

WORK SESSION AUGUST 26, 2003

Mayor Ganz called the meeting to order at 6:40 p.m.

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

ALSO PRESENT: Acting Manager/Health Officer Wagner, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

Subcommittee Report Recreation / Arts Center:

Allen Weitzman from The Ives Group gave a presentation on Scheme 9, Version K. He stated that over the past few months he honed in on a scheme that he felt would work. Mr. Weitzman stated the old recreation center would be demolished, there will be fifty-eight parking spaces.

Councilmember Amato arrived at 6:45 p.m.

Mr. Weitzman stated all of the metal will be strengthened to hold a 3rd floor. Mayor Ganz discussed a retractable roof and a basement. Mr. Weitzman stated he would have to hire an acoustical engineer for the theater to make sure the outside noise stays outside. Mayor Ganz inquired about an orchestral pit. Mr. Weitzman stated he would meet with the groups again to make sure they haven't forgotten anything. Mayor Ganz felt the Council needs to accept the general rendering. He felt the swimming pool was too expensive. He thanked the Deputy Mayors for bringing this plan to fruition. Councilmember Amato felt the cost was too high. Mayor Ganz explained a lot of this will not happen unless the Borough obtains grants. Mr. Weitzman stated the cost had been discussed and the possibility of raising funds from corporations such as Kodak and Kraft. He suggested they prepare a booklet and mail it to the businesses in town.

There was a unanimous consensus on the design concept with the exception of a few items to be looked into such as theater seating, curtains, the theater lighting, an orchestra pit, ensuring that the acoustical needs are met, to include a re-heat kitchen, a floor covering for the gym for special events, a drinking fountain for the indoor track, plans for the basement and roof and naming of different components.

Deputy Mayor Etler congratulated The Ives Group on a great presentation. He felt this project will be the heartbeat of the Borough. He agreed that they should fund the project so that a 3rd floor could be built later on.

Mayor Ganz congratulated Mr. Weitzman on his presentation and looked forward to working with him. He suggested the Council be aware of the naming opportunities. Mr. Weitzman listed the items that could be named. Mr. Weitzman presented a booklet entitled A Bridge to the Future@.

Motorized Scooter Ordinance:

Mayor Ganz stated the Council would not be able to pass the ordinance that night. As it

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stands the only way the Police can proceed is to initiate a juvenile complaint. He suggested that a resolution be prepared asking the State to regulate scooters.

Deputy Mayor Etler wondered if they could regulate them because of the noise. Attorney Lustgarten advised

that since motorized scooters are not defined in Title 39 it is difficult to enforce. They would need to enforce the noise ordinance. He further stated that he would want an ordinance that would not be unconstitutional. Attorney Lustgarten stated he would like to include most of the recommendations from the Manager and Chief. He will draft a resolution with a model ordinance that could be used by other towns. Deputy Mayor Weinstein felt they should educate the public. Mayor Ganz suggested that a booklet be created about safety and sent to the schools.

Acting Manager/Health Officer Wagner felt the ordinance that was drafted was good and that the registration section should be left in. Mayor Ganz suggested passing an ordinance to register scooters along with seizure of unregistered scooters. Attorney Lustgarten advised that seizing private property is limited because they cannot seize property without jurisdiction. Mayor Ganz stated the scooter would be removed from the street and brought to Borough Hall. The owner would have to register it before he got it back. Attorney Lustgarten stated he would research it for the September 2 meeting. He advised that traffic laws are preempted by the State.

There was a unanimous consensus to prepare the resolution that will be sent to the State requesting legislation to adopt a local ordinance.

There was a unanimous consensus to draft an ordinance allowing the seizure of unregistered motorized scooters.

Upon motion by Deputy Mayor Weinstein and seconded by Councilmember Caan, Ordinance No. 1958-2003 regarding off-street parking that was on the Agenda for a second reading was tabled.

Recess:

Upon motion by Deputy Mayor Weinstein and seconded by Councilmember Caan, the meeting was recessed to the Regular Meeting at 7:55 p.m.

Upon motion by Deputy Mayor Etler and seconded by Deputy Mayor Weinstein, the meeting was reconvened at 8:19 p.m.

Speed Humps:

Mayor Ganz stated he received a memo from Traffic Safety Officer Franco which stated that speed humps would be an impediment to the normal flow of traffic. Mayor Ganz felt no further action should be taken. Deputy Mayor Weinstein suggested radar be placed on certain streets. Mayor Ganz suggested radar be placed in the Phillip Street area. He also suggested exploring purchasing a few portable signs. Mayor Ganz asked Acting Manager/Health Officer Wagner to contact the Police Chief that it was the Council's desire to put radar on Phillip Street.

Councilmember Amato left the meeting at 8:30 p.m.

Crosswalks:

Councilmember Caan stated he found paperwork in the Freeholder's office authorizing the crosswalks on River Road. Attorney Lustgarten advised that a work order would be issued to get the signs put up.

Birdsall - CP Center:

Mayor Ganz stated had received a fax from Birdsall Engineering in respect to the revised fees regarding the

CP Center. Mayor Ganz asked Acting Manager/Health Officer Wagner to call International Engineering asking them to fax their bill for services rendered. He suggested this item be placed on the agenda on September 16. Mayor Ganz stated he had heard that residents have appealed the Court ruling. He felt the Public Advocate should be asked to join the Council at a meeting in September.

Dance Studio:

Mayor Ganz stated he had reviewed the Planning Board's recommendations where several members favor parking for every student. In his experience he felt that a parking space for every child was not necessary. A lengthy discussion followed regarding the ratio of parking spaces per employees, adults, students and gross floor area. Attorney Lustgarten advised they should zone what is reasonable. Councilmember Caan suggested one parking space per 100 square feet. Attorney Lustgarten advised them to delete all requirements in the ordinance that was introduced at the earlier meeting.

There was a unanimous consensus to amend Ordinance No. 1958-2003 one space per every 100 square feet of gross floor area.

Attorney Lustgarten advised referring this to the Planning Board so that it can be adopted in the final form.

Public Comment:

No one wished to be heard.

Adjournment:

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was adjourned at 9:09 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

REGULAR MEETING OF AUGUST 26, 2003

Mayor Ganz opened the meeting at 7:35 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. 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 News and Shopper. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

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

ALSO PRESENT: Acting Manager/Health Officer Wagner, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

MANAGER=S REPORT

Mayor Ganz stated the Manager=s Report is on the front table and there were no changes or additions.

PROCLAMATIONS:

Women's Equality Day

Assistant Municipal Clerk Bojanowski read the proclamation.

Alcohol and Drug Addiction Recovery Month

Mayor Ganz stated this proclamation relates to Alcohol and Drug Addiction Recovery Month which is relevant to many people who know people who are suffering from this disease. Assistant Municipal Clerk Bojanowski read the proclamation.

ORDINANCES: FIRST READING

Upon motion by Deputy Mayor Etler and a second by Deputy Mayor Weinstein, it was unanimously agreed to table the following ordinance.

Ordinance No. 1959-2003

AN ORDINANCE TO REGULATE THE REGISTRATION AND UTILIZATION OF A MOTORIZED SCOOTER IN THE BOROUGH OF FAIR LAWN, TO BE CODIFIED AS CHAPTER 71, ENTITLEDAMOTORIZED SCOOTERS,@ OF THE CODE OF THE BOROUGH OF FAIR LAWN

Mayor Ganz stated that the Council took a consensus at the earlier Work Session to have Attorney Lustgarten draft a resolution to get authorization from the State to regulate scooters. He stated they were all aware of the problems associated with scooters. Attorney Lustgarten will have the resolution prepared for next Tuesday=s special meeting.

There being no further comment, Resolution No. 239-2003 introducing Ordinance No. 1959-2003 was not passed.

ORDINANCES: SECOND READING

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

ORDINANCE NO. 1957-2003

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED AVEHICLES AND ATRAFFIC,@ ARTICLE II APARKING@ SUBSECTION 232-9 AND SUBSECTION 232-11

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

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 240-2003 adopting Ordinance No. 1957-2003 was unanimously discussed.

Mayor Ganz stated this ordinance was prepared at the request of several individuals residing in the area of Morlot Avenue and Tryon Place asking that the parking restrictions be amended. Attorney Lustgarten explained the ordinance will amend parking prohibitions on Morlot Avenue at various locations.

Mayor Ganz asked Acting Manager/Health Office Wagner to send a letter to the homeowners requesting this change advising them that the ordinance has now passed. The Borough will put the appropriate signs up.

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No. 240-2003 adopting Ordinance No. 1957-2003 was unanimously passed.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, it was unanimously agreed to refer the following Ordinance to the Work Session after this meeting.

ORDINANCE NO. 1958-2003

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED ALAND DEVELOPMENT@, AND SPECIFICALLY, SECTION 125-48A.(2) ENTITLED, APARKING AND LOADING AREAS; OFF-STREET PARKING SPACES

RESOLUTIONS BY CONSENT #25-2003

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Caan, Consent Agenda #25-2002 containing the following items was unanimously adopted.

a. Resol. #242-2003 - Approval of Minutes:

Information Meeting 3/18/03

Special Meeting 3/18/03

Work Session 3/18/03

Closed Session 3/18/03

Regular Meeting 3/25/03

Work Session 4/1/03

Special Meeting 4/1/03

Closed Session 4/1/03

Regular Meeting 4/8/03

Work Session 4/8/03

Closed Session 4/8/03

Work Session 4/14/03

Special Meeting 4/14/03

Regular Meeting 4/22/03

b. Resol. #243-2003 - DOT Grant Application Berkshire Road

c. Resol. #244-2003 - Open Space Grant Application

d. Resol. #245-2003 - Open Space Grant Application

e. Resol. #246-2003 - Professional Services Agreement: Architect for Firehouse Expansion

f. Resol. #247-2003 - Appointment to the Planning Board

g. Resol. #248-2003 - Approval of Raffles & Bingos:

Temple Beth Sholom Bingo

St. Anne Church off-premise 50/50

St. Leon Armenian Church off-premise 50/50

MISCELLANEOUS PUBLIC COMMENTS

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

Sydney Jaspey, 5-36 Phillip Street, voiced her concerns about the teenagers hanging out in the CVS parking lot. She felt management was lacking in their enforcement. She informed the Council that her car was vandalized. Ms. Jaspey also informed the Council that someone brought their full size Labrador Retriever into CVS where it drooled all over the candies. Acting Manager/Health Officer Wagner stated she would look into it. Mayor Ganz asked that the Chief of Police look into this complaint because this is not the first time he has heard about it. He asked that the Chief have his officers break up the groupings.

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

ADJOURNMENT TO WORK SESSION

Upon motion by Deputy Mayor Etler and a second by Councilmember Caan, the meeting was unanimously adjourned to a Work Session at 8:15 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk