

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

THURSDAY, APRIL 23, 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. Michelle Grossman, 71 Downey Drive, Tenafly, thanked the Council for planning the installation of sidewalk on Downey Drive, and in light of the defeat of the 2009-10 school budget last Tuesday, requested the Council not make deep or radical cuts.

2. Alexandra Spyridaki, 35 DePeyster Avenue, Tenafly, newly elected to the School Board, stressed that we are all one community, and not to make radical cuts in the budget.

3. Richard Press, 116 West Clinton Avenue, Tenafly, member of the Board of Education, spoke in support of the School Budget as presented.

4. Mark Aronson, 220 Buckingham Road, Tenafly, member of the Board of Education, spoke in support of the School Budget as presented.

5. Phyllis Perskie-Kesslen, 16 Stonehurst Drive, Tenafly, member of the Board of Education, spoke in support of the School Budget as presented.

6. John Nolan, 193 Riveredge Road, Tenafly, supported budget cuts in the School Budget and supported no tax increase in the municipal budget.

7. Mark Feldman, 133 Lylewood Drive, Tenafly, asked the Council to be responsible to all members of the public, and supported no tax increase in the municipal budget so that moderate cuts could be made in the School Budget.

8. Donald Kaplan, 145 Stonehurst Drive, Tenafly, President of the Board of Education, spoke in support of the School Budget as presented.

1. **TO BE CONSIDERED**

A. Groundworks LLC/Request to hold Farmers' Market on Sundays from May-November in Elks' Parking Lot [from 4/7 mtg]

Councilwoman LaMastra reported that promoter David Hughes made a presentation to the Chamber of Commerce. Two issues emerged: there are 18 homes on Franklin Street that will be affected by the noise and increased traffic, and the hours the market will be in operation conflict with church services at two houses of worship. Borough Administrator will speak with the clergy at each of the churches before Tuesday's public meeting. Resolution of approval will be prepared for the public meeting on April 28, granting permission for the hours of 9 a.m. to 2 p.m. on Sundays between May 15 and November 15 in the Elks parking lot, no music, and program to be reviewed in July.

B. Draft Ordinance Provisions/Recreation Board

Following discussion, Borough Administrator will speak with both the Director of Youth Services and the Director of Recreation. The issues of co-sponsorship, the code of conduct, parent orientation, and a penalty schedule for infractions of the code of conduct have to be finalized. The code of conduct should be approved by the governing body via resolution. This will return to the governing body when outstanding issues resolved.

C. COAH/review Draft Spending Plan/comments by April 24, 2009

No action required by governing body at this time. The draft spending plan will be submitted to COAH by the Planning Board. Once COAH accepts the plan, the Council will have to adopt an ordinance to implement it. Borough Administrator stated that the spending plan should include a reference to the money paid by JMP for garbage collection that is required in the settlement agreement with JMP. The money is deposited in the COAH trust fund; this information will be shown on the annual monitoring reports the Borough is required to file with COAH.

D. Email policy

Councilman McDermott said this is a great policy. Borough Administrator suggested that it does not include a provision for how the various Boards, Commissions and Committees handle email among their memberships. A overriding concern is the content of emails may veer toward violations of the Open Public Meetings Act and the avoidance of that must be addressed in an Email policy. He suggested that any email among members should be cc'd to the corresponding Secretary of each Board, Commission and Committee for archiving purposes, to comply with the Open Public Records Act.

There should also be provision for the proper method and process for the disposal of email records, in accordance with state regulations promulgated by the Bureau of Archives and Records Management.

The Borough Attorney will revise draft policy and will look at the exclusions from disclosure in the Open Public Records Act to draft language addressing them from inclusion in emails. Once the policy is finalized and adopted formally by the governing body, all boards, commissions and committees will be required to sign off on acknowledging the policy.

E. Rules of protocol

Council was asked to review the draft new rules and email questions and comments to the Borough Clerk for the next work session.

F. Approve use of field/Tenafly Adult Soccer League

Resolution of approval will be on April 28 agenda.

G. B.C. Natural Hazard Mitigation Plan/eligibility for FEMA funds

Resolution of approval will be on April 28 agenda.

As it was 10 p.m., the Council took a two-minute break.

H. Defeated School Budget/Council Responsibilities

Following discussion, it was agreed that several special meetings would have to be held to meet the mandated deadline of May 19. A plan of approach should be developed, including questions of the Board of Education to help understand their budget and narrow down where cuts could be made. A sub committee of the Mayor, and Finance Committee members LaMastra and Rouse was formed. Following discussion, it was agreed to hold meetings on the following dates: April 30 at 8 p.m., May 5 at 7 p.m. (Council work session is cancelled), May 8 at 7:30 p.m., May 14 at 7:30 p.m. and May 18 at 8 p.m. Meetings will be held in the Committee Room where work space is available, with the exception of the May 18 meeting which will be held in the Council Chambers. The Clerk will notice these meetings. Public Comment will be taken during the first 15 minutes of the meetings.

2. **ADMINISTRATOR'S REPORT**

The Borough Administrator suggested postponing his Administrator's Report to the next Council work session on May 19; Council proceeded to address item 2-C:

A. Police headquarters expansion – moved to May 19 agenda.

B. Park improvements/financing – moved to May 19 agenda.

C. Fireworks/concerts fund raising/report

Administrator reported a letter of solicitation was sent to businesses last week. There is \$4,000 left from solicitations that came in last year. It was agreed not to have a concert on July 3 due to the expense now that the venue is behind the high school and the County showmobile is involved. It was agreed to use the leftover funds to book the retro band Reminisce in Huyler Park over the summer, and perhaps one or two other groups. If money comes in this year, it may be possible to put on a concert in Davis-Johnson Park as well.

D. BCUA sewage pump station and property – moved to May 19 agenda.

4. **CLOSED SESSION**

Due to the hour, Council moved up Closed Session before Correspondence.

At 11:15 p.m., the Borough Attorney read the following resolution:

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

Legal

1. Hudson Avenue Land Acquisition – *Borough Attorney*
2. Closed Session Minutes of March 17 – *Councilwoman Hoernlein*

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 11:35 p.m., the work session resumed.

3. **CORRESPONDENCE**

- A. C. Benjamin/Leonard Ave. Re: Request for Block Party
Approval will be listed on the April 28 agenda.

- B. NJDOT Re: Applications available/ARRA program

- C. B.C. Div. of Taxation Re: Revaluation extended to 10/1/2010

- D. Borough of Fair Lawn Re: Economic Resource Symposium

- E. Clinton Inn Re: Request/Wine Event in Parking Lot

Borough Clerk reported she has contacted the Clinton Inn for more information on their proposal but has no response other than to learn the requester is no longer employed by the Inn and there was some confusion on whether they were pursuing the event.

- F. St. Thomas Armenian Church Re: Appeal/Construction Official decision on request for temporary signs

Hearing date will be set for May 12 as new Sign Ordinance requires hearing within 30 days of receipt of appeal.

- G. Gus Allen/Planning Board Re: Light Rail/Planning Board participation

5. **RESOLUTIONS for the meeting of April 28, 2009:**

- A. Introduce Capital Ordinance/Amend Capital Ordinance No.08-11/Resurfacing of Borough Streets and Sidewalk Repair/Include Downey Drive Sidewalk installation.
- B. Authorize Borough Administrator/Underground Storage Tanks Project/DEP [WRM-from 4/7 Correspondence]
- C. Authorize Refund of Escrow Deposit/Board of Adjustment/188 Knickerbocker
- D. Authorize Refund/Building Dept. Fence Permit Fee/Englewood jurisdiction
- E. Amend Resolution #R09-108/Recycling Tax paid in 2008/\$11,867.94
- F. Approve Contract for Acquisition of Portion of Land at 425 Hudson Avenue
- G. Introduce Ordinance authorizing Acquisition of Land?
- H. Approve Outdoor Seating/Café Angélique

Councilwoman LaMastra reported that the west side location has placed tables too close to the edge of the platform. Code Enforcement Officer will be informed to check on compliance with the drawing provided as part of the application for the outdoor seating license.

- I. Award Bid/Fire Department vehicle *and DPW vehicle*

6. **PUBLIC HEARINGS for meeting of April 28, 2009**

- A. Ordinances: Ordinance No. 09-07/Establish CAP Bank

7. **COMMITTEE REPORTS**

8. **MINUTES to be approved:**
- Closed Session of March 17, 2009 (7-7:30)
 - Public Meeting of March 24, 2009
 - Budget Meeting of March 26, 2009
 - Work Session of April 7, 2009
 - Closed Session of April 7, 2009
 - Public Meeting of April 10, 2009
 - Closed Session of April 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. 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; deferred to April 23.
- 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; deferred to April 23.
- M. *[from 4/7 COW]* Borough Administrator will have recommendations for structuring operations in lieu of Standing Committees May 5 work session.

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 LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:40 p.m.

Respectfully submitted,

Nancy Hatten