

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, MAY 19, 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: Nadia LaMastra, Michael Lattif, Joseph McDermott,
and Patrick J. Rouse

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Absent: Council members Carol Hoernlein (illness) and Jon Warms (illness)

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. Bill Saunders, formerly of 20 Wight Place Tenafly, recently moved to Cresskill, described an incident that occurred last year involving him, the badge he was issued while serving on the Council as a Police Commissioner, a Tenafly Police Officer and the Chief of Police. He wants his badge returned to him.

2. Gloria Layne, 64 North Lyle Avenue, Tenafly, voiced her disappointment with the Council over the only \$350,000 reduction from the Tenafly School budget and opined that Councilman Rouse, as a former teacher in the school system, should have recused himself from negotiating committee.

Mayor Rustin responded that all members of the Council have some connection to the school system citing specifically his role as a former School Board member and Ms. LaMastra's involvement with the HSAs. The Borough Attorney had been consulted and under these circumstances, the Council was permitted to discharge its duty to deal with the defeated school budget.

3. Johanne Gambrill, 15 Ravine Road, Tenafly had concerns about the permission that was given to Groundworks LLC to conduct a Farmers Market in Tenafly on Sundays from May to November. She questioned why they were not paying a fee to the town, commented

it didn't seem fair to the existing businesses in town, and questioned how the Chamber of Commerce was spending the money given to them from vendors at the Street Festivals since no treasurer's reports are posted on their website.

Mayor Rustin explained the Chamber is a separate entity from the Borough and she must contact them directly for answers to her questions concerning them.

4. Shirley Bernard, 55 Walnut Drive, Tenaflly, explained she was a former instructor in the Tenaflly school system and for the first time, she voted to defeat the school budget. She felt Department Heads should be teaching and not just Administrators and commented that 'too much money is going down the drain'.

5. Al Cafiero, 27 W. Clinton Avenue, Tenaflly supports the resolution on the agenda opposing use of diesel trains if passenger rail is restored on the Northern Branch.

6. Anne Kelly, 24 Midwood Road, Tenaflly voiced her disappointment that only \$350,000 was cut from the school budget.

7. Evelyn Greenberg, 167 Leroy Street, Tenaflly suggested that there should be a liaison from the Council who attends Board of Education meetings.

8. Mark Feldman, 133 Lylewood Drive, Tenaflly voiced his disappointment in how the Council approached the school budget review process. He urged them to continue to cut the local municipal budget to have no tax increase this year.

9. Howard Seiden, 88 Willow Lane, Tenaflly thanked the Council for considering the children in their decision on the school budget reductions.

10. Ernest Kollitides, 164 East Clinton Avenue, Tenaflly objected to the placards shown by residents at the school budget review meeting in the Council Chambers on May 8. He vowed to fight the school budget again next year, and said the Council ignored the vote to defeat the school budget in making their decision to reduce the budget by only \$350,000.

TO BE CONSIDERED

A. Review 2009 Budget Revenues

The Finance Committee met with the Borough Auditor last week. Appropriation revisions include an increase of \$19,000 in Fire Hydrant charges by United Water, a Municipal Alliance grant for Project Graduation that adds \$11,017 which is a wash, and \$2755 match for the grant. These will be included in a budget amendment to be introduced at the hearing on the budget. Since the passage of Ordinance No. 09-08, revenue from sewer user charges can be anticipated. Additionally, Construction Code fees are on target to collect \$300,000 this year. The Reserve for Uncollected Taxes was reviewed and the anticipated amount was increased to \$575,000.

Borough Administrator explained that between the additional appropriations and additional anticipated revenues, the tax increase will be 1.8 percent this year or less than \$74 per average assessed home in Tenaflly. The public hearing on the budget is scheduled for May 26 and advised that the Department of Community Affairs will be closed for a furlough that day and we may not have budget approval from them to adopt our budget on the 26th.

There was a consensus to proceed with the numbers proposed by the Finance Committee in preparation of an amendment to the introduced budget.

CLOSED SESSION

At 9:05 p.m., the Borough Attorney acknowledged the presence of Labor Counsel Robert Silber, and proceeded to 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
 - 1. Open Space land acquisition (Mr. Di Giacomo)
- B. Personnel
 - 1. PBA mediation/arbitration update (Mr. Di Giacomo and Labor Counsel Rob Silber)

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.”

The regular order of business resumed at 9:30 p.m.

B. Proposed ordinance to eliminate standing committees (from 4/7 agenda)
Council will proceed to adopt this Ordinance at the May 26 public meeting. The Borough Clerk was directed to list the Police Commission review on the next work session meeting on June 4, 2009.

C. Review of Council comments/questions on Rules of Protocol
Following brief discussion, it was agreed to set meeting times at 7 p.m. and end no later than 11 p.m., effective with the July 2009 meetings. The Rules of Protocol and the change in meeting hours will be confirmed via resolutions at the May 26 meeting. The Borough Clerk will prepare the Public Notice required for the change in meeting times.

D. Review Ordinance for Recreation Board
Borough Administrator will prepare this for introduction at the June 9 public meeting.

Mayor Rustin left the table at 10:05 p.m. to take a phone call. As Council President, Mr. Lattif assumed the Chair to keep the meeting moving.

E. Uniform Construction Code Fees/proposed fee increases
Due to Councilman Warms’ absence, this item was deferred to the June 4 work session.

F. Authorize bids for receipt of new emergency generator
Borough Administrator reported we are not ready to go to bid yet as there are two issues: natural gas vs diesel tank and the size of the generator. He felt this needs to be evaluated independently and will contact the Borough Engineer for his recommendations.

Mayor Rustin resumed the Chair at 10:15 p.m.

G. Proposal for rest room/concession facility at Municipal Field
Funds for this project will come from the Recreation Trust Fund. The next step is to put together plans and bid specifications, then authorize going to bid. Borough Administrator noted that the design should keep in mind the visual effect to the residents

on Foster Road. There was consensus to proceed with the design at this time, and a resolution will be scheduled on the May 26 agenda.

H. Northern Branch/Request NJ Transit remove diesel alternative

This resolution will be scheduled on the May 26 public meeting agenda. It opposes diesel for passenger rail service on the Northern Branch and favors all electric or nothing. Mr. McDermott felt he could not support that view, and Mr. Lattif will introduce the resolution at the meeting.

I. Proposed Amendment to Borough Traffic Code/Parking Prohibition on a portion of Hudson Avenue

Ordinance will be introduced at the May 26 meeting.

J. Request from DPW Director/PT Recycling Coordinator in Bogota

Council requires more information from the DPW Director on the hours it entails and the scope of the position before considering this request any further.

2. **ADMINISTRATOR'S REPORT**

A. Police headquarters expansion

Borough Administrator advised that Ordinance No. 07-25 will need to be amended to shift available funds for the purchase of the emergency generator spoken of earlier in the meeting; this was originally included in the plans for the construction of the new police headquarters. The Ordinance will need to be amended to move funding from building construction portion to professional fees section to allocate the funding necessary to design the expansion to the current building.

In addition, Bond Counsel will need to be consulted on the useful life noted in the Ordinance. Construction of a new building is 40 years; an expansion of an existing building is less than that, and it is set by state statute.

Also, we will need to cancel the contracts with the Architect and balance of the contracts for construction of a new building and prepare a new contract for the expansion of the existing building.

Council agreed at this time to have Administrator consult with Bond Counsel on the useful life of the project as a first step.

B. Park improvements/financing

Funding will come from bonding and reallocation of old bond ordinances. Mr. Lattif proposed spending up to the amount authorized in the Huyler Park Improvement Project bond ordinance as Phase I so no new debt is incurred. He also reported that the Rose Garden in Davis-Johnson Park is in terrible shape and he felt it should be leveled completely as the rose bushes looked ragged and ugly. Borough Administrator will bring up issues with the condition of D-J Park with the DPW Director.

Regarding Huyler Park, Council agreed to have Administrator ask designer Paul Keyes to come back with a proposal to use the funds allocated in the Ordinance.

Regarding Davis-Johnson Park Improvements, there was a consensus among the Council to move ahead with this project.

Regarding Walnut Park, it was agreed initially to scale back the project to match our budget and apply for a grant to help fund all the equipment we wanted to include. Mr. Rouse disagreed with changing the scope of the project. The subsequent discussion on Roosevelt Common, Phase II (see below) will provide the funding for the development of a special needs playground at Walnut Park.

Mr. McDermott left the table at 11:15 and returned at 11:20 p.m.

Regarding Roosevelt Common, Phase II, it was agreed to cut back on this landscaping and lighting phase as the Common looks good now. It was noted that the \$30,000 grant will have to be returned to the County. The Borough funding will be reallocated into the funding for Walnut Park (see above).

C. BCUA sewage pump station and property

Borough Administrator reported he had been approached by the BCUA as they are looking to demolish the pumping station near the north end of Grove Street and was inquiring whether the Borough is interested in acquiring the land without the building. There is no historic value to the building. DPW Director had explained to the Administrator that in essence, it is a big seepage pit so it could not be converted to a new sign maintenance shop or other facility. Administrator explained that BCUA will go out to bid to demolish the building and then sell the land which measures approximately 75' x 70'. Due to its use, there may be environmental issues in the area. Council expressed no interest in obtaining this property, and Administrator will inform the BCUA.

D. Budget hiring freeze/guidelines

Administrator discussed special requests for authorization to fill positions necessary to maintaining services: the custodian assigned in the library budget resigned and seasonal employees are needed in the Department of Public Works for maintenance work in the various parks and properties of the Borough for the summer months. Both were approved by the Council and Borough Clerk will advertise immediately.

E. Employee waiver of health benefits/update

Borough Administrator reported that only a small number of employees expressed interest in participating in this program. Council agreed 15% of employees (approximately 18) signing up would be a minimum of interest to proceed with implementation of the program.

F. Fireworks/Concerts update

Administrator reported that Café Angelique gave a donation of \$1250 for the SaRon Crenshaw band to perform at a concert in Huyler Park on July 16. There was enough funding to do two more concerts, one of which will be the band Reminisce that had been so well received, and Yasgur's Farm. Ms. LaMastra reported that the Chamber of Commerce wanted to resume Movie Nights but wanted to do it in July instead of August as so many residents go out of town.

Mayor requested that if additional donations came in could it go toward concerts at Davis-Johnson Park and Council agreed.

There will be no concert at the July 4th celebration this year due to the cost.

Administrator had two additional items to discuss with the Council:

G. Deadline for next round of funding for DOT projects is June 12. Council agreed to request funding to resurface West Clinton Avenue from West Railroad Avenue to the Bergenfield border. Administrator will advise the Borough Engineer to prepare the application.

H. Change Order No. 1 on the Engle Street Drainage Improvement, Phase I project. The mark outs were correct, but until they opened up the roadway, they had no idea how deep the lines were. These are substantially lower than usual and require more work. Resolution will be on the May 26 agenda.

3. **CORRESPONDENCE**

A. Kimball Consulting Re: B.C. 9-1-1 and dispatch center shared services feasibility study

No action by Council

B. Caine family/Pilgrim Ct. Re: Request for installation of curb
Mayor advised this had been resolved; an asphalt curb was installed by the Department of Public Works.

C. School of Rock Re: Request for site for school
No action by Council

D. American Legion Re: Request to sell poppies for Memorial Day
Will memorialize permission on May 26.

E. K. Currin/Knickerbocker Re: Complaint/recent placement of bus stop
Police Chief will be consulted on this placement
Administrator advised that Mr. Marzocchi at 293 Riveredge Road had planted flowers in beds in the Borough right-of-way to deter residents from using the bus stop in front of his home. A warning had been issued by the Police Chief to remove the plants immediately.

F. Price, Meese et al Re: Request to amend Affirmative Fair Housing Marketing Plan
No action by Council at this time; currently at Planning Board for their review.

G. K. Smith/Central Ave Re: Request for Tenant Parking Permit
Approval granted to handle as others on Central Avenue

H. B.C. JIF Re: Sustainable Energy Joint Meeting/5-21-09

I. Mayor of Dumont Re: Compliment/Borough Newsletter

J. FDS Architects Re: Request for Hearing for Tree Removal per Code/Major Application/111 Oxford Drive

Borough Clerk will provide Mr. McDermott with a copy of the application for major tree removal for the Environmental Commission to review at their meeting on May 21. The required public hearing will be held on June 9; Clerk will advise the applicant so that required publication of public hearing and notification to neighbors can commence.

Borough Clerk had an additional item of correspondence that requires action by the Council prior to the June 9 meeting:

K. Dulot/Buff Road Re: Block Party Request for June 7
Approval will be scheduled for May 26 meeting.

5. **RESOLUTIONS for the meeting of May 26, 2009**
 - A. Approve Outdoor Seating permit for Hamsa/7 West RR Ave.
 - B. Approve Escrow Refund/PB#1-04-08/130 County Road/\$100
 - C. Approve Escrow Refund/PB#1-99-15/83 Woodland Street/\$250
 - D. Approve Escrow Refund/PB#1-08-11/18 Piermont Road/\$1459.15
 - E. Approve Municipal Alliance Grant for 2009
 - F. Approve Escrow Refund/Tree Removal Mitigation/39 Jefferson Ave/\$400
 - G. Authorize Signatures/Fire Department Exempt Certificates
 - H. Approve Release of Street Opening Bond Permit #s 1028, 1030, 1031, 1035

6. **PUBLIC HEARINGS for meeting of May 26, 2009:**
 - A. Ordinances: No. 09-11/BC ADA Compliant Ramps

 - B. Other:
 1. 2009 Local Municipal Budget
 2. Sign Appeal/Tenafly Supreme Glatt

7. **COMMITTEE REPORTS - None**

8. **MINUTES to be approved:**
 - Closed Session of April 23, 2009
 - Public Meeting of April 28, 2009
 - Public Meeting of April 30, 2009 (School Budget)
 - Public Meeting of May 8, 2009 (School Budget)
 - Public Meeting of May 12, 2009
 - Public Meeting of May 14, 2009 (School Budget)

9. **OLD BUSINESS**
 - A. ~~*[from 1-17 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 1-2 COW]*~~ Proposal to abolish Standing Committees to be placed on January 20 work session for discussion [*discussed Jan 6 instead*].
 - C. ~~*[from 1-2 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; discussed 4/23 but more revision needed and no new date set.
 - 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; subsequently deferred again at 4/28 and 5/12 meetings; scheduled for 5/26 action.
- 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; at 4/23, Council was requested to review proposal and submit comments to Borough Clerk for 5/5 work session.
- 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**

- A. Mayor to appoint Jacqueline Salzman to ADA Committee/Pecorella resigned
- B. Proclamation: June is Scleroderma Awareness Month
- C. Next Committee of the Whole is THURSDAY, June 4 (Primary Election is 6/2)

Mayor Rustin reported he had received an anonymous email asking what was being done about the Tenafly Swim Club's financial situation. Council responded that anonymous emails should not be addressed or acknowledged.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member McDermott, second by Council member Lattif, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Nancy Hatten