

REGULAR MEETING OF DECEMBER 8, 2003

Mayor Ganz opened the meeting at 6:15 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 and December 6, 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 Etler and Weinstein and Councilmembers Amato and Caan (late).

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

RESOLUTIONS BY CONSENT #33-2003

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, Consent Agenda #33-2003 containing the following items was unanimously adopted:

- a. Resol. #333-2003 - Refund of Overpayment of Taxes
- b. Resol. #334-2003 - Award of Bid: Fire Apparatus - Pumper Style 75' Quint
- c. Resol. #335-2003 - Authorizing the Planning Board to Undertake Preliminary Investigation for Redevelopment
- d. Resol. #336-2003 - Ratifying Forestry Management Grant Application

MISCELLANEOUS PUBLIC COMMENTS

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

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

COUNCIL COMMENTS

Deputy Mayor Etler read his activity report for the month of November:

1. Attended the meeting for the new Community Center.
2. Attended the VFW and Armenian Legion Meetings.
3. Attended Memorial Services at City Hall.
4. Attended Memorial Concert at Thomas Jefferson.
5. Attended CERT Class at the Mahwah Police and Fire Academy.
6. Attended West Wing Plaque Ceremony.
7. Attended the League of Municipalities Convention in Atlantic City.
8. Attended tree planting ceremony for the Deaf School on Fair Lawn Ave.
9. Attended interfaith service at Van Riper Ellis.
10. Attended the funeral of Clifton Police Officer John Samura.
11. Went with Heavy Rescue Squad on a training mission at the Mahwah Academy.
12. Attended the Northwest Bergen Mutual Aid meeting at the Heavy Rescue building on Kipp Street.

13. Attended the Mary Ann Collura Concert given by the Fair Lawn Community School at the High School.

Councilmember Caan did not report anything.

Councilmember Amato did not report anything.

Deputy Mayor Weinstein stated that the Recreational Facilities Tour was cancelled due to the weather. He also stated that he attended a meeting at the Community Center where the goal for private sector commitments for the Radburn Business area, Broadway and the Economic Development Corporation was reached.

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, the meeting was adjourned to the Work Session at 6:20 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

WORK SESSION DECEMBER 8, 2003

Mayor Ganz called the meeting to order at 6:20 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 and Attorney Lustgarten.

Change in Meeting Date:

Manager/Municipal Clerk Kwasniewski stated the meeting scheduled for December 18 has to be rescheduled. Mayor Ganz suggested the meeting should be held on December 17 at 8:30 a.m.

Snowstorm:

Manager/Municipal Clerk Kwasniewski informed the Council that the recent snowstorm cost the Borough between \$50,000 to \$60,000. They were fortunate there were only two pieces of equipment that broke. Mayor Ganz advised that the Borough should request Governor McGreevey to declare a State of Emergency for the snowstorm. He asked that the resolution be put on the December 16 meeting. Manager/Municipal Clerk Kwasniewski stated there were less complaints than other storms. Attorney Lustgarten advised they should put a reminder to the residents on the Channel 77 that they are responsible for digging out the fire hydrants and they should not leave their cars parked in the street during a snowstorm or else they will be ticketed.

Mayor Ganz asked that Manager/Municipal Clerk Kwasniewski convey to the DPW what a great job they did in the recent snow emergency. Manager/Municipal Clerk Kwasniewski stated there is a different philosophy in that department since Ron Conte has taken over. He thinks that department could do better and should please the residents.

There was a unanimous consensus to ask Governor McGreevey to declare a state of emergency.

Interview March Associates:

Allen Weitzman from The Ives Group was present along with Louis March Sr., Louis March Jr. and Bob Anderson.

Mr. March introduced his company, March Associates, who have been in business since 1986. They do most of their work in North Jersey. He personally has been in construction for 41 years. The average size of his jobs are five million to fifteen million dollars. March Associates did \$144 million in business in the year 2002. He reviewed several of the projects they have completed.

Mr. March gave the following proposals, Proposal #1 - as Owners Representative the cost would be for the Pre-Construction Phase \$10,000.00 per month, and for the Construction Phase \$10,000 per month. Proposal #2 - for Construction Manager not as constructor, the Pre-Construction Phase fee would be \$15,000 per month and the Construction Phase fee would be \$180,000 lump sum plus reimbursable items. Proposal #3 for Construction Manager as a constructor the Pre-Construction Phase fee would be \$15,000 per month, for the Construction Phase \$250,000 without Guarantee Maximum Price and for the Construction Phase \$300,000 with Guaranteed Maximum Price.

Mr. March explained that the Construction Manager should be hired before the plans are completed so that they can contribute to the process. He also explained that there could be additional costs depending on what they find in the ground. Deputy Mayor Etlar thought that since the building was there since 1957 they would not run into problems like that. Mr. March said the codes were different back then.

A lengthy discussion followed regarding the different phases of the construction for a project like the Recreation building such as the difference between a general contractor and a construction manager and how often they expect payment. Attorney Lustgarten advised they would have to list the Borough as an additional insured on their insurance policy. The discussion continued regarding the guaranteed maximum price and what the savings to the Borough would be.

Mayor Ganz thanked March Associates for their presentation.

Deputy Mayor Etlar left at 7:30 p.m. to attend the Planning Board meeting.

Meeting with the Board of Education:

Manager/Municipal Clerk Kwasniewski stated that she had met with Ray Jacobus and explained what the Borough needs regarding the property needed for the additional parking at the Recreation Center. Mr. Jacobus took the drawings back to the members of the Board of Education for their review. Mayor Ganz stated the additional parking would be available to the high school students during down time. He also felt the theater would be good for them. Manager/Municipal Clerk Kwasniewski felt they could benefit from using the new gymnasium. Mayor Ganz advised they should know that the train is leaving the station. Deputy Mayor Weinstein stated the Borough has given them many opportunities to come on board with this project.

Trucks Idling at the DPW Site:

Mayor Ganz asked if they had come up with an Engineering solution to the resident's problem about the trucks idling too long. Manager/Municipal Clerk Kwasniewski stated she would get Engineering to take a look at it.

McDonald's Litigation:

Attorney Lustgarten advised that Mr. Lentini won in Court. Judge Harris ruled in his favor. He explained that the primary issue was whether it was a pre-exempt use. The applicant has met it's burden of proof. Attorney Lustgarten stated it would be retried in the fall.

Adjournment:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk