

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

THURSDAY, JUNE 7, 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, Michael Lattif,
Patrick J. Rouse, Robert Thompson, Jon Warms

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Also Present: DPW Director J. Robert Beutel

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. Alissa Schurr, 107 Devon Road, Tenafly commented that the recycling efforts in town are disappointing. Her recycling was not picked up today because the container was stickered as being too big.

Mayor Rustin directed Councilman Jon Warms to bring up this topic at the next Public Works Commission meeting to look into how we can be 'greener' and promote more recycling.

2. Melissa Davies, 116 Magnolia Avenue, Tenafly (item 3-K on tonight's agenda) commented that she lives across the street from Maugham School and reported there is a real concern about the pick up and drop off of students. The methods used by parents are creating hazardous conditions and the safety of the students is at risk.

3. Ed Caslin, 109 Magnolia Avenue, Tenafly, confirmed Mrs. Davies' statement and expressed his concerns with the drop off and pick up routine at Maugham School.

Mayor Rustin responded that the Police will be asked to investigate and to give the Council a report with their recommendations.

4. Shah Nazar, 151 Tekening Drive, Tenafly, (item 1-H.1 on tonight's agenda) stated he has made every effort to do what they have been asked to do by the Borough engineer regarding run off to the property at 111 Tekening Drive.

8:15 P.M. DPW Director J. Robert Beutel to attend.

Discussion focused on apparent lack of plans for maintenance of municipal property on a consistent basis. Mr. Beutel pointed out that there are 14 special events that take up much of the time of the Parks Department; they were not involved with those events previously. Due to taking over the formerly privatized recycling pick up service, there are more injuries resulting in staffing inconsistencies. The garbage contract will expire in December 2008 but will have to go out to bid in mid-2008 at which time a decision will have to be made about the recycling program. At the July 3, 2007 work session, the Director of Public Works and the Borough Administrator will present a schedule of park maintenance projects. Another item to be addressed is how to tighten up personnel negotiations because the current contract with the bargaining unit expires this December.

The issue of the painting of streets with arrows by the 5KRun sponsors was discussed as several complaints had been received from homeowners. Mr. Beutel commented that they did not use the chalk paint he recommended. Borough Clerk was directed to write to the contact, Mr. Mark Aronson, and direct him to contact the Director of Public Works within five days to set an appointment to walk the route to determine a method of removal.

1. **TO BE CONSIDERED**

A. Employment at D-J Park/landscapes by design

Mr. Beutel explained his request to hire the President of the Master Gardening program and his 2-man crew to do plantings, instead of the temporary employee approved for his budget this year. The \$500 is for a crew of three, one day a week, for three weeks. Council agreed and resolution will be included on June 12 meeting agenda.

B. Review of Draft letter by C. Hoernlein in response to Rick Winfield regarding Stormwater Management concerns

Following discussion, it was agreed that the Borough Engineer, not a Council member, should go through each of the six issues raised in Mr. Winfield's letter and address each item individually, in writing to the governing body. Borough Administrator will contact the Borough Engineer tomorrow to prepare such report. Included in the report should be the issue of why a Stop Work Order was not issued to the offending property owner, whose contractor caused the problem on Mr. Winfield's property.

C. Revised Zoning Map Ordinance-June 2007

Introduction scheduled for June 12, 2007.

D. Bus Stop Shelter Upgrade/Police Chief's memo of May 17, 2007

It was agreed that the current bus shelter in the downtown area should be replaced. Borough Administrator will forward memo from Police Chief to the Historic Preservation Commission, together with a color photograph of the Englewood example and request comments from HPC on this proposed change.

E. Change in Insurance Carrier and Amount for F/T Employees

Borough Administrator explained that CIGNA had noticed us that they would no longer be underwriting insurance for life and accidental death and dismemberment (\$5,000 each) for our full time employees. Two quotes for successor policies had been submitted by our Risk Consultants, Eifert French & Co., one for \$5,000 and one for a \$10,000, each at a savings from what the Borough is paying currently with CIGNA. It was agreed to accept the proposal from Assurant Insurance for the \$5,000 policy, and the higher one should be handled through negotiations.

F. Approve Developer's Agreement/Knickerbocker Country Club (Ritvo revisions)

As this has not been resubmitted, it was removed from the agenda for consideration.

G. Approve Developer's Agreement/ARI Realty-11 Hillside Ave

Borough Administrator commented on a concern he has with the standard resolution of approval prepared by the Planning Board. The resolution, in granting a variance of parking requirements, then requires the Developer to get employee parking permits from the Borough, but the Borough does not have employee parking permits available. The Planning Board Attorney must eliminate that paragraph on parking permits from the standard resolution of approval. There was also discussion on the need to establish a "Parking Escrow Fund" for Developers to contribute funding if they cannot provide parking. Planning Board should not give variances for the parking requirements. Also mentioned was the fact that our COAH requirements are affected/impacted by more new commercial properties and their size.

Resolution of approval of Developer's Agreement will be on June 12 agenda.

H. Engineer's Reports: 151 Tekening Drive; 41 Leonard Avenue

Borough Engineer recommends granting 151 Tekening Drive (Nazar) additional time to June 18, 2007 to address items 2, 3, 4 and 5 in his letter to them. Council agreed. Borough Administrator will tell the Borough Engineer of Council's approval and that he must communicate that in writing to the homeowners.

Regarding 41 Leonard Avenue, the email from the homeowner dated June 5, 2007 requires no further action by the Borough.

I. Award of bid for Hickory Avenue/Hudson Avenue resurfacing

Resolution of award on June 12, 2007 agenda.

J. Proposed amendment to Commuter Parking Ordinance/establish fees

Introduce Ordinance at June 12, 2007 meeting.

K. Bergen County notice of Rejection of Stormwater Management Plan

Borough Administrator reported that the Borough Engineer must address the items cited as reasons for rejection and resubmit the plan to the Planning Board. Included should be coordination with the Bergen County Soil Conservation District and their chart. Borough Administrator will contact Borough Engineer to revise the plan for resubmission.

L. Establish committee to review sign ordinance (Mayor Rustin)
Committee will be comprised of Nadia LaMastra, Patrick Rouse and Peter Rustin, with the Borough Attorney. They will review sign ordinances from Cresskill, Fort Lee, Englewood, South Orange and Ridgewood. No date established for first meeting.

M. Contract for Concerts in D-J Park/Zion Entertainment
Resolution of approval will be scheduled on June 12th meeting agenda, pending receipt of signed contract from Zion agreeing to payment terms added to contract by Borough Attorney.

2. **ADMINISTRATOR'S REPORT**

A. Riverside Cooperative resurfacing bids
Resolution awarding bid on behalf of Riverside Cooperative will be scheduled on June 12 meeting agenda. There were two alternatives for Tenafly, one was to repave CVS lot on Riveredge Road, and the Davis-Johnson Park Garden Room parking area. Borough Administrator has asked the Borough Engineer for his recommendations on these alternatives as submitted by the lowest bidder, Tilcon, Inc. Borough Administrator noted that with the low price for our portion, we may be able to add a street, depending on the per ton cost of asphalt and the waiting list of streets.

B. Cable television franchise/update
Borough Administrator went to a League of Municipalities seminar on this topic. In speaking with the Verizon representative present, he learned that Tenafly is scheduled for early 2008. He related two concerns he has following this session: In Verizon's plan, they provide fiber optic extension only 125' feet to house; anything further than that, the homeowner has to pay to bring the line into their premises. Many homes in Tenafly would be affected by this limitation. Secondly, the Local Access Channel (77) is through Cablevision. It would not be picked up by Verizon; we must have connectivity. Anyone opting to go with Verizon would not be able to obtain Channel 77. There will be an economic benefit to the Borough under the new cable law. Councilmen Lattif and Warm's will be the members of the Cable sub-committee.

Borough Administrator added on the following item:

C. Drainage Report on Elm Street, Dean Drive, etc., has been received from the Borough Engineer and Mr. Di Giacomo will distribute copies to the Council following tonight's meeting.

The time being 10:50 p.m., the Council opted to take a two-minute break before going into Closed Session. They will address Correspondence on the Agenda following the Closed Session.

3. **CLOSED SESSION**

At 11:00 p.m., the Borough Attorney read the following resolution:

Motion by Council member LaMastra, second by Council member Lattif, 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 – to be presented by Borough Attorney
 - 1. Borough of Tenafly v Cotswold, LLC/Appeal by Defendant
- B. Personnel – to be presented by Borough Administrator
 - 1. Appointment of Construction Official/Building Sub-Code Official
 - 2. Police Officer request for Legal Fees

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.

Additionally, Mr. William Saunders, Chairman of the Historic Preservation Commission attended the portion of Closed Session concerning the Borough of Tenafly v. Cotswold, LLC as the HPC is involved in the lawsuit. Mr. Saunders was given instructions regarding Closed Sessions and not to discuss with anyone what is discussed here this evening. As a former Councilman, Mr. Saunders assured the governing body that he was well aware of the restrictions on closed session discussions.

At 11:56 p.m., Council returned to open session.

4. **CORRESPONDENCE**

A. Highwood Avenue residents Re: Request/increased gas pressure line
Resident at 93 Highwood Ave., the initiating party, increased the size of his house. Contractor Lombardo is obligated to make sure the existing gas line is adequate to handle the increased needs caused by the expansion of the residence and its corresponding demands for additional gas. Before responding to residents, Borough Engineer will be asked to confirm that the gas line was expanded at the Chabad House as alleged in Highwood Ave. residents petition, and that the Lubavitch on the Palisades paid for said expansion.

B. B. Dexter/23 Mountain Rd Re: Flooding at 19 Mountain Road
Borough Engineer to write to Mr. Dexter with his findings.

C. EduClinic Academy Re: Request/Signage at 32 Washington St.

D. Tenafly Chiropractic Center Re: Request/Signage at 32 Washington St.
Items C and D will be heard at the June 26 public meeting; Borough Clerk to

inform them.

E. NJ DCA Re: Grant Award/\$7500

F. B.C. Dept of Public Works Re: Snow Plowing Agreement 2007-08
Resolution approving this agreement will be on June 12 agenda.

G. BC JIF Re: Invitation/Responding to Emergencies

H. BC JIF Re: ADA Compliance Checklist

Borough Administrator gave this information to Council Liaison Rouse and to committee member Tim Roetman to find out if committee wants a survey of all municipal facilities.

- I. J. Tamagny/Day Avenue Re: Request/Block Party/6-24-07
Approve at June 12 meeting.
- J. Gloss Salon/3 W. RR Ave. Re: Request/Employee Parking Permits
This address was not approved to participate when program started two years ago; Borough Administrator will check reason why.
- K. P. Davies/116 Magnolia Re: Traffic Concerns at Maugham School
As discussed earlier, Police Chief will be asked to look into bus loading and unloading practices of students, school and parents. Councilman Rouse reported it would be included on the next Police Commission meeting agenda.
- L. Sandal Associates/Tenaflly Re: Request/Permit Temporary Parking on
Property for BMW vehicles
A temporary zoning permit may be required. Council will consider at the June 26th meeting following confirmation with Zoning Officer that permit required.
- M. NJ DOT Re: 2008 Municipal Aid Program for
Pedestrian Safety Improvements,
Bikeways and Streetscapes
- N. J. Shepherd/Woodhill Rd Re: Request/Permission to use
Commercial vehicle at Recycling Ctr.
Conditional approval will be given at the June 12th public meeting; Director of DPW to see volume of brush, etc., homeowner wants to remove; once he has seen and approved, a one-day temporary letter can be issued by the Borough Clerk upon submission of usual information required for temporary letter. Clerk to communicate to homeowner.
- O. NJ DEP/B. Don Re: Stream Encroachment decision/Kim
property/44 Tenaflly Road
Copy to be given to Environmental Commission.
- P. B. C. Executive Re: Award/Community Development
Grant/Barrier Free Entrance Doors at
Tenaflly Senior Center
- Q. Growing Garden Nursery School Re: Request/Cut-In Curb Area for
Student Drop Off
Councilwoman Hoernlein recused herself from discussion as she worked on plans for this facility. Borough Clerk will write to Growing Garden and request they submit a formal plan for review by the Borough Engineer.
- R. K. Boakye, MD/Alpine resident Re: Missing Parking Permit Tag/request
for replacement.
Hold off one week for police to investigate.
- S. J. Saunders/Norwood Re: Request/Temporary Parking Permit
For June and July
Allow permit for June and July for \$100.

- T. A. Dulot/Buff Road Re: Request for Block Party
Approve at June 12 public meeting.
- U. P. Flynn/Daisy Troop 1373 Re: Request/D-J Park for ceremony/6-17
Approve at June 12 public meeting.
- V. B. C. Executive Re: Trust Fund Grant Apps due 8-31-07

5. **RESOLUTIONS**

- A. Approve June Expenditures and Payrolls
 - B. Approve Performance Agreement/Zion Entertainment/D-J Park Concert Series
 - C. Approve Place-to-Place Liquor License Transfer/Clinton Inn/Expansion of Licensed Premises/Outdoor Seating
 - D. Approve Outdoor Seating Applications: Deli Express, Diner
 - E. Authorize purchase under State Contract/two vehicles for Police Dept.
 - F. Authorize Refund/Duplicate Payment of Alarm Bill and Late Payment Penalty
 - G. Approve Developer's Agreement/Knickerbocker Country Club (revision from Ritvo due) **pulled from consideration; revised version not submitted.**
 - H. Approve Developer's Agreement/Ari Realty/11 Hillside Avenue
 - I. Approve Refunds/Tree Removal Escrows (15)
 - J. Authorize purchase under State Contract/recycling containers for DPW
 - K. Authorize Refund/Cancelled use of D-J Park Garden Room/McGowan
 - L. Authorize Refund/Cancelled use of D-J Park Garden Room/Man
 - M. Authorize Refund/Cancelled use of D-J Park Garden Room/Hoban
 - N. Approve purchase under State Contract/equipment for Building Maintenance
 - O. Authorize receipt of bids/2007 Street Sweeper, 2008 Dump Truck for DPW and 2007 vehicle for Police Department.
 - P. Award bid for 2007 Riverside Cooperative resurfacing program
 - Q. Award bid for Hickory Ave./Hudson Ave. resurfacing project
 - R. Introduction of Capital Ordinance/Re-appropriation of Capital Funds **pulled; Finance not ready with this yet.**
 - S. Introduction of Ordinance/Approve Official Zoning Map
 - T. Introduction of Ordinance/2007 Salary and Wage/Non-contractual employees
 - U. Introduction of Ordinance/Amend Parking Permit Fee Schedule

6. **ORDINANCES/PUBLIC HEARINGS.**

- A. Ordinances:
 - 1. Ordinance No. 07-12/Revise Borough Code/Traffic Regulations/Establish Mid-Block Crosswalk/Knickerbocker Road at Knickerbocker Country Club
- B. Other:
 - 1. DKD of Tenafly, LLC
Acorn Children's Bookstore
32 Washington Street
Request for Awnings/Borough Right-of-Way

7. **COMMITTEE REPORTS – None due to late hour.**

- 8. **MINUTES** of Special May 10, 2007 work session on FAR, May 15, 2007 work session and May 24, 2007 public meeting.

9. **OTHER BUSINESS**

Borough Clerk advised that the annual Housing Bureau form for room reservations for the League of Municipalities conference in November had been received and asked the Council at which hotel they wished to stay, Caesar's or Borgata. Due to proximity to Pier and other hotels where functions are held, majority of Council selected Caesar's.

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 Warmes, second by Council member Rouse, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 12:25 a.m. on June 13, 2007.

Respectfully submitted,

Nancy Hatten