

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, FEBRUARY 19, 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

Borough Attorney: William R. McClure, Esq.

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. Mark Marzocchi, 293 Riveredge Road, Tenafly. Regarding the bus stop installed in front of his house, he has submitted a petition (item 3C on tonight's agenda) requesting the bus stop be relocated to the near side of Jewett Court.

2. Bernard Ellenson, 57 Oak Avenue, Tenafly. Regarding the consideration of creating a dog park, he requested the Council reconsider its decision not to fund a dog park this year.

3. Ann Ellenson, 57 Oak Avenue, Tenafly. Expressed her opinion that a dog park is necessary and supported her husband's request that Council reconsider funding a dog park this year.

Councilwoman LaMastra pointed out that the new policy was to move up items on the agenda if members of the public had submitted them and were at the meeting to listen to the discussion. Items 3C and 3D were brought forward when it was discovered that in addition to Mr. Marzocchi's presence, a representative of JMP was also attending.

3. C. Ashkinaze, Esq. Re: Petition to change bus stop/Jewett Court
Following brief discussion, the question of whether to re-visit this issue was laid on the table. With a majority consensus taken in favor of reviewing this request again, the Clerk was directed to place this on the March 4th work session agenda and to include in the packet the previous correspondence on this issue.

3. D. Price, Meese, et al. Re: Request/Temporary Signage/JMP Project
A hearing for a waiver of the sign ordinance to permit the fence wrap sign is required. The lack of a marketing plan for the site was brought up as had been requested for some time now. Borough Administrator advised that a meeting had been held with representatives from JMP to work on the marketing plan. Council determined to schedule the hearing on the sign ordinance waiver request for the first public meeting in March (the 11th) to give JMP enough time to submit their marketing plan in order to proceed with the sign hearing.

The meeting returned to the regular order of business

1. **TO BE CONSIDERED**

A. NJ Transit/Request for Bus Shelter on Piermont Road
Council reviewed the brochure; the 9-1/2' x 13' pre-fabs shown are too small for our needs. Borough Administrator will pursue the possibility of a larger structure with New Jersey Transit.

B. Engineering fee proposals to review proposed drainage system improvements
Borough Administrator suggested we fund the study from the operating budget by reducing the Contingency line item from \$10,000 for 2008 to \$5,000. Council agreed to authorize Boswell Engineering to do study for \$5,000; resolution will be prepared for the February 26th public meeting.

C. Report from Borough Attorney on Recreation Commission
A report (attached) was distributed by Borough Attorney McClure. He stated that Mayor Church properly formed the Board of Recreation Commissioners in 1946 and as formed, it is solely a department of the municipality. He commented further that it is not a Recreation Commission and he explained the differences according to the Statute. The Borough Administrator pointed out that the Code should be amended to clarify what they are, what their powers are, that they are authorized to do what specific things, and that they recommend actions to the governing body. Mr. McClure will prepare a draft ordinance for a future work session focusing on a Board of Recreation Commissioners.

D. Geese Control Service/Geese Police proposal
Borough Administrator advised that if this was something the Council wanted to pursue, money had to be allocated for it in this year's budget. The project through Rutgers for the restoration of the pond on Roosevelt Common requires that the geese must be gone before any restoration work can begin. The cost is \$425 a week for approximately 26 weeks, and \$100 per nest. Following discussion, it was decided to approach the Board of Education at the Joint Use Meeting on February 25th about splitting the potential cost as their fields would benefit from this service. The Administrator pointed out that the service is performed only certain times of the year according to the contract; it is not specified how frequently it is done. Administrator will find out what the Geese Police representative recommends and report back to the Council.

- E. Review draft letter from Director of Buildings to East Clinton Ave home owners re: beautification.

Council expressed that the tone of the draft letters submitted by the Director of Public Works, the Mayor and the Director of Buildings were each too harsh and non-responsive to the residents. The areas of concern to be addressed in the letter to residents are the clean up and maintenance of the property located between the fence and the curb, and the issue of the maintenance and installation of fences. The Borough Clerk was asked to draft a letter for the Council to review; the Borough Attorney was asked to draft an ordinance on snow removal.

- F. Review draft letter from Director of Buildings to CBD property owners

The purpose of the letter is to put business owners on notice outlining their responsibilities and deliver it door-to-door to be able to explain it to them; it will be mailed to the property owners. All commercial store owners should have arrange for garbage collection and not use the Borough's street receptacles to dispose of their trash. It was determined the letter should be revised to remove the reference to snow removal before being issued.

- G. Adult Soccer League/Municipal Field use permit request

The item will be scheduled on the February 26th public meeting agenda. It was reported that Recreation is discussing posting signs displaying what is the scheduled and when the field is open. It was suggested that there should be some oversight of the facility when nothing is scheduled to check on the condition, what unscheduled use might be taking place and how it is being used.

2. **ADMINISTRATOR'S REPORT**

- A. Proposed Knickerbocker Road intersection improvements

The proposed improvements to the intersection at West Clinton Avenue and the intersection at Riveredge Road have been made by Bergen County, but they both require obtaining rights-of-way from affected property owners which expense would fall to the Borough. Widening Knickerbocker effectively turns it into a 'highway' which is not the wish of the Council to do to our residential neighborhood. The matter was referred to the Police Commission to review and for their recommendations.

- B. Update of Rutgers shoreline restoration proposal

This item is related to item 1-D above. The project manager for this restoration project at Rutgers has advised the Borough Administrator that she has requested NJDEP fund the whole \$10,000, but it was not known if they will. She pointed out that included with the removal of geese from the pond, the geese eggs must be added as part of the project to ensure better control of the geese.

The Administrator reported he had two additional items:

- C. Elected Officials Seminar scheduled for 2/28 and 3/1

Mr. Di Giacomo asked how many of the governing body planned on attending the course next week. Plans were to be made for all seven to be in attendance.

- D. Joint Use Meeting scheduled for 2/25 at 5 p.m. at the Board of Education

Borough Administrator requested topics for discussion with the Board of Ed. Subjects to include Reverse 9-1-1, Geese Control, student interns, sharing custodial

services when new police HQ is built, cooperative purchase of non-toxic cleaning supplies, the possibility of televising Council meetings. It was decided to explore any goods or services that could be shared with the Board of Ed.

3. **CORRESPONDENCE**

A. Salinas/Cresskill Re: Request to plant trees/Bat Mitzvah project
Borough Clerk will respond that she may plant a tree and she should contact Director of Public Works Bob Beutel for the location.

B. MEL/JIF Re: Wrongful Death legislation/Exempt Title 59 entities
This resolution will be scheduled on the February 26th meeting agenda.

C. Ashkinaze, Esq. Re: Petition to change bus stop/Jewett Court
As discussed earlier this evening, this item will be on the work session agenda of March 4th.

D. Price, Meese, et al. Re: Request/Temporary Signage/JMP Project
As discussed earlier this evening, a public hearing on the request for temporary signage will be scheduled for March 11 pending submission of an affirmative marketing report.

E. Gloss Salon Re: Employee Parking request
Borough Clerk to request lease.

F. Hals/Borough Engr Re: Release Maintenance Bond/Mahan St Subdivision
Okay to schedule resolution. Borough Clerk will coordinate with MLUL Administrator Lorberbaum.

G. B.C. County Exec. Re: Bergen County SwiftReach 9-1-1 system
Borough Administrator will draft a response.

H. BCUA Re: Invitation/Check Presentation
Public Works Director Bob Beutel will attend.

I. Volunteer Ctr of B.C. Re: Celebrate Volunteers Event/Invitation
No response.

J. Borough of River Edge Re: Support request to legislators to freeze Police, School and Legislative salaries for three years
No response

K. Browning House Re: Request for temporary parking arrangement/snow removal from Condo Association property
Agreed to allow temporary snow parking in Lots adjacent to Browning House; placards to be placed in windshields to identify vehicles, no overnight parking permitted.

L. Coppell Drive residents Re: Request for 3-hour parking limit on Coppell Drive
Borough Clerk will advise that Council will not grant the request; it only moves the parking problem to another side street.

M. Cliff Blaker/Knoll Rd Re: Request for repaving of Knoll Road/No. Summit St.

Borough Clerk to advise that both streets were on the original list but were deferred to 2009 due to budget constraints this year. The allegation that PSE&G did not repair the road properly after they opened it for a gas line installation will be referred to the Public Works Director to follow up.

5. **RESOLUTIONS**

- A. Authorize Tenakill Swim Club lease amendment (Borough Attorney)
- B. Approve Renewal of Riverside Cooperative Pricing System/Tenafly as Lead Agency/2008-2010.
- C. Approve Refund/D-J Park Escrow/Cancelled Wedding/\$236
- D. Approve Refund/D-J Garden Room Escrow/Cancelled Wedding/\$200
- E. Establish Recreation Summer Camp/Program Fees
- F. Establish Youth Services Summer Camp/Program Fees
- G. Approve State Contract Purchase/Police Department/Protective Ballistic Entry Shield/\$1,551.14.
- H. Approve Raffle Applications 913, 914 & 915/Ridgefield Memorial High School HSA/April 11, 2008.

6. **ORDINANCES/PUBLIC HEARINGS for February 26, 2008.**

- A. Ordinances: None.
- B. Other: None

7. **COMMITTEE REPORTS**

8. **MINUTES** to be approved at 2/26/08 meeting: Work Session of February 7, 2008
Public Meeting of February 12, 2008

9. **OTHER BUSINESS**

Borough Clerk Hatten reported that the review of the bid spec documents and plans had been reviewed by the subcode officials and all had signed off on them. The Clerk was given the okay to prepare a resolution authorizing receipt of bids since the signoff was required by the Council prior to proceeding to bid, and publish the bid notice. Borough Administrator added that he was going to post information on our website to provide an outline of all the information on the new Police HQ project to showcase the value of the project to the community.

Borough Attorney reported the Tenakill Swim Club lease amendment was not ready yet.

Borough Administrator will ask Peg Mondello, Supt. of Schools Secretary, to find a memorandum of agreement dating back about 50 years addressing the sharing of the cost to repave the parking lot between the Swim Club and the Board of Ed.

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

Reminder: Feb 26 meeting: awards recognition for TVAC

4. **CLOSED SESSION**

At 10:45 p.m., the Borough Attorney read the following resolution:

Motion by Council member LaMastra, second by Council member McDermott, 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:

- A. Legal – to be presented by Borough Administrator
 - 1. Settlement of Sideman v. Borough, et al
- B. Personnel – to be presented by Borough Administrator
 - 1. Administrative Employees bargaining unit settlement proposal/update
 - 2. Request to fill vacant position of custodian
 - 3. Salary considerations for vacant position of Public Works Supervisor
 - 4. Salary considerations for vacant position of Recycling Foreman

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.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Rouse, second by Council member LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:31 p.m.

Respectfully submitted,

Nancy Hatten