

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, AUGUST 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, Michael Lattif, Patrick J. Rouse, Robert Thompson, Jon Warme

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Absent: Councilwoman Nadia LaMastra (vacation/out of town)

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. Eva Lerner-Lam, 47 Oxford Drive, Tenafly was present for item 3-J on tonight's agenda regarding the request to place a temporary storage container in the front yard of her property temporarily, just for the dates of August 15 to 21, 2007.

1. **TO BE CONSIDERED**

A. Review 2006 Audit Report/Recommendations/Corrective Action Plan

The resolution acknowledging the 2006 Annual Audit Report will be on the August 14th meeting agenda, as will the Corrective Action Plan prepared by the Chief Financial Officer. The CFO had the Auditor's office correct the Recommendations page to reflect that it was the Fire Prevention Bureau and not the Fire Department that should have been cited in the Comments/Recommendations page. The Borough Administrator advised that the CFO is working on a proposal to submit to the governing body for the physical asset inventory to be done in-house instead of hiring an outside service to perform the inventory.

B. Planning Board recommendation to establish R-7.5A Zone classification

Councilwoman Hoernlein, member of the Planning Board, reported that Councilwoman LaMastra's question regarding the history behind this proposed zone classification was not discussed at the last Planning Board meeting. She expressed further her concerns that three, four and multi-family houses are not shown on the map, only two-family are noted. Councilman Lattif distributed page four of the 2006 Annual Report of the Planning Board and Burgis Associates June 26, 2007 memo to the Planning Board (attached) and read from the Mayor's State of the Borough Address given at the Reorganization meeting held on January 7, 2007. Following discussion, it was decided that the Borough Administrator will ask the Planning Board why the three, four and multi-family homes were not included in their review, and what specifically are the objections to two-family homes, in order to give the Council an understanding of the Planning Board's perspective. This item was then deferred to the September 4, 2007 work session for further consideration.

C. Planning Board proposed Soil Moving Ordinance and Application

The Borough Administrator voiced several concerns he had in reviewing this proposed ordinance and had several questions to put to the Borough Engineer. Items for further review were: limiting the cumulative amount of soil to be moved over a specified period of time; definition of "move" must be clarified to mean 'cutting and filling'; requirements on disclosure of source of soil imported to site should always be required at the expense of the applicant; soil suitability requires a definition; disclosure of site to which soil will be removed from Tenafly property, including how disposal will be done and where; aspects of retaining walls and inspection requirements; restrictions should be established about the mounding of dirt against building to deter raising the grade; tree protection measures should be included as approved by the DPW Director; requirement of a sediment filter fence; basement floor elevation should be set no higher than the average elevation of the natural grade in the area; penalties proposed should be reviewed for legality; no CO should be issued until soil moving has been certified; there should be no work on Saturday, Sunday and legal holidays and specifying the religious holidays; no enforcement powers by individual Planning Board member; and the Borough Engineer should sign the permits, not a Committee. The Borough Attorney will review the paragraph regarding the appeal process for its legality and recommend any appropriate changes. The Borough Administrator will pose all his questions to the Borough Engineer; the matter will be considered again at the September 18, 2007 work session.

D. Award contract to Haskell Paving for D-J Park parking lot (\$16,500)

A resolution of award will be included on the August 14th public meeting agenda.

E. Sewer charges for tax exempt users

Following discussion, Borough Administrator will check with BCUA as to whether veterans can be split apart from non-profit organizations to keep the veterans with exempt status. He will also check with the Riverside Cooperative to see how those towns handle this issue. Council will review again at September 4th work session. If decision to start charging non-profits, implementation would be next year to allow enough time for notification to the affected parties for their budgeting purposes.

- F. Capital financing for Tenafly Road sewer line replacement
Bond Counsel will prepare Ordinance for introduction at August 14th meeting; General Capital Fund will be the source of funds for this project, whose cost came in at \$196,000, well over the \$100,000 estimated by the Borough Engineer.
- G. Authorize receipt of bids/Recycling Center repairs & renovations
Administrator hopes to have dates from T&M Associates for receipt of bids; authorization at August 14th meeting. Cost estimate for project as revised is \$125,000-\$130,000.
- H. Policy on use of vacation leave by employees and
Policy on meal reimbursement at Borough-approved conferences
Discussion on policy for meal reimbursement resulted in issue being returned to the Finance Committee for further review; idea was expressed that the League conference should be exempt from this policy. It was agreed to hold the discussion on use of vacation time in December until Administration Committee Chair Councilwoman LaMastra would be present to participate in the discussion. The Borough Administrator will distribute a chart he prepared of December 2006 vacation use. This matter will be discussed at September 4th work session.
- I. Addendum to HARP agreement for nursing services
Resolution of renewal on August 14th agenda.
- J. Revised Parks maintenance plan
Distribution was made of an August 5th memo from Jon Dolch; the DPW Committee has yet to review it. It was agreed that DPW Director Beutel should be scheduled at a September work session to review the maintenance plan.
- K. Revisions to Street Opening regulations for 8/14 Ordinance introduction
Ordinance to be introduced August 14th; change party to 'Administrator' from 'Mayor and Council' on page 2.
- L. Draft Ordinance for Road Dedication/Grove Street LLC to Tenafly
Borough Attorney reported separate Ordinances should be done, Easements from Dedications; he will prepare them after consulting with the Borough Engineer. Borough Administrator reported that the Attorney for the development advised him that advertising of the affordable units at the development would begin sometime in November-December of this year.
- M. Developer's Agreement for JCC on the Palisades
Borough Attorney noted that the required changes to the basic Developer's Agreement format had not been included in the Agreement submitted; he will contact both Planning Board attorney and attorney for JCC to have replacement pages for substitution so Agreement can be approved on Tuesday.
- N. Support for Off-Road Vehicle Use legislation
Council agreed to support this legislation; Clerk to prepare resolution for August 14 agenda.

- O. Borough Newsletter policies (Mr. Lattif)
Mr. Lattif agreed to defer this discussion to the September 4th work session due to the length of this evening's agenda.
- P. Proposed playground ordinance (Mr. Lattif)
Councilman Lattif expressed concern that "No Dogs in Playgrounds" signs were displayed prominently at our playgrounds. The Ordinances will be amended to give weight to the restriction. The Borough Administrator will reach out to the Borough of Demarest for a copy of their ordinance.
- Q. Appointment of Gerry Migliore of CVS as business community liaison to Advisory Committee for the Disabled (Mayor Rustin)
This appointment will be scheduled on the August 14th agenda under Mayor's remarks.
- R. Establish Policy on Work in Borough R-O-W/Maintenance of property in r-o-w (Mayor Rustin)
It was agreed that this should be deferred to the meeting in September when DPW Director Beutel will attend. Clerk will provide copies of property maintenance responsibilities on part of homeowners in Agenda packet when scheduled.
- S. Proposed Maugham School Student Drop-Off Zone (Police Chief Memo to Borough Administrator of 8/1/07)
Borough Attorney will review current code to add a clause to proposed ordinance so Police Chief can implement this restriction on emergency basis for start of school term since adoption of ordinance will be mid-September. Ordinance will be introduced at August 14th meeting.
- T. Developer's Agreement for EMCO Realty Corp (Lowell Cleaners property)
Borough Attorney noted that revised language on Developer's Agreements was included in this Agreement; schedule approval for August 14th meeting.

2. **ADMINISTRATOR'S REPORT**

- A. County park improvement grant applications
Deadline for filing application is August 31, 2007. A resolution is needed to authorize submission of the application. Administrator suggested supplemental funding for Huyler Park improvements, Phase II, and a new playground for ADA equipment, but the latter requires a decision on where such equipment would be placed. It was agreed that Walnut Park may be the best site. Resolution scheduled for August 14th public meeting.
- B. 74 Magnolia Avenue drainage complaint
Borough Administrator will draft a response to Mr. Winfield's issues, addressing each point.

The Administrator added the following items to his report:

- C. Rutgers Annual Public Information Contest
Borough Administrator will apply for our website to be recognized.

D. New Plasma TV for Youth Center

Borough Administrator reported that Youth Center Director Mark Slawson returned to Saga Electronics to see if a better price could be quoted, based on similar equipment installed in the Senior Center for only \$4750. Saga explained that the wiring requirements upon installation were different as the Youth Center wanted receivers that could connect to all the TVs in the Center. It was agreed to approve this purchase.

E. New Emergency Exit for Library/Children's Room

Following the installation of the new doors in the library that closes off the children's room from the main desk for noise control, a new emergency exit to the outside of the building is needed. Following discussion, it was agreed to look into an interior re-design near the Reference area to accommodate the existing exterior door on the north side of the library that is at ground level.

A break was taken at 10:35 p.m.

4. **CLOSED SESSION**

At 10:44 p.m., the Borough Attorney read the following resolution:

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

Personnel – to be presented by Borough Administrator

1. Authorization to appoint Construction Official/Building Subcode Official above minimum salary
2. Borough Administrator recommendations to terminate DPW employees
3. Authorization to hire above minimum salary/Administrative Assistant for Fire Services

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 11:16 p.m., the Committee of the Whole meeting resumed. As Mrs. Lerner-Lam had waited in the hall to hear the discussion on her item #3-J, a brief discussion was held at which time the Council agreed to her request for the one-week placement of a temporary storage trailer (POD) in her front yard. There will be a resolution memorializing this decision on the August 14th agenda.

3. **CORRESPONDENCE**

A. Alice Rigney/Knoll Road Re: Sewer System hook up
Borough Administrator will write to Mrs. Rigney and advise her that we can not reimburse her.

B. N. Hoffman, PhD. Re: Request/Teach at D-J Park

The offer is declined as this is a passive park; she has been advised to speak with Recreation about discussing her program and their future plans.

- C. Axia Restaurant/Piermont Rd Re: Condition of Piermont Road
Road signage/directional arrows has been installed.
- D. NJ DOT Re: Ord. No. 07-11/Handicapped Parking
designation on Private Property
- E. Int'l Merchant Solutions Re: Accepting Credit Cards
No response at this time. The Finance Committee is exploring the concept of
credit card payments, specifically the service fees that are charged and who pays them.
- F. NJ DOT Re: Safe Route to Schools Grant/\$39,600.
- G. Harley/Magnolia Ave. Re: Complaint/Tax increase
Not a 10% increase; Borough Clerk will write letter of explanation.
- H. Armaniaco/Grandview Terr. Re: Request/Temporary Storage of Stone
at 125 Piermont Road
This will be approved on August 14th meeting agenda; already in place.
- I. NJ Office of Leg. Services Re: Space for Satellite offices
- J. Lerner-Lam/Oxford Dr. Re: Request/Temporary Storage Container
placement in driveway
Approved; resolution on August 14th agenda.
- K. NJ DCA Re: Grant Award/Special Improvement
District Challenge Grant/\$10,000
- L. B. C. Executive Re: Open Space Grant Award/Huyler
Park Improvements Project/\$68,000.
Open Space Grant Award/Skate Park
Phase 2-\$22,000.
- M. Finder/Stonehurst Dr. Re: Drainage affected by construction
Waiting for report from Borough Engineer; Borough Clerk to respond.
- N. Tenafly Racquet Club Re: Proposal/Donate resurfacing of four
Municipal tennis courts
Resolution will be on August 14th agenda if Borough Engineer able to obtain
quotes as required by law.
- O. NJ DOT Re: Award Approval/Hickory Avenue and
Hudson Avenue resurfacing projects
- P. NJ DEP Re: Notice of Grant and Loan availability

Q. L. Liulakis/Lindley Ave. Re: Drainage/Lindley Avenue
Mr. Thompson commented that much water accumulates at the bottom of this driveway; Borough Administrator will ask Borough Engineer to report on how this has happened.

R. Metro Golf & Fitness Re: Request/Banner signage at upcoming golf and fitness center/145 Piermont
Borough Administrator suggested the Building Department be consulted on whether this applicant has applied to Building for temporary signage and if Director of Buildings/Zoning Officer denied their request.

S. Rep. Scott Garrett, 5th D. Re: Airspace amendment/FAA

T. League of Municipalities Re: Various advisories and bulletins

U. S. Sherman/Knickerbocker Rd Re: Thank you/DPW and Beutel

V. DeCroce and Abelow Re: Asset Monetization/State Roads

W. Rutgers/Agriculture Exp. Stn. Re: Tenakill Brook Watershed Restoration And Protection Plan
Borough Engineer and DPW Director should provide Rutgers with answers.

X. D-37 Representation Re: Thank You/Library Funding resolution

Y. NJ DEP Re: FEMA Mitigation Grant Program

Z. Pressler/Oak Ave. Re: Request/Block Party/9-16-07
Approval will be scheduled on August 14th agenda.

AA. Avi Sacajiu/Adult Soccer Re: Use of Municipal Field
Borough Clerk will respond to Mr. Sacajiu on behalf of the governing body advising him that the June 6th letter from Recreation Director has their support and they consider the matter closed.

BB. DeMarco Communications Re: Newsletter production proposal
This item is deferred to the September 4th work session, to accompany Mr. Lattif's comments submitted this evening.

CC. US Dept. of Census Re: Workshop Presentation Schedule
Borough Administrator advised that Assessor Carol Byrne attended the first meeting.

5. **RESOLUTIONS**

- A. Approve August Expenditures and Payrolls
- B. Acknowledge 2006 Audit Report
- C. Approve Corrective Action Plan for 2006 Audit
- D. Authorize submission of Municipal Aid application/Engle Street
- E. Approve agreement for Youth Center/More than Snacks LLC
- F. Award bid for police vehicle

- G. Introduce Ordinance to amend Code for street opening permits
- H. Designate individual for County open space committee
- I. Authorize submission of County grant applications
- J. Authorize Refunds/Cancelled Recreation Program participation
- K. Approve Refund/80% of Tree Removal Escrow/146 Columbus Dr/\$2,000.
- L. Approve Refund/80% of Tree Removal Escrow/67 Highwood Ave/\$800.
- M. Approve Refund/80% of Tree Removal Escrow/67 Jefferson Ave/\$1,600.
- N. Approve Refund/80% of Tree Removal Escrow/267 Devon Rd/\$4,400.
- O. Approve Refund/Final 20% of Tree Removal Escrow/22 Sisson Terr/\$80.
- P. Approve Refund/Final 20% of Tree Removal Escrow/94 Park St/\$150.
- Q. Approve Outdoor Seating Applications: Good Taste, Chez Cheese
- R. Approve Raffle Applications: No. 905 & 906/St. John the Theologian
- S. Approve Bergen County Grants/Barrier Free Doors at Senior Center; Huyler Park Improvements; Skate Park at Roosevelt Common, Phase II.
- T. Approve Refund/Balance of Cash Performance Bond plus interest/Zoning Board of Adjustment Application/Victoria Square at Tenafly, LLC
- U. Authorize State Contract purchase of two vehicles for Building Dept.
- V. Award bid for pump station pump (bid receipt on 8/1/07)
- W. Award bid for Recreation vehicle (bid receipt on 8/1/07)

6. **ORDINANCES – No hearings scheduled for August 14, 2007 meeting.**

7. **COMMITTEE REPORTS – None**

8. **MINUTES to be approved at August 14, 2007 meeting: Work Session of July 10, 2007 and Public Meeting of July 10, 2007.**

9. **OTHER BUSINESS**

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

Borough Clerk was directed to include a discussion on the Reverse 9-1-1 system on the work session agenda of September 4, 2007.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Lattif, second by Council member Warms, and unanimously carried, to adjourn this meeting. The meeting was adjourned at midnight.

Respectfully submitted,

Nancy Hatten