

REGULAR MEETING OF FEBRUARY 19, 2013

Mayor Cosgrove called the meeting to order at 7:31 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, 2013. 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, Assistant Municipal Clerk Bojanowski and Attorney Mondello.

PROCLAMATION: PYTHIAN WEEK READ ACROSS AMERICA DAY

Municipal Clerk Kwasniewski read the Read Across America Day proclamation. Mayor Cosgrove read the Pythian Week proclamation and invited the Council and the Pythian's that were present to accept the proclamation.

Jerry Weiner thanked the Mayor and Council for their continued support in the Knights of Pythias. They look forward to working with them In the future as they have in the past.

COUNCIL COMMENTS:

Councilmember Peluso congratulated the Knights of Pythias. On March 6th at the Community Center they will be handing out funds that have been raised throughout the year to different charities or non-profit organizations. Tomorrow the One Pound at a Time event will be kicking off at the Community Center.

He mentioned the passing of Scott Ganz, son of David Ganz, the former Mayor and current Chairman of the Freeholder Board. Scott was a veteran having served in Afghanistan. Councilmember Peluso mentioned that this was the second time that Fair Lawn has had someone return home and commit suicide. It has grown apparent to him that this has become more common practice. As a nation, they are doing a big disservice to the veterans that served overseas. As a community, as a State and as a nation, they need to do a lot more for the people who have served their Country.

Councilmember Swain congratulated the Knights of Pythias and thanked them for all they do.

She encouraged all parents to take this opportunity to sit down and read to their children, not only is it educational but it is such a special time.

Councilmember Swain stated the ADA Committee will be holding their dance on March 1st and are planning a teen dance on April 5. They are also planning to bring the County Gold Star Program to Fair Lawn which is for seniors over 65 and residents in the Borough with special needs.

In regard to One Pound at a Time, tomorrow night at the Community Center, the Reduce Weight portion will be kicked off. A nutritionist from Valley Hospital will be present to discuss healthy eating. There will be a weigh in and Manager Metzler has agreed to get weighed in. There will also be representatives from local fitness centers and information from the Recreation Department about their programs.

Deputy Mayor Trawinski echoed all the comments that Councilmember Peluso and Councilmember Swain have made in regard to the Knights of Pythias. He has enjoyed their circus through the years with his children and now his grandchildren.

As parents they read to their children and now they are watching their children read to their children. Last week his five year old grandson offered to read something to him. He encouraged people to read to their children. It does make all the difference in the world.

Tonight, all of the Council gave 45 minutes of their time at a Special Meeting to receive the MEL and JIF training which maxes out the credit the Borough of Fair Lawn receives on its insurance premium. They collectively saved the Borough \$1,500 at no cost or expense from them. As long as he has been on the Council, Fair Lawn has been one of the few municipalities where all of the Councilmember's have maxed out the credit.

Deputy Mayor Baratta thanked the Knights of Pythias for all the volunteer work they do in Fair Lawn. She also congratulated the town of Fair Lawn for being named one of the safest towns in United States.

Read across America is a special day for her. Reading to her kids was something she did all the time. She would like to thank her Fair Lawn school teachers that gave her the love of reading. She has spent many hours at the Fair Lawn Library. She mentioned her third grade teacher, Ms. Schepler, who read to them every day. She was her favorite teacher and is forever grateful for receiving the gift of reading.

Mayor Cosgrove mentioned that the Rotary will be holding their annual Beefsteak on March 16th at 6:30 p.m. at St. Leon's. The tickets are \$45 per person. All the proceeds will go to Rotary charities. It is a great service organization that helps a lot of people.

He thanked the Knights of Pythias for what they do and for being present at the meeting.

He spoke about another incident that happened where two children were struck by a car in a crosswalk. He knows they continually talk about it but they really need the residents and drivers to take responsibility to be safe. The law is when someone is in the crosswalk, the vehicle has to stop. He did not want to see any more children or senior citizens getting hurt.

MANAGER'S REPORT

Manager Metzler stated there are no changes to the document.

ORDINANCE ON SECOND READING:

Upon motion by Councilmember Swain 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. 2263-2013

AN ORDINANCE TO PROVIDE FOR A CERTAIN CAPITAL IMPROVEMENT IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE (BERDAN AVENUE)

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. 88-2013 adopting Ordinance No. 2263-2013 was discussed.

Deputy Mayor Trawinski stated that they have received this grant through Capital Alternatives. They do the work and only get paid if they obtain a grant. Anytime they can get a grant with at a cost of a 10% fee, they do well for the people of Fair Lawn.

Mayor Cosgrove said this was a \$300,000 grant from the NJDOT which will allow the paving of Berdan Avenue from Plaza Road to Sampson Road. It is a non-matching grant.

There being no further discussion, Resolution No. 88-2013 adopting Ordinance No. 2263-2013 was unanimously passed.

Upon motion by Councilmember Swain 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. 2264-2013

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH
OF FAIR LAWN 2000, CHAPTER 111 ENTITLED "FOOD
HANDLING"**

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 Councilmember Peluso and a second by Councilmember Swain, Resolution No. 89-2013 adopting Ordinance No. 2264-2013 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso, the time for public comments on Agenda items only was opened.

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

RESOLUTIONS BY CONSENT # 5-2013

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Baratta, Consent Agenda #5-2013 containing the following items was unanimously passed.

- a. Resol. # 90-2013 – Approval of Minutes
 - Work Session 12/18/12
 - Special Meeting 12/18/12
 - Closed Session 12/18/12
 - Reorganization Meeting 1/3/13
 - Closed Session 1/8/13
 - Work Session 1/8/13
 - Closed Session 1/8/13
 - Regular Meeting 1/15/13
 - Closed Session 1/15/13

- b. Resol. # 91-2013 - Authorizing Renewal of Massagist License: Larisa Remennik
- c. Resol. # 92-2013 - Authorizing Issuance of Massagist License to Wenfei Liu - Healthy Way
- d. Resol. # 93-2013 - Authorizing Submission of Recycling Tonnage Grant
- e. Resol. # 94-2013 - Multi-year Contract with Clinical Services Management for Employee Assistance Program
- f. Resol. # 95-2013 - FEMA Grant Application to Provide for Funding of the Office of Emergency Management Coordinator's Salary
- g. Resol. # 96-2013 - Transfer of Funds
- h. Resol. # 97-2013 - Provide Periodic Cost of Living Increase to LOSAP
- i. Resol. # 98-2013 - Professional Services – Special Counsel for Specific Projects
- j. Resol. # 99-2013– Refund of Overpayment of Taxes
- k. Resol. #100-2013 - Cancel Taxes on Property Assessed in Error - Kestenbaum, Andrew & Cynthia - Block 4703, Lot 17 - 16-23 Elliott Terrace
- l. Resol. #101-2013 - Cancel Year 2012 & 2013 Property Taxes Due to Property Classification Change from Ratable to Tax Exempt (440 Wagaraw Road)
- m. Resol. #102-2013 - Appointment of Alternate Representative to the JIF
- n. Resol. #103-2013- Open Space Grant Funds - Berdan Grove Inclusionary Playground

PUBLIC COMMENTS

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

Elaine Adler, 3-02 High Street, spoke about the parking situation, the anti-commuter laws and the reason for the signs. She recently received a parking ticket for parking between 8:00 and 10:00 a.m. and was disturbed by it. Having moved here in a semi-retired state, she did not feel she should have to go out and move her car every morning. She suggested adding a sign that says "By Permit Only". She wanted to know how to go about getting this done. The issue is much bigger than her getting a parking ticket.

Mayor Cosgrove explained that she was speaking of a problem that was probably fifty years old. Eldorado Village has experienced this for a very long time. It was so bad in the 1970's when a volunteer fireman left in the middle of night to go to a fire; the other residents would run outside and move their cars in to the fireman's spot. This is done by ordinance and Traffic Safety Officer Franco has input into it.

Manager Metzler commented that he understood that the Eldorado parking permit allows the resident to park on the street during the overnight hours. It does not apply to the 8:00 to 10:00 a.m. time period.

Mayor Cosgrove thought they should refer her to Traffic Safety Officer Franco. Manager Metzler said he would refer the suggestion to Traffic Safety Officer Franco so that 8:00 to 10:00 a.m. by permit parking suggestion could be looked into. They need to get his feedback on it. Mayor Cosgrove said they get back to her.

Ms. Adler asked where she was supposed to park between those hours in the morning. During that time, there is no parking. Manager Metzler explained that she was permitted to park on any public street that was not posted. He did not want her to feel that he was brushing her off but the reality is that in most cases, the ordinances that have been put in place restricting 8:00 to 10:00 a.m. parking has been at the request of the residents that are being affected by commuters parking in front of their homes. It is actually a reaction on the part of the Council because of complaints they have received from residents. The residents give up that time to park in front of their house if the rule is instituted. If you park there you are subject to a ticket.

Gabriel Heredia, 0-88 Blue Hill Avenue, vented his frustration over his property taxes which are \$17,500. The average taxpayer pays \$9,100 and he was paying almost double. His services are the same as every other homeowner. In 1995 when he moved there he was paying \$6,000 now it has jumped to over \$17,000. That comes out to an increase over 6.5% per year on average. He wanted to know why his taxes have gone up so much each year. He liked the town and the services but enough was enough. He wanted to know who was in charge of the budget. He wondered if they were residents of Fair Lawn. He would like to see a copy of the budget.

Mayor Cosgrove explained that the people who vote on the budget are all Councilmember's who live in Fair Lawn and pay taxes. Secondly, the copy of the budget is available through the Municipal Clerk's office. Municipal Clerk Kwasniewski corrected him that only last year's budget was available because they have not done this year's budget. Mayor Cosgrove explained that the rate of increase is now only 2% but the reason his taxes went up was because the homes were reappraised. He informed him that he had a right to appeal the tax assessment. Mr. Heredia said he did appeal it last year and it went down \$3,000. He has a Jacuzzi tub that he pays property tax on which he felt was ridiculous. Mayor Cosgrove said those rules are not made by the Council. In New Jersey, the property tax is based on the assessed value of the house. When improvements are made, the value of the home rises. Mr. Heredia thought it was ridiculous that he was paying taxes on a bathtub with jets. Mayor Cosgrove said the only thing he could do now was to file an appeal. He can pick up a copy of last year's budget from the Municipal Clerk. He said that he and the

Council go over every line in the budget. They have obligations that they have to fulfill. All five of them go through the budget carefully because they are all taxpayers themselves.

Deputy Mayor Baratta stated they could get him the schedule of when they meet to discuss the budget which is open to the public. They always comment that no one comes to the budget meetings. Some of them are on Saturday mornings and some of them are before a regular meeting. The Manager sets up meetings with all of the department heads to go over their budgets line by line. She encouraged him and anyone else to come to the meeting. Mr. Heredia asked if the meetings would be on the town website.

Manager Metzler stated that when he goes through the budget process he looks at what represents up to 28% of the total tax bill. The operation of the municipality - Police protection, snow removal, garbage, recycling, etc. falls under the jurisdiction of the Council. Approximately 60% of the taxes are represented by the Board of Education. The remainder of the taxes goes to Open Space, County Taxes and the County Open Space. Mr. Heredia realizes that part of his taxes go to the County and Board of Education.

Councilmember Swain encouraged him to sit down with Tax Assessor Henderson who will go over the tax bill and explain why it has gone up. Mr. Heredia understood it goes up each year but felt this was excessive.

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

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Baratta and a second by Deputy Mayor Trawinski, the following closed session resolution was unanimously adopted at 8:13 p.m.

WHEREAS; the Open Public Meeting 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 Pending Litigation - Messina, Kneer and Cook; and

WHEREAS; these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS; minutes will be taken during this closed session and once the need for confidentiality no longer exists the minutes will be available to the public.

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.

ADJOURNMENT:

Upon motion by Deputy Mayor Baratta and second by Councilmember Swain, the meeting was adjourned at 9:20 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 Kurt Peluso

Councilmember Lisa Swain

Deputy Mayor Edward Trawinski