

REGULAR MEETING OF MAY 14, 2013

Mayor Cosgrove called the meeting to order at 7:30 p.m.

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 14, 2012. Notices were also posted on the bulletin board located on the first floor of the Municipal Building; copies were mailed to The Community News and posted on the Borough of Fair Lawn website. The annual notice identified the meeting location and the time of Council Meetings and Work Sessions.

PRESENT: Mayor Cosgrove, Deputy Mayors Baratta and Trawinski, Councilmembers Peluso and Swain.

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski and Attorney Mondello.

SWEARING IN OF NEW AUXILIARY OFFICERS

Alexandra Vanni was sworn in as a new Auxiliary Police Officer by Chief Magarelli. Ms. Vanni recently graduated from the Explorer Academy at Monmouth University, where she was elected Class President. Mayor Cosgrove stated that Auxiliary Officer Vanni did a great job at the Explorer Academy. He was glad she was a member of the Fair Lawn Auxiliary Police.

COUNCIL COMMENTS

Councilmember Peluso stated that he coached Auxiliary Officer Vanni in track a few years ago. The passion that she has for Law Enforcement is tremendous and he was glad she was continuing her services in Fair Lawn.

He attended a FEMA meeting at the County, where he received a great deal of information regarding flooding issues. If any residents were interested in receiving copies they could contact him and he would email them the information. The State representative is Jim Watt, who can be reached at 609-292-2296.

Councilmember Swain congratulated Auxiliary Officer Vanni and her family. She thanked her for serving the Borough of Fair Lawn. She and Mayor Cosgrove attended a dedication ceremony for an outdoor classroom at Thomas Jefferson Middle School. It was wonderful to see the students have such an appreciation for their environment and the concept of recycling and reusing. The students will grow up to be outstanding citizens.

The Green Team was in the third week of its healthy eating program. The Green Team and the One Pound at a Time Program is sponsoring a 3K spring walk on June 9th starting at Memorial Pool. She was proud that the RRIC was sponsoring this event and thanked them for their contribution. The Fair Lawn ADA Committee is hosting an Access for All Summit sponsored by the County on Saturday, June 1st from 12:30 to 2:30 p.m. at the Fair Lawn Community Center. The main focus of the summit will be transportation issues and the proper use of handicap parking spaces. There will be a Luau Dance for adults with special needs on Friday, May 17th from 7:00 to 9:30 p.m. at the Community Center. She thanked the Conroy Family of Fair Lawn for sponsoring the dance. She also thanked the students at Fair Lawn High School who were holding a bake sale today and tomorrow, with the proceeds going to the ADA Committee.

She concluded by stating that she was not aware the Borough Manager and Assistant to the Manager were both out last week. She has asked the Municipal Clerk to schedule this item on a future Work Session to make sure a procedure is in place for future coverage by an Acting Manager. Manager Metzler stated that there was no Acting Manager appointed because he was in the State.

Deputy Mayor Trawinski echoed the comments regarding the Auxiliary Police Officer Vanni and her family. He thanked them for their service. For years politicians in Trenton have talked about finding a permanent source of funding for Open Space money instead of borrowing periodically by bond issues. There is a bipartisan effort in the State Senate to create a permanent source in the amount of \$200 million for Open Space acquisition and Blue Acres acquisition. The legislation would not raise new taxes nor create new debt. It requires the dedication of \$200 million from sales tax revenue for Open Space purposes. He will review the legislation to see if this is the right solution, but he applauded the bill's sponsors for taking action. He encouraged the residents and the Environmental Commission to look at the legislation to see whether or not it merits support.

Deputy Mayor Baratta congratulated Auxiliary Officer Vanni and wished her much luck. She hopes she will remain safe. The Shade Tree Commission dedicated a tree on Saturday in memory of former Mayor Flossie Dobrow. The tree is beautiful with a multicolored bark. It was nice to have Mayor Dobrow's son and family present. It was a nice occasion.

The Memorial Day Parade will be on Monday, May 27th. She encouraged everyone to attend as it was nice to see the residents lining the streets. On Saturday, May 25th the Veterans will be placing grave decorations at Fair Lawn Memorial Cemetery at 2:00 p.m.

The Municipal Building will be starting summer hours on Thursday, June 13th through September 4th. The Borough will be open Monday through Thursday from 8:00 a.m. to 5:30 p.m. and closed on Fridays. She would be remiss if she did

not wish a happy belated Mother's Day to everyone, especially the Garden State Grandmothers who were in the audience.

Mayor Cosgrove stated that he went to Princeton with Chief Rose, Interim Chief Cauwels, Acting Captain Paterson and Lt. LaRosa to see the Fair Lawn Police Department received their accreditation, which was no small task. It was a great honor and he was proud of the Department for achieving it after working hard for several years. The Fair Lawn Police Department is now one of a few Departments to have this accreditation.

He attended Shomrei Torah's 38th Annual Dinner. He thanked its president, Michael Glass and Rabbi Yudin for inviting him. It was a great evening. He attended the Career Day at Memorial Middle School that was sponsored by Fair Lawn Rotary. Several firefighters and Police officers participated. There were many young children interested in dynamic careers so he felt this was a great event. He attended the FEMA meeting at the County with other Borough employees. FEMA is coming out with preliminary maps and permanent maps will be available in the fall.

He concluded by reminding residents that the Fair Lawn High School Marathon, a tradition for many years begins Friday at 2:45 p.m. at the field behind the High School. He wished all the students good luck. He thanked them for raising money for many great causes.

ORDINANCES ON FIRST READING:

Upon motion by Councilmember Peluso and a second by Councilmember Swain, it was unanimously agreed to read the following ordinance by title.

ORDINANCE NO. 2278-2013 (RESOLUTION NO. 179-2013)

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, CHAPTER 74 "BROADWAY SPECIAL DISTRICT", BY AMENDING SCHEDULE A

Upon motion by Deputy Mayor Baratta and a second by Councilmember Peluso, Resolution No. 178-2013 introducing Ordinance No. 2278-2013 was discussed.

Mayor Cosgrove stated that he attended a grand opening several weekends ago at a store on Broadway that would not have been previously allowed because of the parking situation. He felt this change was good for Broadway. Hopefully it will fill up the store fronts.

There being no further discussion, Resolution No. 178-2013 introducing Ordinance No. 2278 - 2013 was unanimously passed.

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

**ORDINANCE NO. 2279-2013
(RESOLUTION NO. 180-2013)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING VARIOUS CHAPTERS TO REVISE FEES AND PENALTIES MORE PARTICULARLY SECTION 160-6D (1) FAIR LAWN RECREATION/COMMUNITY CENTER

There being no discussion, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, Resolution No. 180-2013 introducing Ordinance No. 2279-2013 was unanimously passed.

ORDINANCES ON SECOND READING:

Mayor Cosgrove suggested tabling this ordinance based on a letter they received from the Planning Board, who would like to review the changes with the Council.

**ORDINANCE NO. 2271-2013
(RESOLUTION NO. 181-2013)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" AND CHAPTER 129 "LAWN FERTILIZING" PERTAINING TO EXCLUDING PERVIOUS PAVING SYSTEMS AS OUTLINED AND DESCRIBED IN NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL FEBRUARY 2004, CHAPTER 9.7 "STANDARD FOR PERVIOUS PAVING SYSTEMS" FROM THE DEFINITION OF IMPERVIOUS COVERAGE AND IMPERVIOUS SURFACE CONTINGENT UPON THE PROPER MAINTENANCE OF THE PERVIOUS PAVING SYSTEM FOR MAXIMUM PERMEABILITY

Upon motion by Councilmember Peluso and a second by Deputy Mayor Baratta, Ordinance No. 2271-2013 was tabled with Deputy Mayor Trawinski dissenting.

Deputy Mayor Trawinski asked Attorney Mondello to provide the legal basis for his opinion that was given to the Council this evening recommending they withdraw the ordinance and restart the process. He would also like the Council to ask the Planning Board to please go back and do its job, which is to tell them whether or not the ordinance is consistent with the Master Plan under the Municipal Land Use Law. It then may offer whatever views it has. The Planning Board's memo dated May 14, 2013 recommends that the ordinance not be

adopted, but the Board makes no finding as to whether it is consistent or inconsistent with the Master Plan.

Attorney Mondello stated that he agreed with Deputy Mayor Trawinski's comments. He will discuss the matter with the Planning Board. He felt that a date certain should be set for him to come back before the Mayor and Council, perhaps as early as May 28, 2013 since Deputy Mayor Trawinski was adamant about passing this particular ordinance so as not to hinder those residents who want to install swimming pools and patios. He will continue conversations with the Planning Board and expects to be back before the Council by May 28th for the first reading. Deputy Mayor Trawinski stated that he would support his recommendation if it also includes the Zoning Board since it is the Zoning Board that gave them a 15 page comprehensive and detailed report indicating its rationale for favoring this change, including a copy of the State's Best Management Practices for allowing for pervious materials, avoiding the impervious issue and the variances that cost the residents unnecessary time and expense to install swimming pools. The Planning Board did not supply any specifics other than they did not like it. Attorney Mondello stated that he will make sure the Zoning Board is included in the process.

Municipal Clerk Kwasniewski stated that May 28th was a Regular Meeting. She asked if the ordinance would be ready for the May 21st Work Session. Mayor Cosgrove asked if there was consensus to allow Attorney Mondello to report back at the next Work Session with comments from the Zoning and Planning Boards.

Deputy Mayor Trawinski stated that based on that understanding of the Mayor and Council, he would like to withdraw his no vote and change it to an affirmative vote on tabling the ordinance.

There was consensus to allow Deputy Mayor Trawinski to withdraw his no vote and vote yes in support of tabling the ordinance.

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

**ORDINANCE NO. 2272-2013
(RESOLUTION NO. 182-2013)**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR
LAWN 2000, SPECIFICALLY CHAPTER 125 "ZONING" PERTAINING TO
BLOCK 1702, LOTS 4 AND 10, KNOWN AS THE NAUGLE PROPERTY**

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

There being no discussion, upon motion by Councilmember Peluso and a second by Deputy Mayor Baratta, Resolution No. 182-2013 adopting Ordinance No. 2272-2013 was unanimously passed.

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

**ORDINANCE NO. 2273-2013
(RESOLUTION NO. 183-2013)**

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED "ADMINISTRATIVE CODE", ARTICLE IV "BOROUGH MANAGER: PROVIDING FOR THE POSITION OF DEPUTY BOROUGH MANAGER PURSUANT TO N.J.S.A. 40:69A-90

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

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, Resolution No. 183-2013 adopting Ordinance No. 2273-2013 was discussed.

Councilmember Swain reiterated that she was voting against this ordinance because she feels it is creating an unnecessary position in the Borough. Mayor Cosgrove stated that he supported the ordinance because the establishment of a Deputy Manager provides continuity.

There being no further discussion, Resolution No. 183 -2013 adopting Ordinance No. 2273 – 2013 was passed, with Councilmember Peluso and Councilmember Swain dissenting.

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

**ORDINANCE NO. 2274-2013
(RESOLUTION NO. 184-2013)**

**AN ORDINANCE FIXING THE SALARIES OF EXISTING PART TIME
EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW
JERSEY AS AMENDED**

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

There being no discussion, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, Resolution No. 184-2013 adopting Ordinance No. 2274 -2013 was unanimously passed.

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

**ORDINANCE NO. 2275-2013
(RESOLUTION NO. 185-2013)**

**AN ORDINANCE FIXING THE SALARIES OF NEW PART TIME
EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW
JERSEY AS AMENDED**

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

There being no discussion, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, Resolution No. 185-2013 adopting Ordinance No. 2275-2013 was unanimously passed.

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

**ORDINANCE NO. 2277-2013
(RESOLUTION NO. 186-2013)**

**AN ORDINANCE FIXING THE STIPENDS OF NEW EMPLOYEES OF THE
BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS
AMENDED**

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

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 186-2013 adopting Ordinance No. 2277-2013 was discussed.

Deputy Mayor Trawinski stated that he would like the record to reflect the comments he made when they introduced this ordinance; that this ordinance and the previous ordinance were historic ordinances that represent the Council looking forward with the collective assistance of the Manager, the employee unions and CFO Palermo in setting a salary range for new employees that is 10% lower than the existing salary range. They have talked about how Government has to change the way it does business, given the fiscal constraints that they face. These two ordinances are examples of Government changing the way it does business.

There being no further discussion, Resolution No. 186-2013 adopting Ordinance No. 2277-2013 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, it was unanimously agreed to open the time for public comments on Consent Agenda items only.

Terry Josten, 16-30 Eberlin Drive thanked the Council for accepting the Garden State Grandmothers under the auspices of the Borough of Fair Lawn. Their organization's only goal and obligation is to the children of Fair Lawn. Mayor Cosgrove thanked the Garden State Grandmothers for the great work they did. He knew that they helped sick children and made crafts for them and others. It was their pleasure to help them. Deputy Mayor Trawinski stated that each one of them remembers what their grandmothers did for them and there are those who are fortunate to still have their grandmothers around. They could never say no to them.

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

RESOLUTIONS BY CONSENT #11-2013

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, Consent Agenda No. 11-2013 containing the following items was unanimously passed.

- a. Resol. #187-2013 – Approval of Minutes:
 - Closed Session 4/2/13
 - Work Session 4/2/13
 - Special Meeting 4/2/13
 - Closed Session 4/2/13
 - Regular Meeting 4/9/13
 - Closed Session 4/9/13
- b. Resol. #188-2013 – Sponsoring the Fair Lawn Garden State Grandmas for Quasi-entity III Insurance Coverage through the JIF.
- c. Resol. #189-2013 – Award of Bid: Concession Stand at Memorial Pool
- d. Resol. #190-2013 – Multi Year Contract: Police Computer Maintenance
- e. Resol. #191-2013 – Refund of Overpayment of Taxes
- f. Resol. #192-2013 - Approval of Memorandum of Agreement with the Board of Education
- g. Resol. #193-2013 - Interlocal Agreement with the Township of Saddle Brook for the Use of Memorial Pool
- h. Resol. #194-2013 - Interlocal Agreement with the Borough of Elmwood Park for the Use of Memorial Pool
- i. Resol. #195-2013 - Interlocal Agreement with the Borough of Prospect Park for the Use of Memorial Pool
- j. Resol. #196-2013 - Interlocal Agreement with the Fair Lawn Community School for the Use of Memorial Pool

**RESOLUTION NO. 197-2013 - LIQUOR LICENSE PERSON TO PERSON TRANSFER –
AROUND DA CORNER TO RAIL YARD LLC**

Deputy Mayor Trawinski asked if the paperwork was in order. Municipal Clerk Kwasniewski explained that this license was seized by New Jersey Division of Taxation so there was little leeway as far as investigation. It is a pocket license because the owner has not completed his lease agreement with the landlord, although his intention is to reopen in the same location as Trakside Grille. The Division of Taxation has been urging her and the owner to approve the license so they are doing a pocket license until the lease is approved at which point they can do a place to place transfer.

Deputy Mayor Trawinski asked if a full background check will be done at that point. Municipal Clerk Kwasniewski stated that fingerprint checks have been done on the two people on the license, and the owner has explained where he obtained the money to purchase the license from the State. They do not have too much discretion in turning him down but they have done their best due diligence.

Deputy Mayor Trawinski stated that he had no intention of turning down the license request. He just wanted to be sure they have checked into this as far as they can go.

There being no further discussion, upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 197-2013 was unanimously passed.

PUBLIC HEARING ON 2013 BUDGET

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the time for public hearing was opened.

There being no comments, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the time for public comments was unanimously closed.

RESOLUTION NO. 198-2013 – ADOPTION OF 2013 BUDGET

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, Resolution No. 197-2013 was discussed.

Deputy Mayor Trawinski asked if Manager Metzler or CFO Palermo to provide highlights of the budget as it compares to the 2012 budget. Manager Metzler stated that they have seen a 4.21% increase in salary and wages this year totaling \$704,750, which is the result of increases in salaries and a loss of Recycling revenue. They are using \$3 million of surplus, which is equal to what they used last year or approximately 6%. This is the lowest percentage used since 2007. It is significant to note that the balance they have in the surplus account last year was \$2,621,217. This year it will be \$3,541,000 for a slight increase achieved as a result of reimbursements they received through insurance and Federal monies for Hurricane Irene.

This budget represents an increase of \$488,652.99 or 1.37% on property taxes, and comes in \$106,227.65 under the mandated State Cap. For residents with an average home assessed at \$323,679, it represents an increase in the Municipal tax of \$32.37. The estimated increase for all taxes on the same average assessed home will be \$127.85. There is \$100,000 in savings due to a decrease in unemployment and pension contributions.

There are very serious concerns for 2014. The garbage contract expires at the end of the year and they anticipate a substantial increase. The Police Department is currently in an active contract and personnel do not have to contribute towards their healthcare costs under the State's guideline. As a result they may see a number of retirements when their contract expires at the end of the year. Additionally, their first quarter self-insurance costs have been disproportionately

higher than average. They will bring in the vendor to try to determine if this is a trend or a temporary increase that will stabilize. The budget has addressed their goals and they will continue to build surplus. Deputy Mayor Trawinski stated that the municipal tax increase will amount to \$2.70 per month for the average assessed household.

Councilmember Swain thanked Manager Metzler for the analysis, but she sees the budget differently. It is important to be conservative but after reviewing the budget line by line she felt there was sufficient cushion in many areas that would have allowed them to take more out of surplus, since that money belongs to Fair Lawn taxpayers. There are areas where they are going to see increased revenues which will increase that cushion, such as changes in the salary structure and shared services. There will be Police retirements, but they will be hiring Police officers at lower salaries. There will be more healthcare contributions. The majority of the Council voted to increase the water fees, which is essentially an additional tax. Many residents are looking for jobs, working part time or are on fixed incomes. This budget is not consistent with a better fiscal policy for those residents.

Mayor Cosgrove asked Councilmember Swain how much she would cut from the budget and how much surplus she would spend. Councilmember Swain stated that she would have looked in the area of \$400,000 to \$500,000. She understood that the impact would be small but it is money that belongs to the taxpayers. Mayor Cosgrove stated that it would amount to a savings of \$2.70 per resident per month to spend a half million dollars of surplus. It would also be 12 furlough days for every Borough employee. Councilmember Swain stated that no one was talking about furlough days. Mayor Cosgrove stated that if they cut that amount out of the budget they would need to do that. He noted that last year Councilmember Swain spoke of furlough days. Councilmember Swain reiterated that they haven't discussed that option. Councilmember Peluso stated that last year he asked the Borough Manager to look at that option but after review, the Council unanimously agreed that there would be no furlough days.

Deputy Mayor Trawinski stated that he was finishing his 11th year on Council. With all due respect to Councilmember Swain, he heard the same comments made by then Councilmember Ganz in 1999 and again in 2005, when the Council delivered in an election year a 0% increase by depleting the surplus. As a result, the highest tax increase in two decades was imposed in 2006 because the surplus was depleted.

It sounds great to say "it's your money" but election years should be not used as gimmicks for saying they are giving you a break when they know that utilizing those gimmicks will cause outrageous and exorbitant tax increases the following year. One only needs to look at the tax hikes in the last 20 years to see that this has happened consistently in the Borough. It sounds great to talk about budgeting for anticipated retirements, however, the Division of Local Services will not approve a budget based upon anticipated retirements nor will CFO Palermo or the Auditor

sign off on such a budget. They are wise to watch out for anticipated retirements but there are no guarantees that they will actually occur.

What they are hearing is Councilmember Swain's campaign literature that will be appearing in November. Even though he is not running for reelection he cares about the future of Fair Lawn and he does not want residents to be fooled by election year gimmicks. Councilmember Swain stated that she was not running in any elections and was not up for reelection. If they followed her suggestion the surplus would still be \$3 million dollars.

Manager Metzler noted that over the years he has had a philosophical difference with some Councilmembers regarding surplus. He is the professional that was hired to work with CFO Palermo to look at the numbers, anticipate what is coming in the future and try to set up a sound base and long term budget planning. He understands that the surplus is not the Borough's money – it is the taxpayers' money. He wondered if anyone in Fair Lawn doubted that next year's garbage contract is going to be increased by at least \$500,000 for a single year's pick up, since they are coming off a five year contract.

Seventeen police officers are eligible for retirement next year but no one knows how many will actually retire. When they ran figures based on ten random officers retiring in 2014, it showed the Borough paying out \$789,320. Effective January 1, 2014 the new Federal healthcare regulations will take effect and they will be required to offer healthcare coverage to any Borough employee working more than 30 hours per week, including lifeguards and camp counselors. Suddenly the \$3 million surplus does not seem so big anymore. In 2006 they made an adjustment that he authored to rebuild the surplus by doing a one-time tax adjustment with the assurance that they would stabilize property taxes. They were successful in doing so but they had to rape the self insurance fund to replace that money. They are limited by the 2% cap. Once the surplus is gone and they can no longer sustain programs they can either ask for a referendum allowing the Council to raise the taxes more than 2% or they will be forced to cut services. Residents need to understand the ramifications of depleting the surplus.

Deputy Mayor Baratta stated that many people believe like Councilmember Swain that new police officers come in at a lower rate. Deputy Mayor Baratta stated that as the elected officials who are at the Borough part time, they try to hire the best employees possible to run the Borough and give them recommendations for the Council to vote on. She quoted CFO Palermo's impassioned comment from a budget meeting that appeared in a Patch article: "If the Council sticks to the plan set forth in this budget it should be able to replenish the spent surplus and use another \$3 million to offset the budget in 2014. I need somebody in this position that is going to keep this plan. It is really important because the minute we deviate, the minute it goes against any policies and procedures that we have established in the budget I am begging, I am standing here in front of you all and

saying "it's not going to work". She thanked CFO Palermo. They listened to her because she is the expert.

They are paying for what happened years ago. There was a zero percent increase that year and the year before that there was a 19% increase. That is not fair to the people of Fair Lawn. The average was 66% over the prior ten years. No one on the Council wants to raise taxes but they listened to the residents, who want a pool, a library and the services they have come to expect. They are trying to balance all those things.

There being no further discussion, upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, Resolution No. 197-2013 was passed, with Councilmember Peluso and Councilmember Swain dissenting.

PUBLIC HEARING ON RRIC BUDGET AND CONSIDERATION OF ASSESSMENTS IN THE RIVER ROAD IMPROVEMENT DISTRICT

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the time for public hearing was opened.

Fred Malone, Fair Lawn Industries, 20-21 Wagaraw Road asked what the industrial portion of the tax increase was for 2013 since his taxes increased over \$100,000. During the past few years Fair Lawn Industries has had a 50% vacancy due to the economy. Now that they have gotten their occupancy back up their rent rolls are down considerably. They have received a tax increase of \$100,000 and will be responsible for a 25% contribution to the RRIC, which has not been determined yet. This is putting them in a very difficult position. Although the resident may benefit from the lower tax rate, the businesses are in a different position.

Manager Metzler explained that the tax percentage is the same for both groups. There was a reassessment in 2012 and there was shift from residential property to commercial property. The tax increase that he is seeing is the result of the shift in assessed value. Mayor Cosgrove stated that the shift was not done by the Council; it was done by appraisal because residential properties had dropped more than commercial properties.

There being no further comments, upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the time for public comments was unanimously closed.

RESOLUTION NO. 199-2013 – ADOPTION OF RIVER ROAD IMPROVEMENT CORPORATION BUDGET

There being no discussion, upon motion by Councilmember Swain and a second by Councilmember Peluso, Resolution No. 197-2013 was unanimously passed.

PUBLIC HEARING ON BIC BUDGET AND CONSIDERATION OF ASSESSMENTS IN THE BROADWAY IMPROVEMENT DISTRICT

Upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the time for public hearing was opened.

Charles Tregidgo, 12-68 4th Street stated that BIC's budget has been unchanged since they began six years ago. They continue to make progress on Broadway. They are meeting with the NJ DOT next week regarding bump outs on Broadway near Warren Point School for safety reasons and the use of grant funding they received in the amount of \$296,000. They will also discuss the newly installed strobe lights on Broadway near the train tracks, which are not working effectively and a system called the Hawk. Through the Council's auspices and the Borough of Elmwood Park they are working to resolve issues. They have instituted a banner program on Broadway for businesses and are advertising in the local papers. They also do special maintenance and clean ups in addition to what is done by the Borough and the State. He feels they are spending their money wisely and judiciously.

Mayor Cosgrove thanked him for the work that he and the BIC were doing.

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

RESOLUTION NO. 200-2013 – ADOPTION OF BROADWAY IMPROVEMENT CORPORATION BUDGET

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 197-2013 was discussed.

Deputy Mayor Trawinski thanked the Trustees of both the Broadway Improvement Corporation and the River Road Improvement Corporation for all they do for their respective districts. He knows that it takes a lot of time, effort and energy. If they had to pay for this service the Borough could not afford it. When RRIC and the first Special Improvement District (SID) were formed, Joe Tedeschi, Robert Gordon and Larry Schweid implored the Council to keep the SID out of politics. To the credit of all those who have run for office since then, they have done that and the RRIC and

BIC have stayed out of the political fray. He hoped the Councilmembers who come after him will continue that tradition because making sure their business community continues to thrive is important, not only for the jobs it creates but because it helps absorb some of the burden from our residential taxpayers.

PUBLIC COMMENTS

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, the time for Public Comments was opened.

Craig Miller, 5 Ramapo Terrace stated that the Borough has an aging fleet of vehicles, including Police cars with faded markings and a bobcat with bald tires. There are always Police cars at the Borough Garage. He felt it was not prudent to run the Borough "paycheck to paycheck". He believed in the surplus and wish they could add more to it. He felt it was important to stick with their budget plan.

He asked if new Police officers hired from the RICE list would receive the lower salary or their current salary. Manager Metzler stated that Police officers do not fall under any of the contracts recently approved by the Council with the 10% reduction in salary, but officers hired from the RICE list start at an entry level salary. Mayor Cosgrove explained that the RICE list is comprised of Police officers who have served in other communities and have gone through the Police Academy but were laid off.

Manager Metzler stated that there was a comment about saving 10% on salaries for new employees. The Council eliminated terminal leave in March, 1988. It is now 2013 and they still have seven employees currently working who are still eligible for this benefit upon retirement. It will take years before the full benefit of a lower salary and the reduction of longevity is realized.

Councilmember Peluso stated that the Department Heads make long and short term recommendations on the Budget for needed equipment. There are some new Police vehicles and the older ones are gradually being replaced. Surplus is not meant to be used to buy Borough cars; it is a fund for emergencies. He felt the Department Heads were doing a great job of making sure their requests are what they need.

Councilmember Swain asked Manager Metzler how many new Police cars they have purchased. Manager Metzler stated that in 2012 the Council purchased four vehicles, one of which replaced a car destroyed in an accident. For every three cars being put into service five are being removed, mostly because they are gas guzzlers with 120,000 miles. They will no longer be given to Department Heads to use. The new cars are 4-cylinder, energy efficient vehicles such as Ford Escort or Ford Fusion. They have appropriated funds for four more Police vehicles this year.

There being no further comments, upon motion by Deputy Mayor Baratta and a second by Councilmember Swain, the time for Public Comments was closed.

Deputy Mayor Baratta thanked CFO Palermo, Manager Metzler and the Council for their work on the budget. This is her eighth and final budget. This is only the second time during the budget process that she was in the majority. She was disheartened by some of the things that went on during this process. For six years she was in the minority and it was difficult, but it was also a lot of fun, too. She always let her voice be heard because that is what she was elected to do; to fight what she believed in and express how she felt and share her process and where she wanted to take Fair Lawn to. There were many times when no one listened to her, but you have to keep fighting for what you believe in and what you are elected to do. That is why the people put you in a Council chair.

This was the quickest budget process they ever went through. She did not want to call any one out, she just wanted to say that when you sit in this Council chair do not cop out. Fight for what you believe in, get your ideas out there and make your voice heard. Let the residents of Fair Lawn know how you feel about things, whether it be about a budget or health insurance. That is what you are elected to do. Get your opinions out there, even though you will be knocked down many times. Just get back up and keep fighting for what you believe in.

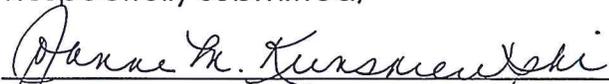
Councilmember Peluso stated that he would like to encourage the Council to never, ever vote to silence someone who is an elected official. Deputy Mayor Baratta stated that Councilmember Peluso was incorrect; nobody voted to silence him. He was not following the proper process. If he had gone through the proper process he would not have been silenced. He misunderstood that. She read a portion of an article that stated "Mr. Peluso said he hadn't brought his budget concerns to Republican Councilmembers because of the way they responded last year when he suggested eliminating the position of Recreation Supervisor." She encouraged him to bring his ideas to them. There have been many times when they talked about other issues in Work Sessions and Councilmember Peluso brought some great conversations and ideas that they all agreed to. On this budget, he was silent until he was approached by a reporter and then he had plenty to say. They will absolutely listen to him. She encouraged him to let his voice be heard.

Councilmember Peluso encouraged residents to check the minutes. Whenever there is a vote on an appointment there has been an effort to silence the minority. He agreed that there is great discussion on some issues and there is camaraderie, except when it comes to appointments and budgets. History shows it and so do the minutes, which he will stand by. Deputy Mayor Baratta stated that the minutes will show that Mr. Peluso made no recommendations during this budget process. He waited until he had a reporter's ear before making any recommendations. He sat on his hands and was mute.

ADJOURNMENT:

Upon motion by Deputy Mayor Trawinski and second by Councilmember Swain, the meeting was adjourned at p.m.

Respectfully submitted,



Joanne M. Kwasniewski, RMC, CMC, MMC
Municipal Clerk

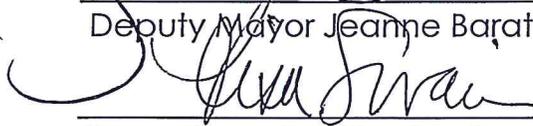
The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



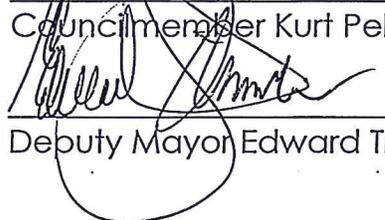
Deputy Mayor Jeanne Baratta



Councilmember Lisa Swain



Councilmember Kurt Peluso



Deputy Mayor Edward Trawinski

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