

WORK SESSION OF JUNE 24, 2014

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

PRESENT: Mayor Cosgrove, Deputy Mayors Dunay and Lefkowitz, Councilmembers Peluso and Swain.

ALSO PRESENT: Manager Van Kruijning, Municipal Clerk/Deputy Manager Kwasniewski and Attorney Mondello.

UPDATE ON AFFORDABLE SENIOR HOUSING:

Mayor Cosgrove invited Tom Toronto to give an update on the affordable senior housing development. Mr. Toronto introduced Shari DePalma and Patrick Chieffe from the United Way. He explained there will be 64 units at the corner of Maple Avenue and River Road behind the CVS. The sight plan has been approved. He thanked the governing body and Attorney Mondello for crafting the different documents that were needed.

Mr. Toronto went over the shift of affordable housing obligation from Garden Homes, the builder of Fair Lawn Promenade to the River/Maple site, converting 38 family units into 64 units of senior housing. There will potentially be units for special needs and/or Veterans who experienced homelessness.

He explained they went through a fairness hearing with the Special Master and permission was granted for the transfer. Garden Homes sent \$1.5 million into the Fair Lawn Municipal Housing Trust Fund and they contributed an additional \$200,000 to purchase the property from Hadco for \$1.7 million. The only thing left was to secure the construction financing, which was Bergen County United Way in partnership with Penwal. They have put \$600,000 in to perfecting the site and the application for their tax credits. They have made a significant investment and have run into some difficulty with the State.

When they originally made application for the 9% tax credit deals, components subsidizing those tax credit deals were Superstorm Sandy funded. During the first phase of Sandy funding, the Governor carved out \$150 million from \$2 billion to set aside for housing projects in counties that had been affected by that storm, Bergen County being one of them. He also set aside another \$25 million for supported housing projects to stimulate housing development in the affected counties. The rules shifted and as a result, the money was not used as intended.

They are now seeking 4% tax credits. The deadline is September 30th. They recently had the State's architect and their Director of Technical Services walk the property. They were impressed that the construction drawings will be ready

on July 15th. If they are not successful with the 4% tax credit, they will apply for the 9% tax credit in November and will know in February if they are approved.

Mr. Toronto explained that it has been an ordeal in terms of the tax credits. They are not where they had hoped to be and asked for the Council's patience. They had a promise from the County of \$500,000 through the Home Program and the Federal Home Loan Bank in the amount of \$300,000. However, they needed to have site control in order to receive those funds. They could not obtain site control per HUD rules with the Sandy funding and the Environmental reviews. Mr. Toronto stated they had a \$500,000 grant from the New Jersey Redevelopment Authority who are holding it pending finalization of HMFA and then they could take site control from the Borough.

He mentioned that one of the things that may be required in order to obtain the 9% tax credit would be for the Borough to declare that area in need of redevelopment. There was a process that would have to be done which would cause an expense to the Borough that they would be willing to pay for that expense. Mr. Toronto stated that was a plan in case the 4% tax credit did not come through.

Mr. Toronto summarized that the Housing Mortgage Finance Agency is anxious to spend the money that has come in from the Federal government. They are very optimistic about obtaining the 4% tax credit.

Mayor Cosgrove remarked that Cathy Hochkeppel from the Planning Board office stated that she gets five to ten phone calls a day from people wanting to submit their application to live there. Deputy Mayor Lefkowitz wondered if a list was being kept. Mayor Cosgrove said not yet but they could refer the calls to United Way.

Attorney Mondello wondered how many units were set aside for the disabled since there is such a scarcity of homes. Mr. Toronto advised there would be 8 to 11 units set aside right now since the State is always changing the qualifier.

BOROUGH LONG RANGE FINANCIAL PLANNING:

CFO Palermo was present. Manager Van Kruiningen went over the memo he sent out to the Mayor and Council reviewing the key underlying components such as underfunded capital infrastructure needs, underfunded Municipal facility upgrades, growing employee costs, Federal and State imposed unfunded mandates affecting department and division operational costs, property tax caps mandated by the State, increasing costs of information technology and long term debt.

Manager Van Kruijning made the following suggestions to achieve fiscal sustainability - explore and expand the use of alternative service delivery opportunities, amend, adjust, reduce or discontinue services, continue to look for additional cost-effective opportunities, consolidate Borough assets, Municipal fee structure and increase cost recovery.

Manager Van Kruijning stated that achieving fiscal sustainability will likely require a combination of options. To address the Borough's fiscal future, they need to continually focus on who they serve, how this can be done moving forward and the assets required to support service delivery.

Manager Van Kruijning asked for direction from the Mayor and Council. Mayor Cosgrove said this will be a work in progress. As he stated previously funds from the State and the County have dried up and the situation is will not get any better. They have to prepare themselves if they want to maintain services. He felt the initial investment in IT is large but the return on that investment is huge. He asked if the rest of the Council was in agreement to prioritize the items and send the ideas back to the Manager.

Deputy Mayor Lefkowitz would like to see a list of where the money is spent. Manager Van Kruijning said he and CFO Palermo would come up with ideas on how to save once they know the Council's priorities. Deputy Mayor Lefkowitz wondered if there were comparable municipalities to see how they were handling the struggles. Manager Van Kruijning said Fair Lawn can be compared to Teaneck and he will look into it. He noted that Ridgewood is in bad shape. Municipal Clerk / Deputy Manager Kwasniewski wondered if Fair Lawn could learn from Ridgewood's mistakes.

Deputy Mayor Dunay thought it was a little difficult to conceptualize the problem of this magnitude. He thought they should try to shrink the problem into a series of problems. It seems that the Borough has a number of capital resources that are going to require investment at a higher level than what they have previously invested. He wondered the current level of indebtedness and how they see that leveling off, what capacity do they have to add debt and how will they handle the capital investment that they need to do.

Deputy Mayor Dunay also suggested having some estimates from the different departments of what levels of capital investment they believed would be required over five or ten years. He felt they should give three scenarios, such as continuing to do capital investments at the current rate and where would that leave the Borough in ten years; if they had their optimum world what would that cost and where would that get them and give them an intermediate level.

Manager Van Kruijning informed him that the capital budget is normally a five year plan. They will now be asking for a ten year plan. Deputy Mayor Dunay thought that would be helpful. He thought they need to do some forecasting on the debt.

Deputy Mayor Dunay commented on the operating budget. They know that the costs of operating the Borough is increasing every year based on contracted salaries, inflation and other costs. They know they have a limitation as to how they can offset that with revenue because there is a property tax cap. Understanding the outlook on expenditures would be helpful.

Councilmember Swain stated that because the budget is so fixed in certain ways they should look outside of the box. She gave an example of using a small car like a car service instead of the mini bus. She wondered if the mini bus was going around town with only one person on it. Manager Van Kruijning stated not all of the time because it makes multiple pickups and drop offs. It is a smaller bus than what was purchased in the past. In the past the bus did the route all day long but with the new service it is not doing that.

Councilmember Swain thought they should look into shared service within the Borough regarding shared cars. She realized that when the Police Officers are out doing their shifts they need their cars but perhaps there could be other assignments that the Police go on that do not require that so those vehicles could be shared for example between the Building Department and the Police Department. There are always a lot of cars sitting in the parking lot. These are minor things but something they have not discussed before. Manager Van Kruijning stated that he has already reduced the fleet in multiple departments. He will continue to review the entire inventory. If they are not needed they will be eliminated.

Councilmember Peluso thought they should look into any duplication within the departments. He gave an example of having computers in the Community Center and the Library. Eliminating one of those might be helpful.

Mayor Cosgrove thought they all knew this was a process to go through. They need for the Manager and CFO to put together a plan identifying each area with a long range plan so they can address each individual issue.

Councilmember Swain stated that they spent \$7,000 on that survey and never did anything with. Manager Van Kruijning said he and that CFO have reviewed it several time and copies are in the files. He wondered when they would like to discuss this further. Mayor Cosgrove thought they needed a break out session. Manager Van Kruijning suggested meeting on a Saturday. Mayor Cosgrove felt he should start the process and report back to the Council with

possible dates. Councilmember Peluso suggested one of the Tuesdays during the summer when they do not meet.

There was a unanimous consensus to authorize the Manager and CFO to come up with a plan regarding capital projects and operating costs for the Council to understand the scope of the problem.

COUNCIL LIAISON REPORTS:

Councilmember Swain stated that she and the Mayor attended the All Sports Award Program, which was well attended. She suggested putting a notice on the website alerting residents about the random survey being conducted by the Department of Health and Human Services, along with a link to the letter the Department sent. She reminded residents that the next car show/community dance was on July 10th at the George Street parking lot.

She asked the Manager for an update on commuter parking. Manager Van Kruijning stated that 46 signs were ordered and should be installed next week. The online credit card payment system has been approved and is working. Informational notices will be distributed in the next ten days, with a three to four week grace period. Commuters with a 2013 permit will receive a letter and anyone parked in the lot will receive a flyer with the same information. The vendor will be present during the first few days of implementation.

Councilmember Swain asked when he will be starting the new program. Manager Van Kruijning stated that he anticipated rolling out the program in two to three weeks, followed by a grace period. Perhaps by the end of July, although he did not have a definite date. He stressed that commuters will be given adequate time to prepare for the program. Councilmember Swain asked what will determine the start date. Manager Van Kruijning stated that the signage needs to be installed and the vendor must send him the sign-in link that will be used by commuters to enter their payment information. Once that occurs they will be ready to go.

Councilmember Swain felt they should give commuters as much information as possible. Since the Manager indicated they would be ready to start in ten days, perhaps they should wait two weeks and set July 15th as the start date. Manager Van Kruijning stated the vendor may suggest waiting until August 1st. Commuters will be notified in numerous ways. The Police Department understands this is a transition and they will not immediately begin writing tickets once the grace period ends.

Councilmember Peluso stated that the Garden Committee did some gardening at the Library and there is a noticeable improvement. He spoke to Jane Spindel

about doing more planting around Memorial Pool, but she was concerned about watering. He wondered if it would be possible for the lifeguard to water the plants when they were off duty. Manager Van Kruijning stated there is a pool maintenance staff that can be assigned that responsibility.

Councilmember Peluso heard that Bergenfield could not open their pool this summer due to cracks. He suggested sending a letter to the Bergenfield Council offering their residents the use of Memorial Pool this summer.

There was consensus to have Municipal Clerk/Deputy Manager Kwasniewski send a letter to Bergenfield offering the use of Memorial Pool.

Deputy Mayor Dunay stated that the update on Blue Acres buyouts was interesting but there was not much insight on whether Fair Lawn would be able to participate or the likelihood of residents being bought out. Manager Van Kruijning stated that he received confirmation from the DEP that there are 726 applications submitted to NJDEP Blue Acres from 1996 to Hurricane Sandy, and 256 properties have been purchased, which leads him to believe there are only 50 buyouts left out of the 476 applications still waiting. The field is extremely competitive and applicants must meet the criteria on all levels.

Manager Van Kruijning stated that the application for the property at 4-50 2nd Street was submitted to Blue Acres for acquisition, but it did not meet the criteria and was denied twice, despite being the house that suffered the most severe repetitive loss. The State is putting out false hope and it is not right.

Deputy Mayor Dunay stated that he will prepare a list of targeted questions so they can try to get specific answers from the DEP and share that information with the residents. The residents can then make their own decisions about what the reality is.

Councilmember Swain felt it was incumbent on the Council to be honest with the residents. When Michael Hakim did a presentation several years ago, it was very clear that our residents would not be in the pool to receive money. It is unfair for them to still have high hopes. Deputy Mayor Dunay agreed. The presentation by Cindy Randazzo was disheartening because she encouraged residents to apply. Manager Van Kruijning stated that he met with the Acting Commissioner, who was much more realistic and upfront that the DEP was looking for four or five contiguous properties with severe damage. He was not satisfied with Ms. Randazzo's overview. He stressed to the residents that they would be getting factual information from the State, but the State only gave the residents false hope.

Deputy Mayor Dunay concluded by stating that the Property Maintenance Committee reiterated their request for items such as name tags for Committee members. The Committee noted that the Borough can plant trees in the right of way, but only with the property owner's permission. He told the Committee members that unless the resident took care of the tree it would die, so it didn't make sense just to plant trees without permission. The Committee noticed that on some tax bills in other jurisdictions there is an optional "check the box" for property owners to donate \$1.00 to the Historical Society. Municipal Clerk/Deputy Manager Kwasniewski stated the State does not allow that. Manager Van Kruijning stated that he will look into it.

Deputy Mayor Lefkowitz stated that the Planning Board passed a resolution to send the draft of the Master Plan to the Council. She thanked the sub-committee and the Chair for their hard work. The Alliance for Substance Abuse Prevention is meeting tomorrow night. She was disappointed that only one video was submitted for the video contest. The video will be shown at the street fair in the fall.

Mayor Cosgrove stated that he and 100 other mayors were invited to Trenton to see Governor Christie, Senate President Sweeney and Speaker Prede signed the 2% Arbitration bill, which puts a cap on Police arbitration awards.

The Borough is receiving numerous noise complaints about Mamajuana Café in Paterson. He met with one of the owners and sent several letters to Mayor Jones, who did not respond. Municipal Clerk/Deputy Manager Kwasniewski will be sending a letter to Mayor-elect Torres. Health Officer Wagner, the Passaic County Health Department and the Bergen County Health Department met with the owner on-site to discuss repositioning the speakers, which currently face the River. The noise from the music impacts Fair Lawn residents as far away as Everett Terrace. He visited Third Street on Sunday evening and the noise was deafening. If things do not improve they will have to file a lawsuit to protect the quality of life for Fair Lawn residents.

Councilmember Swain asked what the club owner said. Mayor Cosgrove stated that the club owner said he should call him and they would lower the music. A resident from Everett Terrace called the club several times and they hung up on her. She tried calling the Paterson Police Department, who told her to call her Mayor and Council. Manager Van Kruijning stated that Health Officer Wagner is sending him bullet point updates from the meeting. Passaic County officials have been issuing summonses to the owner for disturbing the peace and the owner simply pays them. Attorney Mondello stated that some summonses were dismissed because they didn't have a decibel meter. Manager Van Kruijning stated that the club has an elevated patio which

makes things worse. Numerous trees were also removed because of underground work that was completed.

Mayor Cosgrove stated that the Fire Department reviewed the alcohol and drug policy, which was well received. He did not anticipate a problem with the volunteers. The Shade Tree Commission also inquired if the town could plant trees without first obtaining approval. Jim Vanderbeck, who used to work for the Borough, informed the Commission that homeowners who did not want the trees would cut them down or let them die.

REVIEW OF TENTATIVE AGENDA:

Municipal Clerk/Deputy Manager Kwasniewski that Assessor Henderson was working on some tax appeals. She anticipated having the information in time for the July 15th meeting. Attorney Mondello stated that the Judge Andresini is very impressed with the speed with which they are resolving their cases.

Municipal Clerk/Deputy Manager Kwasniewski stated that the minutes for the June 10th Work Session and Closed Session will be coming home next week. The Council had approved the list of surplus items to be auctioned, but she received a call from Dominick LaPrezioso, who asked to add a back hoe that required extensive repairs. The starting bid will be \$500 but it may go higher.

There was consensus to add the back hoe to the list of items to be auctioned.

Councilmember Swain asked to add a check presentation by the Green Team, who wanted to present the \$280 proceeds from their 3k walk to the food pantry. She wondered if a representative from Human Services could be present.

Manager Van Kruijning asked if Municipal Clerk/Deputy Manager Kwasniewski was preparing a resolution designating September 19th to be a sidewalk sale day. The event will take place on River Road between Fair Lawn Avenue and Berdan Avenue. Municipal Clerk/Deputy Manager Kwasniewski stated that she and Attorney Mondello will prepare the resolution for the July meeting.

BANNING FRACKING IN FAIR LAWN:

Councilmember Peluso referenced an article in The Record on how the Hillsdale Council decided to ban fracking, despite the low risk of it occurring in their community. The goal was to get a grass roots movement going in other towns. He suggested Fair Lawn be the second town to join this movement, which hopefully would catch on and send a message to their elected officials in Trenton.

Councilmember Swain stated that she supported the ban on fracking, which she opposed because the water that seeps out is contaminated and goes back into the groundwater. Deputy Mayor Dunay asked if there was a draft resolution to review. Municipal Clerk/Deputy Manager Kwasniewski stated that she will use the wording from the ordinance Hillsdale passed to draft a resolution and then circulate it to the Council for review. Councilmember Peluso asked her to place this on the next Work Session agenda.

COMMUNITY GARDEN COMMITTEE:

Attorney Mondello stated that he circulated a proposed resolution for the creation of the Community Garden Committee. He needed to know the size of the initial membership. Municipal Clerk/Deputy Manager Kwasniewski stated that she spoke to Jane Spindel, who advised her that there is a Guidance Committee comprised of five members, including the two co-chairs. Perhaps this might be the best group to have as initial members rather than include all the individual plot holders.

Deputy Mayor Dunay stated that someone who helps out with the garden might want to feel they are a part of the committee and view membership as an incentive. Manager Van Kruijning stated that in speaking with the co-chairs, the five members of the Guidance Committee are overseeing it all. The plot holders just take care of their individual plot.

Attorney Mondello stated that he will prepare the resolution with five members, each serving three-year terms. He asked if a Councilmember should be named as liaison. Manager Van Kruijning suggested he be appointed as liaison since most of the details are handled through his office.

PARKING ON BANTA PLACE:

Manager Van Kruijning distributed a memo from Traffic Safety Officer Franco along with an overview photo of the area. Ferraro Moving is located at 3-35 Banta Place and Excalibur Equipment is located at 4-05 Banta Place. They are on both sides of Watkins Avenue, with garage bays on Banta Place. Sometimes they have deliveries that require the trucks to back in, which is difficult when cars are parked in the street. Traffic Safety Officer Franco would like to make that vicinity a no parking zone, which would eliminate four to six parking spaces. It does not impact the nearby residents as it is in the middle of a commercial area. It will also prevent the nearby bus company employees from parking their vehicles all over Banta Place.

Deputy Mayor asked the procedure for implementing the change. Manager Van Kruijning stated that they will amend the ordinance and signs will be

installed. Initially warning notices will be given out notifying the driver that they are parked in a "no parking" zone and then summonses will be issued. Councilmember Swain asked where the bus company employees will park. Manager Van Kruningen stated that Traffic Safety Officer Franco had advised the bus company they must make room within the facility.

There was consensus to approve Traffic Safety Officer Franco's recommendation to change the section of Banta Place referenced above to a "no parking" area.

SPECIAL MEETING:

Upon motion by Councilmember Peluso and a second by Councilmember Swain, the Work Session was adjourned to Special Meeting at 9:00 p.m.

Mayor Cosgrove reconvened the Work Session at 9:02 p.m.

MISCELLANEOUS PUBLIC COMMENTS:

Ruth Gormans, 39-37 Sycamore Drive stated that some of the elderly riders misunderstood the scheduling process for the mini bus and thought they had to call two weeks in advance to schedule a ride. A resident tried to flag the bus down on the street, but the driver said they could not pick her up unless she called to schedule a ride. She felt that was unfair.

Ms. Gormans concluded by reiterating her belief that advertisement of the new mini bus schedule was important.

Marc Colyer, 39-08 Van Duren Avenue stated that he heard the noise from the Paterson club at Memorial Park. He has a decibel reader if the town wants to borrow it.

He felt the Master Plan hearing was disturbing. He understood that it was a huge amount of work that took a large amount of time, but many of the concerns raised by the public were whitewashed by the Committee, who did not fully answer why things were being done. For example, they did not get a good explanation as to why they were suggesting a three story building across from the Plaza Building, which many people felt was not a good idea. He suggested creating a historic district at Dunkerhook, but the Committee said no without explaining why.

He asked about parking at the Radburn Train station for trustees and visitors at the Borough museum, as they hold open houses on Saturday and Sundays. Manager Van Kruningen stated that there is no parking enforcement or parking

fee on Saturdays and Sundays. The parking fee is only for weekdays during the hours of 5:00 a.m. to 12:00 p.m., as that is when the Police monitor the parking.

Mr. Colyer stated that the Manager's report scared him. He has lived in Fair Lawn for 54 years. The taxes keep getting higher and the services keep going down. He wondered if the new developments pay off or do they cost the Borough more. He did not understand why there were housing developments along the river. Manager Van Kruijning stated that in the 1960's there was no law or resolution that prohibited those homes from being built.

Mayor Cosgrove stated that a lot of the overdevelopment is occurring in New York State. There is even talk about bringing back parking lots with grass strips so there is land to absorb the water. Mr. Colyer stated that they cannot sustain all these developments, which will cause infrastructure problems in the future. He felt the Manager's report should be made public so the town understands what they go through.

Councilmember Swain asked Mr. Colyer what services he felt were decreasing. Mr. Colyer could not name a specific service but surmised that services will be reduced in order to save costs. Recycling has changed. Councilmember Swain explained that they have shifted the Recycling hours to be more responsive to the residents' needs. Mr. Colyer stated that Recycling has done a great job, including snow plowing, but listening to the Manager it seems they cannot afford to keep that service.

Mayor Cosgrove explained that Manager Van Kruijning was saying that they needed to address things in advance. Funding from the State and County is also decreasing.

Bernice Katz, 2-22 Saddle River Road stated that it was her understanding the Master Plan must now be approved by the Council. There are still issues remaining and people who are unhappy have no recourse. She urged the Council to review the Master Plan very thoroughly and ask questions if they did not understand something.

Ms. Katz wondered if the town could hold an event to cover the cost of purchasing computers for the Library or other needed items. Councilmember Swain stated that the Borough is not allowed to fundraise, but they are fortunate to have committees that do a lot of work for them. Walter Weglein recently donated \$10,000 to the Library in memory of his wife for the purchase of books. The Green Team held a walk and donated money to the food bank and the Rotary Club contributes items as well.

Mrs. Katz felt there should be an organized committee to raise funds for the Borough. Manager Van Kruijning stated that the Borough aggressively pursues every possible grant to help offset their costs. Councilmember Swain suggested the Manager speak with Anything IT, which sometimes gets fairly new computers from companies who have purchased new office equipment.

CLOSED SESSION RESOLUTION:

Upon motion by Deputy Mayor Lefkowitz and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 9:20 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 Personnel - Fair Lawn Arts Council and Pending Litigation - Bolkin vs. Borough of Fair Lawn; 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.

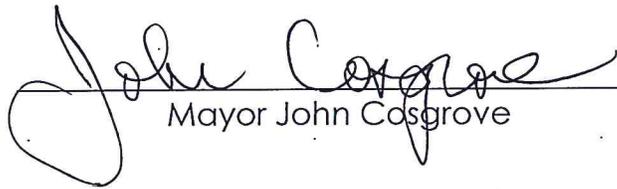
ADJOURNMENT:

Upon motion by Councilmember Swain and a second by Councilmember Peluso, the Work Session was adjourned at 9:30 p.m.

Respectfully submitted,


Joanne M. Kwasniewski, RMC/MMC
Municipal Clerk/Deputy Manager

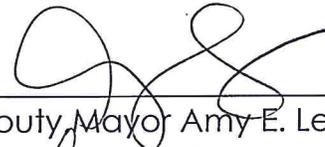
The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



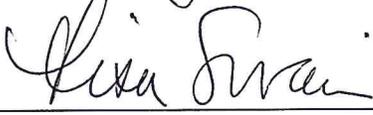
Deputy Mayor Daniel Durnay



Deputy Mayor Amy E. Lefkowitz



Councilmember Kurt Peluso



Councilmember Lisa Swain

