

WORK SESSION OF JUNE 26, 2007

Mayor Weinstein reconvened the meeting at 8:20 p.m.

PRESENT: Mayor Weinstein, Deputy Mayors Etler and Tedeschi and Councilmembers Baratta and Trawinski.

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

DISCUSSION ON AWARDING BID FOR FULLY INTEGRATED PUBLIC SAFETY SOFTWARE SOLUTION:

Manager Metzler stated only one bid was received from Spillman Technologies for the CAD system for the Police Department. Six bid packages were sent out. Positron Public Safety Systems Corp. expressed their concern about the twelve-day turn around on the bid and the complexity of the RFP. The Borough also received a letter from a Larimore Associates who also expressed regret at not bidding due to the time restraints and the bid deposit and bond requirements. Intergraph Corp. sent a letter stating outright that they could not supply the Borough with the best possible match for the Borough's needs. LawSoft, Inc. indicated that they wished they had known about the bid since they found out about it after the process was closed. He is recommending awarding the bid to Spillman Technologies.

Deputy Mayor Tedeschi asked about the response time for the bidders. Manager Metzler explained the minimal allowed time is 10 days but the Borough extended it to 12 days. They went with the 12 day response because they wanted to move the project forward quickly.

Deputy Mayor Etler indicated that one bid for \$528,000 was not acceptable to him. Councilmember Trawinski concurred. He respects the work that the Police Department did but he did not think awarding it to the only bidder for \$528,000 meets with the spirit of the public bidding laws. He has a problem awarding this bid without doing homework on it. He felt they should rebid it with a longer time period. Councilmember Baratta stated she agreed because of the history with this project, she would be very careful with this. She wondered if the Council could see a presentation so they could see exactly what it does.

Manager Metzler stated that it was a difficult decision for him to recommend awarding this bid. The letters indicate the vendors feel they were not given enough time. At least three other companies have said they could provide the software the Borough is looking for. When the Borough started this process, they were going to ask for proposals because they believed that this was not off the shelf software and if it is not off the shelf software, they could request proposals. The company that bid, their software is off the shelf which is why they had the turn around time. The other companies were putting the software together to meet the Borough's needs. There is no doubt in his mind that when they rebid they will get prices lower than this.

Mayor Weinstein asked if it was the wish of the Council to go out to bid again or to have a presentation done by the Police again for this particular software and the reasons why they chose this over the others. Attorney Rosenberg advised that they cannot do this after the bid. They cannot invite the vendor during this process. They would have to rebid this. Councilmember Trawinski stated in the past he had to rely on other people's judgement and this is one that they are not experts on. He does not know if it is good or bad but he is not going to spend over a half million taxpayers money unless he is sure that the software is good.

Deputy Mayor Tedeschi asked if Spillman's technology was the template for the bid. Manager Metzler said absolutely not. He explained the process used to draft specifications. Deputy Mayor Tedeschi said they obviously purported to the law but did they purport to the spirit of the law. He wondered if they would have more bids if the time to respond had been longer. Deputy Mayor Etlar wondered if there is someone out there that would be less expensive. Councilmember Baratta asked if it were possible to see this product actually being used by another municipality. Mayor Weinstein wondered if they reject this bid and go out to bid again, if they can include a presentation as part of the bid specifications.

Deputy Mayor Tedeschi asked how much the previous system cost. Manager Metzler said they quoted that it would have cost \$150,000. Deputy Mayor Tedeschi they came out of a process where they could have done better. Manager Metzler said that was a Beta system. Deputy Mayor Tedeschi asked who picked that company. Manager Metzler said he was not sure. There was no signed agreement. Deputy Mayor Tedeschi said it came out of the Police Department.

Mayor Weinstein said it sounds like the will of the Council is to put it out to bid again and to schedule the presentations with the bidders and have the Police here to answer questions.

Councilmember Trawinski asked Matthew Ahearn, 6 Beekman Terrace, if there were people out there that can give them some advice at a reasonable cost. Mr. Ahearn stated there are always issues with third party consultants and in that industry in particular. A ten-day turn around period for the scope of this project is extremely short. They are dealing with software integration into another system, and it is impossible to predict how many hours are involved. The range between the high bids and low bids could be that they are being more conservative or less conservative. The Council is correct in wanting to go out and talk to the users and the elected officials.

Mayor Weinstein stated he thought what Mr. Ahearn was saying had already been done by the Police Department. He felt the Council wanted to be part of the process as well. They just want to be overly sure on the product. Councilmember Trawinski stated that based on the presentation that the Police Department did, they did their homework. He just wondered if this product will do what they want it to do. He knows that both he and

Deputy Mayor Tedeschi have awarded bids to vendors that were not the lowest bidder because they determined as a Council that the bidder was not the most responsible bidder and they looked the taxpayers in the eyes and told them they made the right decision. He will look carefully at other low bidders to see if they are the most responsible bidders.

Attorney Rosenberg reiterated that they absolutely cannot ask for an RFP due to the fact that there are 50 to 60 CAD providers. Manager Metzler stated that based upon the bid responses, it is not off the shelf software, but customized for Fair Lawn. Attorney Rosenberg said that apparently some are and some are not. It is an extremely complicated system so some parts are off the shelf and some aren't.

Manager Metzler said he felt they should go somewhere to see it work and talk to the people who are using it. Councilmember Baratta agreed. Councilmember Trawinski asked Attorney Rosenberg if they have to go to all of the towns or just to one. Attorney Rosenberg said they can go to just one. He advised they could go to one before they start the bidding process again. Councilmember Trawinski asked if they could get a list from the Manager.

Mayor Weinstein suggested that a committee of two people to go with the Manager, the Police Chief and one of the officers to see it in another town. Councilmember Baratta said she would be willing to be on the committee. Deputy Mayor Tedeschi said he would participate.

There was a unanimous consensus to create a sub-committee of Councilmember Baratta and Deputy Mayor Tedeschi who will visit a municipality who this product and then report back to the Council.

There was a unanimous consensus to reject the bid. Municipal Clerk Kwasniewski said they would have to reject the bid before they go forward.

Manager Metzler thought what they have decided to do was already done by the Police. who visited numerous Police Departments and looked at various systems. He suggested that in the future, if they want to have a committee to be a part of the process to let him know. Mayor Weinstein felt it was a good idea. Deputy Mayor Etler stated in his opinion, creating a sub-committee is not really what he wants. He wants to see the actual bidders at the table so he can ask them the questions. He does not think the Councilmembers have the expertise to go out and look at the systems. He wants to know why one bidder is charging \$500,000 when the other vendor might come in at \$400,000. Attorney Rosenberg said that cannot be done in the bidding process. Deputy Mayor Tedeschi stated that when they decided to build the DPW garage, there was a committee that visited eight new DPW garages asking the employees what they liked and did not like, and because of that, the Borough saved one million dollars. He expressed concern only one bidder that was in the twelve-day time frame who was ready to bid. There are two different things going on here.

Councilmember Trawinski felt the Manager should tell the Council when there are

if and when cooperative parking is authorized by the Council and the River Road Improvement Corp, the Fire Department subject to it's needs, will allow this lot to be used for that purpose.

Deputy Mayor Tedeschi wanted to know what is preventing them from creating the open space on George Street. He wondered why they cannot bifurcate the issues. Councilmember Trawinski said they need the cooperation of the Fire Department to have the escape valve. He wants to create open space, but in the long run, if the demand is so great, the people will start parking on George Street.

Councilmember Baratta wanted to know if this proposal would change the plan to build the house. Mayor Weinstein indicated it would.

Mr. Ahearn stated the Fire Department will want to know the price. Mayor Weinstein felt the first thing they should do is get an appraisal. The Open Space Recreation Plan has a certain amount of space and there is an assessment of real space. They would need to amend their plan. Mr. Ahearn said that space is equivalent to two lots which is .1 acre, or 4,300 square feet. He said the Fire Company would have to amend their site plan. The Fire Company has already spent a great deal of money by going before the Boards.

Councilmember Trawinski stated the plans that they showed this Council when they asked about a land swap are substantially different from the plans they submitted to the Zoning Board. He believed that they did not know what they were doing or they mislead this Council. In either event, the Fire Department has to come back to this Council before they can build what the Zoning Board has approved because originally it was a two story structure and the land swap. Mr. Ahearn said money was spent by the Fire Company based on the instructions by certain people on River Road. What they have before them is the plan that was approved. The Fire Company can build this without ever coming back to the Council because they can get a conventional mortgage. Councilmember Trawinski questioned the validity of the Zoning Board's decision.

Deputy Mayor Tedeschi asked about the deed restrictions. Mr. Ahearn stated that on three quarters of the proposed buildable lot there is a deed restriction that states this property shall revert to the Borough of Fair Lawn in certain circumstances. Deputy Mayor Tedeschi wanted to know what the liability was if the Fire Department defaults. Councilmember Baratta said none. Attorney Rosenberg advised they are an entity of the Borough to house municipal equipment, which would have to be stored somewhere else. The building is the Fire Company's.

Mayor Weinstein wanted to know if the Council was interested in using open space funds to buy that piece of property for open space. The Fire Department would receive that money which would help them in the construction. The Borough would finally be using some of the open space money which was its purpose. It would give the people on George

Street a pocket park.

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 Baratta and a second by Councilmember Trawinski, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

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

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etlar

Deputy Mayor Joseph Tedeschi

Councilmember Edward Trawinski