

## WORK SESSION OF JULY 10, 2012

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

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

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

### **CLOSED SESSION RESOLUTION:**

Upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, the following closed session resolution was unanimously adopted at 7:30 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 – Tax Appeals; 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 the 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.

Mayor Baratta reconvened the Work Session at 7:45 p.m.

### **REVIEW OF TENTATIVE AGENDA**

Municipal Clerk Kwasniewski advised that she would be adding resolutions to approve the minutes of June 19, 2012 and to extend the generator maintenance contract.

Deputy Mayor Trawinski wanted to know the cap on the not-to-exceed rate if they change the renewal date, as well as the not-to-exceed figure for the calendar year. He did not want to enter an open-ended agreement without knowing what they would be buying for the full calendar year. If that stipulation has been negotiated, the resolution can be left on the Consent Agenda. Municipal Clerk

Kwasniewski stated that they did not need a renewal of self insurance resolution. Deputy Mayor Trawinski asked if they needed a resolution for the stop loss insurance. Municipal Clerk Kwasniewski stated that IDA's resolution was set up with Schedule A being the proposal with the stop-loss information included. Deputy Mayor Trawinski agreed that they did not need a separate resolution.

### **COUNCIL LIAISON REPORTS**

Councilmember Swain stated that she has been attending Memorial Pool, which looks wonderful. She has received positive comments about the ADA ramps but more sand is needed at the drop off. Manager Metzler stated there is a problem with erosion; it is being checked daily.

Councilmember Swain stated that Jim Van Kruijning has been assisting her in planning another "Dancing in the Street" event, tentatively scheduled for August 2<sup>nd</sup>.

She asked when the Maple Avenue/River Road project would be completed. Manager Metzler stated that Engineer Garrison had informed him that they were waiting for an acquisition of easement from the new owner of the Sub Base property. Deputy Mayor Trawinski stated that Peter Kortright told the Planning Board that the County was looking into creating a turn lane there and would seek input from the Borough. Manager Metzler stated that he spoke to Mr. Kortright about the addition of a right turn lane, but it was at Fair Lawn Avenue and Saddle River Road. Deputy Mayor Trawinski stated that the intersection was at River Road and Maple.

Manager Metzler stated that this was a County/local partnership and the Borough is responsible for the easements at the intersection. The process with the new owners is moving along.

Councilmember Peluso stated he and Engineer Garrison went to the County to review grant applications for next year. The applications will be submitted on Monday.

The Garden Committee has been out watering and caring for the plants. They can always use an extra hand if anyone is interested in helping out.

Mayor Baratta noted that the Farmers' Market was open on July 4<sup>th</sup>. Councilmember Peluso stated that the market was very busy since people were home from work that day.

Deputy Mayor Cosgrove stated that the Shade Tree Commission felt the current ordinance should be amended to provide more protection for trees. Builders should be given copies of the ordinance section that pertains to trees, but that is

not happening. The Commission suggested that a sticker be placed on building permits verifying that the property owner has applied for a permit for tree removal. Only three trees can be removed, but the Commission thought that some contractors were working on Saturdays and Sundays to circumvent the restriction. They would like the Borough to have some enforcement on weekends, with fines compensating for overtime costs.

Mayor Baratta stated there was a checklist in the Building Department of items to be reviewed. Deputy Mayor Cosgrove stated that the weekend tree contractors are not obtaining any permits. He reiterated the Commission's request about a sticker on the Building Permit certifying that a permit for tree removal has been obtained.

Deputy Mayor Cosgrove stated that Todd Mastrobuoni has volunteered to give a presentation to the Parks Department about the care of tree trunks, as trees in the arboretum are being damaged by lawn mowers. Manager Metzler stated that he will explain the Commission's concerns to Construction Official Kolano and advise him of their suggestion. Adding weekend enforcement would require authorization from the Council. Councilmember Swain thought it was a good idea to have a presentation on how to protect the tree trunks from mowers.

Deputy Mayor Cosgrove stated that the Fire Board was meeting tomorrow. He met with Marianne Pettineo and Steve Weinstein, who approached him about the ADA Committee becoming an arm of the 501(c)3 that runs the Community Center as a way for the ADA Committee to save money and have the benefit of not-for-profit status. The 501(c)3 has their own accounting and file their own reports. No money is taken from the Borough. They are an advisory committee to the Community Center and own the building. The ADA Committee will discuss this proposal at their meeting on Thursday night.

Deputy Mayor Trawinski stated that the Planning Board heard the continuation of the Landmark application. There are residents who are not aware that the Borough contested the litigation as strongly as possible without success. The Planning Board's hands are tied on many of the issues raised by these residents and they do not understand that the Borough is under Court Order with regards to their rezoning. The onsite and offsite traffic testimony concluded as did the architectural testimony.

Three households have retained legal counsel, which the applicant must now contend with. The environmental testimony will continue although whatever is done at the Planning Board is irrelevant to the DEP. The applicant has to comply with the DEP rules and regulations on residential properties. The planning testimony will continue and they have asked for a couple of variances.

He did not think the Council responded to the Planning Board's inquiry as to whether they were going to accept the roads within the development. He asked that this matter be placed on the August Work Session agenda since the applicant's testimony will conclude in September or October, and the Planning Board will need to know what the Council wants to do. Municipal Clerk Kwasniewski stated that the Council reached a consensus that they did not want to accept the roads. She will send a memo with a copy of the minutes to the Planning Board.

Deputy Mayor Trawinski stated that the Planning Board reviewed items from the Zoning Board's Annual Report that was sent to them for consideration. The Board needs additional information from Cheryl Bergailo. Once that information is received, the Planning Board has instructed Cathy Hochkeppel to send a report. There is still a debate on the signage matter raised by the BIC who was asked to send more information.

Municipal Clerk Kwasniewski advised the Council that 13 boxes of Landmark files were received from Attorney Lustgarten. Deputy Mayor Trawinski stated the ordinance has a cross reference that the development had to be in the same form and substance as the three plans presented to the Council when they submitted the ordinance; however, these three items are not referenced in any of their ordinances. Municipal Clerk Kwasniewski stated that she and Cathy Hochkeppel looked through the files they had in the Borough and neither one of them could find those Exhibits. That is why she reached out to Attorney Lustgarten who agreed the files belonged in Borough Hall. Deputy Mayor Trawinski stated that the official copy needs to remain in the clerk's office. They could obtain a copy from Mr. Schimanowitz or from the Superior Court file of the original trial.

Councilmember Swain asked about the status of the intersection at Ramsey Terrace and Plaza Road. Deputy Mayor Trawinski stated that a resident presented his analysis of the site lines, which raised serious questions about the accuracy of the application's findings. The Board did not reach a conclusion but rather directed the Board Engineer to visit the site, meet with the applicant's engineer and reshoot all the measurements. Although the applicant's engineer testified that the sightlines were met, they offered to reduce the width of the pavement in the vicinity of Ramsey Terrace by ten feet, which would bring cars further to the west at the intersection so that there would be a better sightline around the curve. If Plaza Road was under County jurisdiction at that intersection the County would also have to approve the change.

The ordinance states that the affordable housing units should be integrated throughout the whole development. Fifteen apartments are integrated into a building that has 33 units; however, the other building containing only affordable housing units is isolated near the railroad track. The developer will most likely provide testimony that shows they integrated the apartments to the greatest

extent feasible. The Planning Board is going to have some serious questions, since it was clearly the Council's intent to have the units integrated throughout the complex. He felt this was the second biggest issue.

Mayor Baratta stated that she received a call from Governor's Christie's office informing her that they were receiving a \$300,000 DOT grant for the repaving of Berdan Avenue. She was also notified that the Fair Lawn Jewish Center received a \$75,000 grant from FEMA. Rabbi Roth was thrilled about the grant.

She and Traffic Safety Officer Franco met with the principal and several parents from Radburn School, who expressed concerns over drop off points. Traffic Safety Officer Franco came prepared with plans, which the principal and parents were very happy to see. Some of the things that they want to do affect the Radburn Association and the Board of Education, so they will be scheduling another meeting with the Board of Education grounds keeper, the Borough and the Police Department. She stated that Traffic Safety Officer Franco did a terrific job.

Councilmember Swain stated that she received a flyer regarding the summer concerts at Memorial Park. A resident contacted her because she had not seen the flyer and could not find it online. Manager Metzler will take care of this.

#### **BIC REQUEST FOR ORDINANCE CHANGE**

Charles Tregidgo and Mark Gordon were present.

Mr. Gordon stated that he discussed some recommendations from the BIC regarding the off street parking schedule at the May 29<sup>th</sup> Work Session. They met with the Planning Board on June 11<sup>th</sup> and they approved several changes, particularly relating to retail, commercial and medical properties. Property owners and business owners felt these changes were very important to business recruitment. BIC looked at five years of actual transaction of the Planning and Zoning Board, and they generally granted variances on parking on 40%, 45% and 55%. They are proposing to take existing practices and making the regulations comport with that to make Fair Lawn more business friendly.

Mr. Tregidgo stated that since 1999 there have been problems on Broadway regarding parking. Back in 2000, the BIC Advisory Committee recommended that something be done. They are zoning by variance in the business district, which forces the prospective tenants to face a long, costly and arduous process since an attorney and planner must be hired. These recommendations, if approved, would put them in alignment with other municipalities.

As mentioned in Cathy Hochkeppel's memo dated June 20<sup>th</sup>, it is almost impossible for someone to come in and take over an existing restaurant due to costs. He felt it would be extremely helpful to apply her recommendation regarding

administrative procedures to restaurants. They are making progress on Broadway but times are difficult. Anything they can do to make the process quicker and less expensive would be a great step forward. Mayor Baratta agreed.

Mayor Baratta asked if the BIC was still working on signage. Mr. Gordon stated that the Planner from the Planning Board has made recommendations, which will be discussed by the BIC Board this week. They will get back to the Council in a few weeks. Mr. Tregidgo stated they were happy with the sunset provision regarding restaurant seating because they felt the Council will want to continue it once time is up. Deputy Mayor Trawinski suggested Attorney Mondello prepare the appropriate ordinance for introduction at the August meeting.

There was consensus that Attorney Mondello prepare an ordinance for possible introduction at the August meeting.

Deputy Mayor Trawinski clarified that his consensus was to allow the administrative approval for the restaurants.

### **BUDGET CONCERNS FOR 2013**

Manager Metzler stated that last February he anticipated a shortfall of \$500,000 to \$900,000 in the 2013 budget. There were numerous programs adopted by this and prior Councils to address those concerns, and he was happy to report that the gap has been closed. Third Party Ambulance Billing revenues have exceeded projections and will be applied to the budget deficit, as will the revenues from the \$5.00 water service charge. The amount of revenue coming back to the Borough through FEMA insurance claims has also exceeded anticipated amounts. It is difficult to project how much Court Revenue has increased, but there has been a marked increase in the number of summonses being issued.

In 2010 when they faced a loss of State aid, several full time employees who retired from various departments were replaced with permanent part time employees. Civil Service has advised them that they have exceeded the time limit. As a result, next year's budget will have to cover eight fulltime positions with benefits. He will be starting labor negotiations shortly and he hopes to add another salary tier for new hires.

Deputy Mayor Trawinski reminded Manager Metzler that the Council has not repealed the hiring freeze and Council approval would be required to add fulltime positions. Manager Metzler stated that he was not suggesting the positions be filled this budget year as there weren't enough funds. Councilmember Swain asked if Civil Service was questioning the percentage of part time employees. Manager Metzler explained that they were questioning the time frame. Part time positions are filled for six months, the employees are laid off and then they hire different employees for the next six months so that is not considered a part time

position. Deputy Mayor Trawinski stressed that the single most valuable tool that the legislature could give them is Civil Service reform. Under Civil Service rules they cannot remove non-performing employees and they lose good employees if they attempt to do it. This is a bipartisan issue that needs to be tackled.

## **RESIDENT SURVEY**

Manager Metzler stated that the Council has approved the content of the survey. He recommended doing a mailing instead of an online survey even though it was more costly. There are 10,819 property owners and 1,288 tenants for a total mailing of 12,107. The total cost with postage will be \$6,922.36. If done electronically, the fee is \$3.00 per completed survey. A survey is considered successful if there is a 2% – 3% return, so it would be less expensive to do the survey electronically, but the goals and objectives were to ensure that every single property owner had an opportunity to receive, read and participate in the survey. He did not believe they would have that assurance if it was done electronically.

Deputy Mayor Trawinski felt that if they were mailing out the survey, they should also include the letter that was supposed to be sent out with the estimated tax bills. This letter may help residents understand the correct calculation of their taxes. He stressed that this letter should be sent every time they send an estimated tax bill.

Councilmember Swain pointed out that the cost of the mailing had increased significantly from the \$4,000 estimate. Manager Metzler stated they were using a bulk rate of 42.4 cents. He stressed the importance of the survey, as it will allow residents to advise the Council as to which amenities they were willing to give up to keep taxes down. The surplus is constantly being depleted and they must decide what to cut back. If someone asks why they voted to close a certain facility, they could say it was because the majority of residents who responded said this was the amenity they could not afford to keep. Councilmember Swain felt that was a problem since a decision will be based only on the majority of the 1% to 2% who respond. Mayor Baratta stated that the Council will look at the number of people who responded. If there were time, she would have requested both systems – mail and online.

Deputy Mayor Trawinski stated that when the Council did a survey at the request of the Pool Committee in 1997, it generated a 27% response. He felt the survey was a good suggestion from the Manager as residents should have an opportunity to state the changes they want to take place.

Councilmember Peluso asked when the surveys would go out. Manager Metzler stated that he would like to mail them out by August 15<sup>th</sup>. Councilmember Peluso wondered if they could do an electronic version first and if there was a poor response, then they could do a mailing. Mayor Baratta stated that they would have to do both formats since not everyone used a computer. Councilmember

Peluso wondered about setting up the survey on a Library computer. Mayor Baratta envisioned the resident either filling out the survey by hand or entering the code and completing it online. Deputy Mayor Trawinski stated that doing it this way would not save money but he agreed that the property owner should have the option of completing the survey online. Mayor Baratta noted that this would increase the cost by \$3.00 per survey. Councilmember Swain asked if the mailing included a self address envelope. Mayor Baratta stated that the resident would have to pay the return postage.

Councilmember Swain wondered if they should have hearings to explain to the residents what they were looking to achieve. Deputy Mayor Trawinski stated that they will only get the residents who were upset about an issue on the table; the rest won't come. If they decide to head in a particular direction as a result of the survey, then hearings should be held. Manager Metzler stated that the public is not aware of all the steps they have taken to reduce costs. They will not be able to sustain all the amenities any longer. The survey will be scientific. Mayor Baratta suggested a PR campaign to help get out the word about the survey.

Councilmember Peluso stated that two homeowners might have different opinions. Manager Metzler suggested couples sit down and fill it out together; there was no way to allow for more than one adult living in a household. Deputy Mayor Trawinski felt they should include a return envelope without postage with the survey. He also suggested numbering each question for tabulating the data.

There was consensus for Manager Metzler to mail the survey, with Councilmember Swain and Councilmember Peluso dissenting.

Deputy Mayor Trawinski proposed an amendment to the survey that allows residents to respond electronically. He realized that would increase the cost but it will also increase the opportunity of a greater response. Deputy Mayor Cosgrove stated that he liked the option of completing the survey electronically, but a large response could drive the cost up significantly.

There was no consensus to have residents respond to the survey electronically.

Deputy Mayor Trawinski suggesting they enclose a return envelope without postage with the survey. Councilmember Swain stated that including an envelope would increase the cost as they would have to print 12,000 envelopes.

There was no consensus to include a return addressed envelope with the survey.

Deputy Mayor Trawinski suggested the Council issue a press release to the media and place a notice on Fair Lawn TV alerting the residents that the survey is being sent out and encouraging them to respond.

**STATUS OF BOROUGH AUDITS RE TAX FREEZE PROGRAM**

Deputy Mayor Trawinski stated they received a report from the State listing 55 income audit adjustments for property tax deductions, which means these residents may be over the income limit to claim the surviving spouse property tax deduction for seniors or disabled individuals. The State is notifying the residents and the forms will come back to the Borough. He suggested having Manager Metzler ask Tax Collector Lee to prepare a chart showing that we have received the appropriate forms and the results. Manager Metzler stated that it was already being done. Residents must also bring in a copy of their tax return. Deputy Mayor Trawinski stated that he was not interested in the individual names, but he was interested in the State proposing an adjustment in the amount of the \$15,750 they are entitled to take in property taxes. He wants to be sure they receive as much of that amount as possible and that they are tracking it.

There was consensus that Manager Metzler instructs Tax Collector Lee to prepare a chart showing the results of the State audit.

Attorney Mondello stated that he looked into whether or not they could ask residents to submit a copy of the first page of their income tax return since it contained their Social Security number. He spoke with the local property unit in Trenton, who will provide some guidance later in the week. Deputy Mayor Trawinski stressed that they did not want to violate the privacy of any resident with respect to Social Security numbers nor did he want to violate any Federal laws.

**RUTGERS GRADUATE PROGRAM**

Deputy Mayor Trawinski stated that this program could be helpful for the Naugle House and other historical properties that are purchased. Rutgers has a graduate program that helped the County develop a business/usage plan for historic properties at no cost. He suggested that Manager Metzler contact Rutgers to see if they were interested in designing a plan for the Naugle House. If agreeable, Rutgers should coordinate their efforts with the Historical Preservation Commission.

Attorney Mondello stated that he spoke to the property owner who lived next door to the Naugle House and he is not interested in selling his property. Deputy Mayor Trawinski asked that this information be reported to the Open Space Committee.

Councilmember Peluso thought it was a great idea to reach out to the Rutgers Graduate Program. He thanked Deputy Mayor Trawinski for bringing this to the Council's attention. He felt it would be beneficial in moving forward with the Naugle House.

There was consensus that Manager Metzler contacts the Rutgers Graduate Program to see if they could design a plan for the Naugle House.

**REQUEST FOR FENCE EASEMENT – 131 SOUTH BROADWAY**

Manager Metzler stated that Council action was not required. Engineer Garrison reviewed the survey, which shows a ten foot easement at the rear of the property. However, the easement is shown on the wrong side of the property. Since the fence will not be installed over an easement the resident can go through the normal permit process. He will notify the resident.

**NORTHWEST BERGEN MUTUAL AID ASSOCIATION**

Deputy Mayor Trawinski stated the June 23, 2012 letter sent by Northwest Bergen Mutual Aid Association, advising them that they must comply with the FCC's requirements for narrow banding by January 1, 2013 was incorrect since the FCC has stayed its decision. He wanted to be sure that Northwest Bergen Mutual Aid Association was aware of the stay. Deputy Mayor Cosgrove stated that he will ask Fire Chief Reamy to mention it when he attends Northwest Bergen's next monthly meeting.

**SPECIAL MEETING**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, the meeting was adjourned to Special Meeting at 8:55 p.m.

Mayor Baratta reconvened the meeting at 9:00 p.m.

**MISCELLANEOUS PUBLIC COMMENTS**

Pam Coles, 13-34 George Street asked if the resident survey could be issued a code that residents could use to call in their survey, similar to the way they call in for the Homestead Rebate. Mayor Baratta stated that they discussed something similar for the electronic version but the Council voted against doing that.

Ms. Coles stated that Drew University also had a program regarding re-use of historical sites.

She asked for an update on the cell tower at the Municipal Building. Attorney Mondello stated that the contractor was trying to find an appropriate vendor so they could start building the tower. Ms. Coles noted that they were losing potential income. Mayor Baratta stated that things were difficult for everyone.

Atef Gila Wahba, 30-33 Heywood Avenue stated that the Post Office has door to door service for 14 cents per item, which could be used to deliver the tax letter. The letter cannot have a name and address on it. Another option is to have the letter available at various drop-off sites, such as the Library and Community Center.

Thomas Lombardo, 23 34<sup>th</sup> Street stated that he did not understand his estimated tax bill. He wondered if information was available online with an explanation. Manager Metzler recommended contacting Assessor Henderson, who will advise him what the tax increase is. He will also explain what percentage is the actual property tax increase as a result of spending and what the increase or decrease is as a result of the reassessment. Mayor Baratta stated that the letter will have a full explanation.

He asked how they will analyze the returned surveys. Manager Metzler stated that the information will be put into a spread sheet. Mr. Lombardo stated that will take tremendous time and labor. The online process will give them those results more efficiently. He asked if the survey had a comment box. Mayor Baratta confirmed that it did.

Deputy Mayor Trawinski felt they should advise mortgage lenders not to multiply the estimated tax rates by four and incorrectly adjust the escrow amounts of mortgage holders. Mayor Baratta suggested Manager Metzler speak to Assessor Henderson to ensure this does not happen. Deputy Mayor Trawinski felt it may also hurt buyers and sellers if attorneys improperly calculate the taxes from the estimated tax bill. If there are increases some lenders will make escrow change now, regardless of when the change should take place, particularly with Fannie Mae and Freddie Mac mortgages.

Municipal Clerk Kwasniewski stated they have sent estimated tax bills for years. Manager Metzler stated that it was more profound this year because of the reassessment and the impact on residents who had done a tax appeal in the last two or three years. Deputy Mayor Trawinski stated they had an obligation to get the word out any way they can. If they send estimated bills in the future it must be accompanied by an explanation.

Pankesh Patel, 3-40 Hartley Place stated that the municipal debt did not raise their taxes as much as the Board of Education's budget. The Council has a fiduciary responsibility to prevent taxes from increasing in this difficult economy, yet the tax rate increased from 2.37% to 3.45%. He expressed concern that if property values increase five years from now will there be a 20% to 30% tax increase. Deputy Mayor Trawinski explained that the tax rate is a function of the amount that has to be raised by the levy. They are prohibited under State law from intervening with the school budget as they are an independent authority and the Borough has no say in their budget. The media always talks about municipal taxes but fails to point out that 68% to 70% of the tax bill goes to school taxes.

Mr. Patel stated that if properties have been reassessed by 18% than the Board of Education needs to cut their budget by 20%. People are struggling. The problem must be addressed collectively. Mayor Baratta stated that residents should attend Board of Education meetings and vote in the Board of Education elections, which

will now take place in November. She clarified that the only time the Council had any say regarding the Board of Education budget was when the budget was defeated. It then came to the Council who reviewed it and determined an amount that must be cut. Deputy Mayor Trawinski noted that the law has changed, however, and the school budget is no longer voted on by the residents as long as it remains under the 2% cap. Mr. Patel stated that residents were under the impression that taxes would also not increase above 2%.

Leonid Kramer, 17-27 Eberlin Drive stated that after he renovated his home it was reevaluated in January. In November he received a bill for \$5,000 for back taxes without any knowledge this was going to occur. Deputy Mayor Trawinski explained that this was an added assessment, which is the only way State law allows this to be done. He suggested Mr. Kramer express his concern to the State legislators. Mr. Kramer inquired why taxes are based only on the size of the home. Deputy Mayor Trawinski explained that taxes are based on the assessed value of the home, which is determined by the improvements of the house. New Jersey is one of the few states that compute taxes that way.

Urszula Politowicz, 19-09 Prospect Avenue felt it was the residents' responsibility to discuss their escrow payment adjustment with their lender. She suggested including that recommendation in the tax letter they wanted to send out. She felt it was important to have tax information available online so residents did not have to call the Borough. Manager Metzler stated that he will be meeting with their IT representative tomorrow and will look into this. They have already discussed software that would allow residents to have access to some processes, such as submitting a permit request online. Deputy Mayor Trawinski suggested checking with Monmouth County as they were the first County to provide tax information online for every municipality that wanted to participate.

Ms. Politowicz felt many residents were interested in the budget process because of the tax change and wondered if more detailed information was available. Manager Metzler stated that once it's adopted an electronic version of the Municipal budget is posted online. They may be able to put a link to the School budget. Mayor Baratta stated that residents can also view previous budgets to do a comparison.

Ms. Politowicz asked if the Audit report was available online. Deputy Mayor Trawinski stated that they could post an electronic version online. Mayor Baratta stated that everything is available to the public if requested.

Elena Popeko, 13-53 Finn Terrace stated that she understood the process with the re-assessment, but she could not understand why the tax rate increased from 2.33% to 3.04%. The Governor has mandated that increases not exceed 2% yet her taxes increased by almost 25%. With the reassessment the value of most houses has decreased by 1/3, taxes increased 30% and things broke even. Residents who

did improvements or purchased houses recently did not have their houses decreased in value but still had a large increase. She was concerned that when the economy improves and the value of her home returns to market value her taxes will be increased another \$5,000. Deputy Mayor Trawinski stated that the tax rate does not bear a relationship to the fair market value of the property. It bears a relationship to the total assessed value of Fair Lawn and the total amount that is being raised from municipal taxes. As the assessed values go up the rate will go down.

Ms. Popeko stated that she liked living in Fair Lawn and did not want to move but if she had to, it would be impossible for her to sell her home at the appraised price with such high taxes. The town needs to decrease taxes now so that everyone can survive these difficult times.

Deputy Mayor Cosgrove stated that the Councilmembers were all residents and faced the same situations. Residents need to understand that they have cut wherever they can. They have 28 less employees than last year. The Board of Education takes 66% of the funds. Mayor Baratta suggested that Ms. Popeko review the budget and see what steps they have taken this year. She should also attend Work Sessions to see what is going on. Ms. Popeko stated that Fair Lawn taxes were the highest in Bergen County. Deputy Mayor Trawinski stated that was not true.

Sergey Karpov, 19-26 Halstead Terrace stated that several concerned residents formed a Facebook page with 160 members. People are concerned about the tax increase.

Manager Metzler reiterated what he said the other day. The difference between the 2011 and 2012 budget was an increase of \$138,000, on a \$46 million budget. There were increases on PBA labor contracts, health care costs and an increase in the pension contribution. They saw a tax increase because this year they applied \$3 million of surplus to offset taxes and last year Council utilized \$5 million of surplus. Of that \$5 million, \$1.8 million came out of Capital surplus. That money is gone. With the \$3 million applied to this year's budget to offset taxes, there is only \$2 million left in surplus. That is a critical position for a town of this size. New revenue from this year will be applied to surplus for next year.

Revenue coming in this year can be used as anticipated revenue next year. He felt confident that when the Council faces next year's budget the surplus will be higher and there will be money to apply. It is important to maintain a surplus so that they do not have to borrow money to pay bills. The survey is important because everybody moved to Fair Lawn for a different reason, but the reality is that they will not be able to sustain their current course. Council will have to make important decisions on what services to cut back on. Mayor Baratta added that the Council is very cognoscente of the residents' concerns.

Mr. Karpov stated that the budget should go down because it can no longer sustain current revenue. Most likely things will not return to normal anytime soon. The budget must be reduced in order to bring down taxes. Mayor Baratta stated that they were addressing these issues. The survey will help them determine what is important to residents. There are things, however, that they cannot control that increase the budget.

Mr. Karpov stated that although the budget will be online shortly, they need a copy of next year's proposed budget so that they can participate in the process. Manager Metzler stated that the Council dedicated six separate sessions to do a line by line review of the budget with each Department Head. When they held meetings only a few people attended.

Ruth Gormans, 39-37 Sycamore Drive felt that Memorial Pool was very valuable to the town. The pool looks great and the prices are still lower than other towns. The ramp is a good thing to have.

There are many seniors who use the mini bus, but some people cannot use the bus because the routes are too long since they no longer have both buses running. The summer concerts are wonderful, but the people who use the mini bus cannot attend and many seniors do night drive at night. She wondered if there was a way to have a bus to take residents to these summer events. This might bring in extra money for the concession stands. She suggested having the mini bus bring seniors to garage sales and local restaurants, as it might increase revenues.

Craig Miller, 5 Ramapo Terrace suggested using the Recycling employees to deliver the surveys.

Maria Farber, 31-01 Heywood Avenue stated that she moved to Fair Lawn a year ago and her taxes were very high. She has read that taxes for commercial properties were also raised. Businesses should be the higher revenue source and the town should make it attractive for businesses to come to Fair Lawn. Mayor Baratta stated that there were representatives earlier in the meeting from the Broadway Improvement Corporation and the River Road Improvement Corporation. The business owners pay them to redevelop Broadway and River Road. The Council is very responsive to their work. They have embraced the business community because they know how important Nabisco, the industrial park and other businesses are to the community.

Ms. Farber stated that she moved here from Secaucus where there was a lot of development and new businesses which kept taxes down. There is no where to shop here. There are many stores that are vacant. She reiterated that they should do what they can to make the town attractive to businesses. Mayor Baratta stated that tonight the Council moved towards making the parking and signage process easier for businesses so that the town remains "business friendly". Deputy

Mayor Cosgrove stated that they were looking into reviving the Economic Development Corporation (EDC) which will also help the process.

Atef Gila Wahba, 30-33 Heywood Avenue stated that Manager Metzler mentioned that the budget gap for next year was \$700,000 to \$900,000. In the last two years 146 houses were renovated, with an average tax increase of \$5,000 per house or \$730,000 total. He asked why the added assessments weren't enough to cover the budget gap. Deputy Mayor Trawinski stated that the taxes were absorbed annually in the budget and did not offset the shortfall. Deputy Mayor Cosgrove stated that 68% of the money went to school board taxes and 10% went to the County. Mayor Baratta stated that only 27% came to the town.

Manager Metzler stated that he would like to add Policy Family Leave under Personnel.

#### **CLOSED SESSION RESOLUTION:**

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, the following closed session resolution was unanimously adopted at 9:55 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 – Potential Litigation, Open Space Committee and Policy – Family Leave; 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 the 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 Deputy Mayor Trawinski, the Work Session was adjourned at 10:20 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

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Mayor Jeanne Baratta

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Deputy Mayor John Cosgrove

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Councilman Kurt Peluso

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Councilwoman Lisa Swain

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Deputy Mayor Ed Trawinski