

Council

Council Minutes - March 4, 2003

SPECIAL MEETING

Mayor Ganz called the meeting to order at 7:35 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etler and Weinstein, Councilmember Caan.

ABSENT: Councilmember Amato

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

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 27, 2002. 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.

Mayor Ganz read the following statement: Good evening. A few announcements and good news are in order before we begin our special meeting.

I wish to inform you that the Mayor and Council have resolved the Nabisco Tax Appeal, which has been pending since 1997, a year before I joined the Council. Nabisco challenged the Borough's evaluation in each of seven successive years, asking for millions of dollars in tax relief. On the verge of trying the case before the Tax Court, we have reached a settlement that is fair and equitable to the Borough of Fair Lawn and its taxpayers.

Nabisco has agreed to withdraw its tax appeals for the years 1997, 1998, 1999, 2000, and 2001. That involves no payment or repayment by the Borough. The assessments stand. The Borough has settled tax year 2002 for \$200,000. That sum will be paid from reserves set aside by the Council for that purpose with the assistance of CFO Barry Eccleston and will not create any tax increase for our residents.

For this year, 2003, we have agreed to give Nabisco a tax credit B money that they do not have to pay to the Borough for property taxes. We have also agreed to tax Nabisco in tax years 2004 and 2005 based on a valuation that has a minimal fiscal impact.

In 2005, the Borough of Fair Lawn will start a mandatory revaluation of all real property B residential and commercial B in the Borough. It has been ordered by the County for technical reasons, just as it was in 1987. The revaluation should not raise or lower the taxes of most homeowners and commercial properties, but will assure equity for all taxpayers based on a property's fair market value.

I want to thank the Borough Attorney, Richard Lustgarten, for his superior work on this tax appeal. The hundreds of hours that he expended in defense of the Borough's position was at no additional cost to the taxpayers. It was just part of his annual retainer, one of our most worthwhile investments. Thanks also to Tom McCullum, our extremely knowledgeable and diligent tax assessor for a job well done.

Last week, for the second year in a row, we adopted an Ordinance reducing the cost of Water to Borough

residents by two cents per thousand gallons consumed.

Today, we also introduce the Council's budget for the year 2003. As you know, the Manager's proposed budget called for an increase of about \$187.00 for the average homeowner in Fair Lawn. Your council attended budget hearings throughout the month of January and February, coming into Borough Hall in the late afternoon, meeting after Council meetings, and on weekends, in order to properly go through the budget item by item, line by line.

This budget is made more difficult by a number of different factors. This includes not only the Nabisco Tax Appeal, but also the labor contract just signed which has a 4 percent wage increase for our 158 blue and white collar union members over the next three years. It also includes snow plowing, which presently expends more than \$100,000 in overtime over what the manager originally budgeted B and is included in this new budget document as well as increased health care costs..

A word, if I may, about what this budget does do, and what it does not do. It is a lean budget. We looked, line for line, at each category in the budget. Some we chopped by \$50, others by thousands of dollars. It was a long process, but one that was worth it. This budget maintains stable taxes in the Borough of Fair Lawn. It reduces requested overtime by more than 20 percent. It authorizes the promotion of a police lieutenant and Sergeant to replace retirees. It ratifies a hiring freeze for all departments without prior Council approval, including replacement at this time of the departed Borough Manager and Manager's Secretary. It spends for the capital infrastructure to assure that current as well as future residents have the facilities that make our Borough stand out, and preserves property values.

We have made sure that our police department has cars and jeeps sufficient to meet their needs and to responsibly protect Fair Lawn. We are continuing the 6-5-6-5 replacement of vehicles practice that I began during my first term as Mayor.

We have invested in our sports fields. We are lighting two fields this year assisted by State and County grants and our own matching funds, and also irrigating those fields with underground sprinkler systems that are drought-resistant for longer and better life.

We have invested in other recreational facilities on a short-term and long-term basis, but with prudence. We're opening Memorial Pool for Memorial Day Weekend, and keeping it open until Labor Day, but closing it during the month of September. We've also added a diving board and new slides for young kids, older kids, and their parents.

We are eliminating the Arts Center on River Road B and putting it up for sale B while at the same time investing in construction of a new arts center and little theater at Center Rec.

We have also found funds for two new garbage trucks that double B you guessed it B as snow plows.

We have gone all-out to make sure that Fair Lawn is prepared for emergencies, and that our first responders are equipped and prepared for the challenges of the 21st century.

We have authorized the purchase by the fire department of two new vehicles to replace a 1995 Suburban with 70,000 miles and electrical problems and a 1993 Bronco with more than 70,000 miles on it with body rot and water leakage.

We have also authorized an expenditure of more than \$180,000 for Self Contained Breathing Apparatus packs for 55 first responders.

We have authorized the replacement for the Fire Department of a 13 year old Aerial/Pumper (#2) that is no longer safety compliant at a cost of \$500,000.

We have authorized the police department to build a \$250,000 training annex at the DPW Complex to offer a realistic method of training for building entries, domestic violence, school violence and terroristic threats under simulated conditions.

We have authorized the replacement of an 18 year old Rescue vehicle to handle special operations unit such as haz-mat response, confined space rescue, building collapse, water dive and rescue at a cost of \$260,000.

We used the lowest borrowing rates in more than 40 years to our advantage to authorize capital expenditures that have been denied for years because of the high carrying cost.

When we refinanced our town=s debt last year, our cash out of pocket was reduced; that will be so on this budget which expends more than \$2-million on badly need capital infrastructure items. What=s the cost of all this? When I met with Governor McGreevey in Trenton at the beginning of February, he said that municipalities, like the state, would have a tough year, but that he hoped that Fair Lawn and other communities would have a minimal tax increase. I=m pleased to announce to Borough taxpayers that the cost is no increase in municipal taxes. That=s right. The same taxes that you paid last year will pay for or carry the cost of purchasing these goods, services, and capital items.

We have borrowed from our rainy day fund, and will start building it up again later this year when we sell the old arts building at a price exceeding what we expect to pay for the new arts and theater center at center rec.

We will also apply for state and County assistance to continue to help us with our budget and special projects. Tonight, I am pleased to announce for example that we have been awarded over \$250,000 in County Aopen space@ money to complete the state grant to add new lights to ballfields.

Your Council worked hard to bring in this zero-increase budget. I=m proud to live in a community where the council can work so hard and obtain such a fine result. And please make no mistake about it, this budget is the result of a lot of hard work by the entire Council, our distinguished CFO, and the untiring efforts of our acting manager. This is our job, and we did it for you, the people who pay the bills.

That having been said, it=s time to introduce the budget.

RESOLUTION NO. 93-2003 Introduction of 2003 Budget by Title Only

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Resolution No. 93-2003 was adopted.

Deputy Mayor Weinstein read the following statement: Good evening fellow Fair Lawn residents and thank you Mayor and Council. As I stated at our January Reorganization meeting, we worked hard on the budget last year and will work as hard if not harder this year. We must put the numerous hours into cutting and slashing the budget and to be creative in order to maintain the high quality of Fair Lawn services while keeping a stable tax base. We must do more with less resources from the State and County. Indeed, we did just that. We will have Ano@ municipal tax increase.

Through the cooperation of this talented and cohesive Mayor and Council and with the assistance of the Acting Manager and Chief Financial Officer, we were able to meet the challenge of extremely tough

economic times, contending with a major snow storm, the resolution of the Nabisco tax appeal that has been pending since 1997, through the expert advice of our Borough Attorney, settled the Blue and White labor contract and continue to render the quality of services our community has grown to expect.

At the same time by taking advantage of an all time low interest rate we were able to approve major capital projects this year. And as I said before, all of this and no municipal tax increase. This accomplishment was the result of a lot of hard work on your behalf.

I am very proud to have contributed to this no increase result and fully support the Fair Lawn 2003 budget.

All of our taxpayers will benefit from the services provided, and we continue to protect everyone through funding for our Police Department, Fire Department, Haz-mat Units and Ambulance Corps.

Deputy Mayor Etler read the following statement: This has been my fourth year in the preparation of our town budget. For me this represents a milestone in how to make a government work lean without reductions in services.

By that, in going through our budget line by line and bringing in a no municipal tax increase for this fiscal year we have accomplished all the best things in government. By being prudent, and still spending when necessary for the betterment of Fair Lawn, we have obtained fiscal integrity. All this could not have been accomplished without the leadership of Mayor Ganz and the cooperation of my fellow colleagues.

All of us know that times are not good. Municipal aid given by our Federal, State and County government has been flat and even removed. However, with good planning and an eye to the future, we will all see solid growth in our Borough. After all, Fair Lawn is still a good place to visit, but a better place to live.

Councilmember Caan read the following statement: As Mayor Ganz has already announced, this year will be no municipal tax increase for Fair Lawn. This year, especially this year, I am pleased that we can do this for the residents of Fair Lawn.

If we look around us, the larger picture shows that the United States economy is not doing well. More and more people are losing their jobs and people are uneasy about the possibility of a war. Interest rates are low which may be good for some, but our seniors, living on the income their savings produce, it is a burden. The State has been left with over a \$5,000,000,000 deficit from the previous administration, forcing the governor to lay off employees and cut hundreds of programs throughout the State in order to avoid a tax increase. Fair Lawn, for the second year in a row will not get an increase in municipal aid from the State.

Over the last five budget cycles, good planning has brought us to this point where at a time that we need it most, we do not need to raise municipal taxes this year. Costs in the Borough do continue to rise and this year is no exception. Let me give you some examples.

Salaries and promotions to employees will increase by \$545,000 or 4.2 percent. Employee benefits including health care will increase by \$448,000 or 11.2 percent. That alone is \$1,000,000 in new obligations.

That is why we asked for and the Borough employees have agreed, that any new employees will get full health coverage in a new preferred provider network. Savings to the Borough will start with every new employee and over time will save the residents of Fair Lawn over 30 percent in health care costs.

In this budget, we have already included the \$100,000 we have spent for snow removal this year. Payments for a settled tax appeal with Nabisco is included in this budget as is the costs of the new bargaining agreement with our Borough employees.

In this budget we will continue to make Fair Lawn a better place to live. We will be building a new combination recreation center and theater. The Berdan Grove ball field will get the long overdue refurbishing it needs. We will be lighting two additional ball fields at Rec Center and Memorial, so we can better utilize the many fields we do have, and give our children additional recreational opportunities.

We are building a training center for our Police Department, so in these difficult days, they can better prepare to protect us. We are purchasing a new fire truck, heavy rescue truck and ambulance to make sure our volunteers have the equipment they need in case you need their assistance. A long overdue refurbishment of the memorials to our veterans outside Borough Hall and at Memorial Park will also be done. There will also be improvements made to the Library.

We are able to do all this without a tax increase, cutting services or laying off employees.

In addition, even with all the improvements we are making, our debt service this year will be \$186,000 less than last year. We have aggressively sought out grant money and our efforts have paid off.

Also, let's not forget that at the end of March, we are starting our free Fair Lawn Prescription Drug Card Plan, so every resident of Fair Lawn will have the potential to save additional money.

RESOLUTION NO. 94-2003 Introduction of 2003 SID Budget by Title Only

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Resolution No. 94-2003 was adopted.

RESOLUTIONS BY CONSENT #9-2003

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Consent Agenda #9-2003 containing the following items was unanimously adopted.

- a. Resol. #95-2003 - Special Item of Revenue - Water Utility Surplus
- b. Resol. #96-2003 - Tax Settlement - Nabisco
- c. Resol. #97-2003 - Asking DOT to Allow Left Hand Turns onto Midland Avenue

Mayor Ganz thanked Councilmember Caan for bringing the matter of left hand turns onto Midland Avenue to the Council's attention. He was pleased to announce that the DOT has plans to move forward with this project.

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.

Don Oliver, 8-32 Mitchell Place, a member of the Fair Lawn Homeowner's Association, questioned Resolution No. 95-2003 regarding the water utility. Mayor Ganz explained that it allows CFO Eccleston to move that amount from the water utility into the overall budget.

Mr. Oliver wondered what the Nabisco settlement would cost the Borough. Attorney Lustgarten explained

the settlement.

Mr. Oliver continued that he understood the Council had made a lot of cuts in the budget but wondered how they came up with a zero increase in the tax rate. Mayor Ganz explained the cuts that were made. Mr. Oliver asked about the jeeps that will be purchased. He felt they used more gas and were not as safe as cars. Mr. Oliver commented that some of the Department Heads were extremely well prepared during the budget meetings while some of them were not.

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

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, the meeting was adjourned to the Work Session at 8:13 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION OF MARCH 4, 2003

Mayor Ganz reconvened the meeting at 8:20 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etlar and Weinstein, Councilmembers Amato (late) and Caan.

Also present: Acting Manager/ Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

Review of Tentative Agenda:

Acting Manager / Municipal Clerk Kwasniewski stated she would like to add an award of bid for vehicles. Mayor Ganz wondered what had to be done for the Police Promotions. Acting Manager / Municipal Clerk Kwasniewski advised they would take place on March 18.

WTC Memorial - Selling Bricks:

Jane Spindel was present. She stated she was doing a fund raiser and has raised \$5,000 from private foundations. She asked to sell the bricks that can be engraved and to put them at the bottom of the ramp. She estimated they would need six hundred bricks. Ms. Spindel stated that she wanted to know if the Borough was going forward with her plan for the WTC victims. Mayor Ganz stated he was committed to memorializing the victims and he does not have an objection to selling the bricks. He did not want to expend Borough money at this time. He asked Acting Manager / Municipal Clerk Kwasniewski to get real figures for the project since the other figures were just estimates from the Borough Engineer.

Councilmember Amato arrived at 8:30 p.m

There was a unanimous consensus to authorize the sale of the bricks as they were sold previously at the

Library.

Ms. Spindel wondered if the bricks from the Radburn Building could be used in the wall or sold. Acting Manager / Municipal Clerk Kwasniewski felt that Engineer Garrison had a concern that the bricks were distressed. Ms. Spindel stated the bricks would not be part of a bearing wall. Acting Manager / Municipal Clerk Kwasniewski stated the bricks have not been moved yet because of the snow. She will contact the Borough Engineer to see what he thought.

Ms. Spindel inquired if the Garden Club could sell plants at the Radburn Train Station. Attorney Lustgarten felt that New Jersey Transit would probably frown on enterprises selling on their property. She wondered if she could get approval from New Jersey Transit would they be able to sell the plants in the parking lot. Mayor Ganz informed her there would be no objection from the Borough.

NY Mets Baseball Academy:

Mr. Ken Wiederman of the New York Mets Baseball Academy gave a presentation of the baseball instruction program that he would like to run again in the Dobrow Sports Complex. The sessions would run June 30 through July 3 and August 11 through August 15. The fee they would be paying is \$2,500. Acting Manager / Municipal Clerk Kwasniewski stated there were a few problems last year and she named them such they needed a place to take the kids so they could get out of the heat, the clean up could have been better, they should have left a maintenance bond for the field, a certificate of liability and a discount for Fair Lawn children. They offered to take \$10 off for Fair Lawn children deducting that amount from the rent they would pay the Borough. She felt they would have to come up with a plan to know how many children were from Fair Lawn. She reminded them since the Board of Education is not endorsing this program like last year there is no access to the schools. If it rains, they have no place to put the children. Mr. Wiederman stated if they agree he would need a facility to house the children in inclement weather. Attorney Lustgarten stated he was concerned about certain activities inside the buildings. He asked if Mr. Wiederman was prepared to donate bats, balls and baseball gloves. Mr. Wiederman stated that last year it was not profitable. He said it would depend on how profitable it was this year. Deputy Mayor Weinstein stated he knew that last year they had a late start but felt that more Fair Lawn children should be involved. He also felt that the older kids should be able to get a job. Mr. Wiederman stated he needed to know whether Fair Lawn was in or out. Mayor Ganz stated the Borough could forgo the rent and give the \$2,000 to All Sports and take the \$500 reduction in the rate for the Fair Lawn children that sign up. Attorney Lustgarten advised there were issues to be dealt with. He suggested that Mr. Wiederman talk to Board of Education Superintendent Watson to see if they can make an agreement between them for either use of a school or buses. Deputy Mayor Weinstein stated they should consider the Recreation Center if buses can be found.

There was a consensus to continue the program subject to the logistics, with Deputy Mayor Etlar dissenting.

There was a unanimous consensus to give \$2,000 to Fair Lawn All Sports and to have \$500 apply against the Fair Lawn residents discount.

There was a unanimous consensus to allow any amount not used in the \$500 go to All Sports.

There was a unanimous consensus to authorize that in the event of rain the Recreation Center and or Board of Education building could be used.

There was a unanimous consensus to authorize Deputy Mayor Weinstein to call Superintendent Watson

on the New York Mets Baseball Academy=s behalf.

Status Reports:

Fuel Usage: Councilmember Amato explained the reports that he received. He stated that he could not come up with any conclusion because there was no accountability.

Telephone Bills: Councilmember Amato stated he did not receive the reports until June and there was only two months worth so he could not do much with them.

Internet Usage: Councilmember Amato felt that further analysis should be done on this subject.

Public Comment:

Don Oliver, 8-32 Mitchell Place, a member of the Homeowner's Association, stated that All Sports was a private organization. Attorney Lustgarten explained the type of corporation it was. Mr. Oliver stated he would prefer to see them buy equipment instead of giving them \$2,000 up front. Mayor Ganz stated the Council was not at that point yet.

Sy Karas, 11 Lamring Drive, stated that when an application was put in for townhouses on Lamring Drive he was surprised that they would be allowed. He gave the Council a letter from the RRIC which stated their position. He cited a Supreme Court ruling that allowed municipalities to change an ordinance during an application. Mr. Karas stated there are certain designated areas for townhouses. Mayor Ganz inquired if townhouses could be built without a variance. Attorney Lustgarten explained the code. Mayor Ganz stated he was concerned not only for the River Road area but all over town.

There was a unanimous consensus for Attorney Lustgarten to draft an ordinance prohibiting townhouses in any other zone except a townhouse zone.

Fair Lawn Business Leadership Committee Expansion:

Deputy Mayor Weinstein stated he would like to add a representative from the Building Department to this committee. Acting Manager / Municipal Clerk Kwasniewski stated she had spoken to the Construction Code Officer who preferred not to be named but will attend.

Creation of Economic Development Corp:

Deputy Mayor Weinstein stated he had three proposals 1) a townwide Fair Lawn Economic Development Corporation; 2) a greater Radburn Redevelopment Committee; and 3) a Broadway Improvement District. Mayor Ganz stated the Council is to help the committee and suggested adopting a resolution encouraging them to take the steps to develop these proposals.

Request for Fair Lawn High School Marathon 2003:

Acting Manager / Municipal Clerk Kwasniewski stated the High School will be holding its annual Marathon May 16, 17 and 18. Recreation has given them a set of rules and regulations to comply with. Traditionally the Council has allowed this event.

There was a unanimous consensus to allow the High School use of the field at Memorial School to hold its annual Marathon.

Renewal of Interlocal Service Agreement with Ridgewood (Health Officer):

Acting Manager / Municipal Clerk Kwasniewski stated the current contract expires the end of March. The Borough receives \$6,000 for the services. Mayor Ganz wondered if the Health Officer could do this for other towns.

There was a unanimous consensus to authorize the extension of the Interlocal Services Agreement with Ridgewood.

Request for Resolution re Public Health Priority Funding Grant Cut from State Budget:

Acting Manager / Municipal Clerk Kwasniewski stated that Governor McGreevy reduced his budget a substantial amount in the Public Health Priority Funding. Health Officer Wagner asked if a resolution could be adopted to reinstate the funding. Mayor Ganz advised that the Borough sponsor a resolution and send to the Governor, the Chief of Staff, Senator Coniglio, Assemblyman Ahearn, Assemblywoman Heck stating that the Borough has heard the message loud and clear. However, Fair Lawn is a town with a zero increase in our taxes. The loss is significant.

Request to Use Memorial Pool - Rising Stars Dance Academy:

Acting Manager / Municipal Clerk Kwasniewski stated that Rising Stars Dance Academy has requested use of Memorial Pool instead of Walsh Pool like they had last year. Mayor Ganz felt they should remain at Walsh Pool.

There was a unanimous consensus to allow the use of Walsh Pool by Rising Stars Dance Academy.

Report of DOT Meeting:

Acting Manager / Municipal Clerk Kwasniewski stated they had met with the Department of Transportation regarding a left-hand turn from Broadway onto Midland Avenue. She spoke to Birdsall Engineering, who is currently doing a study on Broadway, giving them the names of the people at DOT.

Planning / Zoning Board Notification to Tenants:

Mayor Ganz advised Acting Manager / Municipal Clerk Kwasniewski to write a protocol on the practical handling of this matter in the construction code office.

Closed Session Resolution:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the following closed session resolution was adopted at 10:25 p.m

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 personnel; 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 appointment 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.

Expansion of the Business Leadership Committee:

Deputy Mayor Weinstein wondered how many members he could expand this committee by. Acting Manager / Municipal Clerk Kwasniewski informed him he could add twenty-five members. She advised him that as he came up with the names she could add them to the committee.

Adjournment:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Amato, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

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