

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

THURSDAY, APRIL 19, 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, Nadia LaMastra, Patrick J. Rouse,  
Robert Thompson, Jon Warme

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Borough Engineer: David Hals, P.E. (for Agenda item 1-A)

Absent: Councilman Michael Lattif (vacation)

Prior to taking Public Comments, Mayor Rustin introduced Police Chief Michael Bruno who was present to give a briefing to the governing body on the bomb threat at the high school today and the subsequent actions taken by the school administration, in light of this weeks tragedy at Virginia Tech and tomorrow's anniversary of the Columbine shootings.

Chief Bruno explained that a Vice Principal from the High School reported suspicious graffiti which contained a specific date. The students were evacuated and the Police Department conducted a thorough investigation of the school. The Police met with the Administrative Staff of the Board of Education who determined to close school for the afternoon and to close the school district tomorrow as well as April 20 is the anniversary of the Columbine shootings. School is closed all of next week for Spring Break.

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. Lynn Cheson, 302 W. Clinton Ave., Tenafly, 2006 Chair of Tenafly Presents: Committee, offered the explanation that the Tenafly Fine Arts Council is an autonomous group of artists that works with Tenafly Presents, the ad hoc Borough Committee. Lynn is

the grant coordinator for the Bergen County mentoring program that matches experienced artists with students. In October 2006, Council granted approval for some public projects to be displayed in public spaces downtown as part of this mentoring program. She is questioning why the two projects were rejected at the April 5, 2007 work session.

Council agreed to revisit the issue and asked the Clerk to place it on the work session agenda for May 1, 2007.

2. Peter Flaum, 119 Engle St., Tenafly, member of the Fine Arts Council, explained his show, "Two kids and an old goat" is on display at the art gallery upstairs over Sanmaroo Restaurant and was a result of this mentoring program. He said he was present to ask for the Council's cooperation, not their permission, for these works to be displayed downtown.

1. **TO BE CONSIDERED**

A. 33 Stony Brook Road drainage issues/Borough Engineer to be present

David Hals, Borough Engineer, was present to discuss the construction at 37 Stony Brook Road that has impacted the Lubins home at 33 Stony Brook Road. Mr. Mel Lubins was also present and alleged that Borough and County ordinances and State regulations had been violated. Mayor Rustin asked Mr. Lubins to submit a list of the specific ordinances and regulations that had been violated, in writing to the governing body. Mr. Lubins suggested that the Borough require the property owner at 37 Stony Brook Road to lay in a retention system because the water can not drain fast enough and overflows onto his property. Mr. Hals pointed out that there is case law against directing water flow onto another property. The issue of the retaining wall that was constructed at 37 Stony Brook vs. the plans submitted for the retaining wall was discussed at length. Mr. Hals referred to his letter to the property owners at 37 Stony Brook on the options available to them to correct the drainage problems affecting 33 Stony Brook (copy attached). Borough Engineer was directed to contact the property owners at 37 Stony Brook again to give them the following options: Take down the retaining wall or submit a plan that you will build the wall as submitted and approved originally, or apply to the Board of Adjustment for a variance within ten days of the date of the letter or a Stop Work Order will be issued.

B. Request for bus stop on Tenafly Road northbound at Windsor Road

The Borough Administrator will ask the Police Department to provide a report on this request.

C. Consider Appointment of Alice Rigney as Borough Historian

Appointment will be made at start of April 24, 2007 public meeting.

D. Police Chief's report on residents' request to ban commuter parking on Howard Park Dr.

Based on results of observations by the Traffic Bureau, there was no supporting evidence that commuter parking was an issue on Howard Park Drive. The Clerk was authorized to forward a copy of the report to Mr. Kudler who wrote on behalf of the residents.

E. DeFeo BMW Developer's Agreement

Following a brief discussion, Borough Attorney agreed to contact Planning Board Attorney about modifications to the language in some sections of the standard Developer's Agreement form to address the issues of timely replenishment of depleted escrows and when default can be declared on a project. The outcome of his contact with the Planning Board attorney will be scheduled on the next work session on May 1, 2007.

F. Soil Moving Ordinance (see 1997 memo attached); discuss concept of Ordinance to limit size of construction vehicles on site and Ordinance to address impervious surfaces (from 4/10 meeting)

Council reviewed Borough Administrator's memorandum of 1997. Administrator will set up meeting with Councilwoman Hoernlein, Borough Engineer and Director of Buildings Mottola to prepare Ordinance proposal on Soil Moving for further consideration by the Council. Also to be discussed this meeting will be limiting the size of construction vehicles on sites (soil impaction) and impervious surfaces.

G. Proposed amendment to Commuter Parking Ordinance/fee for replacement hang tags, etc.

Prepare for introduction at May 8 meeting.

H. Post Office Request regarding drive up mailboxes in parking lot

To effectuate a move of the mailboxes currently located in the parking lot adjacent to the Post Office (south side), a letter signed by both the Mayor and Police Chief and submitted to the postmaster will suffice. Mailboxes will be moved back to the semicircle driveway on Tenaflly Road opposite the post office to ease the safety concerns observed at the current location.

I. Tenakill Brook article in Record on water quality

Mayor Rustin reported that a major cause of pollution are the Canadian Geese at Roosevelt Common pond; he explained that in Demarest, use of professionally trained dogs have proven to be an effective method of control.

J. Tenaflly-Alpine School Community Alliance committee -Mr. Lattif/Ms. LaMastra

Councilwoman LaMastra reported that the first meeting was held on April 11, 2007 and several members of the Council attended: Hoernlein, Lattif, Rustin, Warms and she was there as a representative of the HSA. School and community involvement is encouraged as awareness is a first step in understanding the substance abuse problem.

K. Proposed dates/Joint-Use Committee meeting: 4 p.m. on 4/23 or 4/25 or 4/26

Council agreed Monday, April 23<sup>rd</sup> would be the best date as the special bill list item of the \$100,000 contribution to the track is scheduled for the regular meeting on

April 24. Borough Administrator will confirm with Business Administrator Wayne Demikoff. It was agreed that if Councilwoman LaMastra was unable to attend the meeting, Council President Rouse would in her place.

L. Performance Review Committee update – Ms. LaMastra

Meeting was scheduled for last Monday but was cancelled due to the huge storm and subsequent flooding. Meeting has not yet been re-scheduled.

M. Review May 1<sup>st</sup> Newsletter

Council was asked to review the newsletter and provide the Borough Clerk with their comments. Borough Administrator pointed out that the July fireworks are being moved to behind the High School this year because of the construction at the Middle School and this change needs to be publicized and included in this issue of the newsletter.

2. **ADMINISTRATOR'S REPORT**

A. Special Improvement District Challenge Grant

Borough Administrator reminded the Council that money had been budgeted this year for the Business Development Committee to hire a consultant to explore the possibility of creating a Special Improvement District (SID) in downtown Tenafly. He has prepared a draft Request for Proposal to be sent out to interested parties. The Department of Community Affairs has a Challenge grant now available and he is requesting permission from the Council to work with the Business Development Committee on the grant application. Approval was given to pursue the grant.

B. Summer concerts in Huyler Park/Independence Day

Borough Administrator reported the preparations are nearing finalization and a resolution of award should be scheduled for the May 8, 2007 public meeting. Arrangements are being made to rent the Bergen County portable stage for the July 1<sup>st</sup> concert prior to the fireworks display. He noted that a portable stage will be required for the big band-type concerts at Huyler Park and he is waiting for a response to his inquiries on availability. The Administrator has written to the Tenafly Elks to request the use of the Elks hall at 20 Franklin Street for the concerts in case of rain. He reported that he had spoken with Assistant Recreation Director Tim Roetman about possible vendors for food for the evening program on July 1<sup>st</sup> and Tim was contacting the various non-profit organizations in town. To date, \$6750 had been raised for the event.

Mayor Rustin proposed an alternative to the usual Memorial Day keynote speaker at Huyler Park. He learned of a music revue, "Red, White and Blue", who perform in the style of the Andrews Sisters and that they are available on Memorial Day. The cost is \$1000 and he has started raising funds for it. He asked the Council to check the website, [www.redwhiteandbluemusic.org](http://www.redwhiteandbluemusic.org) for a preview and to get back to him on whether to pursue this further. He also advised that three wireless microphones would be needed.

The Borough Administrator had an additional item not listed on the agenda.

C. Two permit applications for use of the Municipal Field

Borough Administrator presented two applications for permission to use the Municipal Field for their programs: Tenafly Adult Soccer and the Red Bulls Soccer Camp. He pointed out that the Red Bulls Soccer Camp is a for-profit group that appeared to be trying to avoid paying the fee for the use of the field by getting the Tenafly Junior Soccer League to 'sponsor' them. The Council determined to approve the Adult Soccer League application at the April 24<sup>th</sup> meeting, but required more information about the Red Bulls Soccer Camp before taking any action.

3. **CORRESPONDENCE**

A. Tenafly Garden Club Re: Request/Temporary Signage/Mother's Day banner at Davis-Johnson Park

This item will be listed on April 24<sup>th</sup> agenda for formal approval.

B. BCUA Re: Cessation of Tire Recycling Services through BCUA Tire Recycling Program

C. Verizon Wireless Re: Notice of Bd of Adj. Hearing for variance to place monopole on private property

D. Lubavitch on Palisades Re: Request for variance re setback allowance

The question arose if this was a Board of Adjustment matter; the letter was not clear. Borough Clerk will check with the Zoning Officer and then write to Rabbi Shain. If it is a Council matter, a public hearing will have to be scheduled and clearer drawings submitted.

E. Arbor Day Foundation Re: Tenafly is 2006 Tree City USA

F. Meadowlands Conservation Trt Re: Renewing Garden State Preservation Trust Fund

A resolution supporting renewal will be listed on the April 24 Consent Agenda.

G. NJ Highlands Council Re: Grant Opportunity/Highlands Water Protection and Planning Council

H. TSS Wireless Svcs. Re: Verizon Wireless Telecommunications Facility in Borough Hall

Borough Clerk will respond that there is no interest at this time.

I. B.C. Dept. of Planning Re: 1. Cross-Acceptance III Hearing 5-8-07  
2. Municipal Interest in Transfer of Development Rights (TDR) Program

J. Bold & Blady/Middle School Re: Request to place birdhouses in Peace Plaza and Roosevelt Common

Council did not agree to sites suggested but offered to permit the display on the East Plaza walkway (Borough Hall/Library and footbridge area) and to suggest they contact the Nature Center for permission to install the birdhouses there.

- K. Scleroderma Foundation Re: Request by resident Donna Sack for Proclamation for June  
Proclamation will be scheduled for April 24 meeting
- L. Pada/Lylewood Drive Re: Block Party Request for 4-28-07  
Schedule approval for April 24 meeting.
- M. D. McNerney, B.C. Exec. Re: National County Government Week
- N. Park Street Residents Re: Supports restrictions on building
- O. L. Moritt/32 Knoll Rd Re: Request for solid curbing  
Borough Administrator reminded the Council that new curbing is installed when road reconstruction projects are done. He will visit the site and speak with DPW Director Beutel on possible solutions.
- P. R. Stern/Serpentine Rd Re: Drainage on Woodland Park Drive  
Council would like a report from Director of Buildings Mottola; Borough Administrator will advise him to prepare it.
- Q. District 37 Delegation Re: NJ MVC New Inspection Policies
- R. Grace Chapel Re: Request for Temporary Display for  
Vacation Bible School Program  
Borough Clerk to contact Grace Chapel to find out what this year's theme of their program/sign will be before granting approval.
- S. TEF Re: Temporary Signage Requests for  
June 3<sup>rd</sup> Streets of Tenafly Run  
Mr. Aronson appeared following public comments portion of the evening and was advised that no signs are permitted in Huyler Park and no lawn signs are permitted. Borough Clerk will schedule approval of remainder of signage request on the April 24 public meeting agenda.
- T. W. Wu/Elm Street Re: Complaint/Poor Road Surface  
Borough Clerk will advise Mr. Wu that due to limited resources this year, the road is not on the list for repaving this year and will be considered during budget discussions in 2008.
- U. League of Municipalities Re: Appeal of COAH Court Ruling
- V. St. Thomas Armenian Ch. Re: Request for Temporary Signage for  
Annual Food Festival and Picnic  
Approval will be scheduled on April 24 public meeting agenda.

W. M. Sherman/Supt of Schools Re: Council procedures

Borough Clerk is directed to write to Dr. Sherman that Council permission is not required if he needs to speak to an employee of the Borough; it is only when there is a request for participation by an employee on a committee that contact to the governing body through the Borough Clerk is required and that the employee not be contacted directly. In addition, he is to be advised that in response to his request for a contact person for Council participation on the Substance Abuse Alliance, it was agreed that Councilwoman Nadia LaMastra would be that contact.

4. **CLOSED SESSION**

At 10:45 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 Administrative Assistant for Fire Services
2. 2007 Salary Upgrade revised recommendation

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**

- A. Introduction of Capital Ordinance/Multi-Purpose.
- B. Authorize Grant Application/Municipal Alliance Funds/Project Graduation Program
- C. Approve Ice Cream Peddler's License/Corbo
- D. Approve Escrow Refund/PB#1-06-14/Site Plan Waiver/33 Riveredge Road

In addition to those listed above, the Borough Administrator advised that there will be a Special Bill List resolution on the \$100,000 contribution to the Board of Education for the track replacement. This will follow the Joint Use Committee meeting at which the Council will discuss the conditions it wants agreement on from the Board.

6. **ORDINANCES**

**PUBLIC HEARINGS for the meeting of April 24, 2007:**

- A. Ordinances: None.
- B. Other:  
2007 Local Municipal Budget/Self-Examination

7. **COMMITTEE REPORTS – none.**

8. **MINUTES** of work session of April 5 and public meeting of April 10 will be listed for approval on the April 24 public meeting agenda.

9. **OTHER BUSINESS**

Borough Administrator advised that the contract for the municipal field lighting had been sent to the vendor but a signed contract has not yet been returned. The Borough Engineer has staked out the sites for the installation of the poles.

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

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Rouse, second by Council member Thompson, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:12 p.m.

Respectfully submitted,

Nancy Hatten