

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, AUGUST 5, 2008

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 Warme

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Absent: None

Mayor Rustin announced that due to notice from Bergen County that the tax rate had been struck, the Special Meeting scheduled to take place tonight to authorize the sending of estimated tax bills has been cancelled.

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. Shama Haider, 156 Stonehurst Drive, Chair of the Business Development Committee, urged the Council to create a Business Improvement District in downtown Tenafly.

2. John Nolan, 193 Riveredge Road, co-Chair of STOP, urged the governing body to leave the land under consideration for the new Police Headquarters as park land instead.

3. Sandy Divack Moss, 4 Westervelt Avenue, Chair of the Environmental Commission, reported she read the Amendment to the ROSI sent to DEP by the Borough, and requested that the Amendment be amended to designate the portion of the Municipal Center from Frog Park north to Riveredge Road and east to the macadam as open space. She offered

the assistance of the Environmental Commission where needed to help secure the one acre on Hudson Avenue to adjoin the Nature Center. In addition, she noted that Green Acres funding is dependent on the Green Acres Inventory which has been with the Borough Planner for two years and is still in draft form.

4. Al Capellini of Cooktique, West Railroad Avenue, commented that the Chamber of Commerce is in favor of revitalizing the downtown area of Tenafly through the creation of a Business Improvement District and encouraged the Council to take the required steps.

5. Martha Kerge, 40 Hillside Avenue, supported the preservation of open space, and questioned what will happen to the bonded money for the new Police Headquarters if this project does not move ahead.

6. Melvin Lubins, 33 Stony Brook Road, stated he has requested a drainage study of 37 Stony Brook Road and it has not been done.

7. Kevin Tremble, 81 Westervelt Avenue, member of the Historic Preservation Commission, reported that the Commission had reviewed NJ Transit's documents on HARBS, which identified two potential station locations, the Railroad Station and the Recycling and Convenience Center.

It was noted that the HPC report on HARBS is part of Agenda item 1-B this evening.

8. Gady Reinhold, 20 Hillcrest Road, questioned why Council meetings are not televised and urged the Council to consider it.

9. Bezzie Woodson, 14 Hillcrest Road, questioned the need for an exercise room in the new Police headquarters, and referring to the issue of drainage studies, she suggested that a drainage study should be required prior to the start of any new construction.

10. Craig Parish, 5 Leonard Avenue, (item 1-A on tonight's agenda) questioned why the homeowner is responsible when a problem is under the street and not directly on the homeowner's property. In addition, he was charged for a police officer to direct traffic while the repair was being done and he found that particularly onerous.

**8:15 P.M.** Borough Engineer David Hals present to discuss the drainage study for Engle/Elm/Oak/Dean area.

Mr. Hals reported he met with the new County engineer Joe Femia and County DPW Supervisor Tom Connelly to discuss those portions of the study, particularly Engle Street, that may be the responsibility of the County to remedy. It was his recommendation to request the County pay half. The objective is to control the water at the source and this could be accomplished by the addition of inlets on Engle Street. He reported further, as was mentioned before, the entire pipe network is undersized. This corrective action will help alleviate excess flooding of Dean Drive, but Dean Drive will continue to flood in large storms and needs a separate plan for its particular problems. Following discussion, it was agreed to introduce a Bond ordinance at the August 12 public meeting to allocate funding for preliminary engineering costs. To bring the County on board, the Engineer reported that he will submit a summary of the drainage study together with his cost estimate to them, but will need a letter from the governing body requesting the County's funding share to

submit as part of the package. He will also get the other plans (Dean Drive, and Oak/Sherwood, and Elm) together to get started on that segment of the drainage improvement project.

While the Borough Engineer was still present, the following items from tonight's agenda were addressed:

1-A. 5 Leonard Avenue sewer lateral replacement

Mayor and Council agreed to have Borough Administrator contact the Police Department to waive the \$500 charge for Police overtime required while repair was being made (corner of Leonard Avenue and Tenafly Road).

3-C. S. Burgermaster/Serpentine Rd. Re: Ongoing drainage issue

In April 2007, Borough Engineer gave a report on this issue (distributed again to Council). He gave two alternate options for the Council to consider. Following discussion, the Borough Engineer was authorized to look into the drainage in Davis-Johnson Park that is affecting Serpentine Road and submit a cost estimate, and he will look into including drainage improvements in the Park in the scope of work as part of the Open Space grant application for Improvements to Davis-Johnson Park.

3-I. D. Malamed/Woodland St. Re: Flooding issue at residence

The Borough Engineer will look into the newly reported problem and report back to the Council.

At this point, the Borough Engineer left the meeting. The Council took the following items out of order as members of the public were present to hear the discussion:

1-K. Status of Police Headquarters project (Mr. Lattif)

Councilman Lattif questioned the status of the bids received in April. Borough Attorney McClure responded that the low bidder agreed to extend the date by which bids must be considered for formal action to the August 12 meeting. Mr. McClure recommended that if the Council was considering rejecting the bids, it should be done by formal resolution. Following discussion, the Council recognized the need for a new Police Headquarters, but there was no longer interest to locate it at the site chosen (northwest corner of Municipal Center property). The Borough Attorney will prepare the resolution to reject the bids, explaining that the site was no longer deemed suitable. The Borough Administrator was authorized to meet with a member of the Environmental Commission to discuss a compromise map regarding the green area along Foster Road and the corner of Riveredge Road that the Environmental Commission would accept for the ROSI amendment.

1-C. Business Improvement District proposal and comments from local businesses

The governing body authorized the Administrator and the Attorney to review the draft ordinance establishing a BID as prepared by the Consultant, to introduce it at the September 23<sup>rd</sup> public meeting.

It was noted that the Sign Ordinance will be considered at the September 2<sup>nd</sup> work session.

At 9:50 p.m., the governing body took a short break, and resumed the meeting at 10:00 p.m.

1. **TO BE CONSIDERED**

- A. 5 Leonard Avenue sewer lateral replacement  
This item was discussed earlier this evening.

B. NJ Transit Northern Branch Rail Project/HARBS comments/DEIS review  
Councilman McDermott reported that the project scoping is behind us, but a consultant is needed to review the 500-page document NJ Transit submitted to the Borough. Kevin Tremble of the HPC reviewed the comments submitted by the HPC in their review of the HARBS. The Borough Administrator will take the comments of the HPC and prepare a letter to NJ Transit for the Mayor to sign on behalf of the Borough. He pointed out that it is hard to find a consultant knowledgeable in these matters as so many of them do consulting work for NJ Transit. He had spoken to Planner Janice Talley who had done master planning around the train stations in Leonia and Fair Lawn. It was agreed to have the subcommittee meet with her to discuss the project, her fee, etc. to bring back to the Council for the September meeting. The subcommittee will meet with representatives from Leonia to see if they can come up with a scope of work for a joint venture with Leonia. Kevin Tremble advised that both the Borough and the Historic Preservation Commission are considered by NJ Transit as 'consulting parties' and NJ Transit will give weight to a 'locally preferred option'. It was agreed that the Borough Administrator, Mr. Lattif and Mr. McDermott and if available, Mr. Tremble, will meet during August to keep this process moving along and will give an update at the September 2<sup>nd</sup> work session. It was also noted that comments by the Police Chief on the traffic impact at both options for stations should be forwarded to NJ Transit.

- C. Business Improvement District proposal and comments from local businesses  
This item was discussed earlier this evening.

- D. Certificates of appreciation for volunteers/shoreline restoration project  
The recognition will be made at the September 9<sup>th</sup> public meeting.

E. Draft resolution on Recreation Director coaching activities  
Borough Administrator will give a copy of the draft resolution to the Recreation Director tomorrow and it will be listed on the August 12 public meeting agenda.

F. Update/Co-sponsorship of Recreation Activities and Events (Ms. LaMastra)  
This item was postponed to the September 2<sup>nd</sup> work session to allow time for the Borough Administrator, Council liaison and Recreation Director to meet to discuss the last of the open items.

G. Draft language re: intellectual property ownership in Contracts (from 7/1 mtg)  
Borough Attorney proposed "ownership of records addendum" to add to any appropriate consultant or professional's contract with the Borough. It was noted that there must be compliance with the State's Record Retention Schedule, and there is a need for an inventory of what Borough records are held by the professional. The Borough Administrator will give pertinent sections of the Records Retention schedule to the Attorney to amend the language in the addendum, and then the addendum will become part of all professional service contracts.

- H. Recycling Center Decal project (from 7/1 mtg)  
The DPW Committee will meet with the Director of Public Works and report back to the Council at the September 2<sup>nd</sup> work session.
- I. Huyler Park professional design services (from 7/1 mtg)  
Postponed to September 2<sup>nd</sup> work session.
- J. 2008 Capital Projects (from 7/1 mtg)  
Due to the late hour, this item is postponed to the September 2<sup>nd</sup> work session, and the Clerk was directed to list it first on the agenda. In anticipation of the work session, the Borough Administrator will review the list of projects and prioritize them.
- K. Status of Police Headquarters project (Mr. Lattif)
- L. FAR (Ms. Hoernlein)  
Councilwoman Hoernlein presented a new formula that she explained is a simple fix for the current problems when calculating the Floor Area Ratio. The formula addresses the undersize and oversize lots in each zone; the equation is based on the size of the property, not on what it is zoned.
- M. Incident at Youth Center Summer Camp and Director's Report  
Following brief discussion, the Council agreed the Director handled the matter well and properly. The Council will not agree to a refund and this item will be on the August 12 meeting agenda for formal action.
- N. PSE&G communication (Ms. LaMastra)  
It was agreed to have PSE&G come in to give an update on power in town. The Borough Administrator will contact them to set up a date.
- O. Volunteer of the Year (Mayor Rustin)  
It was agreed to nominate Andrew Pecorella, Chair of the Advisory Committee on the Disabled (ADA); the Mayor will advise the County.
- P. Permission to submit letter of intent for grant for summer concerts (Mayor Rustin)  
Mayor Rustin explained that there is a grant available through Bergen County Cultural Arts for music programs and it appears such a grant would be appropriate for us to pursue for the summer concert series the Borough gives each summer.

2. **ADMINISTRATOR'S REPORT**

- A. Policy and procedure on use of banner poles  
It was agreed that the DPW should install the banners. It was agreed that a time limit needed to be established on how long a banner could be displayed, and the size and material specs should be included in the policy. Following discussion, it was agreed to limit the displays to Borough sponsored or co-sponsored events, to Chamber of Commerce sponsored events and the Tenafly Board of Education sponsored events. It was agreed to limit organizations to four displays in a calendar year. The Administrator will request the Engineer furnish specs on the on length, width and fastening requirements to include in the policy to be adopted.

B. Draft specifications for recycling collection

The bid date will be set at the September 2<sup>nd</sup> work session.

C. FY 2009 Community Development applications

The Administrator will speak to the Nature Center about possible improvements to their facility.

D. Bergen County vehicle auction

We will participate in the County auction on September 13. There will be a resolution on the August 12 agenda declaring the vehicles as surplus and authorizing their sale at auction.

E. COAH rehabilitation component

Mr. Steve Weinberg, who does the rehab component in Cresskill, attended the last COAH subcommittee meeting. He will charge \$4750 to put together Rehab policies and procedures manual to submit to COAH; he will market the program, arrange inspections, find contractors, etc. Once completed, the charge would be \$2900 per unit. The Administrator will look into whether this service must be bid formally.

Councilman Lattif advised that in early September, the governing body will get a draft Housing Plan and subsequently, they will get plans by components to review to expedite the review process in anticipation of formal approval.

The time schedule for a joint meeting with the Planning Board and Mayor and Council will be discussed at the September 2<sup>nd</sup> work session.

F. Hudson Avenue land acquisition grant application/status

Mr. Di Giacomo reported that at 7 p.m. on Monday, August 18, the Borough is scheduled to present its Open Space acquisition application to Bergen County. He asked the Borough Engineer to prepare a large color map, and asked the Nature Center Director to attend the meeting with him at the County. He reported further that a Life Estate was discussed with the property owners but they were not interested in pursuing that option further. Beth Davison of the New Jersey Conservation Foundation does consulting work to help towns with Green Acres funding. A Planning Incentive Grant may be an option, but two criteria must be met: there must be an Open Space tax in place and an adopted Recreation and Open Space Plan. We have the tax in place, but the Planning Board has not yet adopted the Open Space Plan. It was noted further that the Nature Center could apply for a grant for Green Acres funds by the September deadline on their own. This would be a simultaneous application with the Borough's. Mr. Di Giacomo explained further that in order to apply for Green Acres grant, the Borough must obtain two appraisals of the property in question from State-sanctioned appraisers. Mr. McDermott will take the need to get the Open Space Plan adopted without further delay back to the Planning Board. Mr. McDermott stressed the importance of buying the property, grant or no grant.

The Council agreed to move ahead with the Green Acres application and for the Administrator to hire the required appraisers and to take whatever action was necessary to submit the application by the September 30<sup>th</sup> deadline.

G. Proposed email policy & guidelines

The Administrator again stressed the need to adopt a formal policy that will address the Open Public Meetings Act, retention of emails, and management/efficiency of

emails. Mr. McDermott raised the issue of how the Board of Education is storing and backing up the emails. It was agreed to discuss this at the September 16<sup>th</sup> work session.

H. DPW request for used ambulance

In reviewing the request from the DPW for the used ambulance, the Administrator expressed concern about expanding the fleet of vehicles. It was agreed that the justification for this additional vehicle should be discussed at the next DPW Committee meeting.

I. Additional concert in September

The Administrator reported that \$27,500 was collected for fireworks and concerts this year and after expenses, it appears that \$9,000-\$10,000 will be left in the trust fund. He inquired if the Council wanted to allocate some of those funds to an additional concert this year, as they had done last year. Due to the positive feedback on the concert by the NJ Philharmonic Orchestra, it was agreed to save the money from this year to go towards having the Orchestra return next year, as it is a large expense.

The Borough Administrator had one additional item:

J. Resurfacing of Engle Street, Section Four

The Administrator reported the Engineer had completed the specifications and we are ready to go out for formal bids. The resolution authorizing receipt of bids will be included on the August 12 agenda.

3. **CORRESPONDENCE**

A. NJ Council on Special Trans. Re: Request/Resolutions of Support  
This will be included on the August 12 agenda.

B. M. Fleischer/Oak Street Re: Sewer backup on Oak Street  
No liability on behalf of the town.

C. S. Burgermaster/Serpentine Re: Ongoing drainage issue  
Addressed earlier this evening.

D. J. Meschke/Sussex Rd Re: Request/temporary storage unit  
Approval will be scheduled on the August 12 agenda.

E. J. Kane/Greentree Terr. Re: Police Station expansion

F. R. Jennings/Prospect Terr. Re: New Police Station

G. Boro of Fair Lawn Re: Request/Support for opposition to  
County plan for vehicular roadway

H. St. Thomas Armenian Church Re: Request/temporary signage for annual  
Food Festival and Bazaar event  
This will be on the August 12 agenda.

I. D. Malamed/Woodland St. Re: Flooding issue at residence  
Addressed earlier this evening.

J. JCC on the Palisades Re: Request/Vidbel's Circus at JCC  
This will be on the August 12 agenda

K. Tenaflly Planning Board Re: 1. Review of Ordinance No. 08-20 for consistency with Master Plan  
2. New Police Building

The review of Ordinance No. 08-20 will be listed on the September 9<sup>th</sup> agenda.

L. M. Fell/Glenwood Rd Re: Request/Block Party Sept. 6

M. J. Pressler/Oak Ave Re: Request/Block Party Sept. 21

N. C. Singh/Windsor Rd Re: Request/Block Party Sept. 6

These three block party requests will be on the August 12 agenda.

O. R. Loccke, Esq. Re: PBA/2009 contract negotiations

Borough Administrator wrote to Attorney Loccke; he, the Chief of Police and Labor Counsel Rob Silber will be meeting right after Labor Day.

P. STOP, c/o Nolan Re: Additional petitions ROSI amendment

Q. M. Fierro, Esq. Re: Tenaflly House/ADA issue

There is no Borough obligation to get involved; this is private property and a private matter between them. The Construction Official should look into the property owner's obligation to provide handicap parking spaces.

R. Temple Sinai Re: Request/Waive False Alarm charges

No waiver will be given; this item will be on the August 12 agenda.

S. P. Bergstein Re: Request/Ovarian Cancer Awareness Month/ribbons on trees

Proclamation will be on August 12 agenda; permission will not be given to display ribbons on trees in the right of way. As an alternative, notice of the event will be permitted on the electronic message board if submitted to the Borough Administrator.

T. A. Manos/Stonehurst Dr. Re: Preserve Green Acres and Open Space

U. B.C. 200 Club Re: Grant Funding available

4. **CLOSED SESSION – None.**

5. **RESOLUTIONS for the meeting of August 12, 2008:**

- A. Approve August Expenditures
- B. Approve Refunds/Cancelled Recreation participation
- C. Approve Refund/Tree Removal Escrow/46 Knoll Road
- D. Approve Refund/Tree Removal Escrow/104 Kent Road
- E. Approve Refund/Tree Removal Escrow/67 No. Summit Street
- F. Approve Refund/Tree Removal Escrow/151 Grove Street
- G. Approve Refund/Tree Removal Escrow/100 Essex Drive
- H. Approve Refund/Tax Court Judgment
- I. Approve Mileage Reimbursement Amount
- J. Approve Raffle App #928/St. Thomas Armenian Church
- K. Award Bid/Repair of Police Vehicles
- L. Award Bid/Repair of Traffic Signals

- M. Approve Bergen County Grant Agreement/Walnut Park Playground
- N. Approve Bergen County Grant Agreement/Barrier-Free Doors/McCandless Room

6. **PUBLIC HEARINGS for meeting of August 12, 2008: None.**

7. **COMMITTEE REPORTS - None**

8. **MINUTES to be approved:** Work Session of July 1, 2008  
Closed Session of July 8, 2008  
Special Meeting of July 8, 2008  
Public Meeting of July 8, 2008

9. **OTHER BUSINESS**

Councilwoman LaMastra mentioned that a resident of Tenafly placed 5<sup>th</sup> recently in the X Games as reported in the Record and requested the Clerk send a letter of congratulations from the governing body.

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 McDermott, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 1:25 a.m.

Respectfully submitted,

Nancy Hatten