

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, FEBRUARY 7, 2008

The meeting was called to order at 8:00 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin.

Present: Mayor Peter S. Rustin

Council members: Carol Hoernlein, Nadia LaMastra, Michael Lattif,
Joseph McDermott, Patrick J. Rouse, Jon Warms

Borough Administrator: Joseph Di Giacomo (arrived at 8:15 after
B.C. Community Development meeting)

Borough Attorney: William R. McClure, Esq.

Director of Public Works J. Robert Beutel was present for item 1-A.

Absent: None

Mayor Rustin read the following statement:

"Public Comments: A total of 15 minutes has been allocated for this purpose. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda below. Citizens must give their names and addresses when recognized to speak. Large groups are urged to select someone to represent them. The public is advised that these meetings are recorded and are subject to the Open Public Records Act."

1. Vicky Sidrow, 2 Park Avenue, Dumont, CEO of Vantage Health System, requested the governing body continue its financial support of the community mental health center that serves Tenafly.

2. James Robert Sellinger, 154 Hudson Avenue, Tenafly, Chairman of Tenafly Planning Board. Explained he was present at the behest of the Mayor regarding item 1.B on the agenda. Borough Administrator clarified that the item on the agenda was there merely to ascertain the status of the Planning Board proposed R-7.5A Zone District ordinance to follow up on an email he had received from Mr. Sellinger with that inquiry. Both Mr. Sellinger and Borough Planner Joe Burgis attended a meeting with the governing body on October 16, 2007 and there has been no movement since that time.

Following a general consensus that multi-family housing in Tenafly is a concern of the Mayor and Council, and noting that the map provided by the planner appears to mis-identify some properties regarding their status as one- , two- or multi-family dwellings, it

was decided that the Borough Administrator and Council Members Hoernlein and McDermott will walk the target areas and then compare the list of properties on the map with the records maintained in the Assessor's office. The Borough Administrator will contact Ms. Hoernlein to set up the walking tour. Regarding the status of this ordinance, Councilman McDermott will report back to the Planning Board that governing body has open questions yet. The Borough Clerk was asked to re-circulate the proposed Ordinance to the governing body.

Mr. Sellinger mentioned that the Planning Board subcommittee is reviewing the Growth Share Ordinance and Development Fee Ordinance currently. He noted that knockdowns increase our obligation. Mr. Di Giacomo reminded those present that the courts had attacked various Growth Share ordinances and that the League of Municipalities was urging municipalities to hold up enacting them to avoid lawsuits at this time.

1. **TO BE CONSIDERED**

A. Report on proposed Recycling Center access program

Director of Public Works Bob Beutel reported that there are three options to consider: (1) a bar code system, but the cost estimate is \$50,000; (2) new decals that would not list the town, but as an identifier, "TRCC" could be imprinted, together with a blank space for the license plate of the car to be entered, and staff would then affix the decal directly to the vehicle, providing uniformity in location; or (3) leave the current system in place. The governing body agreed to issue new decals and Director Beutel was asked to obtain a draft of a new decal for review by them.

He suggested further that the Recycling Center be closed on Wednesday and Thursday mornings and not open until Noon on those two days. The staff would be used on the Recycling vehicles, thereby freeing up other Driver-Laborers for other Public Works projects and maintenance.

Discussion focused on the Ordinance that needs to be updated on garbage and recycling regulations and it was agreed that the access program to the Center should be included in the Ordinance. The disposal of building materials will need to be addressed and it was suggested that they might only be allowed to homeowners via special permission following an inspection of the materials to be disposed of by the Public Works personnel. It was suggested that the Building Department should require that plans for the disposal of building materials should be specified on the demolition permits prior to issuance.

The Borough Clerk pointed out that the current supply of decals was dwindling rapidly and a decision on access to the Center will have to be made soon to allow for re-ordering time should the Council decide not to change the current procedures.

B. Planning Board inquiry on status of 2-family ordinance proposal

This item was discussed under Public Comments (Sellinger).

C. Tenakill Swim Club lease amendment proposal

Borough Administrator had two suggestions: (1) the Swim Club be required to submit an annual report on use of their facilities, including a breakdown of membership (Residents vs Non-Residents) and (2) there should be an arrangement to open the pool to Senior Citizens Center and the Recreation and Youth Services Camps on off-peak hours during the running of those groups' summer programs. Discussion followed and it was agreed there should be a preference given to residents. The Swim Club is allowed 30 non-residents and it was agreed to allow up to 100 non-residents as long as there are no residents on a waiting list. There should be a 'preferred resident' program. A resolution approving the lease amendment will be scheduled for the February 26 public meeting.

D. Recreation Commission proposal on background checks
Borough Administrator will draft an ordinance addressing specifics and it will be scheduled on a future work session agenda.

E. Attorney's Report: Recreation Commission (1/26 bdtg mtg) and RCA Agreement with Paterson status report
Borough Attorney requested the item on the Recreation Commission be deferred to the next work session. Regarding the Agreement with Paterson, Mr. McClure explained that according to the settlement agreement, COAH is limited to a technical review of the RCA agreement only. The resolution authorizing an RCA with Paterson will be on the February 12 agenda.

F. Ordinance to include house numbers before CO issued (1/23 staff mtg)
All agreed to have ordinance drafted to require posting of house numbers as condition for issuance of Certificate of Occupancy. Existing ordinance addressing requirement of clear display of house numbers will be checked as this topic may have been addressed there.

G. Stand-alone ATM machines (Rustin)
Mayor Rustin explained there is an application currently before the Planning Board for a stand-alone ATM machines with a site plan to put up a drive-through facility with an ATM machine. Following brief discussion, it was agreed to amend Ordinance No. 05-24 to clarify the definition of "Drive-Up Bank". Attorney McClure will confer with Planning Board Attorney Zenn and Zoning Board Attorney Ritvo on the clarifying language and will prepare the Ordinance for introduction on February 12th.

H. Elizabeth Cady Stanton House/Improvements by Homeowner (Hoernlein)
Ms. Hoernlein explained that a building permit was issued to the homeowner to replace the clapboard siding on this historic home; HPC was not notified and therefore no Certificate of Appropriateness was issued. She reported further that HPC Chairman Bill Saunders worked to get this straightened out and the homeowners are tonight at the HPC meeting with a presentation explaining all the products being used in the needed repairs of boards damaged due to leaks. It was mentioned that there was no flag on the property files that alerted the department that the home is on the historic designation list and required a Certificate of Appropriateness by the HPC.

2. **ADMINISTRATOR'S REPORT**

A. Bergen County Open Space Partnership
Borough Administrator suggested that he set up a meeting with the County staff to review options and the potential success of a grant application. A consensus was taken to determine if there was interest in pursuing a grant for the acquisition of property; Councilmembers Lattif, LaMastra and Rouse were not; Councilmembers McDermott, Hoernlein and Warms were in favor and Mayor Rustin agreed that it should be pursued. It was agreed that for the time being, it would only be looked into. Feedback will be sought from Nature Center Executive Director Jennifer Kleinman.

B. Recycling Center/engineering fee proposal
A resolution agreeing to the \$4500 engineering fee required by T& M Associates as outlined in their proposal will be on the February 12th agenda.

- C. Public art display on private property
Mayor Rustin announced this was withdrawn from the agenda.

3. **CORRESPONDENCE**

- A. D. Hals/Borough Engineer Re: Inspections of Culverts
Borough Administrator will inquire as to why the Culvert on Elm Street between Oak and Bliss Avenues is missing.
- B. Wings Plus, LLC Re: Employee Parking Request
Borough Clerk will request copy of the lease.
- C. Grove Street LLC Re: Request for Reduction in Bond
Borough Clerk will respond that until the affirmative marketing plan is implemented, no reduction in the bond will be considered.
- D. Petri/111 Tekening Drive Re: Surface Water Damage at property
Borough Administrator will direct Borough Engineer to send a letter to the Nazars, property owners of 151 Tekening Drive, setting a reasonable but firm deadline for the submission of the As-Built Survey.
- E. Ricki Singer-Rosen Re: Municipal Alliance program renewal
Resolution of commitment by Borough will be on February 12th agenda.
- F. Whiting Wu/119 Elm Re: Street Condition on Elm Street
Borough Clerk will respond that the street is on the list for consideration this Saturday during review of the 2008 Capital Budget.
- G. NJ DOT Re: Safe Routes to School Program
Borough Administrator suggested that Downey Drive may be eligible; he will re-distribute the map proposed for sidewalk installation by the Police Chief in 2004.
- H. Axia Taverna Re: Request to install white lights in trees located in Borough right-of-way
Borough Clerk will advise that plans for lighting should be submitted to the Electrical Inspector to review and then their request should be resubmitted for Council consideration.
- I. Ronald Cutro/Jewett Re: Alarm Registration Program
It was agreed the answering letter sent by the Police Chief was sufficient.
- J. A. Chang/Sanmaroo Re: Request for permission to locate liquor license/proximity to school property.
NJSA 33:1-76
The Borough Clerk reported that ABC law states there must be more than 200 feet between the entrance of the establishment with a liquor license and the entrance to a school or a church. She confirmed with the Assessor's office that the distance is much greater than 200 feet and a waiver is not required. The Borough Clerk will advise Mr. Chang.
- K. Alice Rigney/Knoll Rd Re: Request for Sale at Clinton Inn on November 29, 2008.

Approval will be given at the February 12th meeting.

L. Alon Slutzky/Cresskill Re: Request to Intern at Borough Hall
Borough Administrator will contact him to discuss.

M. Elliot Urdang/DiFeo BMW Re: Request for Temporary Use Permits for
Parking/new service facility

Borough Clerk will advise Mr. Urdang that Council has set Tuesday, February 26th meeting for the public hearing.

4. **CLOSED SESSION**

At 11:45 p.m., the Borough Attorney read the following resolution:

Motion by Council member Rouse, second by Council member LaMastra, and unanimously carried:

RESOLVED that in accordance with N.J.S.A. 10:4-12, the Mayor and Council will go into Closed Executive Session for the purpose of discussing the following matters:

Personnel to be presented by Borough Administrator

1. Resignation of part-time Violations Clerk

Minutes will be taken of the meeting and released to the public at the time the matter is resolved. After the Closed Executive Session, the Mayor and Council will reconvene in the Richard D. Wilson Committee Room to resume the Committee of the Whole meeting.

The open meeting resumed at 11:55 p.m.

5. **RESOLUTIONS**

- A. Authorize bid receipt for Recycling Center Improvements
- B. Authorize refund of cancelled Recreation program participation
- C. Approve purchase of Recreation copy machine under State Contract
- D. Approve various tree removal escrow refunds
- E. Approve Raffle Applications No. 911/Tenafly High School HSA and No. 912/St. Thomas Armenian Church
- F. Reject Vehicle Bids received 12/4/07
- G. Approve Bloodborne Pathogens Program contract with BC Dept of Health Svcs.
- H. Community Forestry Management Plan approval/Green Communities Grant
- I. Approve Municipal Alliance Grant for 2008
- J. Approve Contract with HARP for public health nurse services

6. **ORDINANCES**

Public Hearing on Ord. No. 08-01/Amend Tree Removal Regulations

7. **COMMITTEE REPORTS – None**

8. **MINUTES** of January 15 work session (COW) and January 22 public meeting.

9. **OTHER BUSINESS**

10. **FOR THE GOOD OF THE ORDER**

A. Mayor Rustin mentioned that a COAH subcommittee of the Planning Board would like to meet with a subcommittee of the Mayor and Council. Mayor Rustin and Councilmembers Lattif and McDermott will serve on the Council's subcommittee.

B. Mr. Lattif, referencing the Budget meeting that was held Saturday, February 2nd, re-opened the discussion to consider a personnel freeze on hiring new staff or considering any requests for salary upgrades submitted with the Budget requests from each department. He reiterated the need to hire a consultant to assess our staffing needs and present salary ranges. The Borough Administrator stressed the need to formalize the scope of the work to be done by the Consultant before RFPs could be solicited. Mayor Rustin suggested the Borough Administrator provide a report on the vacancies and which should be filled and when. The requests for salary upgrades for 2008 will be taken one at a time to review.

C. Bill Pereira, DPW Supervisor, has taken a Superintendent's position in Pequannock and will be leaving Tenafly on February 15th. As he has been an employee for 15 years, it was agreed to present him with a Certificate of Appreciation in a frame.

D. Mr. Rouse mentioned a memo from TVAC requesting a date they could present their awards at a Council meeting. It was agreed to ask if February 26th is convenient; Mr. Rouse will contact Capt. Joe Grieco to discuss further and will report back.

Ms. Hoernlein will ask the Fire Department if they would like to present their awards at a meeting of the Mayor and Council. It was pointed out that the Fire Department traditionally have presented awards during their annual dinner dance.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Rouse, second by Council member Warms, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 12:35 a.m.

Respectfully submitted,

Nancy Hatten