

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, FEBRUARY 17, 2009

The meeting was called to order at 7:30 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
(Mr. Warms arrived at 7:35)

Borough Administrator: Joseph Di Giacomo
Borough Attorney: William R. McClure, Esq.
Labor Counsel: Robert Silber

Absent: None

Mayor Rustin acknowledged Borough Attorney McClure who read the following resolution to go into Closed Session:

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: Contract Negotiations with the PBA

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.”

At 8:21 p.m., the Committee of the Whole meeting resumed.

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."

As there were no members of the public present at this time, the governing body proceeded with the meeting.

The Borough Administrator commented that originally, Consultant Janice Talley was to be present tonight to discuss Passenger Rail matters, specifically proposed sites for stations and traffic analysis. As the report analysis was not yet completed, the item was removed from tonight's agenda. After brief discussion, Council agreed to have Ms. Talley present her findings at the March 17 work session at 8:15 p.m. Mr. Di Giacomo will contact her to confirm her attendance.

1. **TO BE CONSIDERED**

A. Revaluation – proceed or request one-year delay (continued from 2/3 mtg)

Following brief discussion, it was the consensus of the Council to request a one-year delay to produce a revaluation of properties in Tenafly. Borough Attorney to prepare the resolution authorizing the Assessor and Borough Attorney to request the extension from the Bergen County Board of Taxation.

B. Review of Engle Street Drainage Project Bids (deferred from 2/3 mtg)

The Borough Engineer contacted the apparent low bidder and obtained an extension of time to award the bid by March 10.

Regarding item 2-A, Dean Drive detention basin/alternate proposal, the Borough Administrator reported the Engineer thought it could be done under Dean Drive instead of in Dean Park. The Administrator recommended that the Engineer be brought in at the March 3 work session to address the need for soil borings and to get a sense of what the impact of the necessary traffic diversion will be in that area for three to five months from the Police. Although Paul Keyes will be in on March 3 to discuss Huyler Park Improvements, it was agreed to have the Engineer in due to the importance of the drainage improvements. Borough Administrator will ask the Engineer to come at 9 p.m. on the 3rd.

The Administrator recommended that the Council reject Phase I bids and then go out for Phase I and II at one time, further suggesting that it may be possible to secure a low-interest loan if the whole improvement project is done at one time.

C. Review draft language for 'contractual clauses' (continued from 2/3 mtg)

Administrator pointed out that language for disposal of records with the approval of the Borough should be added, and a clear reference to the Records Retention and Disposition Schedule should be included. The Borough Attorney will add language to clarify records retention and disposal and the Council will review again. No new date was set for the review of revised proposed contract language.

D. Review draft Municipal Housing Liaison Ordinance (continued from 2/3 mtg)

It was agreed to introduce this Ordinance at the February 24 public meeting. The Administrator explained that at the hearing, a separate resolution will be presented to name the Administrator as the liaison.

E. Review Defined Contribution Retirement Program Ordinance/Attorney comments (deferred from 1/20 mtg)

Borough Attorney commented he had reviewed the draft Ordinance and advised that the position of Public Defender should be included, but that the Library Director should not be included. He explained that the position of Director of Public Works

is included in Section One, but the position of Principle Public Works Manager is in Section Two. This will be introduced at the public meeting on February 24.

F. Cablevision franchise renewal/open issues (Mr. Di Giacomo)

It was agreed that the Borough Administrator will contact Cablevision to move forward with his suggestions for resolution of the outstanding issues on interconnections, competitive terms and the local access provision (PEG channel).

G. Recreation Summer Camp and other fees (Mr. Di Giacomo)

Resolution of approval will be scheduled on the February 24 public meeting agenda.

H. Youth Services Summer Camp fees (Mr. Di Giacomo)

It was agreed that the Administrator and Council Liaison will meet with Youth Center Director to work out the fees. If done before Friday, resolution approving fees for 2009 summer camp will be scheduled on the February 24 public meeting agenda.

I. Proposed Ordinance/Mandatory Regulation of Clothing Bins (JRB memo)

It was agreed to return proposal to Public Works Director to take to the next meeting of the Public Works Committee for further discussion before submission to the Council.

J. Fire Grant 2009/Assistant Chief Harvey Eisner (Finance)

Borough of Tenafly is getting the grant of \$52,000 and included are monies to reimburse the grant writer's fees to the Borough for the preparation of the application. The Federal Grant portion is \$49,730 and the Borough portion is \$2617 which monies will be funded in the 2009 Fire Department budget. The resolution committing our funds and accepting the grant will be on the February 24 public meeting agenda for approval.

K. JMP Developer's Agreements/amendments and revisions (New)

The original Developer's Agreement executed in 2005 has been broken down into three components, to reflect the stages of development of the property and to address the bonding that must be held on the property. As the bank-commercial portion of the property is complete, a maintenance bond has been submitted for that portion of the property, and a portion of the original performance bond can be refunded to the developer to reflect this completion. Two new Performance Bonds have been submitted to reflect the reduced bond to be held on the residential portion of the property, and a full bond for the commercial portion that has not yet been started.

The Borough Administrator pointed out that the required \$5000 payment on the bank section for garbage collection per the Shopwell settlement in 2003 has not been paid. It was due in June 2008. Council agreed to consider Developer's Agreements at the February 24 meeting if signed ones are submitted and a check for \$5000 is received by Thursday, February 19.

L. Police Committee Reports (Mr. Lattif)

Councilman Lattif reported that several Council members had contacted him expressing the belief that confidential police issues should be discussed at closed sessions of the governing body for all Council members to hear. Councilman Rouse responded by asking if the Council wanted confidential reports, then he would ask the Chief of Police to address that request at the next Police Commission meeting. Following discussion, it was the consensus of the Council not to have the request considered.

M. Consultant's Report/Outcome of Council Retreat (Mr. McDermott)

It was agreed that the report of the Consultant, Reagan Burkholder of Summit Collaborative Consultants, needed thorough discussion. The Borough Administrator pointed out that if the Goals discussed at the retreat and incorporated in the report are indeed the Goals for 2009, then he will draft an implementation plan. Following brief discussion, it was agreed to hear the report of the Protocol and Procedures Review Subcommittee on March 17 before taking further action.

N. TEC recommendation/non-organic pest control ordinance (Mr. McDermott)

It was agreed that the Director of Public Works should provide a model ordinance with his review in writing to the Environmental Commission and that discussion should start there prior to any discussion by the governing body. When their discussions are complete, the Environmental Commission can then propose a specific ordinance to the governing body for their consideration.

The governing body took a five-minute break at this point in the evening. The time was 11:05 p.m.

2. **ADMINISTRATOR'S REPORT**

A. Dean Drive detention basin/alternate proposal

Discussed above under 1-A.

B. Independence Day celebration

It was agreed that the fireworks and concert, with funding through private resources, would be scheduled for Friday, July 3 with a raindate of Sunday, July 5. It was noted that the request for the Showmobile from Bergen County must be submitted early to reserve the date we want.

C. Waiver of health benefits program/open issues

Open issues include whether to require proof of other coverage from those employees who express interest in the waiver program, and Council agreed that would be best, including those who already waived their coverage; second open issue is when the reimbursement should be made annually, as it is taxable income to the employees. Administrator recommended the end of the calendar year. Borough Attorney will look into best way to institute this, as some towns do by resolution and others do by ordinance.

D. Riverside Cooperative/Palisades Interstate Park Commission

The Park Commission expressed interest in becoming a member of the Riverside Cooperative; Borough Attorney to research whether they are considered a contracting unit and will advise the Borough Administrator via email.

E. Recreation bleacher/restroom projects

The Recreation Commission would like to move ahead on these two projects. The additional bleachers (two smaller sets rather than one large) to be installed on the municipal field will be funded by monies in the Recreation trust fund. A resolution will be included on the February 24 agenda to approve the use of these funds for this purpose.

Preliminary planning for the restrooms on the municipal field (on Borough portion, so ROSI not affected) is needed. Tom Swift, a member of the Commission and an architect, prepared a concept plan. Recreation wants to spend funds to have the Borough Engineer prepare a topographical map, preliminary floor plan for the proposed facility, and a site plan for the location. A resolution will be included on the February 24 meeting agenda for approval to proceed.

F. Roosevelt Monument, phase 2 improvements

Borough Administrator questioned if Council wished to continue with this project and suggested that perhaps the monies could be reallocated for other Borough needs. If they did, the grant from the County would have to be returned. Following brief discussion, Council agreed to review this at the time they review capital improvements for 2009.

G. Police Headquarters Expansion/update

Borough Engineer looked at the proposed new footprint, and the expansion is not within 150 feet of the Tenakill Brook. However, he is filing an application with the DEP to get an applicability determination. There are no fees for filing the application for this determination from the DEP. It was reported further we should hear back within a few weeks.

Borough Administrator advised that he will have a financial accounting of this project for the Council's review at the March 3 work session.

H. Municipal Budget update

Borough Administrator will have 2009 proposed budget notebooks to distribute on Tuesday, February 24 following the public meeting.

3. **CORRESPONDENCE**

A. B.C. Improvement Authority Re: Pooled Note Financings/2009

Borough Administrator reported that the Finance Committee is meeting tomorrow and will discuss this offer then. He noted that Tenaflly had no notes outstanding at this time.

B. T. Senter/Eng Hosp Re: Revised Suggested Resolution in support of Englewood Hospital

The Borough Clerk offered to prepare a simple resolution of support for Englewood Hospital and Medical Center and the Council agreed. The resolution will be on the agenda at the February 24 public meeting.

C. Environmental Comm. Re: Huyler Park Landscape Design

It was noted that Paul Keyes will be discussing proposed improvements to Huyler Park at the March 3 work session.

D. Hackensack Riverkeeper Re: Request for Presentation

Borough Clerk will respond and suggest he contact both the Planning Board and the Environmental Commission with his offer of a presentation as those bodies are more effective.

E. BCUA Re: Notice/\$2054.71 Rebate Check

F. B.C. Police Re: Required NIMS training for Elected Officials

Borough Administrator reported this is a state requirement for all elected officials. He has been informed by our Emergency Management Coordinator Anthony Barzelatto that he can provide the requisite training, and he had asked Tony to provide him with some dates that he would be available to schedule this training. He advised the

Council that the training was also available online and he would provide the necessary information to those on Council who expressed interest in taking the course online.

- G. Verizon Re: PEG access training and equipment Program/PEG access channel

Administrator reported he sent a copy of this letter to David DiGregorio at the High School. He suggested the Borough look into this access training and their loaning of equipment. He will attend the training session.

- H. League of Municipalities Re: 1. COAH update
2. Library Funding Flexibility
3. Systemwide Cable Franchises
Public Access Stations update

4. **CLOSED SESSION**

Due to the late hour (after midnight) and the potential for a lengthy Closed Session, the Council agreed to defer the two items to Tuesday, February 24 following the regular public meeting.

5. **RESOLUTIONS for the meeting of February 24, 2009:**

- A. Amend Temporary Budget
- B. Approve Raffle Application #939/St Thomas Armenian Church and #940/Interreligious Fellowship for the Homeless
- C. Authorize Refund/Tree Mitigation Escrow/26 Columbus Dr/\$1200.
- D. Authorize Refund/Tree Mitigation Escrow/245 County Rd/\$5200.
- E. Authorize Refund/Tree Mitigation Escrow/49 Leonard Ave/\$200.
- F. Authorize Refund/Tree Mitigation Escrow/6 Sisson Terrace/\$5320.
- G. Authorize Refund/Tree Mitigation Escrow/66 Sussex Rd/\$200.
- H. Authorize Refund/Tree Mitigation Escrow-Final 20%/18 Kent Rd/\$1650.
- I. Authorize Refund/Building Dept Engineering Escrow/86 George St/\$6500.
- J. Accept 2009 NFL Youth Football Grant Funds/\$2000.

6. **PUBLIC HEARINGS for meeting of February 24: None**

7. **COMMITTEE REPORTS - None**

8. **MINUTES to be approved:** Work Session of February 3, 2009
Closed Session of February 3, 2009
Regular Meeting of February 10, 2009

9. **OLD BUSINESS**

- A. ~~*[from 11-17 COW] Sign Ordinance draft to be revised by Borough Attorney and scheduled for introduction on January 13, 2008 (final review January 6 work session)*~~
- B. ~~*[from 12-2 COW] Proposal to abolish Standing Committees to be placed on January 20 work session for discussion [discussed Jan 6 instead].*~~
- C. ~~*[from 12-2 COW] Resolution renewing Geese Police agreement to be done in January.*~~
- D. ~~*[from 1-6-09 COW] Review of Engle Street bids on February 3 work session-Deferred on Feb. 3 to Feb. 17 work session*~~
- E. ~~*[from 1-13 Public] Policies and Procedures Sub-Committee report due by March 13.*~~

- F. ~~*[from 1-20 COW]* Defined Contribution Retirement Program Ordinance review by Borough Attorney for February 17 work session~~
- G. *[from 1-20 COW]* Proposed Email Policy prepared by Borough Attorney and Administration Committee for March 3 work session
- H. ~~*[from 1-20 COW]* Recognition of Police Department Awards, Oath to new Officer, recognition of TVAC and Fire Department elected officers at February 10 public meeting. *[from 2-3 COW]* Fire Dept recognition to be scheduled~~
- I. *[from 1/29 agenda prep for 2/3 agenda-JD deferred]* Police Headquarters/review Financial Plan and Engineer's site review (1-20 COW)
- J. *[from 2/3 COW]* Building Numbers/Map-Revised Ordinance to be reviewed at March 3 work session.
- K. *[from 2/10 public meeting]* Consideration of Ordinance No. 09-02/Elimination of Standing Committees continued to March 24 public meeting.

10. **FOR THE GOOD OF THE ORDER - None**

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member LaMastra, second by Council member Warms, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 12:10 a.m. on February 18, 2009.

Respectfully submitted,

Nancy Hatten