

REGULAR MEETING MARCH 23, 2204  
JOHN A. FORREST SCHOOL

Mayor Ganz opened the meeting at 7:35 p.m. Assistant Municipal Clerk Bojanowski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in "The Record" issue of December 19, 2003. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

PRESENT: Mayor Ganz, Deputy Mayors Etlar and Weinstein, and Councilmembers Caan and McCarthy.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

COUNCIL COMMENTS:

Deputy Mayor Etlar stated on March 13, 2004 the new war memorial was placed in front of Borough Hall. It is beautiful. He stated a lot of people had input but Harvey Mayer and Jim Storzak, members of the VFW and the American Legion deserved special recognition.

Mayor Ganz stated he want to talk about Mr. Austin's article in the newspaper about enforcing the smoking ordinance that the Council passed last year in front of the High School. He told Mr. Austin it was commendable that he publicize this ordinance. It makes it clear that the Borough of Fair Lawn does not tolerate smoking around the school.

MANAGER'S REPORT:

Manager/Municipal Clerk Kwasniewski stated there were no changes. She stated the Budget hearing is now May 11, 2004 at Westmoreland Elementary School.

RESOLUTION OF CONDOLENCE FOR CLIFF MCDANIEL

Assistant Municipal Clerk Bojanowski read the Resolution of Condolence.

Councilmember Caan stated he knew Cliff for many years through the Chamber and Rotary. He stated aside from the vast responsibilities he had he also put in a large amount of time to raise money for other organizations. He was an important part of the Fair Lawn Community and will be missed.

ORDINANCES: FIRST READING

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 1974-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 TO REVISE FEES

Attorney Lustgarten stated a fee was established for merchants who wish to participate.

Councilmember Caan stated this is for a program he is starting to try to get new residents acquainted with the businesses in town. This will give them the opportunity to be able to make themselves known. New residents will receive a package which will include these particular businesses as an introduction and hopefully it will keep business in town as it should be.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 126-2004 introducing Ordinance No. 1974-2004 was unanimously adopted.

ORDINANCES: SECOND READING

Ordinance No. 1973-2004

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING CHAPTER XII, ENTITLED AWATER@, SUB-SECTION 12-4.2, AWATER RATES@

Mayor Ganz stated they need to entertain a motion to pull this Ordinance from the Agenda and have it republished since the rates were incorrectly stated. Borough Attorney stated they could do a motion to table this until it has been republished and then take it from the table after republication.

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, it was unanimously agreed to table Ordinance No. 1973-2004.

RESOLUTIONS BY CONSENT #8-2004

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan, Consent Agenda 8-2004 containing the following items was unanimously adopted.

a. Resol. #128-2004 - Approval of Raffles & Bingos: John A. Forrest School PTA On-premise 50/50

b. Resol. #129-2004 - Approval of Minutes

Work Session 10/7/03

Closed Session 10/7/03

Special Meeting 10/7/03

Closed Session 10/7/03

Regular Meeting 10/14/03

Work Session 10/14/03

c. Resol. #130-2004 - Award of Bid: Soft Drink and Food Concession at Memorial Park

d. Resol. #131-2004 - Award of Bid: Sprinkler Repair / Modification

e. Resol.#132-2004 - Authorize Extension of the SCADA Systems Maintenance Bid

f. Resol. #133-2004 - Budget Transfers

g. Resol. #134-2004 - Temporary Emergency Appropriations - Current

h. Resol. #135-2004 - Temporary Emergency Appropriations - Water

h. Resol.#136-2004 - Adoption of the Personnel Manual and Employee Handbook

i. Resol. #137-2004 - Ratifying Change in Budget Date

j. Resol. #138-2004 - Senior Citizen Liaison Appointment

RESOLUTION NO. 139-2004 - Professional Services Agreement -Redevelopment Planner

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 139-2004 was unanimously passed.

MISCELLANEOUS PUBLIC COMMENTS

Upon motion by Deputy Mayor Etlar and a second by Councilmember Caan the time for public comments was opened.

No one wished to be heard.

Upon motion by Councilmember Caan and a second by Deputy Mayor Etlar, the time for public comments was unanimously closed.

ADJOURNMENT

Upon motion by Deputy Mayor Etlar and second by Deputy Mayor Weinstein, the meeting was unanimously adjourned at 7:55 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

WORK SESSION OF MARCH 23, 2004

Mayor Ganz called the meeting to order at 7:55 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etlar and Weinstein and Councilmembers Caan and McCarthy.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten

Operation Hours of Recycling Center:

Manager/Municipal Clerk Kwasniewski stated they were proposing to change the hours at the Center. She stated they felt it would give better service. People would be able to stop before work. Mayor Ganz thought the suggestion made sense. Deputy Mayor Etlar stated he was in favor of it. Deputy Mayor Weinstein stated he agreed and thought it was a good idea. There was a unanimous consensus to adopt Manager/Municipal Clerk Kwasniewski's recommendation.

Closed Session:

Upon motion by Deputy Mayor Etlar and seconded by Councilmember Caan the following closed session resolution was unanimously adopted at 8:00 p.m.

WHEREAS, the Open Public Meetings 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 and Contract Negotiations; and

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

WHEREAS, public disclosure of the results of these discussions shall be made relating to Personnel upon appointment by the Borough Manager and or the Mayor and Council and for Contract Negotiations upon resolution of the subject; and

WHEREAS, public disclosure of the results of these discussions shall be made upon the conclusion of these matters by the Governing Body of the Borough of Fair Lawn.

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.

Deputy Mayor Etlar reconvened the Work Session at 8:45 p.m.

Fair Lawn Community Center:

Allen Weitzman was present and presented the bid results he received. The bidders were River Drive Construction in the amount of \$8,872,064, March Associates in the amount of \$8,095,000, CCMS in the amount of \$8,634,520, and Bergen County Economic Development Corporation in the amount of \$8,474,520. He presented a summary of their bids. On page two of his summary he listed some items that were not included on their bids such as the furniture allowance. He stated they have homework to do on this because these were just raw numbers. Manager/Municipal Clerk Kwasniewski stated the numbers were so different. Mr. Weitzman advised that different trades put things in different places. Councilmember McCarthy asked about the area of savings they were willing to engage in. Mr. Weitzman stated it was still on the table.

Attorney Lustgarten asked how long the number would hold. Mr. Weitzman stated his hope was to get these guys back in since he was encouraged by how close these numbers were and at their interest and willingness to discuss savings. Attorney Lustgarten asked if each competitor knew of the others. Mr. Weitzman replied they did not. Attorney Lustgarten asked do they look at quotes. Mr. Weitzman stated they do not share the number in the private sector bidding. Councilmember McCarthy asked if they bring the numbers to them to see if they get the reduction. Mr. Weitzman stated all three firms want the job, River Drive was sincere about it.

Mayor Ganz suggested they see if Sanzari wants to bid and if so see if they come in at a lower bid, he felt they should consider them. Mr. Weitzman stated that Beth Gorin, from the Bergen County Economic Development Corp., told him they would get the proposal to him by Friday or Monday. Then on Friday she said they could not make it asking when was the latest she could get it. He told her Tuesday at noon, then she said 4:00 or 5:00 today. He stated that Ms. Gorin said it would be in by 5 p.m. today but he never received it.

Mayor Ganz stated it was good they all wanted the project and were willing to share in the cost savings. Mr. Weitzman stated it

was important to him that they all say they can better the numbers. The next step they needed was to make a decision. If they want to start in June they need to make the decision by the third week of May. Mayor Ganz asked if they could get the contractors to come back to the Council by April 13, 2003. Mr. Weitzman answered he believed they should allow a month for them to reduce the numbers and to go over everything.

Mr. Weitzman thought their time would be better spent doing value engineering to look for savings. He also stated steel is an unforeseen condition. Labor strikes are the owners responsibility. Things beyond their control get passed to the owner. Mayor Ganz stated he has heard the steel cost are astronomical. Mr. Weitzman stated when they sign the contract they put the order in and the price is locked in. Borough Attorney Lustgarten asked who eats the difference in how much something costs.

Mr. Weitzman suggested that they don't rebid it. Attorney Lustgarten stated they do not know what they are bidding on out there. Councilmember McCarthy stated these firms do these over and over. Mr. Weitzman stated it does cost money for them to bid. Mayor Ganz stated they need to ask Mr. Weitzman to get value engineering to get the numbers down. He also stated they need to set a date to have them come in to the Council. Mayor Ganz replied they should award on May 15, 2004. Mayor Ganz asked Mr. Weitzman to get in touch with BCEDC. Manager/Municipal Clerk Kwasniewski stated they cannot do the award without the 501(c)(3) trustees.

Mr. Weitzman summarized that he will call the four bidders, he will tell BCEDC to bid quickly and tell the others to do value engineering. Attorney Lustgarten stated the award date would be May 11th with a shovel in the ground date of June 15th. Deputy Mayor Weinstein stated they will have to meet with them.

There was a unanimous consensus to authorize Mr. Weitzman to make the phone calls to the bidders.

Adjournment:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned at 9:22 p.m.  
Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk