

## REGULAR MEETING OF NOVEMBER 24, 2003

Mayor Ganz opened the meeting at 7:39 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 27, 2002. 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 Etler and Weinstein and Councilmembers Amato and Caan.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski, Attorney Lustgarten and Councilmember-elect Owen McCarthy.

### MANAGER'S REPORT

Mayor Ganz stated the Manager's Report was on the side table.

PROCLAMATION: Day of Thanksgiving

Mayor Ganz read the Proclamation.

### RESOLUTIONS BY CONSENT #32-2003

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Consent Agenda #32-2003 containing the following items was unanimously adopted.

a. Resol. #324-2003 - Approval of Minutes:

Work Session 7/15/03

Closed Session 7/15/03

Special Meeting 7/15/03

Closed Session 7/15/03

Regular Meeting 7/22/03

Work Session 8/4/03

Special Meeting 8/4/03

Closed Session 8/4/03

b. Resol. #325-2003 - Expanding the Historical Committee

c. Resol. #326-2003 - Transfer of Funds

d. Resol. #327-2003 - Refer to the Planning Board - Zoning Map Amendment

e. Resol. #328-2003 - Settlement of Tax Appeal - Fisher Scientific

f. Resol. #329-2003 - Refund of Overpayment of Taxes

g. Resol. #330-2003 - Confirming Fire Board Actions

h. Resol. #331-2003 - Special Traffic Regulations

### COUNCIL COMMENTS

Deputy Mayor Etler stated that he attended the funeral today of Clifton Police Officer Samara. There were over a thousand attendants.

Councilmember Caan did not report anything.

Councilmember Amato did not report anything.

Deputy Mayor Weinstein stated that he was closing in on the private contributions for the Economic Development committee. Mayor Ganz congratulated Deputy Mayor Weinstein for working on this as aggressively as he has.

Manager/Municipal Clerk Kwasniewski added that the Borough had reached out to the Clifton Police Department who took advantage of the knowledge we learned during Mary Ann Collura=s funeral.

#### MISCELLANEOUS PUBLIC COMMENTS

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

Assemblyman Matt Ahearn, stated it was always a pleasure to be in Fair Lawn. Mayor Ganz stated he was glad to have him back. Assemblyman Ahearn stated the reason he was there was to discuss a grant program. The announcement was made last month, about the Homeland Security grant which the Borough received \$100,000. Mayor Ganz stated they appreciated his efforts for obtaining that for the Borough. Assemblyman Ahearn said he was there as a messenger more than anything else. There are some people that need to be thanked on behalf of the town and himself regarding that particular grant. This grant program was initiated to a great extent because of discussions that took place with your OEM Manager and similar conversations with OEM Managers in Fort Lee. This grant was designed specifically so that the only way a town could get it was if they had personnel who had training and experience in dealing with emergency situations. Assemblyman Ahearn felt Fair Lawn happened to be blessed with many volunteers in the OEM Department, Ambulance, Fire Department, Rescue and the Police who were involved dating back to the 1993 attack on the World Trade Center, the most recent devastating attacks and Hurricane Floyd. That vast amount of experience is the only way a municipality was able to get that grant money. Assemblyman Ahearn stated he wanted to particularly thank Mr. Metzler for bringing the concept of a separate grant for the type of preparation equipment that you are looking at.

Assemblyman Ahearn continued that one of the other reasons he stopped by was that in the next couple of weeks he was having a series of meetings with Assemblyman Lou Greenwald, Chairman of the Appropriations Committee, to discuss what grant programs might need to be extended but also the other needs that they should look at. One of the things he was working on was creating better incentives through grants for interlocal agreements for municipalities that share services. He needs their input as well as the input from anyone in town so that he can get a better feel of the agreements that exist in Fair Lawn. He wanted suggestions and ideas on what kind of incentives might help municipalities move into more effective interlocal agreements and shared services and the types of grants that would reward municipalities that can find innovative ways to reduce local taxes.

Assemblyman Ahearn quoted Governor McGreevey from his speech earlier that day that went as follows: Alf we are to take on these issues and fight to restore the quality of life that has made this State great, those of us in public service must be prepared to answer two simple questions about our actions - who are we willing to stand up for and who are we willing to stand up to@. He invited their input for this year=s budget session as it was going to be a tough battle but whatever he can do for Fair Lawn and the rest of the district he will get it done.

There being no additional comments from the public, upon motion by Councilmember Caan and a second by

Deputy Mayor Weinstein, the time for public comments was unanimously closed.

## ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan , the meeting was adjourned to the Work Session at 8:00 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

## WORK SESSION NOVEMBER 24, 2003

Mayor Ganz reconvened the meeting at 8:00 p.m..

PRESENT: Mayor Ganz, Deputy Mayors Etler and Weinstein and Councilmembers Amato and Caan.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski, Attorney Lustgarten and Councilmember-elect Owen McCarthy.

### Historical Committee:

Mayor Ganz stated that the Council had requested the Freeholders to vote on the Naugle House which will be many months away. He advised they should establish a sub-committee with Deputy Mayor Weinstein and Deputy Mayor Etler as co-chairmen. This committee would be charged with saving the Naugle House. Deputy Mayor Etler stated he would like to add five people to the committee. He will hold a meeting soon.

### Bidding Process:

Councilmember Caan stated that they only received a few bids and letters went out to find out why. Mayor Ganz stated it was the bidder's responsibility to get the bids to the Borough. Councilmember Caan felt the specs left too many items open. Mayor Ganz advised that the bidders had the right to get information on the specs. Councilmember Caan felt the specs should be made simpler so that they get more responses. Attorney Lustgarten stated this is all subject to interpretation. The Borough is not singling out bidders. Manager/Municipal Clerk Kwasniewski stated the problem is that some of the specs are very specific. The Borough has redone bids in the past and when they do that everyone has to be notified and the ad has to be republished. Councilmember Caan felt the specs should be more bidder friendly. Attorney Lustgarten explained that the departments come up with what they want and it goes to bid as Aor equivalent@. Mayor Ganz if a bidder was dissatisfied they would have the ability to sue the Borough or have it re-bid.

### Resident Relations Follow-up:

Councilmember Caan wondered what was happening with the resident relations program. Attorney Lustgarten explained that a tickler list for calls back could be started. Manager/Municipal Clerk Kwasniewski stated she had already begun to discuss this with the department heads. Councilmember Caan stated they can look at this again next month. Mayor Ganz suggested they review it the second meeting in January.

### Professional Services - Robert Goldsmith:

Attorney Lustgarten recommended that if they accept Robert Goldsmith's proposal they should wait until the 1st of the year. He can work to identify the areas and see it through to the first meeting in January. Manager/Municipal Clerk Kwasniewski stated they cannot do that but they could include it in the temporary budget. Attorney Lustgarten suggested putting this on the December 2 meeting to review it.

There was a unanimous consensus to postpone further discussion until December 2.

Mayor Ganz asked that CFO Eccleston fund it in incremental stages. Manager/Municipal Clerk Kwasniewski stated he had already said no to that.

Mayor Ganz felt the Planning Board should start looking at it. Attorney Lustgarten advised that Robert Goldsmith should come in and go over it with the Council.

#### Diving Board:

Manager/Municipal Clerk Kwasniewski stated she had sent the Council a memo wanting to know how much they were willing to spend on the diving board. Mayor Ganz stated it was the Council's directive. He directed that Engineering come up with a solution. Deputy Mayor Etlar stated the cost is escalating and there is no guarantee that the diving board would be installed. He would like to offer for consensus that they do not spend more than \$5,000 on this. Mayor Ganz stated this is the one amenity that people have been asking for. Deputy Mayor Weinstein wanted to know why the diving board was taken out. Manager/Municipal Clerk Kwasniewski stated the Council wanted the slides put in. It was a liability issue to have the diving board. If it was a concrete pool there would be no problem. The sand shifts and causes problems. Mayor Ganz suggested that Engineering come up with a proposal by January 15 and have the board installed. Attorney Lustgarten advised there are standards they have to follow. There are also concerns about the sand shifting. Mayor Ganz stated that no company would sell it unless the Borough gave them indemnification. Attorney Lustgarten advised they could not do that.

There was a unanimous consensus for Attorney Lustgarten to draft the appropriate language for the diving board company to enter into an agreement with the Borough.

Deputy Mayor Weinstein felt they could come up with other ways to have the diving board installed where it would be safe such as putting up a wall or installing nets. Attorney Lustgarten advised the diving board company is very concerned about the shifting sand.

#### Street Fairs:

Manager/Municipal Clerk Kwasniewski stated she had received a letter from Stuart Herrmann regarding the streets fairs to be held on May 2, 2004 in Radburn and on October 10, 2004 on River Road. Deputy Mayor Weinstein stated he was concerned about the Radburn street fair conflicting with Thomas Jefferson's carnival. Manager/Municipal Clerk Kwasniewski stated she would notify the Board of Education.

There was a unanimous consensus agreeing with the dates of the street fairs.

#### Change of Meeting Date:

Deputy Mayor Etlar requested that the December 9 meeting be moved to December 8. Manager/Municipal Clerk Kwasniewski reminded him that the Planning Board had a meeting that night and she does not know if they can change their date.

There was a consensus to reschedule the meeting for December 8 at 6:00 p.m with Councilmember Amato

abstaining.

Construction Manager:

Manager/Municipal Clerk Kwasniewski stated she had invited Architect, Allen Weitzman, from The Ives Group, to the meeting to make a presentation regarding the construction manager.

Mr. Weitzman explained that the construction manager would apply effective management techniques to the planning, design, and construction of a project from inception to completion for the purpose of controlling time, cost and quality. He explained the different types of construction management services such as owner=s representative / advisor who would be responsible exclusively to the owner and acts in the owner=s interests at every stage of the project. The construction manager would offer advice during design and construction on crucial matters such as optimum use of available funds, control of the scope of the work, project scheduling, use of design and construction firms= skills, avoid delays, changes or disputes, enhance project design and construction quality and would allow flexibility in contracting and procurement.

Mr. Weitzman explained that the construction manager as constructor without a Guaranteed Maximum Price would act as consultant to the owner in the development and design phases, but as the equivalent of a general contractor during the construction phase. There would be no GMP, no cost ceiling, and no savings participation with the owner. Any cost over-runs during construction are the owner=s responsibility.

Mr. Weitzman explained that the construction manager with GMP would act as consultant to the owner in the development and design phases but as the equivalent of a general contractor during the construction phase. During construction, this method entails a commitment by the construction manager to deliver the project within a GMP. Typically, the GMP will be established by the construction manager when the construction documents are 75% to 90% complete. Savings during construction are shared with the owner. When a construction manager is bound to a GMP, the most fundamental character of the relationship is changed. In addition to acting in the owner=s interest, the construction manager also protects themselves.

Mr. Weitzman gave out a spreadsheet of the amounts of what three companies have offered. Himer & Associates as owner=s representative=s total was \$340,000, March Associates= total was \$200,000 and River Drive Construction=s total was \$210,000. As construction manager not as constructor, Himer & Associates offered no bid, March Associates= total was \$255,000 and River Drive Construction offered no bid. As construction manager as constructor, Himer & Associates= total was between \$315,000 - \$390,000, March Associates= total was \$325,000 and River Drive Construction offered no bid. Mr. Weitzman continued with the totals for construction phase with GMP, Himer & Associates= total was 4.75% of construction cost, March Associates= total was \$300,000 lump sum and River Drive Constructions= total was 3.5% of construction cost. The savings to the Borough with Himer & Associates would be 45%, March Associates would be 75% and River Drive Construction would be 85%.

A lengthy discussion followed regarding bonding and picking a firm that is financially secure. The numbers that Mr. Weitzman presented were discussed. They also talked about what was included in reimbursable expenses.

Deputy Mayor Etler felt the sub-committee should hold a public hearing so that the residents in the area know what is going on. Mr. Weitzman stated he was meeting with them that week.

Mr. Weitzman discussed the cost of the marketing brochure. Mayor Ganz felt the Council needed 300 copies. Manager/Municipal Clerk Kwasniewski stated that it could come out of the bond ordinance but they

would have to get quotes.

There was a unanimous consensus to get quotes for printing the brochure.

Consumer Friendly:

Mayor Ganz stated he saw a company that specializes in electronic forms, GPS systems, Uniform Construction Code forms, etc. These forms can be downloaded, filled out and sent to Trenton. He understood that a simple user fee gets tacked on but there is no fee to the Borough. This would require amendments to the Borough's ordinances. He will forward the information to Manager/Municipal Clerk Kwasniewski so that she can share it with Construction Code Official Van Hook. He asked that she report back to the Council in January.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk