

WORK SESSION AUGUST 4, 2003

Mayor Ganz called the meeting to order at 6:05 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.

Review of Tentative Agenda 8/26/03:

Mayor Ganz stated he had an additional item to add to tonight's agenda which will be number ten. Manager/Municipal Clerk Kwasniewski stated she had to add two resolutions for CD grants. Mayor Ganz added the motorized scooter ordinance on first reading. He asked that Traffic Safety Officer Franco review the ordinance so that it can be introduced on August 26. Mayor Ganz suggested scheduling a Work Session on August 26 at 6:30 p.m. before the Regular Meeting.

Flag Drop Off:

Mayor Ganz stated that he has been contacted by several residents that there is no place to drop off flags for disposal. Deputy Mayor Etler informed him that the VFW, American Legion and the Jewish War Veterans accept flags. These organizations have run into a problem storing the flags. In the past there have been concerns about the flag burning ceremony. Mayor Ganz suggested putting this information on the website and Channel 77. He thought the Fire Department should be present during the flag burning.

Scooter Noise Complaint:

Mayor Ganz stated an ordinance will be introduced on August 26.

Speed Humps:

Manager/Municipal Clerk Kwasniewski stated she was waiting for information from the Police Department, Engineering and DPW. She will report back to the Council when she gets the information on the various sites that could have speed humps.

Grants:

Manager/Municipal Clerk Kwasniewski stated there would be three grant applications this year for open space - alterations to the Firehouse, a mini-bus and barrier-free ramps. Mayor Ganz asked that the Borough put in an application for an additional mini-bus. The Borough will be applying for a Liveable Communities grant in the amount of \$150,000 for Berdan Grove Park.

Councilmember Amato arrived at 6:20 p.m.

Mayor Ganz suggested that the Borough look into applying for grants that might fit a portion of the Arts Center. He also suggested adding \$50,000 for clay for the ballfields.

There was a consensus to apply for Open Space grants for the fire house, the new Art & Recreation Center,

and two mini buses. Consensus to apply for a Liveable Communities grant of \$150,000 for Berdan Grove and clay for ballfields. The resolutions were on the Special Meeting later that night.

Revision of the Professional Services for the Architect - Firehouse Expansion:

Manager/Municipal Clerk Kwasniewski stated that the law requires that when a building is retrofit the ADA requirements must be met. The additional cost to the project was \$7,000 bringing the total cost to \$25,000.

There was a unanimous consensus to proceed with the required alterations.

Date for Town-wide Business Development Meeting:

Deputy Mayor Weinstein suggested that the regular meeting scheduled to be held at Radburn School be swapped so that the town-wide meeting could be held at the Senior Center. Attorney Lustgarten suggested that they begin the meeting at 7:00 p.m. with only items on the Consent Agenda or of an emergency nature.

Special Meeting:

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, the Work Session was unanimously adjourned to a Special Meeting at 6:30 pm.

Mayor Ganz reconvened the Work Session at 6:35 p.m.

Public Comments:

Zoya Gomstyn, 13-40 Comerford Place, stated she was at the meeting along with several of her neighbors regarding the scooter noise. She had a petition that was signed by nineteen neighbors. She and her neighbors feel the gas powered scooters present a safety issue along with a noise issue. Mayor Ganz stated he drafted a strict ordinance which will prevent scooters from operating at a high decibel along with other restrictions. He realizes the decibel rates vary during different times of the day. He explained further that scooters are not regulated by the State so the Borough cannot take the restriction too far because it would not be enforceable. The Council will be asking the State to adopt regulations so that scooters be regulated.

Non Profit Holdings:

Deputy Mayor Etlar stated that there are now six non profit holding which means non payment of taxes. Mayor Ganz stated there are probably hundreds of non-profit holdings in the state and they are all protected by statute. Deputy Mayor Etlar stated because of these non profit holdings over \$42,000 worth of taxes are not paid. He felt the Council should find out who they were. Attorney Lustgarten stated if they qualified for tax exempt status the Borough does not have authority over them. The Tax Assessor has to review it periodically.

Closed Session Resolution:

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, the following closed session resolution was unanimously adopted at 6:50 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 in regard to personnel within sixty to ninety days.

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.

Deputy Mayor Etlar reconvened the meeting at 7:53 p.m.

Public Comment:

Don Oliver, 8-32 Mitchell Place asked why the meeting time was changed because this was not the time he was told. Manager/Municipal Clerk Kwasniewski informed him that the time change was sunshined in The Record and on the Borough=s website.

National Night Out:

Manager/Municipal Clerk Kwasniewski reminded the Council that they would be meeting on Wednesday behind the Municipal Building at 6:00 p.m. A decision would have to made at 5:00 to hold it in the Council Chambers in the event of rain.

Adjournment:

Upon motion by Councilmember Amato and a second by Deputy Mayor Weinstein, the meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

SPECIAL MEETING OF AUGUST 4, 2003

Mayor Ganz called the meeting to order at 6:30 p.m.

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

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

ORDINANCES: SECOND READING

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etlar, it was unanimously agreed to read the following ordinance by title and open the time for public hearing.

ORDINANCE NO. 1956-2003

AN ORDINANCE TO ESTABLISH CHAPTER 95 OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, ENTITLED, AHOTEL AND MOTEL ROOM OCCUPANCY TAX@, AS AUTHORIZED BY P.L. 2003, c. 114

There being no comments by the public, upon motion by Deputy Mayor Etler and a second by Councilman Caan, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Etler and a second by Councilman Caan, Resolution No. 235-2003 adopting Ordinance No. 1956-2003 was discussed.

Mayor Ganz stated this ordinance will allow the Borough to take advantage of the State statute that allows the Borough to collect taxes from hotels located within Fair Lawn.

There being no further discussion, Resolution No. 235-2003 adopting Ordinance No. 1956-2003 was unanimously passed.

RESOLUTIONS BY CONSENT NO. 24-2003

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Consent Agenda #24-2003 containing the following items was unanimously passed.

- a. Resol. #236-2003 - Approval of Raffles and Bingos: Fair Lawn Friends of Music
- b. Resol. #237-2003 - Open Space Grant Application - Berdan Grove

RESOLUTION NO. 238-2003 - Open Space Grant Application - Clay for Ballfields

Upon motion by Deputy Mayor Weinstein and seconded by Councilmember Caan, Resolution No, 238-2003 was passed with Deputy Mayor Etler dissenting.

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Etler, the meeting was adjourned to the Work Session at 6:35 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk