

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, AUGUST 4, 2009

The meeting was called to order at 7:30 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin.

Present: Mayor Peter S. Rustin

Council members: Mark Feldman, Michael Lattif, Joseph McDermott,  
Patrick J. Rouse, Jon Warme

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Absent: Council member Nadia LaMastra (vacation)

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. Phyllis Perskie-Kesslen, 16 Stonehurst Drive, Tenafly supported the need for a sidewalk on Downey Drive for the Smith School students.
2. Martha Koven, 2 No. Summit Street, Tenafly spoke in opposition to the reinstatement of light rail in Tenafly. She reported she had spoken to Linda Mosh of NJ Transit who advised her there was still time to make objections.
3. Johanne Gambrell, 15 Ravine Road, Tenafly questioned whether dog walkers have a right to use the public right-of-way on her property. Borough Attorney advised that they can.
4. Michelle Grossman, 71 Downey Drive, Tenafly spoke in support of a sidewalk on Downey Drive.
5. Dr. Acquah, 92 Downey Drive, Tenafly was opposed to the installation of a sidewalk on his property.
6. Andrea Kallison, 94 Downey Drive, Tenafly, on behalf of her mother, was opposed to the installation of a sidewalk on her property.
7. Martha Slezak, 65 Morris Road, Tenafly expressed concern about the possible relocation of the Riveredge Road bus stop (near Tenafly Road) and her physical limitations to access it.

8. Bobby Grossman (minor), 71 Downey Drive, Tenafly spoke in support of a sidewalk on Downey Drive.
9. Natalie Broadbent, 56 Woodland Street, Tenafly, spoke in support of a sidewalk on Downey Drive.
10. Stan Grossman (minor), 71 Downey Drive, Tenafly spoke in support of a sidewalk on Downey Drive.

Mayor declared Public Comments closed at 8 p.m.

Due to interest by the members of the public present this evening, the following items on the agenda were moved forward:

1-B. Proposed Sidewalk/Downey Drive at Smith School

Following brief discussion, Council agreed to award bid for installation of the sidewalk at the August 11 public meeting.

**7:45 P.M. DAVID HALS, Borough Engineer, to present update on Engle/Elm/Oak/Dean Drive drainage improvement project/authorization to advertise & receive bids for Dean Drive detention basin, phase 2/authorize funding for phase 2**

The Borough Engineer reported that all drainage has been installed on Engle, Elm and Oak and the curb improvements are in. To be completed are the milling and repaving of the three streets, and driveway restorations. As he was dissatisfied with some of the topsoil application and seeding by the contractor, he directed the contractor to redo those areas.

Mr. Hals explained that we are now ready to proceed with the second phase of this project, the installation of a detention basin under Dean Drive. It will consist of two concrete chambers underground, extending from Inness Road north towards Westervelt Avenue. It was agreed to introduce the necessary funding ordinance on August 11, and to authorize receipt of bids for this portion of the project.

Mr. Hals then reported that the bids had been received on the repaving of Engle Street, Section 5 earlier today, and recommended the Council award the bid to the lowest bidder, Joseph M. Sanzari. Council agreed to award the bid on August 11.

1. **TO BE CONSIDERED**

- A. Planning Board request/revision to Land Development Regulations (deferred from 7/7 meeting)

Following brief discussion, it was agreed to remove the option for a waiver completely from the regulations (Section 35-506I), as the Planning Board suggested. An ordinance will be prepared for introduction.

- B. Proposed Sidewalk/Downey Drive at Smith School  
Considered earlier this evening.

- C. Set date and time for meeting on passenger rail/review draft letter

Council reviewed the draft letter and agreed to its being sent out. Borough Administrator will prepare it for the Mayor's signature. The Administrator will coordinate with New Jersey Transit to set up a meeting between them and representatives from Tenafly. He hopes to have a fee proposal from Talley Associates shortly; once received, the subcommittee should meet to review the draft proposal, have Talley Associates fine tune it, and then a formal presentation can be made to the Council.

D. Proposed taxi stand proposal (memo from Police Chief)

Council agreed to reinstate taxi stands downtown and to make the changes recommended by the Police Chief to the Borough Code. The word 'hack' will be changed to 'taxi'. An ordinance will be prepared for introduction.

E. Proposed relocation of bus shelter (Riveredge Road at Tenafly Road)

Administrator reported that at the request of New Jersey Transit, the bus shelter on the south side of Riveredge Road at Tenafly Road would be moved west just past the bridge, to near the Fire Dept gong. This requires County approval as Riveredge is a County Road, and requires an amendment to Ordinance No. 05-27 that designated bus stops in the Borough. The resolution entering into a bus shelter agreement with New Jersey Transit and the amending ordinance will be introduced on August 11.

F. Proposed replacement of bus shelter (Piermont Road)

New Jersey Transit agreed to provide a double-wide shelter that approximates the same size as the current concrete bus shelter on Piermont Road. There will be a resolution approving the bus shelter agreement on the August 11 agenda.

G. Set date for Joint Use Committee meeting

Topics for the meeting are Sustainable NJ and Light Rail. Tentative meeting date is October 5; Borough Administrator will contact the Board of Education.

H. Proposed Code revisions/overnight parking (memo from Police Chief)

Police Chief Bruno recommended the Council eliminate the ban on overnight parking from April through October, and keep it in effect from November to March. Council decided to hold off on this action, pending a poll to be posted on the website requesting feedback, and an article in the November newsletter addressing this possibility.

2. **ADMINISTRATOR'S REPORT**

A. FY2010 Community Development applications

Borough Administrator asked the Council for possible projects to submit to the County. Application deadline is October 9, 2009. Council agreed to apply for an ADA lift for the swim club pools and construction of barrier-free restrooms for both swim clubs.

B. Online auction of used vehicles and equipment

Council agreed to use GovDeals.com, the online auction firm awarded a State Contract to conduct auctions. We will include the old Building Department vehicles that were replaced by the two hybrid vehicles purchased earlier this year. Administrator is awaiting a list of vehicles from the Police and Public Works departments to be included. A resolution will be on the August 11 agenda.

C. 2009 capital projects

Council agreed to four projects: Police ERT vehicle replacement (\$150,000); Sanitary Sewer rehabilitation (\$100,000); Fire Department rescue equipment (\$45,000) and Police Department portable radios/mobile laptops (\$43,000) for a total of \$338,000. They also agreed to rescind Ordinance No. 07-25 funding the new police headquarters and re-appropriate the remaining funding for an expansion of police headquarters. Both ordinances will be on the August 11 agenda for introduction. The Clerk was directed to list expansion of police headquarters for discussion on the September 1 work session agenda.

3. **CORRESPONDENCE**

- A. Nazar/151 Tekening Drive Re: Request/Installation of Stanchions in Borough Right-of-Way  
Council agreed; resolution approving agreement will be on August 11 agenda.
- B. Meadowlands Conservation Re: Meadowlands Conservation Trust Easement Program  
Clerk was directed to send copy to the Environmental Commission.
- C. JP Morgan/Chase Bank Re: Request for Signage for new bank/appeal decision of Construction Off.  
Public Hearing will be held on August 11.
- D. Acquah/92 Downey Drive Re: Proposed placement of sidewalk on Downey Drive
- E. Pressler/53 Oak Ave. Re: Request/Block Park 9/13/09  
Approval will be given at August 11 meeting.
- F. Kevin D. Walsh, Esq. Re: Fair Share Housing Center's objection to Third Round Housing Element and Fair Share Plan

Borough Administrator will speak to both Special Counsel for COAH Stuart Koenig and COAH Planner Joe Burgis for guidance on how the Borough should proceed in light of the filing of this objection, and which body, the governing body or the planning board, should take the lead.

- G. Lebson/72 Downey Drive Re: Proposed Sidewalks on Downey Drive

4. **CLOSED SESSION**

At 10:12 p.m., the Borough Attorney read the following resolution:

Motion by Council member Rouse, 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  
State v. Terranova/dismissal/expungement – presented by Mr. Di Giacomo
- B. Personnel  
Pending disciplinary action against DPW employee – presented by 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.

The meeting resumed at 10:20 p.m.

5. **RESOLUTIONS for the meeting of August 11, 2009**

- A. Approve August Expenditures
- B. Approve Raffle Applications #RA948/St. Thomas Armenian Church/10-25-09 and #RA949/Tenaflly Elks Lodge #2271
- C. Certificate for Redemption of Tax Sale TTL08-2
- D. Refund for Overpayments
- E. Approve Refund/Tree Mitigation Escrow/301 Hudson Avenue/\$1000
- F. Approve of water extensions for 54 Central Avenue and 11 Huyler
- G. Approve right-of-way permit for BP Service Station #930/20 County Road/ install monitoring wells.
- H. Possible award of bid (taken 8/4)/Engle Street Section 5 Repaving Project.
- I. Approve Release of Street Opening Bonds/Permit Nos. 1038 and 1039
- J. Approve LOSAP certification by Tenaflly Volunteer Ambulance Corps
- K. Approve cancellation of checks/Bail Account
- L. Approve Refund/Zoning Permit Application Fee/151 Tekening Drive/\$25.00
- M. Approve Refund/Tree Mitigation Escrow/66 Essex Drive/\$400.00
- N. Approve Special Item of Revenue/Click It or Ticket 2009 Grant
- O. Approve Bergen County Open Space Trust Fund Application for Davis-Johnson Park Improvements, Phase 2
- P. Authorize Renewal of Technology Agreement with Board of Education
- Q. Approve Release of Performance Bond #0366006/Tenaflly Associates, LLC  
Authorize Refund/PB#1-03-04/\$15,986.18 plus interest/Tenaflly Associates LLC  
Authorize Refund/Escrow Account #00031/\$69,440.85 plus interest/Tenaflly Associates LLC
- R. Authorize Refund/Tree Mitigation Escrow/187 Oxford Drive/\$4,800.00

6. **PUBLIC HEARINGS for meeting of**

- A. Ordinances: No. 09-16/Delete Police Commission reference  
No. 09-17/Engle Street, Section 5 Repaving

7. **COMMITTEE REPORTS**

A. Councilman Rouse reported on the Police Commission meeting held last week. The Police Chief has written standards for SWAT teams throughout the County. An issue has arisen with PSE&G over a street opening that required the attendance of a police officer and their refusal to pay our bill. The Borough Attorney is involved.

8. **MINUTES to be approved:**

Public Meeting of June 23, 2009  
Work Session of July 7, 2009  
Closed Sessions of July 7, 2009  
Public Meeting of July 14, 2009  
Special Work Session of July 14, 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; 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) reviewed at May 19 work session.
- 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 19 work session.
- N. ~~from 6/4 COW~~ Borough Attorney and Borough Administrator to report on Police Headquarters *vis a vis* ROSI restriction
- O. ~~from 7/7 COW~~ Schedule discussion on 2010 budget review process for September 15 work session.

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

A. Councilman McDermott requested that the discussion on an email policy be placed on the September 1 work session agenda, and requested the budget process discussion scheduled for the September 15 work session be moved up to September 1. All agreed.

B. Mayor Rustin brought the issue of Tenaflly House's inclusion on the list of properties now being billed for sewer charges. As they are required to make payments in lieu of taxes, they should be exempt from this billing. Borough Attorney will confirm and Borough Administrator will prepare resolution for August 11 exempting them and advise the CFO to rescind the billing.

C. Councilman Feldman asked that the League of Municipalities bulletin on State Health Benefit program costs be discussed on September 1. All agreed.

He referred to decreases in the revenues in the Building Department and a previous agenda item to consider increasing fees. Council agreed to discussion on the October 5 work session agenda.

Mr. Feldman also questioned the position of the Board of Health regarding the resurgence of the swine flu. Mr. Rouse will bring this up at the September 17 Board of Health meeting. Mr. Rouse will also bring up the issue of rail service returning to Tenaflly and request any input on potential health impact from the Board of Health.

D. Councilman Lattif asked the Administrator if he had investigated the possibility of Englewood Hospital providing health services to the Borough; Administrator will follow up and report back.

E. Borough Attorney McClure requested the proposals from appraisal companies for the upcoming required Revaluation be considered at the September 1 work session. He will speak to Assessor Carol Byrne to try to get more bids for Council consideration and make recommendation by the September 1 deadline.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Rouse, second by Council member Warmes, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Nancy Hatten