

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, APRIL 7, 2009

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. David Hughes, 78 Westervelt Avenue referred to item 1B on the agenda, and remarked that he was present to answer any questions the governing body may have on the seasonal market he was proposing.

2. Marge Parlamis, 128 Downey Drive, representing AXIA Taverna, referred to item 3J on the agenda and the restaurant's request to encroach in the Borough right-of-way for the installation of a flagpole.

8:15 P.M. Mario Turchi/Historic Preservation Commission/historic district signage presentation

Mr. Turchi, together with Commission member Don Merino, presented the signage proposed by Lance Wyman of Lance Wyman, Ltd. of New York City for the designation of officially designated historic properties and districts within the Borough of Tenafly.

Because there were members of the audience present who had items on the agenda, the Council agreed to address them out of order:

1.B. Groundworks LLC/Request to hold Farmers' Market on Sundays from May-November in Elks' Parking Lot

Council determined that feedback was needed from the Chamber of Commerce and the Business Development Committee about the potential impact of this type of business. Mr. Hughes agreed to present his concept at the Chamber meeting on April 15. This item will be considered again at the April 23 work session.

3-J Axia Taverna Re: Request to erect flagpole in right-of-way

Council scheduled the public hearing on this request for the April 14 public meeting.

1. **TO BE CONSIDERED**

A. Review Developer's Agreement/115 County Road Realty, LLC/JP Morgan Chase

Council expressed concern about a few items that some members felt needed to be addressed in the developer's agreement, including projected traffic impact resulting from the change in use for the property and remediation required of the developer in that event; soil erosion control methods, language referencing both the 'as-built' drawings and the pre-construction meeting. The Borough Attorney will contact the Planning Board Attorney who drafted the Agreement based on the Planning Board's resolution of approval, to discuss the concerns of the Council.

B. Groundworks LLC/Request to hold Farmers' Market on Sundays from May-November in Elks' Parking Lot [Mayor Rustin]

Discussed earlier this evening.

As the Borough Labor Counsel Robert Silber was present to discuss the status of the PBA mediation/arbitration with the governing body, the Council suspended the regular order of business to go into Closed Session.

CLOSED SESSION

At 9:05 p.m., the Borough Attorney read the following resolution:

Motion by Council member Councilman 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:

- A. Legal
 - 1. Hudson Avenue land acquisition – Borough Attorney
 - 2. State v. Terranova
- B. Personnel
 - 1. PBA Mediation/Arbitration – Mr. Di Giacomo

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 9:50 p.m., the Council resumed the regular order of business.

- C. B.C. Community Development Grant Agreement/Davis Johnson Park Improvements
A resolution accepting the grant agreement and authorizing signatures will be on the April 14 public meeting agenda.
- D. Request from DPW Director and NJ Shade Tree Foundation to support S2503 and A2872
Council agreed to support legislation.
- E. Approve Use of Sunnyside Field/Elizabeth Morrow School/March through May
A resolution approving use will be on the April 14 public meeting agenda.
- F. Discuss Ordinance No. 09-02/Eliminate Standing Committees [from 3/24 public mtg.]
Discussion focused on what system would be substituted for the Standing Committees if they were eliminated. The Administrator agreed to look at how he would structure operations in the absence of Standing Committees and make his recommendations at the May 5 work session. It was agreed that at the April 14 public meeting, Councilman Rouse will move to have action on this Ordinance postponed to May 12.
- G. Email policy [deferred from 3/3 and 3/17 COWs-Borough Attorney]
Proposed policy will be discussed at the April 23 work session.
- H. Rules of Policy and Procedure [deferred from 3/17 COW-Rouse]
Discussion will be at the April 23 meeting.
- I. Authorize barrier-free curb ramps on County roads (Mr. Di Giacomo)
A resolution will be on the April 14 public meeting agenda.
- J. Consider FAR and other land development proposals (Mr. Di Giacomo)
Mayor Rustin appointed an ad hoc committee of the Borough Administrator, Councilwoman Hoernlein, Councilman Warms and Councilman McDermott to draft ordinances addressing some of the land development issues and submit them to the Planning Board for its review.
- K. Downey Drive sidewalks at Smith School/cost estimate
Borough Administrator will request a plan from the Borough Engineer. He suggested that this project be included when we amend the resurfacing Ordinance for introduction at the April 28 public meeting.

2. **ADMINISTRATOR'S REPORT**

- A. Riverside Cooperative/add Palisades Interstate Park Commission to membership
A resolution will be on the April 14 public meeting agenda. Upon passage, it will be submitted to the Department of Community Affairs for approval.

B. Land acquisition financing plan/set date for public hearing

The date for the public hearing was set for May 12. The Ordinance authorizing the acquisition could be introduced on April 28 if the contract is executed by then, and the hearing on the Ordinance also set for May 12.

3. **CORRESPONDENCE**

A. NJ DOT Re: Invitation to Apply/Municipal Aid, Bikeway, Centers of Place, Transit Village and Safe Streets to Transit Programs

B. COAH Re: Acknowledgement of Tenafly's filing of the Housing Element and Fair Share Plan on December 30, 2008 and notice of additional information required.

C. NJ DEP Re: Conditional No Further Action Letter/limited restricted use for one former 8,000 gallon gasoline tank located at Municipal Center

The Borough Attorney is to review and prepare a resolution for April 28 meeting authorizing the Borough Administrator to sign documents with Converse Consultants, the firm that the Borough retained on the underground storage tank project. A concern was what other actions the Borough may have to take. The Borough Administrator will contact Converse and discuss with them.

D. Various Residents (3) Re: Opposition to Light Rail returning to Tenafly

E. Tenafly Education Re: Request/Temporary Signage & Banner/5K
Borough Clerk reported this had been forwarded to the Construction Official as required in Borough Ordinance No. 09-01.

F. Manuelian Re: Request/Recycling Center Decal
Council authorized a temporary letter only. Borough Clerk will notify.

G. DeFabiis/Hale Re: Response to Manuelian Letter

H. Tenafly Chamber Re: Request/Street Festivals
The request for Street Festivals will be on the April 14 agenda for the Council to approve. The request for temporary signage has been forwarded to the Construction Official for his review.

I. St. John the Theologian Re: Request/Temporary Signage
Forwarded to the Construction Official for his review.

J. Axia Taverna Re: Request to erect flagpole in right-of-way
Discussed earlier this evening.

4. Closed Session – earlier this evening.

5. **RESOLUTIONS for the meeting of April 14, 2009**

- A. Approve April Expenditures
- B. Approve Raffle Applications: RA 945 for Jenna's Rainbow,
- C. Approve Outdoor Seating permits: Green Door Café, Brasserie, Hamsa
- D. Approve Refund of Escrow/Tree Mitigation/One Dogwood Lane
- E. Authorize application for seat belt enforcement campaign (Click It or Ticket)
- F. Authorize purchase of James Blauvelt Demott memorial plaque/\$1475.
- G. Approve Tax Sale List
- H. Authorize refund/Planning Board Escrow/PB#1-05-09/Spring School
- I. Authorize refund/Planning Board Escrow/PB#1-05-17 and #1-07-01/Anais/10 Jay Street
- J. Authorize refund/Planning Board Escrow/PB#1-05-25 and #1-09-04/Ari Realty/11 Hillside Avenue
- K. Approve Refund of Escrow/Tree Mitigation/32 Norman Place/\$1,280.00
- L. Approve submission of Y2008 Recycling Tonnage Grant Program Report

6. **PUBLIC HEARINGS for meeting of April 14, 2009**

- A. Ordinances:
 - 1. Ordinance No. 09-06/Amend Land Development Regulations in Borough Code/amend 'Technical Review Escrow Deposits'
- B. Other:
 - 1. Sign Appeal: bgranola/15 West RR Avenue *[new Sign ordinance requires Council to hear appeal within 30 days of submission of appeal]*

The Borough Attorney noted that he will recuse himself as he represents the owners of the building.

Mayor Rustin reported that the Sign Committee (Councilwoman LaMastra, Councilman Rouse and Mayor Rustin) met with the Construction Official, Director of Buildings and the Code Enforcement Officer to discuss revisions and amendments needed to the newly adopted Sign Ordinance No. 09-01. They are discussing the possible formation of a formal Sign Committee to hear appeals of applicants denied their requests instead of appealing directly to the governing body.

7. **COMMITTEE REPORTS – None**

8. **MINUTES to be approved:**
- Work Session of March 17, 2009
 - Closed Sessions of March 17, 2009
 - Public Meeting of March 24, 2009
 - Closed Session of March 24, 2009
 - Budget Meeting of March 26, 2009
 - Closed Session of March 26, 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. See item L below~~
- 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; deferred to 3/17; deferred to 4/7 by Borough Attorney.
- 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, where it was deferred to the April 7 work session.
- L. [from 2/17 meeting] Sub-Committee on Protocol and Procedures Review will report at March 17; deferred to April 7 meeting.

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

- A. Reminder: Next work session is Thursday, April 23 due to school election on April 21.
- B. Proclamation/Arbor Day

Councilman McDermott reported the next Greening Forum may be at the High School Media Room so it can be recorded. No date for this is set yet; it will be either the June 12 Forum or the one in October. He advised that payment for tickets online through the Nature Center Pay Pal account for the Earth Day film festival is being looked at. The Administrator advised that the Chief Financial Officer will review this for the State regulations that govern such transactions.

Mayor Rustin advised he had received an invitation from the Superintendent of Schools to meet to discuss the School Budget proposed for the 2009-10 school year. Council is also invited. The meeting is on April 15 at 10 a.m.

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 11:00 p.m.

Respectfully submitted,

Nancy Hatten