

REGULAR MEETING OF JULY 17, 2012

Mayor Baratta called the meeting to order at 7:31p.m.

In accordance with the Open Public Meetings Act, annual notice of meetings from April through August 2012 was published in "The Record" issue of March 23, 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 Baratta, Deputy Mayors Cosgrove and Trawinski, Councilmembers Peluso and Swain.

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

PRESENTATION TO FAIR LAWN HIGH SCHOOL STATE CHAMPIONSHIP BOYS VOLLEYBALL:

Mayor Baratta congratulated the Fair Lawn High School State Championship Boys Volleyball team who has won two years in a row. She pointed out the highlights of their careers. She thanked the team, their coaches and their team managers. On behalf of the Mayor and Council she had letters of commendation for all the players on the team. The rest of the Council joined her in giving out the letters.

Letters of commendation were given out to the following people: Nicholas Amos, Jassim Ansari, Michael Centeno, Samantha Doherty, Charles Gigante, Ryan Healy, George Kanakis, Ryan Linn, Captain Christopher Nugent, Thomas Patterson, Joshua Sarna, Brendan Sibilio, Andrew Small, Captain Luke St. John, Team Statistician Sarah St. John, Aleksandr Stoyko, Team Manager Victor Tsyplenkov, Head Coach Peter Zisa and Assistant Coach Teresa Mielnicki.

Deputy Mayor Cosgrove commented to the Volleyball Team that he was a member of the Fair Lawn High School Athletic Hall of Fame. He wanted them to know that they would have to be out of the high school for 10 years before being inducted into the hall of fame. He suggested they keep an October evening open in ten years because they will automatically be put into the hall of fame.

POLICE PROMOTION:

Chief Rose was present. Police Officer Anthony Ferreira was sworn in as Sergeant by Mayor Baratta.

Manager Metzler commented that he was hired by the Fair Lawn Police Department in 1989; he was an officer in Franklin Lakes prior to working in Fair Lawn. He has been on the force for 23 years. He was made a Detective in 2005. His accomplishments on the street include being one of the officers involved in the local search of the person that was responsible for the shooting death of Mary Anne Collura. He was also the first officer on the scene of a homicide where they arrested the husband who had a knife in his hand and later was convicted of killing his wife. He also arrested a burglar in the act of coming out of a business in the industrial park. While assigned to the Detective Bureau and in Police Headquarters, he was responsible for making Fair Lawn the first community in Bergen County to use bar codes for property tracking. This system is now utilized across the state including the State Police. He has also worked with several of the dispatchers to put in GEO codes associated with the CAD System.

Most significant is the fact there are so many of his brothers here tonight, both current and retired officers. He congratulated him and wished him the best of luck.

COUNCIL COMMENTS:

Councilmember Swain congratulated Sergeant Ferreira and his family on his promotion. She wished him a lot of luck.

She congratulated the Fair Lawn Volleyball Team for doing an excellent job two years in a row. They are all so proud of them. There are other fabulous athletes in town such as the Track team who are going to Nationals in Baltimore the weekend of July 27th. She hoped for more champions coming back to Fair Lawn.

Councilmember Swain, liaison to the ADA Committee, reported that the Fair Lawn High School Marathon donated \$1,500 to the ADA Committee which will be used for an eventual playground that will be for all children of all needs.

Last year the Mayor and Council presented "Dancing in the Streets" which was a huge success. The event will be held again on Thursday, August 2 from 7:00 to 9:00 p.m. in front of the Plaza Building.

On August 4th there is a Jackals game, Mr. and Mrs. Rochman donated 100 tickets to the game for children with special needs to go to the game for free.

She thanked the Knights of Pythias who will be sponsoring the September dance for the ADA Committee. On August 16th the Chamber of Commerce is holding a golf outing and the ADA Committee is one of the beneficiaries.

She and Councilmember Peluso attended the opening of the Community Garden in Fair Lawn. It is a wonderful place with plots of land where residents grow fruits and

vegetables. They also keep one plot that they share and whatever they produce goes to a food pantry.

Deputy Mayor Trawinski echoed the congratulations to Detective Sergeant Ferreira and to the Volleyball Team who have won the championship twice.

He announced that Fair Lawn will be hosting the Consulate General for Israel at the George Frey Recreation Center the following night.

Councilmember Peluso spoke about the Community Garden as Councilmember Swain mentioned. They have great crops growing. He encouraged everyone to donate any extra crops they may have to a food pantry.

He mentioned that Army Specialist Jonathan Batista from Kinnelon was killed in Afghanistan. As directed by the Governor, the flags will be lowered to half staff in Fair Lawn. His prayers go out to the family for their loss.

Deputy Mayor Cosgrove reminded everyone that there is an ordinance in Fair Lawn regarding cutting down trees. A permit is needed if it is larger than 3" in diameter. The Building Department issues those permits.

The other night the first concert was held featuring the Cameo's but unfortunately it was cancelled after a few songs. The concert has been rescheduled to August 22nd at 7:30 p.m. The Cameo's will be returning.

He congratulated Sergeant Ferreira who he had the opportunity to work within the Fire Department. They are a great Fair Lawn family and it was always great when someone like Sergeant Ferreira gets promoted.

Mayor Baratta commented that last week the Fair Lawn Law Enforcement Explorer Post #902 won state honors. Their ages are 14-21. Some of these kids have been with us a long time. They were at Monmouth University where once again they won 6 first place trophies, another half dozen second and third place certificates. She has had the opportunity to see what goes on there and it is like a genuine Police Academy. She offered special thanks to Officer Eleshewich and Officer O'Brien who used their own time to work with the kids in this program.

She reminded everyone that the summer concert series is every Sunday night at 8:00 p.m.

MANAGER'S REPORT:

Manager Metzler stated a copy of the Manager's Report is on the table without any changes.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY:

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

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

RESOLUTIONS BY CONSENT #16 -2012

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Consent Agenda #16-2012 containing the following items was unanimously passed.

- a. Resol. #213-2012 – Approval of Minutes:
 - Work Session 5/29/12
 - Special Meeting 5/29/12
 - Closed Session 5/29/12
 - Regular Meeting 6/12/12
 - Work Session 6/12/12
 - Closed Session 6/12/12
 - Work Session 6/19/12
 - Closed Session 6/19/12
- b. Resol. #214-2012 - Establishing COBRA
- c. Resol. #215-2012 – Rejection of Bid: Radio Equipment –
Emergency Services
- d. Resol. #216-2012 – Confirmation of Fire Board Actions
- e. Resol. #217-2012 – Refund of Overpayment of Taxes
- f. Resol. #218-2012 - Extension of Bid: Generator Maintenance
- g. Resol. #219-2012 - Authorizing Tax Appeal Settlement – M&A
Realty, Inc., 39-40 Broadway
- h. Resol. #220-2012 – Authorizing Tax Appeal Settlement – Rajan,
13-49 Henrietta Court
- i. Resol. #221-2012 – Authorizing Tax Appeal Settlement –
Raymond, 15-19 George Street
- j. Resol. #222-2012 – Authorizing Tax Appeal Settlement – 82
Midland Avenue Corp., 15-01 Pollitt Drive, Unit
10
- k. Resol. #223-2012 - Authorizing Tax Appeal Settlement – M.
Goldsmith, 17-10 Willow Street
- l. Resol. #224-2012 - Appointment to the Advisory Committee on
the Americans with Disabilities Act

RESOLUTION NO. 225-2012 – Professional Services: Insurance Design Administration (IDA)

Upon motion by Councilmember Swain and a second by Deputy Mayor Cosgrove, Resolution No. 225-2012 was discussed.

Deputy Mayor Trawinski stated at a Work Session, he voted no on this appointment. His vote was predicated on the fact that they would go back to the Insurance Consultant and find out whether they could get a not to exceed amount for the 2013 year and he did not recall whether or not they had received that. He was concerned that they were extending the contract for seven months and then they could get hit in January with a large increase.

There being no further discussion, Resolution No. 225-2012 was adopted with Mayor Baratta and Deputy Mayor Trawinski dissenting.

PUBLIC HEARING ON 2012 BUDGET AMENDMENT:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Peluso the time to open the public hearing on the Budget Amendment was opened.

There being no comments from the public, upon motion by Councilmember Swain and a second by Deputy Mayor Trawinski, the public hearing on the Budget Amendment was closed.

RESOLUTION NO. 226-2012 – ADOPTION OF 2012 BUDGET:

Upon motion by Deputy Mayor Trawinski and a second by Deputy Mayor Cosgrove, Resolution No. 226-2012 was discussed.

Councilmember Swain stated she would not vote to adopt this budget for reasons that she has previously stated. In two of the last three years, when the Democrats were in control, they had a zero percent increase. The colleagues on the Council voted for that. This year it is a 4% increase and with the water increase, she felt it was just too much for the Fair Lawn residents. She will not be supporting the adoption of this budget.

Deputy Mayor Trawinski commented that last year in the election the residents were lied to by members of the Council that are sitting here. They said the election of a third Republican to this Council would jeopardize fully funding to the Library. That statement was a flat out lie. This Council has always supported fully funding the Library. What he did not support one year was over funding the Library. There is a state formula that obligates them to fund the Library based upon a minimum. The minimum Library tax as shown in the budget is \$1,615,197 but that is not what this

budget funds for the Library. It funds \$2,223,775. It is getting funded \$608,000 more than the minimum required by the State.

Secondly the residents were warned in their campaign literature that moving to self insurance was a position the Republicans did not support. That too is a lie. What they did not support was switching to a third party administrator without going out for a Request for Quotations. It was done this year under the guise of shifting it to a 7 month period. He did support self insurance however he did not support the third party administrator. He felt the network could be bigger for the employees.

When he and Mayor Baratta were elected to this Council, they voted against the then Ganz budget because it had a zero increase in the election year and the next year the proposed budget was 18% which the Council reduced to 14% but he still voted against it. He and Mayor Baratta were attacked when they voted against the 14% budget. This budget pays for the zero increase of last year. It pays for it in the sense that excess surplus was used which is gone and has to be made up. Any politician that promises to deliver a budget at zero is misleading the public for two reasons. One is that it cannot be done based upon the labor costs which cannot be renegotiated until the contract ends and secondly they have exhausted all of the surplus so they will probably have to consider borrowing to pay the bills during the course of the year.

Finally this budget contains a \$648,000 emergency that they had to appropriate in 2011 that now has to be paid back for this year. He was voting for this budget not because he was proud of it but because they did the best job they could under the circumstances they faced. What they are seeing tonight was the start of Campaign 2013. It is unfortunate that politics are being played with this budget. He will not be running for re-election in 2013.

Councilmember Peluso stated in regard to the Library that Deputy Mayor Trawinski referred to, he believed the minutes of March 1, 2010 where he and Mayor Baratta talked about defunding the Library. He will bring those minutes to the next meeting and they will see who is lying. When it comes to the budget, there were suggestions made for initial cuts. He does believe they can bring the budget down to the 2% cap that Governor Christie imposed upon the municipalities. He does not support all of the Governor's initiatives but he does believe in the 2% cap on the taxes. He believes that they have used loopholes to get around this cap. Going forward he would only support a budget that maintains the 2% cap.

Deputy Mayor Trawinski stated what he supported last year was not defunding the Library but funding it for \$1,688,000. What he asked the Council to consider was trimming the overfunding of close to a half million dollars beyond the millions already funded. He never supported defunding the Library. He did support reducing the amount of funding to the State minimum. During the last decade the Borough of Fair Lawn and the taxpayers have paid \$24,902,000 to fund the Library under the State

minimum formula, and they have over funded the Library by \$7.5 million dollars. He believed that paying part timers somewhere between \$18 and \$35 an hour, paying part timers over time, giving part timers sick time and giving them health benefits was wrong. He believed the Library could deliver the same quality of services by paying the part timers a reasonable rate without benefits, without over time, without sick time and without holiday time. That was his problem with the Library.

Two years ago, the Director of the Library came in with three unconscionable raises such as a 14 plus % for one year for himself and two other employees. He did not support that either. The Library Director did pull back two of the raises but one employee did get a 14.92% raise.

Deputy Mayor Cosgrove commented that he was the candidate that had to do with defunding the Library. When he ran for election, there was a letter that was handed out the night before the election that said save the Library.

The reason he is voting for this budget is because the surplus has to be restored. They need to look forward to rebuilding it. He believed that Department Heads should run the Borough not Councilmembers.

When they began this budget cycle, at the end of the budget meetings no one said anything or questioned anything. At the end of the meetings one of the Councilmembers suggested cutting \$1.5 million. The answer to that would have been 56 furlough days, and then they went down to 28 furlough days which would render the Borough helpless. Then they looked at employees and their positions and at the end they realized they cannot lay people off.

Deputy Mayor Cosgrove said he was voting for this budget because they created bad morale, leadership is about showing people. He wondered how anyone would feel if their job was on the list to be let go, would they be motivated to go out and do a good job. They need to treat the people that work for the Borough with more respect. Tonight he was voting for this budget. There are no layoffs and no furloughs and service has not been cut. The Manager has done a great job in closing the large budget gap.

Mayor Baratta stated this budget cuts almost a million dollars from amounts requested from the Department Heads. They were under stringent orders to keep the budget down this year. That says a lot about the type of employees they have. She thanked CFO Palermo, Manager Metzler, Department Heads and Borough employees who are like a family to all of them here.

People will wonder why their taxes are going up even though spending is less than it was before. She explained that last years' budget was election nonsense which relied on a one time gimmick to avoid raising taxes. No one wants to raise taxes. Every one

of them is a taxpayer. As they heard before, the surplus was cut down in the amount of \$150 per household. This year they are taking the responsible action to balance this budget without impacting the services that this Borough offers and the services that everyone has come to expect.

Mayor Baratta explained why the surplus was needed. She stated that last year the Borough faced major events such as a major hurricane at the end of August, and then a freak October snowstorm. The damage was monumental. Dealing with these disasters cost money. Thankfully, they were blessed with a mild winter this past year. They cannot deplete the surplus any longer. Everyone wants their garbage picked up, the roads paved, the streets plowed when it snows and what this Council is doing is taking responsible action to be sure they can continue to provide the services for everyone. Fair Lawn is a luckier town. Some towns are borrowing money to pay their bills. Those were some of the reasons why she would be supporting this budget.

There being no further discussion, Resolution No. 226-2012 was unanimously adopted with Councilmember Peluso and Councilmember Swain dissenting.

RESOLUTION NO. 227-2012 – ADOPTION OF RIVER ROAD IMPROVEMENT CORPORATION BUDGET:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 227-2012 was discussed.

Deputy Mayor Trawinski stated he is the Council Liaison for the Broadway Improvement Corporation but both corporations are run by the same district manager Don Smartt. He wanted to compliment Mr. Smartt and the trustees of both corporations for keeping their budgets flat and not increasing the tax the business people impose upon themselves. The people of Fair Lawn should understand this is a tax that needs approval by the Mayor and Council but before it gets to the Council, they wrestle with the budget and present it to their members. Both entities have delivered fair and reasonable dollars to get an enormous bang for the buck. He looks at other municipalities with the vacancies they experience in their business districts and while Fair Lawn has some they are not nearly in as bad shape as those towns.

Councilmember Swain stated she is the Liaison for the River Road Improvement Corporation and echoed what Deputy Mayor Trawinski said. She wanted to remind everyone that the business districts are working so hard to serve the residents and others that come to Fair Lawn as a shopping destination. She asked everyone to continue to support the businesses in town.

There being no further discussion, Resolution No. 227-2012 was unanimously adopted.

RESOLUTION NO. 228-2012 – ADOPTION OF BROADWAY IMPROVEMENT CORPORATION BUDGET:

Upon motion by Deputy Mayor Trawinski and a second by Councilmember Swain, Resolution No. 228-2012 was unanimously adopted.

RESOLUTION NO. 229-2012 – PROFESSIONAL SERVICES: HEARING OFFICER

Upon motion by Deputy Mayor Cosgrove and a second by Deputy Mayor Trawinski, Resolution No. 229-2012 was discussed.

Deputy Mayor Trawinski wondered if the Pay to Play disclosure was received. Municipal Clerk Kwasniewski said it was received and there were no violations. Deputy Mayor Trawinski thought the not to exceed number of \$10,000 was too high. Manager Metzler stated they had a preliminary estimate on one hearing at a price not to exceed \$1,500. There was a second disciplinary hearing for another matter which was more extensive. He thought if they made the amount not to exceed \$5,000 with the understanding that other disciplinary matters may be heard down the road they will address it with the Council at that time. Deputy Mayor Trawinski said this was consistent with what former Manager Stafford has done.

Upon motion by Deputy Mayor Trawinski and a second by Mayor Baratta, Resolution No. 229-2012 was unanimously amended not to exceed \$5,000.00.

There being no further discussion, Resolution No. 229-2012 as amended was unanimously adopted.

PUBLIC COMMENTS:

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

Michael Ayzerov, 12-28 Sampson Road, questioned why they spend tax payer's money to have a reassessment that downgraded the value of the house and increase the taxes dramatically. Secondly he wondered how they would bring the businesses to Fair Lawn while the taxes are so high. Manager Metzler stated as a result of the number of Tax Appeals that had been filed through 2010, the Council made a decision to do a reassessment of the properties. When the Borough loses a tax appeal,, they have an individual that is paying considerable less taxes than his neighbors and their homes could be exactly the same. The Borough loses that amount of tax revenue coming into the town. As a result of that reassessment there was a shift since residential properties decreased at a greater rate than commercial properties. He pointed out that when the revaluation was done a few years ago, the opposite occurred. Residential properties increased at a greater rate than

commercial properties. In terms of taxes and the Municipal budget, this year the budget went up \$138,000. Last year the Council applied almost \$5 million of surplus to the budget. Applying that surplus to the budget last year resulted in a zero tax increase. Unfortunately, the capital surplus has been depleted. This year the Council has used \$3 million of surplus towards offsetting taxes leaving \$2 million in surplus. The reason surplus is needed is for emergencies or if the surplus gets depleted and bills have to be paid, then the CFO would have to take out tax anticipation notes. There is definitely a benefit to the residents to have a strong surplus. One of the things he and CFO Palermo did was look to next year to see what kind of deficits they will be facing. They identified a gap of \$500,000 and now feel comfortable that it is closed.

Manager Metzler commented that he heard that he likes to keep a large surplus. He was not going to apologize for leaving Fair Lawn with a \$10 million surplus. That \$10 million over the last three years while being depleted has helped stabilize the tax rate. He stressed that the Borough would never get back to those kind of surpluses. He and CFO Palermo felt as a goal, if they can maintain a \$5 million dollar surplus, they would be comfortable. It is complex because it doesn't happen overnight and it does not get fixed overnight.

Manager Metzler felt the days of zero tax increase are over because in order to accomplish that they would have to take more money out of surplus. With the new restrictions that have been put upon the Borough by the State there will be no way of reaching that kind of surplus, short of selling major capital assets.

Attorney Mondello advised in respect to attracting new businesses in town, the Mayor and Council have changed some of the Zoning laws to make it easier for a business to come into town and open up shop. Secondly, they have changed some of the Zoning ordinances so that it is not as expensive to open their doors for business. Thousands and thousands of dollars are typically spent in front of a Planning or Zoning Board. Some of these laws have been changed to make it easier so that the Building Department can intercede and get that business started. Finally, especially along Broadway, the Zoning regulations have been changed or are going to be changed to accommodate parking. They are going to ease the restrictions for restaurant parking.

Mr. Ayzerov stated that in the mean time they give the businesses an easy time for come into Fair Lawn but they give the businesses a hard time because they are paying more taxes. The regular person cannot afford to pay anymore taxes. Mayor Baratta was not sure if she understood his question. Mr. Ayzerov wanted to know if the people who did this budget realize that to increase the taxes on the taxpayers cannot afford to pay anymore taxes.

Deputy Mayor Cosgrove assured him that all five of them pay taxes. They cut the budget by \$900,000. Now they will be sending out a survey to find out what services the residents like and how they rate those services.

Councilmember Peluso stated during the last election he came upon many homes with for sale signs on the front lawn. One individual told him that he was moving out of Fair Lawn and the sole reason is because he cannot afford the taxes. There are people on a fixed income or like himself with a young family. That is why he voted against this budget and the water increase.

Deputy Mayor Trawinski stated like Councilmember Peluso when he has campaigned in prior years in Fair Lawn, even before this tax increase, he has heard people say they are moving out of town because of the taxes. He asked them where they were moving to and most typically it was out of New Jersey. It is not just unique to Fair Lawn. The vast majority say they are leaving New Jersey for Pennsylvania and Delaware. In the State of Delaware, there is no income tax for a retired person. He knows of three families that have moved to Fair Lawn because of the services offered. Younger families are moving here because of the school system.

Deputy Mayor Trawinski stated that the people of New Jersey must understand that sacrifices will have to be made and the services some of them want will have to be cut. People don't understand that municipal government cannot keep doing business the way it has done it. Until the school tax which is 67% of the tax bill is addressed they will always increase. There will be no relief until the legislators fix it. Pam Coles, 13-34 George Street, acknowledged the athletes of Fair Lawn because she knows what it takes to raise a champion athlete. There is dedication, teamwork and, commitment. She also congratulated Sergeant Ferreira. It has been a long time coming.

She saw the agenda on line and knew the budget would be coming up. She knew it would be a challenging conversation. She has been coming to the meetings for the last ten years and noticed that only 4 people show up for a budget meeting. What people don't realize is that 68% of their taxes go directly to the school system.

In regard to the Naugle House, she asked that it be zoned a Historic Preservation area. What happened in Paramus was horrible and she was glad it did not happen in Fair Lawn. She thanked the residents who fought so hard for the preservation of the Naugle House. Deputy Mayor Trawinski said Fair Lawn had the Naugle kids.

Ms. Coles mentioned that the Architect still cannot gain access to the house because of the trash. Manager Metzler stated that he was waiting for the Sheriff's Department to send inmates to handle the job.

Edward Korchevsky, 2-30 29th Street, understood that the new tax rate in Fair Lawn's is now the highest in the County. Deputy Mayor Trawinski said he did not know that. He guessed that Fair Lawn is probably in the middle. The County Tax Board has not yet released the tax rate yet. He wanted him to understand that the tax rate in itself does not mean there are more or less taxes. The total assessment of the Borough has to be

looked at. The assessed valuation went down \$1 million dollars. Mr. Korchevsky said he was one of the young families that moved into Fair Lawn. When he was buying his house the taxes were \$12,000 which was high but tolerable. As a result of the reassessment his taxes have gone up to over \$14,000. He was not sure if anyone really cares about the individuals in Fair Lawn. He realized that the Mayor and Council look at the town as a whole. Mayor Baratta stated he was wrong. She suggested he give his name and information to the Manager so a meeting could be set up with and they can go over the numbers on his taxes. In the past few weeks she, the Manager and the Tax Assessor have met with residents and gone over their taxes. Manager Metzler pointed out that while he may have seen a \$2,000 increase over last year there is a percentage because of the reassessment and a percentage for the tax increase. He will break it out for him. The only reason he is mentioning it was because they ran 17 cases and the amount was not what they thought it was.

Mr. Korchevsky did not think that any of them should be proud of this budget or proud of the tax burden in this town. He would have never moved here outside of the school system. Mayor Baratta wondered if he knew what the percentage of his tax bill is the school tax. She informed him that is 67%. Mr. Korchevsky said he felt there was probably a lot of waste there as well. He encouraged the Council to make sure they go through these budgets line by line. He does not understand how some Borough employees make over a \$100,000 because some individuals in this town do not make those kind of salaries. Mayor Baratta stated they are not in the private sector. This is government. They have an aging work force. There are people that have worked here a long time. They have employment contracts that are up and they are going to renegotiate. This is not like the real world. Their hands are tied on benefits and salaries. They are all aware of it. Years ago a municipal job was taken because the benefits were good and the salary wasn't good but they are at the point the salaries are really good and the benefits are really good. Every one of them is aware of this. She suggested contacting their senator and say they need Civil Service Reform.

Deputy Mayor Cosgrove stated that recently they hired 8 part time employees for the Recycling Division because they did not want to pay benefits. The Borough has now been mandated by the State to hire them full time and give them benefits. He and the rest of the Council have looked at ways to trim costs but there are contractual agreements and things that come down from the State that they have to abide by.

Mr. Korchevsky said as a private individual, his family is going to find it extremely difficult to find \$2,000 in extra taxes this year on top of what they already pay. He will talk to the Manager.

Joan Goldstein, 12 Bedford Place, thought it was very interesting to hear the Deputy Mayor talk about property taxes because what they really need in this State is for property tax relief.

She asked for the cost of the survey. Manager Metzler said it was estimated at \$7,000. Ms. Goldstein asked how many would be going out. Manager Metzler said approximately 12,000. People have told him if they get a 3% return that is good. The last time a survey was done many years ago, 26% was returned. Ms. Goldstein said that when one puts out a survey they would get a 3% return. Mayor Baratta said they were all going to hope that was not the case. They want to make sure to get the word out because so many people are becoming engaged which is wonderful. She felt what better way to gauge Fair Lawn than to put out a survey. They are at the bare minimum so what better way to give relief to the residents they will need to make big cuts. Ms. Goldstein said they would be spending several thousand dollars to get a few hundred responses.

Ms. Goldstein suggested holding forums at the Community Center which would save thousands of dollars. She felt there were many free opportunities to give your opinion in this town such as here at a Council meeting. She was questioning why they were spending thousands of her taxpayer's dollars to have a survey when they could have done something for free. Mayor Baratta said that was a terrific forum in the past but it was a single issue. Issue can be taken about spending money on a 5k run on New Year's Day, or on the pool or on the fireworks. She felt it was important for the Council to gauge how the residents feel.

Deputy Mayor Trawinski stated the typical number of respondents to the national polls that upon which the pollsters make their decision is 400 to 600 responses. He felt if they get 500 out of the surveys sent out it would be a good response. He has heard so many different points of view from the people of Fair Lawn about what they should cut or how they should deal with it. Now he thought they should ask them what they want cut. They have held forums where employees had ideas but didn't dare stand up in a public forum. Frankly, people feel they would be branded if they had a contrary view. Doing a scientific survey was the best way to go. He felt they should not spend \$30,000 on fireworks and will probably not support it next year.

Ms. Goldstein wondered how scientific this survey was going to be and was a survey company used to create the questions. Manager Metzler stated that the survey was developed in house; it has been circulated among the Council and Department Heads on numerous occasions. It will allow them to break down the responses by age group. He recommended a survey after a Work Session where it was discussed whether there should be fees for the registration of alarms and one person in the audience opposed the fee and there was a decision from the Council not to move forward with establishing a fee for alarm registration.

He was very well aware of the need to generate new sources of revenue. There is only two ways this town will move forward. One is to cut cost and the other is to find new revenue. He suggested that it is going to be combination of both. They agreed to ask the residents what amenities they want to cut and to what level. There have been a

lot of Library users; they are many who use the pool. This Council and prior Council have provided many amenities. His responsibility is to fund those amenities to the level that they have them until Council says otherwise. The Council will be forced to make very tough choices. They cannot continue to fund the amenities at the levels that are currently doing.

Ms. Goldstein said they are spending money on a non scientific survey that was developed in house without very specific points to it. They could probably do the exact same things free. Mayor Baratta corrected her that this Council gave input for a number of months.

Deputy Mayor Trawinski stated she assumed it was not a scientific survey. He consulted with one pollster at Stanford University who was utilized in the County Executive's race. As a favor he asked him to look at the survey, the pollster said, for \$50,000 they could do a 20% better job but whoever did it did a good job. Deputy Mayor Trawinski asked the pollster if they could use it as scientific results and was told that based upon the questions they could expect a plus or minus 2%. That is bigger than most typical polls. He then went to another company who does surveys who told him they could expect to a 10% to 20% return. Deputy Mayor Trawinski felt this was an important thing to do.

Mayor Baratta said that Councilmember Swain brought up doing the forums and they will probably do that as well, pending the results of the survey.

Leonid Krimer, 17-27 Eberlin Drive, commented that his taxes went up. There is a group on Facebook that Sergey Chevchuk started. A lot of people that came here were not involved. They came here and they have to adjust to a new reality and learn a new language. He felt these were very stupid decisions made by the Council that affects his life. The biggest problem is the lack of education. Most of them do not understand how the budget is formulated. Most work for a corporation where the revenue defines what the budget will be. Basically they expect that they calculate how much money they collect and then make a budget out of that. How he understands this budget is there was a certain figure that gets divided. Mr. Krimer could not see where the 67% of the budget goes to the schools. Fair Lawn has large groups on immigrants that need to be told what is going on.

Deputy Mayor Trawinski asked the Manager for the pie chart of what is discretionary and what is fixed. Manager Metzler said he would put it on the website. Mayor Baratta stated what he was doing and what his friends are doing is exactly what he should be doing. What happens is that people go about their daily lives and don't realize what is happening in Borough Hall until it immediately affects them. She applauded him and his neighbors.

Deputy Mayor Cosgrove stated that the Board of Education does a pie chart that shows the spending.

Rich Seibel, 33-07 Halsey Road, thanked the Mayor and Council for honoring Specialist Batista from Kinnelon and he wanted to especially thank Attorney Mondello for his direct involvement. He was eulogized by a Brigadier General.

Attorney Mondello stated that Specialist Batista's brother is ten years old and is the same age as his son. They are in the same Recreation group. Several weeks ago Specialist Batista's brother was describing wide eyed how his brother was in the Army and how he checked out where mines were. Attorney Mondello brought his son to the ceremony and said that he was proud of his brother. Mr. Seibel said the sense of pride when you deal with these kids, they are all volunteers and it tugs at your heart. Make no mistake that this 22 year old died so that they can have this conversation and this back and forth whether it's taxes or environmental issues. These kids are out there sweeping the mines and getting shot at. Most importantly when you see that flag at half staff, remember that there is a family behind that flag.

Donna Murray, 39-06 Pellington Drive, felt her home was in danger of flooding once more. She had spoken to Ron Conte about the cleanup of Beaver Dam Brook. He informed her that he was waiting for the Stream Encroachment Permit.

Manager Metzler explained there was a situation where she and her neighbor were encroaching on the Borough property which did not allow the Borough to get a cleanup crew in there. One of her neighbors had a Borough tree fall onto her property. They sent the Parks Department in who acknowledged it was a Borough tree. Then in January he was contacted by the resident to have the tree removed. The problem they faced was the residents who had encroached on the property. Letters were sent to her to have her remove her belongings from the Borough property but she never responded to. Ms. Murray stated that the clearing of the fence and the swing set took ten minutes. Manager Metzler said there was a legal process for the Borough to follow. He spent a lot of time trying to accommodate her and her neighbor working with the encroachment to have her belongings removed and the certified mail was never returned. The letter was sent twice and it was returned to his office on March 27th, but he knew that she had received it because it was also sent regular mail. Her neighbor reached out to him asking him to do something. After a lengthy discussion with the Borough Attorney, it was agreed if he could get a release and she would remove the fence and swing set, the Borough would cut across the property and clean up the park. Unfortunately the Borough never received a response to that. Since her neighbor responded, the Borough had to wait 45 days to go in and do what they had to do.

Manager Metzler stated in regard to the stream encroachment he met with the Mitigation Manager from FEMA trying to get them to fund the project. FEMA has not even begun the process of the paperwork.

Ms. Murray stated part of her e-mails to Ron Conte was that last year after the Hurricane and also the ice storm her yard was covered with limbs and branches. She felt if they get another storm she will be flowed again. The way the brook is now it will get jammed up. Manager Metzler explained that the man from FEMA agreed there was a buildup of sediment in the stream, he assured him that if there are storm conditions that they may experience it will flood again. The debris in the stream will be removed shortly. The sediment that has washed into the brook cannot be removed until the Borough gets permission from the State. He was hoping that FEMA's help would work out and provide the funding.

Manager Metzler pointed out that earlier in the meeting the Council approved a budget amendment. They moved \$175,000 of money that they received for flood damages into a budget line in anticipation of clean up that they know still has to be made. By the amendment being approved that releases some of the funding.

Ms. Murray called the DEP and was told there are no applications from Fair Lawn. Manager Metzler advised that FEMA put in the application. He explained that FEMA got involved with this because there was a Federal declaration and the Borough had an obligation to show the loses they had. Where they can't provide funding as a result of the guidelines the Borough can apply for mitigation funds to prevent future flooding.

Deputy Mayor Trawinski commented that Senator Cardinale and other Senators have introduced legislation to get clean ups after storms, particularly dealing with desilting where DEP permits are required whether by a Municipality or a County to get those expedited and to allow municipalities to apply for one permit and one set of engineering fees. The reason he mentioned this, Senator Gordon, who has been a very big supporter of bringing flood relief has not signed on to that legislation. He suggested she call his office and ask him to sign on to that legislation. It will expedite the process.

Craig Miller, 5 Ramapo Terrace, questioned if the survey was being mailed at .45 cents rate or at a bulk rate. Manager Metzler said it was going out bulk. Mr. Miller suggested they could do is have the budget meetings televised so that everyone could see it. Then if they had a question they could come in and get answers.

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

Deputy Mayor Trawinski stated that former Mayor Ganz's son, Scott, has completed his one year tour in Afghanistan and was coming home. Keep him in our prayers.

ADJOURNMENT:

Upon motion by Councilmember Swain and second by Deputy Mayor Trawinski the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Jeanne Baratta

Deputy Mayor John Cosgrove

Councilmember Kurt Peluso

Councilmember Lisa Swain

Deputy Mayor Trawinski