

REGULAR MEETING OF MARCH 7, 2000 HELD AT

WARREN POINT SCHOOL

Mayor Ganz opened the meeting at 7:31 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, notice of the moved meeting of the Borough of Fair Lawn was published in the "The Record" issue of February 18, 2000. 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 Record, The North Jersey Herald and News, and The Shopper. The Notice identified the meeting location and the time of the Council Meeting.

PRESENT: Mayor Ganz, Deputy Mayor Adler, Councilmembers Amato, Dobrow and Etler.

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

Mayor Ganz welcomed everyone to the second "Take Your Government to the Neighborhoods" meeting. He explained the Agenda and that people will actually see their government at work. Informed them of the other schools the meetings will be held at.

PROCLAMATION: AMERICAN RED CROSS MONTH

Municipal Clerk Kwasniewski read the Proclamation. Mayor Ganz thanked the American Red Cross, on behalf of the Mayor and Council, for all that they do.

Mayor Ganz asked that the proclamation for Women's History Month, 2000 be deferred until the next meeting.

ORDINANCES: SECOND READING

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

Ordinance No.1788-2000

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 24-1, ET SEQ., 25-1 ET SEQ., AND 26-1 ET SEQ. OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN TO AMEND AND SUPPLEMENT THE EXTENT OF THE B-4 RIVER ROAD BUSINESS ZONE AND THE B-5 RIVER ROAD BUSINESS ZONE

Mayor Ganz stated this ordinance related to the Special Improvement District on River Road and to minor changes prepared by the Borough Engineer.

Ruth Weiss, 7-17, 7-19 Fair Lawn Avenue, stated she was concerned about renting two vacant stores with the changes in the zoning. She has been in charge of the building for the last seven years. The stores have been vacant for three to five years. Once the parking lot was completed there was a lot of interest from various types of businesses but because of the parking issues with these types of businesses the Borough rejected them. The rental base has gotten much smaller. She felt that if a smaller store wanted to operate there they would not be able to pay the fees to the Borough. Mayor Ganz asked the Borough Manager and

the Borough Engineer for their comments about the uses in the B4 zone. Attorney Lustgarten stated this ordinance was adding and deleting properties within the Special Improvement District. He cannot answer her questions as this is not going to change her status.

Ms. Weiss said she was told it would change the process for obtaining Certificates of Occupancy. Her stores are unique because of their size. They are too small for big businesses and too big for small businesses.

Attorney Lustgarten told her that if she had a prospective tenant that she should come back to the Council. The idea was to make sure that new businesses were stable. There has been no continuity on River Road. The long term vision is to stabilize the area. Mayor Ganz asked if she had been in touch with the River Road Special Improvement people and pointed out Bob Landzettel who can help her.

Deputy Mayor Adler told Ms. Weiss she was down the street with Creative Classroom. She informed Ms. Weiss about the Fair Lawn Economic Development Committee that was being formed which would possibly make it easier for her new tenants.

John Rosco, 9 Lamring Drive stated the residents endured the changes that were made and asked that they be protected with a 100' buffer. He feels that the Borough took a major step backward with Shop Rite.

Joan Buday, 7-03 Harrison Drive asked if her property was zoned commercial and wondered how this ordinance would effect her. Attorney Lustgarten explained the different zones. He told her the change would be putting her back in the residential zone.

Mayor Ganz stated this was a good thing, not only does it return residential property to the residential zone but it also delineates business properties in the River Road zone.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Etler, Resolution No. 88-2000 adopting Ordinance No. 1788-2000 was unanimously passed.

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

Ordinance No.1791-2000

AN ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS IN THE BOROUGH OF FAIR LAWN, COUNTY OF BERGEN, NEW JERSEY AND APPROPRIATING \$26,500 FROM CAPITAL SURPLUS FOR THE FINANCING OF SAME

Mayor Ganz explained this ordinance was to purchase police light bars and bullet proof vests.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 89-2000 adopting Ordinance No. 1791-2000 was unanimously passed.

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

Ordinance No.1792-2000

(Resolution No.90-2000)

**AN ORDINANCE TO REGULATE TATTOOING AND BODY PIERCING PARLORS,
TATTOOISTS AND BODY PIERCERS WITHIN THE BOROUGH OF FAIR LAWN**

Thank you Mr. Mayor and Council, my name is Steve Mashel, 50 Mt. Prospect Avenue, Clifton, New Jersey 07013 and I represent M.B.B. Art, Inc. which does business as Starlight Tattoo.

Mayor Ganz: Mr. Mashel I know a letter was hand delivered, addressed to me, with copies to other members of the Council, without objection the letter and its contents will be appended in full in the minutes.

Mr. Mashel: Please. Mr. Mayor and Council, I would like if you could follow along with what I submitted to you because we want to go through various provisions in this ordinance that we find quite troubling and did not as far as we are concerned meet constitutional muster. My client, to the best of my knowledge, is the first and only tattoo parlor to operate in the Borough of Fair Lawn, and therefore, this ordinance directly impacts on my client. This ordinance literally threatens my clients existence as it is presently drafted. And the reason being is, it is replete with provisions that do not bear a rational basis to a legitimate state interest which is the standard, from a constitutional standpoint, as to whether a submitted permissible piece of legislation satisfy substantial due process and equal protection rights. In order to regulate the business of tattooing, it is important to understand what you are regulating. Misconceptions can arise regarding what is tattooing and on that point I direct you to the first page of this letter which is a description of the tattooing process. And this is not an explanation given by my client, but rather this is an explanation as you can see from the footnote on the following page, which is derived from the New York Times. And let me state for the record, because it is important that I put a lot of this on the record, depending on where we are going from this point forward.

Tattooing works by getting the body to trap pigment. The tattooing machine is a small pen-like tube which contain many small bristles with tiny pins. The pins are dipped in pigment, then the machine oscillates, vibrates the pin bar, vibrates some 1,500 times a minute, penetrates the

customer's skin at a depth of less than 1/32nd of an inch, it is only penetrating the top layer of skin. And it works almost as if, similar to a dot matrix printer, if you could imagine that for a second. Once the body is aware of the pigment, the immune system kicks in. It can eject pigment and the body simply encapsulates it. And that is really why tattooing for the most part is permanent. Therefore, based on this description, tattoo pins are not even remotely similar to syringe needles both in form and in their use. Tattoo pins merely penetrate the top layer of skin. They do not invade underlying veins. And why is this important because the process of tattooing should not involve bleeding and when done properly does not.

My client and their customers, and there are many of them, consider tattoos to be an art form and tattooing to be an artistic expression. And they consider themselves artisans and are highly skilled.

Let me give you briefly a little bit about the principles of the only tattoo business in your town. Mr. Barth, the President is a widely respected and acclaimed tattoo artist. He has been so since his teenage years in his

native Austria. He has won countless international awards regarding his art form. He has operated tattoo parlors around the world, in Miami before settling here in New Jersey.

In 1998, he joined up with his partner, Mr. Cirignano, to open a tattoo business here in the Borough of Fair Lawn. It operates a very professional and upscale business. Councilmembers, I don't know if you have been there but if you had visited you would find that it is impeccably clean. They have many clients who are doctors, lawyers, politicians, law enforcement officers, actors and many other famous and not so famous.

Starlight Tattoo is OSHA approved. Exceedingly high levels and they utilize and encourage everyone to utilize, and we have no problem in the ordinance with the sterilization technique of autoclave sterilization which amounts to steam cleaning of the equipment under pressure similar to the method utilized by dentists. We use that is what is contemplated in the ordinance, that's a good thing. And you use that process of sterilization, leading authorities, I site to a Federal case, which sites to those authorities, states that the process of autoclave sterilization prevents the transmission of communicable diseases, including infectious(type A) and serum(type B) hepatitis.

Mayor Ganz: Mr. Mashel, I don't want to intrude on your presentation but if that part of the ordinance is something you don't object to, why don't you get to the part that you have a problem with.

Mr. Mashel: Fair enough Mr. Mayor, but I want to express one other point. In the third recital in your ordinance that it is a myth that tattooing is the cause of blood-borne disease. In vetoing a 1994 legislative bill, then Governor Pete Wilson, sited to the Center for Disease Control and Prevention in Atlanta, finding that tattooing and body piercing have caused no reported outbreaks of blood-borne disease. That contradicts the recitation in your ordinance and we would like to ask you, Mr. Mayor, and the Health Department what scientific evidence do you have to support the contention that tattooists and tattooing pose a potential danger for the spreading of communicable diseases through the tattoo process. We know that you are not relying on stereotype for antidote so we assume that you have hard credible, scientific proof to support the contention that what my client does poses a danger to the community.

I would like to go through the provisions that we have problems with establishing that background. The law is such that economic regulations must be rationally related to a legitimately stated business in order to satisfy the requirements of due process. If they don't, they fail, they are nothing more than arbitrary, capricious, vexatious enactments that would not withstand judicial scrutiny.

The first point that I would like to raise in the ordinance is in the definition section. The term operator, it appears to me from my reading of the ordinance that it seeks to regulate the establishment, businesses that engage in tattooing yet it includes within its definition of operators individual tattooist. Therefore individual employees of the tattoo parlor would have to apply for and pay for a license. We believe that to be over reaching considering when you read the ordinance as a whole. It seems to be geared towards the business of tattooing not to the artist himself.

With regard to the definition section, dealing with body piercing. What is body piercing? I found it somewhat curious that earlobe piercing is exempted. Bear in mind that this ordinance not only deals with tattooing but with body piercing. It is unclear to me why earlobe piercing is exempted from this definition and therefore exempted from regulation. There is no known appreciable difference between piercing an earlobe and piercing your nose or your navel. It is presumed that the Health Department has just as much concern for individuals ears that they do for noses and individuals navels. And if it does not, it should explain why not. Accordingly, a jewelry store where ear piercing is done is exempted, does not fall within this ordinance. But a shop that engages in body piercing of other areas of the body is. Why differentiate? It doesn't seem like there is equal protection for all concerned.

On section 2A, it states "it shall be unlawful for any person to engage in the business of operating an

establishment where tattooing or body piercing is performed” and that gets to my point of the definition. That appears to go with the fact that this ordinance is to regulate establishments then why does the individual artist have to pay for an application.

B(1)(g),II, this requires that the applicant is to disclose whether he has ever been convicted of any criminal violation, the date, nature and disposition of such criminal charges, summons, complaint or indictment. And I ask you Counsel, what rationale basis for requiring the applicant of a tattooing business to reveal his past conviction information. And what legitimate state interest does that information serve to you. The obtainment of a tattoo license should not be equated with the obtainment of gun license or similar privilege which clearly affects the public welfare and health. Tattooing does not affect third parties. This provision is a blatant violation of privacy rights and is arbitrary and capricious. No other similar business in Fair Lawn is imposed with such a disclosure requirement. And I ask, the collection and updating of this information, past convictions, required of hair dressers or nail salons that do business in this borough.

(H) on that same section, again with the licensing regulations, requires the name and address and age of every person to be initially employed to conduct the tattoo service. And this list should be continuously updated. It appears to be again, no rational basis for having to provide the Health Department with this information nor can I glean a legitimate governmental purpose for same. Moreover, we are again unaware of any other business on which this obligation is imposed.

(F) under that same section, states that if renovations of the tattooing or body piercers establishment occur, plans, layout plans, site plans, must be submitted to the Health Department. Now, what is the rationale do you find having to submit building plans to the Health Department. The Health Department lacks the expertise to determine construction code compliance, BOCA code requirements and general building issues as a whole.

Mayor Ganz: I am trying very hard not to interrupt you and to just let you make your presentation but it is fairly obvious that the phrase, as well as all other applicable codes, regulations and laws means that it goes to the Building Department and the Construction Code Official this is an added requirement that it goes to the Health Department.

Mr. Mashel: We say why, we don't understand the rational basis for that.

(I) This requires that all establishments, tattoos, shall manage contaminated parenthetical body fluids, contact waste as if they are medical waste. In other words, holding us to the same medical waste as if there is medical waste as a doctor has. And this gets to my point, the section of this ordinance presupposes the existence of body waste fluids as a customary by-product of tattooing which is not the case. It is not the norm for bleeding to result from tattooing.

Mayor Ganz: Again, at the risk of interrupting, if it is not applicable, then it is not applicable.

Mr. Mashel: It shouldn't be there because it can be imposed on us. And if you have a requirement that requires us to do something, why have it there if it has no rational basis.

Mayor Ganz: If your client has no contaminated body waste then it is irrelevant surplus, it just doesn't matter. If your client has any contaminated body fluids then it has to be disposed of as this provides.

Mr. Mashel: Mr. Mayor, this is a supercilious provision, which a Health Department could possibly enforce inappropriately. Should it be there if it doesn't belong there, if it doesn't apply to us then what is it doing in an ordinance, take it out, then there will never be any misunderstandings regarding that provision.

III General Provisions, now there is a requirement that each person which comes in to receive a tattoo or body piercing fill out a form to be approved by Fair Lawn Health Department. We fail to see what the rational

basis is for requiring that nor can we identify legitimate state purpose for that requirement. And it seems mystifying why a 21, 31, 41 or even 71 year old should have to fill out a form in order to purchase tattoo. No other businesses in Fair Lawn are imposed with such a requirement. This states that any tattoo or body piercing may not be applied sooner than one hour after the time of the application received by the tattooist or body piercer. There is a one hour wait period. So according to this ordinance, my client, who are very busy people just like other clients of other businesses have to go in there, fill out an application, sit down and stare at the clock for an hour. Why? What is the rational basis for doing that? What is the legitimate state purpose being served by doing that? This ordinance appears to equate the purchase of a tattoo once again with a purchase of a hand gun where the waiting periods are imposed for purposes of engaging a criminal background check. If I did not know any better I would think that the person who drafted this somehow thinks or believes that tattoo people were the criminal element. I would hope that is not the case. And how again, does this provision, when we look at this and there is no other business in this town, possibly any town in this country, which requires this. We feel we are being discriminated against. We want to grab on to our constitutional rights.

Attorney Lustgarten: you make some very broad statements, I was going to wait until you finished and perhaps this is not the time to answer them. You made the statement that no other business, have you considered.

Mr. Mashel: similar business, I should say.

Attorney Lustgarten: well, now similar business is a whole different category. Let me suggest to you and to the public who has been listening to this, as an example, you sign a real estate contract you have a three day review clause you can get out of the contract. If you sign an application form for a mortgage you have a right to rescind so when you make a broad based charge that there is no other business in Fair Lawn that has a waiting period, perhaps the salutary police power purpose that may be somebody might have second thoughts, I think you are over stating the case. You've almost made other comments but maybe when you finish I can address them because you are not correct when you say no other businesses have similar clauses. I would suggest to you that massage parlor ordinance and we have ordinances relating to liquor licenses.

Mr. Mashel: There is a one hour wait at the massage parlor?

Attorney Lustgarten: You also have medical emergent centers and we have doctors offices and everyone who is here that has gone under any medical procedure knows that you sign a consent and authorization form before you have any type of invasive procedure by a licensed medical doctor.

Mr. Mashel: There you go calling it an invasive procedure, Counsel.

Attorney Lustgarten: To say that you want to, there is no legitimate public interest in having somebody sign a consent form when they are going to have something done to their body, it may be your opinion but it doesn't automatically mean it's not within the legitimate police power of the municipality. Your saying it so does not make it so.

Mr. Mashel: Counsel, let me respond to a couple of the examples you just gave which are arguably disingenuous.

Mayor Ganz: Before you respond, with the permission of the Council and the Borough Attorney and it stand upon the record whatever languages he chooses.

Attorney Lustgarten: At this point it might be more appropriate to continue your presentation. We can discuss this after you finish.

Mr. Mashel: Well, Counsel, I don't want to give the wrong impression that I am making any misrepresentations on the record and I am not. I will deal with it exceedingly briefly, if I may, since we are not only talking to the live people here but we're talking to the record.

Attorney Lustgarten: Counsel, with all due respect, I will except that you didn't deliberately make a misrepresentation you might be better serving to make your case on the record as opposed to engaging in dialogue.

Mr. Mashel: You know Counsel, that is not fair. You be able to make some assertions, twist what I said. Now let me, very briefly, Mr. Mayor,

Attorney Lustgarten: If I may, this is not.

Mr. Mashel: Sir, then why did you interrupt me then?

Attorney Lustgarten: Because I want to.

Mr. Mashel: To say something that I disagree with.

Attorney Lustgarten: If you want to argue the Mayor is going to cut us off, I can tell you that right now. You have the right to put anything you want on the record. I suggest to you the process, you don't have to respond to me. The record will speak for itself. Your letter is now verbatim put into the record. But I wanted to suggest to you that you make a broad brush statement and there are responses to it. You want to have dialog through the chair, unless it is productive, you have more to cover in your letter.

Mr. Mashel: I would ask that I complete my presentation before there are any further interruptions because I would not have the chance to respond then. So I will be able to respond at the end and I still want to with the two examples you came up with. And again, it is troubling that this seems to be some invasive sort of procedure and that there is representation with consent form similar to when a person is to have a operative procedure done. That's not the case, you are mixing apples and oranges and that is an inappropriate analogy to make. Now, that same provision, roman numeral 3d, talks about that if the applicant is suspect to be under the influence of alcohol, drugs or any other behavior modifying substance, the operator may refuse the applicant.

Mayor Ganz: It says must refuse.

Mr. Mashel: Must refuse, I stand corrected. Now, I don't know of a legitimate state interest to protect customers who have consumed alcohol from obtaining a tattoo. And what Court has ever equated sitting in a chair and getting a tattoo on your arm to operating a motor vehicle on our state roads and hiways under the influence? Does the Borough believe the same interests are served? If one is intoxicated one may get a hair cut or have one's nails done in the Borough of Fair Lawn but under this ordinance they may not get a tattoo. Furthermore, unlike a bartender, a tattoo artist is not, by glint of experience, skill or knowledge particularly suited to determine whether a person is intoxicated or not. And on the same point, how is intoxication to be determined, walk a straight line in the office, breath into a Breathalyzer in the office, and if so what is the standard, what are the levels of intoxication, what is the definition of intoxication. Is it the same standard as N.J.S.A. 39:4-50, which is our DWI statute.

Pointing out these absurdities goes to show why this ordinance, as presently read, has problems. There is a provision is Section 3C, saying that all records regarding tattoos or body piercers are to be maintained and required and health information be produced regarding medical conditions and there is no compelling state interest served by requiring the disclosure of privileged medical information. We submit that this violates an individual's privacy rights under both the Fourth and Fourteenth Amendments. This would result in violation

of a fundamental right this means that there would be scrutiny in that section. There is a strict scrutiny which would then require a compelling statement should be available and that there be no less intrusive means available and there are none. And we wonder what the Borough intends to do with this information, how will it be used, how will this information gathering done, would it be turned over to the police? This provision should be removed.

Then we get into the section dealing with sanitary requirements, design and layout specifications. In subsection A, there is a required significant typical renovation to my client's existing space. It would put an undue burden on any perspective new tattoo businesses coming into town and that is that each cubicle would have the requirement that there would be a sink with hot and cold running water. Every cubicle area must have a sink, and in our place there are four or five cubicles, four or five sinks in addition to the sinks that are in the bathroom. Now we don't see a rationale basis for this provision or how it serves a legitimate state interest. This would clearly be an undue hardship. I do not understand why the tattoo artist cannot go into the bathroom to wash his hands. And bear in mind that later in this ordinance, there is a requirement that the tattoo artist wear disposable gloves so therefore there is not this need to have such immediate turn around access. For one, it is not right.

Under C, it is unclear why a "coved junction" is required and what sanitary concerns prompted this requirement and how will they be addressed by this requirement, how will this building requirement reflect on my client.

In G, there is a particularly bothersome structural requirement and that is that each area where body tattooing or body piercing is done, be separated with a six foot wall or durable partition. We do not understand what the rationale basis is for that. I don't know if you have issues with confidentiality, I am not even sure what the basis is for that. But we know that requirement would serve to create tremendous revisions in our lease hold, could create a potentially dangerous restriction of the space, potential fire hazard. We know of no other businesses in Fair Lawn which have the requirement of six foot walls brought out into it's leasehold and surely know of no requirement where hair and nail salons, likewise have to have partitions where hair cutting or where nails are being done and surely it does not seem that an equal protection clause is being applied properly or in due process.

Now on H, does any surfaces in the establishment that become exposed to blood may be cleaned and sanitized utilizing the method by the Borough of Fair Lawn Health Department

Mayor Ganz: And Counsel, it is a must.

Mr. Mashel: It is a must. We are asking that we don't know what that method is. We don't know what is being proposed there, or what is the nature they accept it at. Again, here is that defective prepossess the existence of body waste/fluids as a customary by-product of each and every tattoo and that is not the case as we stated previously.

M of that same section states that only articles considered necessary to the routine operation and maintenance of the tattoo body piercing work room shall be permitted in a tattoo parlor. Only articles considered necessary. Does that mean then, because as written, this provision could be applied to bar from the premises radios, plants, artwork, TV's, telephones, fax machines which are not "necessary" to performing tattooing. Therefore, it is un-rational provision.

On O it speaks of "effective measures" and we don't know what is contemplated, what is the nature and extent of the effective measures contemplated in that phrase.

Section 5, regulation of tattoo or body piercing parlors. And would like to direct the Council to 1 (3) (a), I'll read it, "No certificate to practice the art of tattooing or body piercing shall be issued unless the applicant

furnished proof of having previously held such a certificate” but the only one that can issue a certificate is the Health Department of “Fair Lawn and we believe this is an impermissible restraint of trade. Obviously prohibits a person from working in a Fair Lawn store as they have not previously obtained a certificate from Fair Lawn to perform the tattoo. This created a catch 22.

The next section b talks about apprenticeship. The applicant furnishes proof of having served an apprenticeship in tattooing under an operator’s certificate for a period of three years, or apprenticeship certificate in body piercing under an operator’s certificate for a period of three years or apprenticeship certificate indicating experience for a period of 18 months, I guess that is dealing with body piercing. And I want to let the Council know that there is no known or recognized apprenticeship, level, position or status recognized in the tattooing industry. What is meant by apprenticeship? This provision that now you are requiring people to serve this three year apprenticeship. It is as if this is a twenty first century indentured servitude. You can’t force people to work at a sublevel without a basis. You are talking about tattooing here. And it will effect people’s ability to make a living and therefore it is unconstitutional and an infringement of rights.

3C, there are a lot of provisions here but we are moving along. This provision fails to determine what is the nature and extent of the proof needed to be obtained. It says the applicant furnishes proof of having practiced the art of tattooing or body piercing as a full time occupation prior to the date of passage. And what part of the standards apply to determining if an individual is “practiced” in the art of tattooing. What is the nature and the extent of the proof required. Those are all good questions.

3E, there is a requirement that tattoo artist undergo blood testing. This requirement I submit to you violates the privacy rights. It is an issue that reeks of Fourth Amendment constitutional violations. The Borough cannot compel, as far as we know, people to obtain vaccinations and submit to blood testing as far as it applies to tattooing. Again this presupposes that tattooing is the source of blood borne pathogens and creates disease. What again is the proof for this implied contention. And I also present examples that nurses and doctors are required to undergo this in Fair Lawn. I do not know the answer to that question but I doubt very much that nail cutters are.

Number 5, talks about an investigation, no certificate shall be issued unless following reasonable investigation. We ask you what is the nature and extent of the investigation contemplated under that instance that’s cited.

Page 8, A, says before working on each patron, each tattoo artist or body piercer shall scrub and wash his or hands thoroughly with a hot water antiseptic soap using her or his individual hand brush. It’s as if they are going in performing surgery. Again, there is the misnomer that there is some sort of invasive procedure being done here. It is not the case. Tattoo artist are not doctors, they don’t claim to be doctors.

Mayor Ganz: Do I understand that you are objecting to your clients wash their hands before they tattoo somebody?

Mr. Mashel: Well, one of the things that I am pointing out is to the extent of the description.

Mayor Ganz: Are you objecting to it?

Mr. Mashel: To washing hands, ah, no.

Mayor Ganz: Alright, then why.

Mr. Mashel: But, to how you wash your hands. You are telling them how they have to go about to washing their hands. They have to use a separate brush, they have to use a certain type of soap, that they have to scrub up, it is like they have to take off the latex glove and then wash their hands that were under the latex

glove. I think it is overreaching and it is needless, it is not necessary. If you want to say wash your hands then say wash your hands and leave it at that.

I want to direct your attention, if I may, to Section E entitled employee health. In the first provision there it talks the parlor should comply with the most current version of Centers for Disease Control and Prevention Publication, Enforcement Procedures for Occupational Exposure to Hepatitis B Virus (HOB) and Human Immunodeficiency Virus (HIV), OSHA instruction CPL-2-44.A, August 1988 or revised or later editions, we don't even know what that is. I am not sure the Health Department does. But that should be in the ordinance spelled out.

Subsection 2 below that, this is very mystifying, no person affected with boils, infected wounds, open sores, acute respiratory infection, nausea, vomiting or diarrhea shall work in any area of a tattoo or body piercing establishment. How are operators to determine the existence of these ailments on a daily basis? How does diarrhea prevent one from performing tattoos? Is a doctor who practices in Fair Lawn prohibited from treating patients if he or she has diarrhea, is nauseous or has a boil on their back? It lacks rationality is my point.

Attorney Lustgarten: Would you like to read the rest of that sentence, where there is a likelihood of contaminating tattoo or body piercing equipment, supplies or work surfaces. You say that is not a rational relationship between.

Mr. Mashel: Can we do this at the end, I thought we had that understanding.

Attorney Lustgarten: You are making a representation here that seems it is a silly requirement but you don't give the rest of the requirement, it is silly. And if you read the rest of the requirement it is clear that this rational basis for that.

Mr. Mashel: So to finish the sentence, if you have diarrhea shall work in any area of the tattoo or body piercing establishment in any capacity in which there is a likelihood of contaminating tattoo or body piercing equipment, supplies or work surfaces. My point is this, why have it in there. I mean, they are supposed to make the determination whether or not they are nauseous or have diarrhea, whether that would contaminate anything. Surely it wouldn't but you have it in there and it could come back to haunt my client, somehow by some enforcer with unpure motives. Then we would have to go before a Municipal Court or Superior Court judge and then have to anguish over this language, it doesn't belong there and it should be out and that is the point of this. We are not saying you don't have the right to have reason, regulation and ultimately when I get to the end, what we want to do is work with the Council. Having been in the business for so many years, to work out a regulation, a regulatory scheme that addresses legitimate public health concerns without unduly limiting our ability to do business. And for the record, I have to go through this almost ad nauseam for the record because I don't know, what we are asking is to carry this matter. Give consideration for our letter, don't summarily dismiss it. We are bringing up and raising various questions some of which you may actually agree with, some of which you may not. Lets not rush this thing through and then have to haggle over it in a different venue. There is a lot to be considered here. We tried to lay this out in a fairly cogent manner. I only obtained this ordinance yesterday afternoon and was retained yesterday afternoon to come here. I did my best, I reviewed this, I put before you in writing and I am now establishing for the record, don't rush in to this. Carry this matter, think about it, lets talk about it, lets work together. Ultimately that was how I was going to conclude but that's what we want. I won't go through the additional provisions, it is in my letter. There are provisions in here that could create such a hardship on my client and would be prohibitive for anyone else coming in to this town. They will be out of business. And we won approval through the Zoning Board of Adjustment November 1998 to operate in this town. We have been a good citizen and we know of no disturbances or the police having to be called in. We pay our taxes. We are happy to be in town. We run a clean shop. The Health Department has been in there on innumerable occasions. They have never sited us. They have only had the best things to say about how clean everything is. Don't just blindly enact somebody else's ordinance which may not have been challenged. Lets sit down, lets talk, lets work this out in a

reasonable way that will not only serve the interest of my client but the citizens of the Borough of Fair Lawn as a whole. That is all we ask that this Council follow the rule of law of constitutionality recognizing the provisions here that don't pass muster and let's get together and do some work.

Keith Brown, 23-05 Ellington Road stated he was not a customer of the Starlight Tattoo but feels that the ordinance is a poorly written attempt to ruin this business. He said the parking problems on 34th and 35th Streets are caused by the nail salons not the tattoo parlor. He said he does not see the need to add more health restrictions.

Attorney Damian Garden, 6-19 South 19th Street, up in the loft of Garren and Malcomn, Philadelphia, PA: we are a national corporation and we represent an organization that was founded by Mr. Bart a few years ago, I just wanted to address a few things since we are involved in this case not just here in New Jersey and Pennsylvania but we are involved in cases over all the United States. We have a large number of clients involved in the tattoo business including some of the larger trade organizations. Many of the people here probably do not know that tattooing is not like it used to be. It is a multi, multi million dollar business. In fact, two of the largest companies that actually produce tattooing goods and services for the tattooing industry, one is here, actually here across the way in New York which employs about 700 people, twenty four hours a day, three shifts and National Tattoo Supply in Allentown, PA. This is a business that is highly regulated not only by certain municipalities such as yourself trying to do the best, I am sure and trying to do a rational regulation, but also by tattoo artist themselves. In fact there is a group of physicians who are involved who report to the CDC or have actually worked inside the CDC. One of which is Dr. Kaspari, when it comes to tattooing and infectious diseases he used to work for the CDC in Atlanta. In fact, I believe he is one of the chief physicians for Fulton County in Atlanta for pathology, I believe. He used to be a medical professor at the University of New Mexico at their medical school of infectious diseases. This is an industry that is probably light years away from what you are think it is.

Mr. Mashel is actually a very modest individual, for the record, the city of Newark, up the street, had an ordinance that was in effect banning tattooing and he, as an individual not that well versed in the tattooing industry had that ordinance overturned based on constitutional affirmity. This particular regulation, and I see them every day and I have seen them from all over the United States, is probably, you will have to excuse me when I say this, is probably one of the most poorly written regulations that I have seen involved with tattooing. In my experience, both in the state and federal court, it is going to be a hard fight to actually keep this on the books, if at all. Tattoo artist and tattoo industry couldn't tell them recommend regulation because it keeps the person who does not have a tattoo, who has no interest in seeing that the health and welfare of their citizens of the town they work in is protected. That is the person we don't want tattooing, that is the person that actually keeps the tattoo artist out of business. We encourage regulation, gradual regulation, not someone else's. I have seen this regulation in one form or another in about thirty other states and I can tell you we have not lost a case yet, not one. And I will tell the citizens there are many instances, like one I am working on in Colorado, they have paid in excess of two hundred thousand dollars in legal expenses in trying to keep one tattoo parlor out of their city. One tattoo parlor. And that is how this will go. Because this particular industry, if you read USA Today in the last couple of years, this is the largest growing industry in the United States. It is not really mom and pop shops anymore, it is more than a major corporation type interest in the tattooing industry.

I would recommend and encourage this Council, who is trying to act responsibly for its citizens, I am sure, to work with the tattoo artist. And I must say that Mr. Bart is one of the best in the world. One of the best in the world, one of the few people I know that when he applied for citizenship in the United States with a visa, was one of the few people in all categories of art that was even considered. An extraordinary person with extraordinary ability visa that could be an opera star or have to be a well known artist or basically someone that walks on water in their particular discipline. He was one of the few that were actually recommended for that visa. It is hard to come by. You have that person in your town and that is really something because most

of the people we work with, they don't have that. They have some guy on the street trying to make a living tattooing, you have somebody that is extraordinary here. Like I said, this is a feeder business, this is a business that also brings business into other businesses that go around. This is a regulation that just needs to be spruced up a bit. Council, both Mr. Mashel and myself, who are attorneys, we know that we would not even think of having a person who is not by law trained recommend to a Court or to any panel the rules of discipline for an attorney. But the licensing board attorney all of those particular regulations, all of those particular penalties for not practicing laws correctly were not written by physicians they were written by and for attorneys. And I will tell you why, there is a rational relationship between a lawyer and lawmaking and writing the law when it comes to practicing law. And that is the same thing with tattooing. To just ask the panel they simply assist Mr. Bart and yourself and save your system a lot of money and write a regulation that is going to pass constitutional muster because you know where we are going. Thank you very much.

Raina Valenzuela, 2 Katherine Avenue stated she did not know the owner of the tattoo parlor but did not appreciate their attorneys coming here and threatening us. Maybe the industry has changed with better equipment. She wondered why there were no licensing, regulations or certifications. She felt the ordinance had to be revised so that the Borough is not discriminating against the tattoo parlor. She wanted to make sure that the people who are doing these tattoos are experts at it but she also felt that the ordinance should be fair to them.

Damian Garden: I am a taxpayer and I can tell you

Mayor Ganz: Excuse me, we do things one at a time. If you want to speak I'll be very happy to recognize you when Mrs. Valenzuela is done.

Damian Garden: Thank you Mrs. Valenzuela. With all due respect, I apologize if I offended you in any way. I did not mean to do that. And it certainly wasn't a matter of a threat, I was simply giving information as far as how these particular matters work. You may not be completely familiar with the way attorneys work and I apologize if we do things a certain way. But certainly these cases do end up in court that is how this works in the United States. That is our system of justice. That is how things are addressed when we disagree with each other. Otherwise we may end up on the street. That is not a threat, that is the way the process works. The other part of that has to do with certification. There is certification, by the way. The ATP associates professional tattoo artist in conjunction with the CDC and OSHA approved infectious disease program has a program where many tattoo artist, in fact, a number of tattoo artist take the three hour, actually ends up a six hour, course and exam on sterilization procedures. And one of the things I might add is in redoing the regulation there is a regulation, I think it is 8E or I, one of them having to do with putting the tubes in soapy water. These particular tubes, if you look at CDC and OSHA, by the way I do know that particular section of the OSHA regulation, for the record, they shouldn't be put in soapy water they should also be ultrasonically cleaned that is the only way to clean the metal. So, right there its pretty good as far as the medical requirement back those tattoo artist, in fact all that I know actually go beyond that.

Again, it is rational regulation, it is to address the issues that we have, that endorse them. I have four children, age 15 to age 4 by the way, and there will come a time when they may want a tattoo. And I want regulations. But I want rational regulations that's actually not only if somebody came to my town and they did tattoos, which could effect my child, I don't want to have to remove them by force because the guy down the street hurt my child. I don't want the regulations that is written to actually have the power which it was written. I don't want some lawyer to come into town and say you know what this regulation is void and it is not constitutional, you can't prosecute, you can't do anything Mr. Garren, your child's arm is going to fall off. That is the whole reason why we have to write good laws. So when there is a punitive measure, it can actually be enforced. And again, to reiterate our position, work with the tattoo artist because they certainly want to work with you. They want to be in your town. They want to work with you. Again, be a good citizen. Thankful for being involved in this type of open forum because good things can turn out and I think we

actually have some rational concerns.

Maurice Michaels, 7-16 Richard Street said he drives a school bus for drug addicted children who are tattooed. He asked what was wrong with having regulations and what was wrong with checking the past history. He said he did not want them in this town and if there is anything like this ordinance that can stop them then he is all for it.

Stephan Mashel, Counsel for M.B.B. Art, Inc.: Mr. Mayor, a brief response on the issue of under age 18, we would not tattoo anyone under the age required, proof of I.D. and we don't have any qualms whatsoever for the provision in the ordinance dealing with that. I want to publicly comment on that. Thank you.

There being no further comments by the public, upon motion by Councilmember Dobrow and a second by Councilmember Amato, it was unanimously agreed to close the time for public hearing.

Attorney Lustgarten: I don't want to enter into a debate on the substance right now because that would be unfair to the Council and the opportunity to discuss it with me and I refuse at this point. It would be right to proceed on this course of action. Your rhetoric does not impress me at all, frankly Counsel. And I think there was absolutely an implied threat in everything that both you and the other gentlemen stated. However, having said that, oh and I want to say that I also think from a matter of procedure, and I am sorry you were retained yesterday although you did an excellent job in submitting this. But I am very unimpressed when the Council is asked to defer legislative action and is given a nine page memorandum of effective flaws and other arguments why and when this should not be adopted. This should have been in our hands immediately after the ordinance was introduced so that Council could in an orderly way, could have absorbed it, could have reviewed it and could have had a discussion in a Work Session. That did not happen and unfortunately we are stuck with what we have. Having said all that, Mayor, I am convinced as a lawyer, neither someone who is in favor or against tattoo parlors, I have no position on that whatsoever, I am convinced that most of the arguments I heard tonight are without legal standards with respect to the appropriate standards of having exhibited rational basis for the constitutional law or under the statutes are not even accurate. Having said that, in addition, I think that Fair Lawn has had a tradition of trying to be fair not only to its residents on one hand but to the businesses on the other hand.

Mayor Ganz: Having said that, that is precisely the point I was going to make. I think that it will be very well served if we asked the Council to postpone adoption of this for thirty days to allow for an interchange and a dialogue with the singular tattoo parlor that is presently in town to try and shape an ordinance based on the one that we have here that will in fact regulate it and them and the bad tattoo artist from tattooing and preserve the health, safety and welfare of the community.

Attorney Lustgarten: I recommend the thirty adjournment of this but I do have a very specific recommendation. This Council agrees and that Counsel can take heed, I don't think it is productive to have Counsels, as Attorneys arguing Constitutional standards with the Mayor and Council tell us strict scrutiny for protection of rational basis, etc. Assume for the moment, that we are competent enough to understand what your requests were. What I would recommend to you, if you have specific changes that you recommend into the ordinance don't put it in the memorandum, write the ordinance section by section on language, bracketed and underlined additions and deletions. Get that into the Council timely and then the Council can discuss that under the typical meeting standards. This is fine, I am not being critical of the Counsel, I would have done something similar in your position, however, if you are truly looking for an ordinance that will allow the tattoo business to continue as a viable business, and protect the citizenry of Fair Lawn, lets go forward. I don't want to use your dialogue, it's tacky, on language that will be acceptable to you and that does not mean per se that it is going to be acceptable to the Council and it doesn't mean to say that everything you request is going to be incorporated or adopted into the ordinance. I will say to the members of the public, and to the tattoo people who are here, is that this ordinance was submitted to the Council for consideration from the Health Officer and this is based substantially on the regulations that the State of New Jersey now

considering and somewhere down the line this issue may be taken away from the municipality completely. There will be state regulations on this and we will be preempted from local regulations. I would gain say that process is moving forward. The Council made a specific determination several weeks ago not to wait for state regulations because there is no guarantee when that was going to occur but I also suggest that somewhere down the line the state regulations are going to be substantial in this forum. So Mayor, I do recommend to you that a motion to table the ordinance as it currently exists be made. I ask through the Chair that you invite Counsel to submit proposed revisions to it and perhaps the representatives from the industry itself might sit down with our Health Officer and have a dialogue at that level based on some definition problems in this ordinance.

Mayor Ganz: What I will do is ask first if the Council will entertain a motion to postpone this consideration of this ordinance for four weeks, see if we can achieve that on consensus. All in favor except Councilmember Etler.

Attorney Lustgarten: You will need it done by a formal motion.

Mayor Ganz: I will ask then for a formal motion to postpone for four weeks and as a condition or not as a condition but also mention to invite the Counsel for the tattoo parlor to submit to the Council based on Ordinance 1792-2000, a redraft using this as the basis to see if we can't

find a dialogue for a final draft. Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, the motion was unanimously adopted with Councilmember Etler dissenting.

Mayor Ganz: Alright that motion passes. Let me ask one other technical question, I don't know if this is the to the Clerk or the Borough Manager is this available on disc right now?

Municipal Clerk Kwasniewski: It is on the computer, we can get it.

Manager Sacks: It is on the Health Officer's computer.

Mayor Ganz: It is on the Health Officer's computer. What I would suggest to the Counsel that is involved in this, if you would like a disc of this in Word process able form it might facilitate and the Manager would be happy to supply that to you. That is available in email as well if you give the Clerk your email address.

Mr. Mashel: Very well. Thank you.

RESOLUTIONS BY CONSENT #6-2000

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Consent Agenda #6-2000 containing the following items was unanimously adopted.

a. Resol. #91-2000 Approval of Minutes:

Regular Meeting 1/11/00

Work Session 1/18/00

Closed Session 1/18/00

Rescheduled Meeting 2/1/00

b. Resol. #92-2000 Refund of Overpayment of Taxes

3. Resol. #93-2000 Removed
4. Resol. #94-2000 Volunteer Tuition Credit
5. Resol. #95-2000 Transfer of Funds
6. Resol. #96-2000 Award of Bid: Columbia

RESOLUTION NO. 93-2000 Creation of Fair Lawn Economic Development Committee

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 93-2000 was discussed.

Deputy Mayor Adler stated this committee has to have some cohesiveness and a forum for discussions to be made for people who have something to be discussed. It is a conduit and a forum. She said this Borough has three distinct retail areas. She asked if anyone there would like to comment.

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

Bob Landzettel of Lazon Paints, River Road, stated there are a number of improvements and thinks this will help bring various parts of the town together.

Raina Valenzuela, 2 Katherine Avenue, asked about the number of people on the committee and the different areas they are from. Mayor Ganz stated the names of people who want to be on this committee will be funneled to Deputy Mayor Adler. Deputy Mayor Adler asked that the information be sent to her home or to the Municipal Clerk's office.

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 93-2000 was unanimously adopted.

MISCELLANEOUS PUBLIC COMMENTS

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

Jim Storozuk, 27-15 Urban Place, said he hoped something would be done with the Route 4 intersection. Several years ago residents signed a petition for sound barriers along Route 208. In the past houses along Route 208 have been burglarized. The Department of Transportation said they cannot put the sound barriers up. He hopes that the Council will keep after them to have them erected. Mayor Ganz said that was a good idea and asked the Borough Manager to write to the commissioner to see what the status is. Mr. Storozuk said that these backyards abut Route 208 and are still very interested in having the sound barriers put up.

Christine Ertle, 1-33 34th Street, asked if the contractor who did the Routes 4 & 17 interchange would be doing the Route 4 & 208 exchange. Mayor Ganz explained that Sanzari offered to but was against the bidding laws. Manager Sacks said she did not go out to bid yet but it should be awarded by the summer. Ms. Ertle said she had concerns about the path that connects Broadway to Saddle River Road.

Representative from the Park Hill Condos, 15-26 Abbott Road, spoke about the parking problems they are having. The condos were built back in the 50's. There are 144 units and 125 parking spaces. They hope the Council will allow the resident to park on other streets to help alleviate the overnight parking situation. Mayor Ganz referred this to the traffic safety officer who had determined certain areas that will be discussed at another time.

Evelyn Rocco, 15-28B Plaza Road North, President of the Plaza Road Coop Board, said they have the same problem as the Park Hill Condos. People are coming in with multiple cars. They have a problem with overnight parking too. Mayor Ganz stated they would schedule a Work Session and invited the leadership to come in and draft this to satisfy as many people as they can.

John Scalice, 5-22 Second Street, spoke about his flooding problem. He presented two estimates, one from 1992 and the other from the damage that Tropical Storm Floyd did. Damage done from water does not go away it only gets worse. Mayor Ganz informed him there were over 900 homes that received serious damage from that storm. He asked how the other taxpayers would feel about receiving grants. A number of municipalities were hit harder. He is willing to look into this but is not inclined to help just one resident.

Keith Brown, 23-05 Ellington Road, commended the Mayor and Council for bringing the government to the neighborhoods. He asked if they had any idea when the Council would be meeting with the residents from Ellington Road. Mayor Ganz informed him sometime in May. Mr. Brown said during the recent snow storm he received a flat tire and was told by the tow truck driver they were inundated with call from Fair Lawn about flat tires. Mayor Ganz asked the Borough Manager about the type of substance used for the salting of the roads. Manager Sacks stated it was fine sand. Attorney Lustgarten stated during the storms of '95 - '96 grit was defined as mostly sand and rock salt. Mayor Ganz said it was clean fill and that rock salt gets better traction. He asked the Borough Manager to look into this.

Jim Storozuk, 27-15 Urban Place, supplemented what Mr. Brown said. He was astounded by the stuff that was put down and that it even went into his driveway because the drivers go down the street too fast. Mayor Ganz said that having ridden with the guys on the plow he knows they do a good job. Mr. Storozuk said that something was thrown up on his driveway and it was a different substance. Mayor Ganz asked the Borough Manager to check into it.

Leon Wender, 7-22 Manor Avenue, spoke about ionization which will make the water potable at Memorial Pool and modernization of the bath houses. Mayor Ganz said it was being considered in this year's budget. Mr. Wender continued asking for a cut out for handicap people, to stop cars from picking people up along the beach area, to fix the old library theater permanently, to enforce jay walking ordinance, to enforce motorists stopping five feet before an intersection, to control the drug problem, to tell residents to fix up their property, to stop children from destroying the hockey courts, to entice new businesses to town, to keep spending to a minimum, not to spend money on outside vendors, to empower the library to enforce fines when books are destroyed and to fix all that is broken.

Raina Valenzuela, 2 Katherine Avenue asked about the final shape of the bike path. Mayor Ganz explained the amended drawing the Borough Engineer prepared. Ms. Valenzuela asked when they should expect to see it started. Manager Sacks informed her it should start around May. Ms. Valenzuela asked if the Council had considered Diamondbrook area as an open space area. Mayor Ganz said there were priorities and lots of areas in town. He asked the Municipal Clerk to send Ms. Valenzuela a list of the areas. He told her they have to share and that it has to be based on recommendation of the Council. Ms. Valenzuela asked if the

time is up for the Flood Coordinator. Mayor Ganz told her they have extended his time. He has good skills that will benefit the Borough. Ms. Valenzuela asked about the old rescue station. Manager Sacks said the Auxiliary Police are using it for their headquarters. Ms. Valenzuela asked if there was

anything new with the Public Advocate. Mayor Ganz said not yet. Ms. Valenzuela stated at the last meeting the Council went from Public Meeting, to a Work Session, to a Closed Session and then back to Public Meeting. She asked them not to do that again. Mayor Ganz said they try to accommodate everyone's schedules. Appointments had to be discussed at a Closed Session.

Lou Sylvester, 1-30 37th Street, spoke about the intersection by McDonald's on Broadway & Yerger. He asked if signs or arrows could be painted on Yerger. He was told by a Police Officer he could not make a left from the right hand lane. Attorney Lustgarten stated if Yerger is a Borough road they could make the determination to do the signage. Mayor Ganz said he would send it to the Traffic Officer. Mr. Sylvester said he went to the Borough Engineer who told him Yerger was a state road. Mayor Ganz told him that Broadway was a state road and that he would ask the Traffic Officer for a report.

Christine Ertle, 1-33 34th Street, said the streets were done nicely but the plow threw snow on the sidewalk. Mayor Ganz informed her that the Borough Manager had given instructions to plow curb to curb. Manager Sacks explained because of the thawing and freezing they had to get it all off the street.

Jim Storozuk, 27-15 Urban Place, said he had questions about Manager Sack's answer about plowing curb to curb. Mayor Ganz explained the Borough Manager's point. Manager Sacks stated without curb to curb the catch basins get clogged. Mr. Storozuk said that when the plows goes fast snow gets thrown up on to the sidewalk. He suggested that a speed limit be enforced on the truck drivers. Mayor Ganz stated he was hopeful they wouldn't have to deal with this again this year. Councilmember Amato said he lives on a corner and have seen the plows go very fast but has never had problem with snow on the sidewalk. He thinks they have excellent service in Fair Lawn.

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

ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow it was unanimously agreed to adjourn at 10:15 p.m.

Respectfully submitted,

Marilyn B. Dugan, RMC

Assistant Municipal Clerk