

## WORK SESSION OF OCTOBER 3, 2001

Mayor Ganz called the meeting to order at 7:31 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Etler, Councilmember Amato and Councilmember Weinstein.

ABSENT: Councilmember Dobrow.

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

Mayor Ganz stated that Councilmember Dobrow had a minor stroke and a seizure and was in Valley Hospital. The Mayor and Council extended best wishes for a speedy recovery.

The unanimous consensus was to send her a basket of fruit or flowers. Manager Sacks is to make the arrangements.

Review of Tentative Agenda - Assistant Municipal Clerk Bojanowski advised that she would like to add Ordinance No. 1874-2001 amending Ordinance No. 1871-2001 that is the Dorothy Street parking restriction and a resolution to condemn and denounce the terrorist attack on September 11, 2001.

### Solid Waste Collection Bid Option 2A

Manager Sacks informed them that she had given the landlords until October 1 to advise the Borough of their intentions and has gotten no response. Mayor Ganz instructed her to get a 15-day extension from the low bidder and to send another letter to the landlords. Borough Attorney Lustgarten stated the Borough cannot ignore the apartments because they will either have to provide the service or pay them. He also said if the landlords do not respond there will be a practical problem of what they put out for garbage. Mayor Ganz stated the rules will be the same for them as it is for homeowners. Borough Attorney Lustgarten said the Council had to consider what the Borough will look like with all of the garbage cans out on the street. He said the contract would have to be awarded by October 15 if there is no extension.

Mayor Ganz instructed Manager Sacks to send a letter to the low bidder to get an extension. Manager Sacks stated they are ready to go, they are even willing to buy out the balance of Minella's contract. Manager Sacks is to get back to them with or without extension. She asked if she could indicate in writing to the low bidder that the Borough's intention is to award the base bid at five years including items 1, 1A, 1B, everything except 2A (the apartments) and item 3. Borough Attorney Lustgarten stated the Council can award five years of option 1 - \$2,225,600, 1A - \$135,000, 1B - \$290,000, option 3 is no bid, and that is going to be the given. The Council has committed to do that. The open item is 2A and the Council will make the determination by October 26, 2001.

A unanimous consensus as stated by Borough Attorney Lustgarten to request an extension to the 26th of October with the clear understanding and indication that the Council will approve the contract with the exception of Item 2A at the next meeting that they could do so prior thereto upon receipt from the apartment owners their response or if they do not respond they will simply approve everything other than 2A and then make their own determination with respect to 2A.

Deputy Mayor Etler questioned option 1B that is the containers at the Recycling Center for residential construction. He wondered if they needed three containers. Manager Sacks stated they are looking at cutting down. They are vigilant in giving out permits and the DPW knows exactly what they need at this point. If they reduce the number of containers they would have to go out to bid again and there would be no garbage collection on November 1. Borough Attorney Lustgarten stated they could award the contract except for option 1B. Deputy Mayor Etler favored a one year contract. Mayor Ganz favored a five-year contract because the rates are extremely favorable and a year from now there could be a very different situation. Deputy Mayor Etler asked if they could do the construction containers one year. Manager Sacks said they could award everything else for five years and this option for one year or three years. Councilmember Weinstein agreed with Deputy Mayor Etler that if the contract were for one year they would have flexibility depending on the economy. Mayor Ganz stated that would be a gamble since there would be no control over the rates. Deputy Mayor Etler stated he was not willing to go for a five-year contract on option 1B.

Borough Attorney Lustgarten stated the issue of enforcement is a separate issue whether the Council wants to continue to provide the service. The Council said it was a service that they wanted to continue. He said Manager Sacks indicated that over the term of the next year they would be starting administrative processes to reduce and hopefully eliminate improper dumping. The issues are does the Council still want to provide the service, is the annual price each year a reasonable price and do they anticipate over the next five years that the prices will go up or go down.

The consensus was to continue the practice.

Mayor Ganz stated the next question was for how long. Councilmember Weinstein felt that locking in for the five years at the favorable rate was better. Councilmember Amato felt they had to allow the residents to get rid of the materials. He favored a five-year contract. Deputy Mayor Etlar stated he disagreed. He would vote for a one year contract.

The consensus was for a five-year contract on the terms outlined by the Manager, with Deputy Mayor Etlar dissenting.

The consensus was to authorize Manager Sacks to go for a 5-year contract excluding item 2A for the time being or by doing it no later than the 26th of October on the condition that Manger Sacks sends this out and they get or do not get a response. The Council has committed itself to vote in favor of a contract with the waste collector. Deputy Mayor Etlar stated he wanted the record to show that he favors the garbage contract except for option 1B. He favors a one year contract instead of five years.

Public Advocate - McDonald's

Mayor Ganz stated he received a letter from Ron Mondello, Public Advocate, concerning the difficulties in getting paid by the applicant. He suggested to the Council that they refer this matter to the Borough Attorney so that he can work with the Public Advocate to see that they follow the ordinance and that they pay his fees.

The consensus was to refer this matter to Borough Attorney Lustgarten to work with Ron Mondello, Public Advocate, to see that they follow the Borough's ordinance and that they pay his fees.

Recycling Co-mingled Contract Extension - Manager Sacks informed the Council they awarded the agreement with Lobosco three years ago with an option to extend the contract that expired September 30. Superintendent Maslo would like to extend the contract for two years. The extension would run from October 1, 2001 to September 30, 2003. She stated they needed a Council resolution. Mayor Ganz stated he was concerned about the expiration date slipping by the DPW.

The consensus was to extend the contract and to adopt the resolution at the next meeting on October 10.

Borough Attorney Lustgarten suggested Manager Sacks send a letter to Lobosco stating the Borough's intention of extending their agreement. Mayor Ganz stated he wanted the Municipal Clerk to set up a tickler file so that when they have something like this agreement that has expired the Municipal Clerk should send a memo to the Borough Manager and the Council two months before the expiration. Manager Sacks said the Purchasing Department has a list of contracts and they send notices out to the departments before the expiration date of the agreement. Mayor Ganz insisted he wanted the Municipal Clerk to prepare this tickler file.

Community Resource Council Request for Contribution - Deputy Mayor Etlar stated he was going to vote against this contribution. He feels it is a repetition of what the Police do already.

Councilmember Amato stated he too was going to vote against it because he felt the presentation was not clear. Mayor Ganz stated it was one time seed money. They are raising money with matching grants. He will vote for it. Councilmember Weinstein asked what the Community Resource Council does. Mayor Ganz informed him it was for teenage crisis intervention. He recognizes that the Police cannot handle it. The teenagers will not call the Police when they need to talk them through a crisis but they will reach out to this type of service. He felt a one time contribution of \$1,000 would show good faith.

The consensus was to authorize a \$1,000 contribution to the Community Resource Council with Deputy Mayor Etlar dissenting. Borough Attorney Lustgarten stated for the record the Council's concurrence is authorizing this money for the health and welfare of the community youth that would come under the general police powers of the municipality to authorize that type of contribution.

Mayor Ganz instructed either the Municipal Clerk or Borough Manager to notify the Community Resource Council of the contribution.

Petro Vend Electronic Files - Councilmember Amato stated he has several concerns if the technology person does not know how to do the wizard file. Mayor Ganz understood a data file can be sent to him electronically and that once he has that he can import it into Excel or another spreadsheet. Councilmember Amato thought at the beginning the data was collected manually. There is a real conflict between what the technology specialist says and what the representative says. Mayor Ganz wondered if there was a way Petro Vend could send this file electronically to Councilmember Amato. Manager Sacks said she did not know but will check into it. She will transmit what she has to him. Mayor Ganz asked Manager Sacks to ask CFO Eccleston to give them what the rate of gasoline is compared with the rate in terms of price per gallon versus what they budgeted. He wants to see how close they were to target versus the overall numbers.

Public Comments on Agenda Items - No one was present.

Closed Session Resolution

Upon motion of Councilmember Weinstein and a second by Deputy Mayor Etler, the following closed session resolution was unanimously adopted at 8:30 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 labor negotiations and personnel; 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 labor negotiations when a formal contract is reached except for strategy of negotiations and relating to Personnel when formal action is taken administratively or within 120 days, whichever is sooner; 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.

Mayor Ganz stated he previously asked Manager Sacks to provide the Council with a chronology of the Borough Hall expansion. It goes back as far as the records indicate from actions the Council has taken and those of various department heads. She has done that in a memo dated October 1 and asked that without objection it be made a permanent part of the minutes of this Council(see Attachment A).

ADJOURNMENT

Upon motion by Councilmember Amato and seconded by Councilmember Weinstein it was unanimously agreed to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk