he was very pleased with the World War II Memorial. He asked where they stand with the September 11th Memorial. Manager/Municipal Clerk Kwasniewski stated Scott Levey is working on the plans and putting them in final form so they can go out to bid on that project and should be on the agenda for August 10th for the Council's review.

Mr. Brown stated they spent a lot of money to upgrade the ballfields in the last few month and is very pleased with the lights. He stated it is causing a ripple effect because it is attracting a lot of out of town teams coming to utilize our fields. He spoke with Bruce Watson who has talked to the Chief and stated they will only ask those people to leave if there is a member of the Board of Education present. Mayor Ganz stated he did not that

was correct, an out of townner would be the lowest on the list to be able to use the field. Mr. Brown stated he took the kids to use the field and they were verbally abused when he asked them to leave the field. This is a concern as because they are taxpayers upgrading these fields come from our tax dollars and as we make them more attractive the problem will get worse. Manager/Municipal Clerk Kwasniewski stated the Board of Education has addressed this and they have custodians there on the weekends to ask people whether or not they have a permit. This is aimed at the teams, not a individuals, if the teams refuse to leave the Police will be called and the custodian will be the one signing the complaint against those people.

Mr. Brown stated fifty three students were non compliance and forced to leave the school, forty eight left on their own and twenty three were still under investigation that is one hundred twenty three student under investigation.

Mr. Brown stated in regards to Daily Field in 1999 there were plans to pave it over and put three hundred fifty parking spaces. Mayor Ganz explained the plans from Manager Kendall were for spots on Archery Plaza. Mr. Brown stated they are looking for a proactive stance to keep the area green. He stated they want the Council to commit to keeping Daily Field green. He added Charles Kushner donated money to members of the Council. Mr. Brown asked Deputy Mayor Weinstein to return the \$2,200 from him. Deputy Mayor Weinstein stated when he received that money three years ago he had no idea of what had happened and until he knows for sure at that time he will contribute the money. Mr. Brown stated they should not be associating themselves with people like that.

Maureen Moriarty, 14 Burnham Place thanked the Council for putting the open space on the referendum for November. She understands this is a tough year and another \$20.00 a year is a lot of money. She wanted to

appeal to people to the priorities, her priority is to preserved open space and Fair Lawn has a limited amount of open space and she hopes people realize what this is for. Mrs. Moriorty stated it is costly to purchase open space and the County will provide 25% for green acres funding. If the town has open space they can get 50% grant received 50% of the purchase price. She had heard they can give loans for 2% over twenty years. She added once they vote for this they could use the loan to repay the loan from green acres. Twenty dollars is like a night out to the movies. She stated they are densely populated and by preserving open space maybe that will help with taxes. She thanked Mr. Brown for supporting Daily Field and hoped he understands why the town cannot purchase the property and why it is important to pass this open space tax.

Rachael Boylan, 9 Hershcloud Lane stated the open space tax is a great thing and appreciated the Council passing it. Mayor Ganz stated the Council passing this is only the first step from here it goes to the County Clerk and then to the ballot and then it is up to the residents of Fair Lawn. Mrs. Boylan hoped that the Mayor and Council will do take a leadership role in encouraging the residents to vote for this.

Margo Brandeis, 16-36 Raymond Street stated the quality of life in Fair Lawn has to do with traffic and the potential problem of Home Depot is dead but had been scheduled to open on Route 20 and there would be no peace. Mayor Ganz stated the Council passed a local ordinance to abandon truck traffic that goes over the Fair Lawn Avenue Bridge. Mrs. Brandeis stated they should have some connection or relationship with Passaic County to speak to them about work out something to avoid this. Mayor Ganz stated Deputy Mayor Etler has been attending meetings in regard to this and keeping the Council fully abreast. Deputy Mayor Etler stated in order to restrict trucks they introduced an ordinance to restrict truck to three tons. The bridge is over one hundred years old and belongs to Passaic County and cannot go on more than another ten years. He added Home Depot is not dead but they have a pollution problem and if that is fixed then Home Depot will proceed. He stated the city of Paterson should have told them.

There being no comments, upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the time for public comment was unanimously closed.

ADJOURNMENT

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk