

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, MARCH 20, 2007

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, Michael Lattif, Patrick J. Rouse,
Robert Thompson, Jon Warme

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Absent: Council member Nadia LaMastra

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. Ronald Cutro, 47 Jewett Avenue, Tenafly (item 3.C. on agenda) questioned the requirement that he renew his burglar alarm registration fee annually since it is not hooked up to either a central station or the Tenafly Police Department. He was dissatisfied with the answer provided to him in January 2006. The Borough Administrator will discuss the matter with the Chief of Police and a response will be sent to Mr. Cutro.

2. Mary Vagnone, 175 Serpentine Road, Tenafly (item 3.J. on agenda/Burgermaster) and Patricia Rabbato, 4 Huyler Avenue, Tenafly. Present on behalf of their neighbor, Susan Burgermaster and the issue of drainage along Serpentine Road.

1. **TO BE CONSIDERED**

A. Consider Award/Municipal Field Lighting Bid

Borough Engineer made recommendation to award to lowest bidder (see attached); Borough Clerk to schedule bid award for March 27th agenda under New Business.

B. Recommendations from Borough Engineer on various drainage complaints

Borough Engineer submitted recommendations on various drainage complaints (see attached). Borough Clerk was asked to provide the Wandermans (*26 Kenwood Road*) with the Home Improvement Contractor's Registration information on file for the landscaper hired by them.

The drainage issue involving *32 Glenwood Road* is among property owners. It was noted that the trench dug in Glenwood Road was not opened via permit and was executed poorly. Borough Engineer is to get the contractor that performed the street opening to make the required roadway repairs.

Regarding the property at *71 Palmer Avenue*, the installation of an inlet would only benefit this particular property. Borough Administrator will obtain further information from Engineer on the installation of an inlet, cost, etc.

Regarding the properties at *141 and 133 Essex Drive*, the backyards are wetlands. DEP approval would have to be obtained to clean out, but permit fee is \$7000. During 2007 budget deliberations Council decided not to proceed with the permit application as there were no assurances that even with the permit that anything could be done due to the topography of the area and the fact that there are no storm drains installed on Essex Drive. The Administrator will obtain and distribute drainage maps of the area.

Regarding *17 Lancaster Road*, during recent construction, the grading was changed, but it has since been restored to the pre-construction grading.

Regarding *39 Howard Park Drive*, the DPW sewer jetted the drain. The pipe was clear; no damage. Borough Engineer has contacted the homeowner to have the floor drains cleaned; Borough Administrator advised him to send a letter to the homeowner with recommendations, not to just contact homeowner verbally.

C. Approve LOSAP certification by TVAC

This is the first year TVAC is able to participate in this program; it will require the completion initially of very detailed application forms with Lincoln. Councilman Rouse will alert TVAC. Administrator will look into the status of the LOSAP certification from the Fire Department. Resolution will be scheduled on March 27 agenda under New Business.

D. Request by Fire Official to establish a dedicated trust for collecting penalties

Schedule on March 27 agenda under Consent Agenda.

E. Review of Request to Donate Four Seasons Statue/HPC response

Following brief review of court case on this matter by the Borough Attorney regarding ownership of the statue, and the governing body's decision to accept the donation, Borough Administrator will complete the Certificate of Appropriateness application form and if deemed a minor application, the HPC Chairman can approve without it coming before the full Commission. The Administrator will contact the HPC for their April 5th meeting to give the governing body a definite recommendation on the placement of the statue in Davis-Johnson Park.

F. Response to Mayor and Council correspondence – Mr. Lattif

Borough Clerk Hatten explained the acknowledgement of correspondence via either postcard with date of Committee of the Whole meeting where item will be discussed, or by email if contacted via internet, or by letter, depending on nature of correspondence and type of response needed. Borough Clerk to continue to acknowledge correspondence as is current practice.

G. Work Session Meeting minutes – Mr. Lattif

Councilman Lattif requested formal minutes of work session (COW) meetings; Borough Clerk Hatten agreed to provide written minutes and explained the longstanding policy of the governing body that the taping of the meeting was sufficient for the public record, based on opinions offered by previous Borough Attorneys. Minutes will be prepared for acceptance at the public meeting two weeks subsequent to the public meeting for which the work session is held.

H. Track Replacement Final Amount and Selection of Track Bid for Award – Ms. LaMastra

Councilwoman LaMastra is absent. Mayor Rustin reported that the Board of Education found the extra \$50,000 needed to add to the donation of the Borough in the amount of \$100,000 to be able to award the bid for the \$300,000 track. The Borough Administrator will draft a letter to the Board of Education for the Council to review at the next COW meeting with the list of conditions the Council wants to accompany the check to the Board of Education.

I. Commuter Parking Permits/Non-Resident Waiting List

Borough Clerk asked for permission to send applications to the nine non-residents on the waiting list for commuter parking as spaces are available. Several of the residents who were on the waiting list and contacted have still failed to return applications after being given several reminders and extensions of time to respond. Council authorized release of spaces to non-residents wishing to participate and to remove non-responsive residents from consideration.

J. Retail Business Licensing Act

Borough Clerk brought this pending legislation to the attention of the governing body and noted that a copy was sent to the Chamber of Commerce for discussion among its membership. Bill would require licensing of retail businesses by municipality. No action at this time, but will watch for any movement on this bill.

K. Recommendations from Borough Engineer to revise Boro Ord. on Street Opening Permits

The Borough Engineer submitted recommendations to revise Section 20-4 of the Borough Code on Street Opening Permits. Council wants further amendment to reflect that there should be notification to the Engineer from the utility companies even in the event of an emergency. The Borough Administrator will revise the language in the draft after

speaking with the Borough Engineer first; this matter is continued to the next COW on April 5, 2007.

L. Ordinance for Marriage/Civil Union Fees (must adopt by 4-1-07)-LFN 2007-5

Mayor stated he will not be accepting fees for performing either marriage ceremonies or civil unions, nor recommending charities for donations and will not apply for reimbursement of expenses.

M. Permit Applications for municipal field/private groups or organizations

N. Survey of fees for use of municipal facilities

The consensus among Council present was to charge outside for-profit groups a fee to use the Municipal Field, with the funds collected to go to maintain the field. It was then determined that the fee would be \$100 an hour, with a separate permit and fee for use of the McCandless Room of \$100 per event. A \$25 non-refundable fee would be retained in the event a refund was authorized. Grounds to deny a permit would be taken on a case-by-case basis. Authorizing Resolution will be scheduled on March 27 Agenda under New Business.

O. BCIA Solar Power Initiative/memo from Frank Mottola

It was agreed that an energy review of Borough Hall and the Department of Public Works should be done.

P. Review Subdivison Lot Width recommendations from Planning Board/Director of Buildings.

This item was carried over from March 6th work session. Agreed to discuss at the April 5, 2007 work session.

Q. Cross-Acceptance Report/mapping changes

Borough Administrator reported the State sent the report back to us. We will appeal our application to include all waterways; County to handle on our behalf.

R. Establish guidelines for Council participation/responsibilities – Ms. LaMastra

Due to Councilwoman LaMastra's absence, this item is moved to the April 5 meeting agenda.

S. Diesel Multiple Unit on Northern Branch/Environmental Commission Recommendations (Request by County for supporting resolution from 2/20)/ March 14 letter from County Executive/Recommendations from Env. Comm

No response has been received from the Environmental Commission. Councilman Lattif explained that Chairman McDermott reported to him that the Environmental Commission saw the letter as moving a political issue from the governing body to someone else and therefore they took no action. Mr. Lattif reported further that the Passenger Rail Committee is meeting on March 15 and this topic will be discussed at that time. Following

Council discussion, it was determined that a simple resolution endorsing a DMU one-seat ride to Manhattan will be on the March 27 agenda under New Business.

2. **ADMINISTRATOR'S REPORT**

A. Authorization of Capital Ordinances/streets & sidewalks

Borough Administrator advised that Capital Ordinances for both the 2007 Annual Road Repaving and Sidewalk Replacement Program and for the Hickory Ave./Hudson Ave. repaving projects would be introduced at the March 27 meeting.

B. Austral Construction/C.O.#2/Borough Hall restrooms

Borough Administrator advised that Change Order #2 will be on March 27 agenda. Amount of Change Order is \$1,553. Both change orders are within 20% of the bid award amount.

C. Fire Department request to use trade-in allowance funds

The Fire Department has requested the ability to use the trade-in allowance in the amount of \$5200 to use toward the purchase of a head-set system for the new truck; Borough Administrator supports this request and the Council agreed.

D. Final 2006 Appropriation Transfers

Resolution scheduled for March 27 agenda under Consent Agenda.

E. Purchase of Planters for Downtown area

Borough Administrator reviewed memorandum from DPW Director Beutel regarding the purchase of planters for the downtown area. Formal resolution will be on March 27 agenda. Mr. Lattif requested photos of selected planters be attached to the resolution. Mr. Warms reported the Chamber of Commerce is aware of the purchase of the planters, but not of the locations for placement of them.

3. **CORRESPONDENCE**

A. Vantage Health System Re: Invitation/50th Anniversary Celebration

B. H. Kudler/Howard Pk Dr. Re: Follow-up/Ban Commuter Parking on Howard Park Drive

Borough Clerk will respond that Police currently reviewing this request but recommendations are not ready at this time.

C. Cutro/Jewett Ave Re: Complaint/Burglar Alarm Registration Fees

Borough Administrator will check on the particulars of this case with the Police Chief and ask for his recommendations on how to respond to the issues raised by Mr. Cutro. It was agreed that current names and phone numbers should be maintained.

D. Klein/133 Essex Drive Re: Drainage issues

Borough Clerk to contact Borough Engineer to have him review specific questions raised by homeowner and Engineer to respond to each item in the letter. Borough Clerk will write to homeowner and advise that Engineer will be responding to him.

E. League of Municipalities Re: A-3870 Time of Decision; A-3860 Curtailing
Municipal Zoning Authority
Annual Dog License Fee

Advisory from League regarding Annual Dog License Fee will be forwarded from the Borough Clerk to the Board of Health for their review and recommendations.

F. Tenafly Little League Re: Request/Annual Season Opening Parade
Approval to be given at March 27 meeting.

G. Glatzer/Oak Street Re: Drainage issues

Borough Clerk will advise homeowner that a drainage study report was commissioned by the Borough Council in Ordinance No. 07-01. When the report has been submitted, it will be distributed to him, Mr. Ratty and Mr. Liebowitz.

H. Miller/Oak Street Re: Thank you to DPW/2-14-07 drainage issue

I. NJ COAH Re: Guidelines for Municipalities Regarding
Appellate Div. Decision on COAH Third
Round Rules

Borough Administrator was asked by Planning Board Secretary as to the status of the Growth Share Ordinance. No action will be taken to consider this matter because the Third Round Rules are still unresolved.

J. Burgermaster/Serpentine Re: Driveway/Drainage issues

Borough Engineer to review the issues raised in letter from homeowner. Borough Clerk to advise, and to respond that Borough Administrator is contacting the Department of Public Works to investigate their non-responsiveness to her letters. Clerk to include recommendation that contact should be made directly to the Mayor and Council, either through the website or by letter.

K. Edwards & Caldwell Re: DKD Tenafly/32 Washington Street/Signage
Permission to Michael Barnes, Esq.

Borough Clerk will respond to letter and advise that the issue is between the landlord and tenant, and that the Borough has the right to hear the appeal of a denial of a sign by the Construction Official.

L. Price, Meese, et al Re: JMP Tenafly, LLC/request for changing in
Zoning to permit medical offices.

Borough Clerk will respond with invitation to attend the Thursday, April 5, 2007 work session.

M. BCUA Re: 2007 Municipal Recycling Assistance
Program grant check/\$8,028.92

4. **CLOSED SESSION**

At 11:40 p.m., the Borough Attorney read the following resolution:

Motion by Council member Rouse, second by Council member Thompson, 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: Former Code Enforcement Officer/update (to be presented by Borough Administrator)

(other personnel item listed on Agenda is deferred to April 5th meeting)

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.

5. **RESOLUTIONS** (see attached 3/20/07 Agenda)

6. **ORDINANCES** (see attached 3/20/07 Agenda)

7. **COMMITTEE REPORTS** – none at this time.

8. **MINUTES** of March 13, 2007 will be included in March 23 meeting packet.

9. **OTHER BUSINESS**

Councilwoman Hoernlein asked about the status of the Code Enforcement Official applicant and whether he might start earlier due to the resignation of the Construction Official to provide some overlap time. Borough Administrator advised that Ordinance No. 07-05 will make the position full time formally and he will have Director of Buildings Frank Mottola contact the applicant to see if he can start as soon as possible.

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 Rouse, second by Council member Warms, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:55 p.m.

Respectfully submitted,

Nancy Hatten