

SPECIAL MEETING OF JANUARY 23, 2002

Deputy Mayor Etler called the meeting to order at 6:05 p.m. Municipal Clerk Kwasniewski read the statement of compliance with the Open Public Meetings Act.

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

ABSENT: Councilmember Amato.

Also present: Manager Sacks, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Paul Ostrow, Mayor of Teaneck, Werner Schmid, retired Manager of Teaneck and Marlena Schmid, Administrator of Cranford were present at the Council's invitation.

Manager Sacks explained that the program is designed to help explain the various forms of government to Councilmembers. It is a good way for elected officials to learn how to operate effectively under their form of government. Mr. Schmid spent 33 years in Teaneck and Ms. Schmid has worked in Council-Manager forms of government in Florida and New Jersey.

Mr. Schmid explained that he has been retired since 1989. Teaneck has the same form of government as Fair Lawn. He used the analogy of a corporation. The Manager is the Chief Executive and Administrative Officer whose function is to carry out the policy wishes of the Council and the duties set forth in the statutes. Those duties include preparing and presenting the budget to the Council, keeping the public and Council informed and supervising and directing the Department Heads. He did not think there were any hard and fast divisions between policy and execution or administration. The Manager is required by law to make recommendations which have an impact on policy.

Mayor Ganz arrived at 6:50 p.m.

Deputy Mayor Etler thought it was difficult to separate politics and administration. Mr. Schmid stated that politics is the establishment of the policy by the Council to carry out the goals of the government. Sometimes politics is used derogatorily to influence the manager to do things that she may not want to do or should be doing. If that is the definition of politics, then it is incompatible with municipal government. He also thought part of the Manager's duties were to educate the people in Fair Lawn how the government works. The Manager deals with the Council as a group. It is the group who makes the policy.

Mayor Ostrow stated that government is the science and art of inclusion. In Teaneck they do months of orientation for new Councilmembers. They had hands on training at the Fire Academy, the police department and the DPW so they would understand what happens in the departments. He felt the most important thing to know as a councilperson is how to listen to people. The Council needs to act as a body. Communication is key. He gave two examples of how they solved the difference of opinions between the Council and the Manager. The Manager takes the brunt of saying no to the public. It is the Manager's job to act as a buffer.

Attorney Lustgarten asked if people go straight to the Mayor or do they go to the Manager. Mayor Ostrow stated that more complaints come to the Council. He likes to see complaint in writing because he can give them to the Manager who distributes them to the Council and the appropriate Department. The Manager has the responsibility to investigate the problem and respond. All regular meetings are televised. Reporters attend the meetings. At a typical meeting there might be 50 people but by the middle of it most of them are gone. Every issue brings out a whole new delegation of people.

Mr. Schmid indicated that residents would go to the department head. If they were not satisfied, then they would go to the Manager. If they still were not satisfied, they went to the Mayor and Council. Most of the time he was able to resolve the problems. Residents always had the option of going to the Council. As a Manager, he was available 24 hours a day, seven days a week and people did call him. The Council was happy that people called him instead of them. The Council should spend its energy on long term planning and policy making.

Ms. Schmid added that she sees herself as a buffer, a liaison and an ombudsman. She is there to manage the day to day operation which she is responsible for, to communicate with all the Councilmembers so that they do not find out things through the press and the newspapers. The Township Committee members funnel their requests for information to her and she delegates those requests. She thought it was good for the Councilmembers to have a working relationship with a Department Head but if information is requested by one member it should be shared with all the Councilmembers. Many of the complaints come directly from the Council. A professional manager tries to anticipate problems. It is important for a professional manager to be in the community and be visible.

Mr. Schmid thought all contact with the employees should be through the Manager. If individual Councilmembers give employees

instructions and directions, chaos will result. The Councilmember who has the time to sit with individual employees, knows more than the other Councilmembers which is not right. All Councilmembers should have equal access to information and they should get it at the same time.

Attorney Lustgarten pointed out that being a Councilmember does not divest them of their rights as a citizen. There is a distinction between directing Borough employees and asking for information. The Council cannot direct an employee. He wondered if the Councilmember is asking for the same information that a citizen is entitled to why would they have to go through the Manager. Mr. Schmid replied that they have authority that private citizens do not have. All requests for information should go through the Manager. Part of the Manager's professional responsibility is to give the Council all the information. There has to be a certain amount of trust between the parties.

Mayor Ostrow added that it is the responsibility of the Manager to facilitate the gathering of information so the Council can make a reasoned decision. The Council should be getting the information at the same time. The Council should know the staff and the facilities. The Council needs to work together. They operate as a body. He thought some flexibility was needed. From a professional and governmental point of view, it is best to adhere to a procedure that is level for all. Mr. Schmid thought that when a Councilmember is asking for information they are going to use it to make policies. No Councilmember should have more information than any other Councilmember. Deputy Mayor Etlar felt that Councilmembers should not discuss operations or personnel with employees. He did not think Councilmembers could divorce themselves from the personnel. He talks to the employees he sees. Mr. Schmid noted that talking is not a problem as long as a Councilmember does not give the impression that he can do something for that employee. He pointed out that while they are talking to a Councilmember, they are not doing their job. Mayor Ostrow noted that it is important that the chain of command is followed. Ms. Schmid added that the Manager has to educate the employees of the protocol so it is clear that it is all right to have a conversation but how information is obtained and distributed is through the Manager.

Mayor Ostrow stated that Teaneck has retreats with the Council, Manager, Municipal Clerk and Borough Attorney to develop communication methods and an understanding of each other. They did an exercise developed for NASA. They took a battery of tests regarding perception and attitudes. They do not talk about municipal business. It is the sociology of interaction.

Mr. Schmid felt that the law establishing this form of government has said that a professional chief executive and administrative office will run the organization. He can only do that if he has control over the information. Execution and administration are different from policy although they do overlap. Attorney Lustgarten did not agree that everything had to flow through the Manager provided it did not interfere with the operation of government. Faulkner does not make the Manager the gatekeeper of information. Mayor Ostrow noted that if he gets a call from a constituent, he will refer them to the department depending on the call. Mayor Ganz stated that it seemed when someone becomes a Councilmember they are held to a higher standing and it is more difficult to make that call to obtain that information and they managers would prefer that all requests should be made through the Manager. Mayor Ostrow did not think it can be defined that way. It depends on the availability of personnel, the timing and who is calling. They have three conduits to the press, the Manager, the Department Head and Lieutenant in the Police Department.

Mr. Schmid felt the most important thing is that the manager works out a working relationship that works for him and that works for the council. Attorney Lustgarten felt there was a finite line between the Manager's prerogative and the Councilmembers responsibility to be informed. The interaction of Councilmembers and administrative staff is based on trust, cooperation and understanding. Mr. Schmid pointed out that it is not in the best interest of the Manager to restrict information. Councilmembers should be getting all of the information.

Councilmember Caan wanted to know what information they are not entitled to receive. Mayor Ostrow replied that there is very little that they should not be receiving. Certain personnel issues, juvenile information and investigatory work of the Police Department are not given to the Council. He stressed that the Council needs to act as a body. Deputy Mayor Weinstein pointed out that people understanding things differently. Everyone has their own way of learning. He felt that they were entitled to get all the information they need. Mr. Schmid thought they cannot hold up the entire operation while one person trying to understand something. Nothing would be accomplished.

Mayor Ganz thanked them for taking the time to present a very informative seminar.

ADJOURNMENT - Upon motion of Councilmember Caan and a second by Deputy Mayor Etlar the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/AAE

Municipal Clerk