

## WORK SESSION DECEMBER 16, 2003

Mayor Ganz called the meeting to order at 6:14 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etler (late) and Weinstein, and Councilmember Caan.

ABSENT: Councilmember Amato.

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

Interview Himber & Associates:

Allen Weitzman from The Ives Group was present. He introduced Himber & Associate, Inc. located at 1620 Route 22 East, Union, New Jersey. Mr. Weitzman handed out spreadsheets with their amounts for construction of the Fair Lawn Arts & Recreation Center. Sheldon Himber and Dan Perry were present.

Mr. Himber explained that he has been in business for over thirty years. Most of the work they do is as a general contractor primarily in the private sector. He does a lot of value engineering therefore most of the jobs they do come in at a lower price. Mr. Himber explained that his company would come in with alternate suppliers and would advise what would be economical to the Borough. He explained that Dan Perry is an Architect and he is a Civil Engineer. They would bring a unique perspective to the table. They would work closely with the Architect and the client.

A lengthy discussion followed where various topics of the construction process were talked about such as the types of work they have completed, the number of staff, scheduling, cost consulting, contractibility review, detailed estimates, coordination and expediting of the permits, and the construction time line.

The following figures were presented on the spreadsheet. The totals were for Owner=s Representative - \$340,000; as Construction Manager not as Constructor - no bid; as Construction Manager as Constructor for the pre-construction phase \$90,000, construction phase without GMP 3.75% of the construction cost for a total of \$315,000 - \$390,000; Construction phase with GMP - 4.75% of the Construction cost. The savings participation for the owner would be 45% and for the construction manager would be 55%.

Mayor Ganz thanked Himber & Associates for their presentation. After they left, Mayor Ganz expressed concern that they have never done a municipal project before. Mr. Weitzman felt they should not be concerned about that.

Manager/Municipal Clerk Kwasniewski reported that the Board of Education met last night and have unanimously consented to put the resolution on the agenda for Thursday night which would authorize them to enter into an interlocal agreement with the Borough for \$1.00.

Solid Waste Collection Specifications:

Manager/Municipal Clerk Kwasniewski stated the Borough will have to go out to bid since the contractor went bankrupt. They have found there has been a decrease in construction debris. Manager/Municipal Clerk Kwasniewski reported that they would only need two dumpsters. Mayor Ganz felt they should be able to get an additional one on demand. Manager/Municipal Clerk Kwasniewski advised they would have to consider garbage pickup at the condominiums and apartments. Attorney Lustgarten advised the Borough has to give equal services. He felt it should be listed as an alternate if the service is not used because the apartment

complex does not use it. Mayor Ganz advised they should plan on a multiple year contract.

There was a unanimous consensus to authorize bidding on solid waste collection.

#### Proposed Ordinance Changes:

**Municipal Court Fines** - Manager/Municipal Clerk Kwasniewski stated that back in 2000 the Court was ordered to raise their fines. The additional fees will go to Autism research. She advised they would have to amend their ordinances. Attorney Lustgarten stated it was another example of the State tacking extra fees on to motor vehicles. This is billing the people who can least afford it. He advised they should introduce the ordinance in January.

**Re-Zone Block 5724, Lot 3** - Attorney Lustgarten stated if it was the Council=s intention they should introduce the ordinance to change the zone according to the advisory opinion from the Planning Board. Mayor Ganz felt it would be consistent for the Borough to do that. He asked that the Planning Board=s opinion dated December 9, 2003 be put in the minutes as follows: AThe Planning board discussed the rezoning of Lot 3 in Block 5724 at last night=s meeting. In making its decision, the Board relied upon previous discussions in 2001 and a review of the development along this corridor. When the zone was created, the Board had been advised that the lack of depth in this particular area was not considered. It was also noted that the depth of the B-4 zone from River Road at one point in this area is less than 50 feet. In order to encourage the continued improvement and development of this vital corridor, it was the unanimous consensus of the Board that Lot 3 be rezoned to B-4 consistent with two contiguous lots@. Attorney Lustgarten suggested they introduce the ordinance on January 6, 2004.

**Noise** - Manager/Municipal Clerk Kwasniewski stated this proposed change would get the mechanisms into place. The Department of Environmental Control had indicated that some things need to be enforced within the Police Department. Currently there a lot of times they cannot do anything because they lack the equipment. The DEP has asked that the Borough put language into the code about the decibel standards. Attorney Lustgarten wondered what level would not be acceptable. They discussed various forms of noise and the time frame. Attorney Lustgarten stated they would need to get the appropriate description of what the DEP requires. He advised it is not easy to do because the definitions are different for each occurrence. Mayor Ganz felt they should require that every one gets a permit and cannot do the work between 12 a.m. and 7 a.m. Attorney Lustgarten advised they would be affecting the person doing the work at home. Mayor Ganz felt the Police Officers should be trained to use the decibel meter. The machine would have to be calibrated and certified. He felt they should find out how much this would cost. He asked that Manager/Municipal Clerk Kwasniewski get the details as he may have an outside firm that can handle it. He asked that the topic be revisited on January 20, 2004.

**Fire Prevention:** Manager/Municipal Clerk Kwasniewski stated that Fire Marshal Bender asked that housekeeping be done to that particular section of the code. During the codification this part was left out. Attorney Lustgarten advised that the ordinance should be introduced on January 6, 2004.

#### Renewal of Professional Services:

**Health Care Provider Contract:** Manager/Municipal Clerk Kwasniewski stated that Occupations Medical prices stayed the same from last year. They have had no problems and have found them to be very good.

There was a unanimous consensus to continue with Occupation Medical Associates for Health Care Provider services for the year 2004.

**Risk Manager:** Manager/Municipal Clerk Kwasniewski stated that Highview Planning sent in a proposal with

a 6% increase of the premium.

There was a unanimous consensus to continue with Highview Planning.

Third Party Administrator: Mayor Ganz felt they should try a different firm for next year. He suggested Specialty Claims. Attorney Lustgarten advised that they did not do different types of claims. Mayor Ganz asked that Manager/Municipal Clerk Kwasniewski research the companies and come back with the best value for the money.

Loss Control Consultant: Manager/Municipal Clerk Kwasniewski stated that Commerce Risk Control Service was asking for a 2% increase.

There was a unanimous consensus to continue with Commerce Risk for the third party administrator services.

Endorsement of CDBG Grant - Fair Lawn Jewish Community Council:

Manager/Municipal Clerk Kwasniewski stated this request was for the Kosher meals on wheels program.

There was a unanimous consensus to authorize that a resolution be added to the Special Meeting later that evening.

19-01 Fair Lawn Avenue Barrier:

Mayor Ganz reported that recently a car went through the plate glass window at the strip mall on Fair Lawn Avenue. This has happened at other places in town. He had spoken to the owner of the strip mall to see if he would put in bollards and he was not interested in doing that. He felt an ordinance making it mandatory that an applicant come before the Planning or Zoning Boards where it would be required that a bollard be installed. Attorney Lustgarten advised that when there is a change of use it is the tenant who comes in not the owner who would need to give permission.

A lengthy discussion followed regarding the landlord's responsibility and how they could make the owner install the bollards.

There was a consensus to ask Traffic Safety Officer Franco to report back to the Council how he felt about requiring bollards be installed with Deputy Mayor Etlar dissenting. He is to report back by January 20, 2004.

Sunrise Rotary 5K Run:

Deputy Mayor Weinstein stated that the Sunrise Rotary is having a 5K run on January 1st. He would like to have it advertised on the website and Channel 77.

There was a unanimous consensus to have the run advertised on the website and Channel 77.

Building Department Log:

Deputy Mayor Weinstein stated he would like to see the Building Department log that they should be keeping. Mayor Ganz felt that the forms should be online.

Parking Issue Fair Lawn Avenue:

Deputy Mayor Weinstein wondered if Traffic Safety Officer Franco was able to investigate the parking issue on Fair Lawn Avenue. Mayor Ganz asked that it be done by the end of the year. Manager/Municipal Clerk Kwasniewski stated she would contact him the next day.

#### Insurance:

Councilmember Caan questioned if the insurance policies were combined. Manager/Municipal Clerk Kwasniewski stated she had signed the vouchers for them. Councilmember Caan asked that she notify the volunteer groups of the change.

#### Interlocal Agreement with the County:

Councilmember Caan stated that the Office of Emergency Management has agreed to endorsing the agreement with the County. Attorney Lustgarten stated he was waiting for a revised agreement.

#### BCIA Bond:

Mayor Ganz stated that the Freeholder=s bond ordinance would be up for a second reading the next evening. Once that has passed the Borough will have the vehicle to get the funding for the Recreation Center.

#### Status 501(3)(C):

Attorney Lustgarten advised that in New Jersey it could take six to twelve weeks to get that status. He stated he would need a name for the corporation. The Council decided on the Fair Lawn Recreation and Community Center, Inc. Attorney Lustgarten advised that they needed to pick the Board of Trustees for the corporation. He advised that he would get the name incorporated. Mayor Ganz stated he would get someone to handle the tax identification number.

#### Special Meeting:

Upon motion by Deputy Mayor Weinstein and seconded by Deputy Mayor Etler, the meeting was recessed to the Special Meeting at 8:48 p.m.

Mayor Ganz reconvened the meeting at 8:50 p.m.

#### Redevelopment Sites:

Mayor Ganz stated the sites for redevelopment were not clear. They would need to include an entry way on to Fair Lawn Avenue for Archery Plaza. Attorney Lustgarten advised that it should include the whole area and the Clerk should contact the Planning Board to be sure it is all included. Mayor Ganz stated that he remembered from his time on the Zoning Board that the parcel required access from Fair Lawn Avenue.

#### Miscellaneous Public Comments:

John Robba, 15-52 Plaza Road stated where he lives he hears them shoveling snow at 4:00 a.m. Attorney Lustgarten advised that he should speak to his landlord about that. Mayor Ganz suggested that a letter be sent to the management of his apartment building over his signature.

Joe Gabor, 15-20 Plaza Road stated that a unit within the co-operative makes it noisy for all of the units. Mayor Ganz advised him to talk to the co-op board. Mr. Gabor felt the management is unresponsive. He

spoke about the problem he had with no cooking gas for one month and ten days. He reported that with the help of Deputy Mayor Etler the problem was resolved. Mayor Ganz stated that if he doesn't get what he wants he should contact him so he can write management. Mr. Gabor had many other problems with the management regarding voting rights in the co-op. Attorney Lustgarten advised him about his voting rights. Mr. Gabor stated he had really come to thank Deputy Mayor Etler for his help.

Mr. Robba spoke about his problem with gas meters being 200 - 300 feet from the line. Somewhere outside of the walls the pipes corroded and dirt got in. Manager/Municipal Clerk Kwasniewski stated that she spoke to PSE&G Community Relations, they questioned who was going to pay for it. They will credit him for using the electric hot plate. She will check with Building Department. Attorney Lustgarten advised that the Council wants to protect its citizens but there are certain lines they cannot cross. Mr. Gabor stated he was glad to see government in action.

#### PBA Request for National Medal of Honor:

Manager/Municipal Clerk Kwasniewski stated that she had received a letter from David Boone requesting funding for police officers to go to the National Medal of Honor for three rooms for five nights for members of the Collura family. Attorney Lustgarten felt as the legal officer, he did not believe that was a Borough related expense. Mayor Ganz stated that despite all members of the Council being in favor of this from a legal standpoint they should not fund this. He advised Attorney Lustgarten to send Detective Boone a note about what the Council's consensus was.

#### Closed Session Resolution:

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the following closed session resolution was unanimously adopted at 9:25 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

WHEREAS, these matters permit the exclusion of the public from such discussion; and

WHEREAS, public disclosure of the results of this discussion may be made by the governing body of the Borough of Fair Lawn relating to personnel within the next sixty to ninety days upon appointment by the Borough Manager or from the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since the matter set forth above are ones which permit the exclusion of the public.

Mayor Ganz reconvened the Work Session at 9:55 p.m.

#### Football Building:

Mayor Ganz stated he had received a memo from the Football Association regarding repairs to their building. He suggested to have an engineer review their situation and see if portable trailers would work for them. Attorney Lustgarten advised that back in 1983 - 1984 the Football Association came before the Mayor and Council advising them that if they raised the funds to construct the building there was a debate about who could use the building. There was a real issue about who was going to be allowed to use the building.

Conflict arose during football season with other people using the building. He felt that before they go into detail they should reach an agreement with them of who was to use the building. Mayor Ganz stated he felt they should do that but also felt that the amount of money they were requesting was not acceptable.

Manager/Municipal Clerk Kwasniewski stated she had asked the Borough Engineer what it would cost to replace the trailers. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to find out if there are any options from Engineering. Mayor Ganz asked that she also ask Allen Weitzman, from The Ives Group, for a quote on a cinder block building. He asked that she report back to the Council on January 27, 2004.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

#### SPECIAL MEETING OF DECEMBER 16, 2003

Mayor Ganz reconvened the meeting at 8:48 p.m.

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

ABSENT: Councilmember Amato.

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

#### RESOLUTIONS BY CONSENT NO. 34-2003

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, Consent Agenda No. 34-2003 containing the following items was unanimously adopted:

- a) Resol. #337-2003 - Professional Services - Architectural Services
- b) Resol. #338-2003 - Transfer of Funds
- c) Resol. #339-2003 - Participating in the State of New Jersey Cooperative Purchasing Program
- d) Resol. #340-2003 - Participating in the Bergen County Cooperative Pricing System
- e) Resol. #341-2003 - Extension of Electrical Repair - Time and Material Basis Contract
- f) Resol. #342-2003 - Award of Bid: Arch Backstop
- g) Resol. #343-2003 - Refund of Overpayment of Taxes
- h) Resol. #344-2003 - Requesting Declaration of Emergency Status
- i) Resol. #345-2003 - Approval of Raffles & Bingos: Fair Lawn Lions Club Off-prem 50/50
- j) Resol #346-2003 - Endorsement of CDBG Application - Fair Lawn Jewish Community Center

Adjournment to Work Session:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk