

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, SEPTEMBER 15, 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, Nadia LaMastra, Michael Lattif, Joseph McDermott, Patrick J. Rouse, Jon Warms

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Director of Public Works: 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. Mel Lubins, 33 Stoneybrook Road, Tenafly urged the Council to do a further study of the drainage issues before going ahead with the Dean Drive Drainage Improvement Project. He also suggested the time limit for speakers be increased to four minutes from the current three minutes allocated.
2. Arthur Peck, 260 Devon Road, Tenafly, speaking as a former Council member, suggested the Council changing the form of government to non-partisan, as he felt having a one-party administration was not advantageous to the town.
3. Lisa DiSalvo, 168 East Clinton Avenue, Tenafly, voiced her concern about the re-establishment of rail service in Tenafly and expressed her opposition to it.
4. Joyce Capkovitz, 11 Knoll Road, Tenafly, opposes the re-establishment of rail service in Tenafly.
5. Dora Palance, 59 Park Street, Tenafly, opposes the return of rail service to Tenafly.

1. **TO BE CONSIDERED**

A. Report from Committee on August NJ Transit meeting (from 9/1 COW)

A list of questions asked of NJ Transit was distributed. Questions focus on the ridership issue. Referencing a handout from the meeting, NJ Transit went through details of their ridership model. Some of their information is out-of-date and they

acknowledged that corrections needed to be made. It was reported that they are changing and updating the information and a digital copy should be coming within the next few weeks so it can be posted to our website for the public. Possible dates for a Tenaflly-only townwide meeting with NJ Transit are October 26 and November 16; Clerk directed to put topic on October 6 work session agenda for discussion on how best to notify the public of this meeting.

Also to be placed on October 6 agenda is the position the governing body will take regarding rail service to Tenaflly.

Any questions Council has regarding the return of rail service should be directed to the Transportation Committee through Councilman McDermott for discussion at their next meeting.

B. Report from Director of Public Works/Defects and Remedies in Tree Removal Regulations

Following discussion, it was agreed that the Borough Administrator, Borough Attorney and Director of Public Works will come back with a final draft for Council consideration.

C. Establish E-mail policy

Following discussion, the Borough Attorney will make some further revisions and this will be on the September 22 agenda for adoption of an email policy.

D. Suggestion from resident/Overnight Parking opinion solicitation

The suggestion is to publish the results of a website poll in the Record and Press Journal, not just on the website. Council will consider. Also determined was to put the issue of Overnight Parking on the October 6 work session agenda.

E. Consider amendment to Nature Center lease/add Hudson Avenue acre acquired by Borough

Borough Attorney will prepare for a future meeting. Leases must be approved by Green Acres.

2. **ADMINISTRATOR'S REPORT**

A. State health benefits loss experience/fees

Must obtain experience rating from State before competitive quotes can be obtained. Council agreed to expense of \$2000 for report on Direct 10 and Direct 15 employee participants in the State Health Benefits Program.

B. Authorize replacement of Driver/Laborer

Council authorized advertisement to fill vacancy from Eliot resignation

C. Joint Use Committee Agenda

Meeting is set for October 5. Agenda topic by Board of Education is the issue of traffic control at all of the schools. Sustainable Jersey and need for Board involvement will be agenda item; Public Works Director will attend to discuss. Issue of the impact of light rail and the rail communications plan was added, involvement of high school clubs and the Environmental Commission, a full time School Resource Officer and joint purchasing possibilities were also added.

D. Bid summary for Dean Drive detention basin project

Administrator reported 17 bids were received. Borough Engineer will review the bids and make his recommendations.

3. **CORRESPONDENCE**

- A. Lynda Burke/Elm Street Re: Resignation from Library Board
- B. S. Olshin/Teaneck Re: Sukkot Carnival at JCC 10-5-09
Permission will be on September 22 agenda.
- C. L. Singer/Tekening Dr. Re: Opposes overnight parking in Borough
- D. NJ Transit Re: Supplemental HARBS/Historic
Architectural Resource Background
Study CD – reply required by 10/8

Mr. McDermott offered to duplicate copies of CD so that it can be reviewed; copy needed for review by HPC.

4. **CLOSED SESSION**

At 9:40 p.m., the Borough Attorney 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. Acquah v Boro of Tenafly
- B. Personnel
 - 1. Resignation of Chief Financial Officer

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 open meeting resumed at 10:05 p.m.

5. **RESOLUTIONS for the meeting of September 22, 2009**

- A. Authorize sale of two used vehicles via online auction/GovDeals
- B. Final payment and change order/Engle Street, Phase 1/Reivax Contracting
- C. Redemption for Tax Title Lien TTL08-6
- D. Authorize receipt of bids on Huyler Park Improvement project
- E. Approve Outdoor Seating permits: AXIA and Good Taste
- F. Approve reduction in Sharp Tenafly, LLC Performance Bond/accept Maintenance Bond
- G. Approve Refund of 80% of JMP Tree Removal Escrow
- H. Approve Raffle App. #954/Presbyterian Church on 11/22/09
- I. Authorize bids for upgrade of back-up generator for Municipal Center

6. **PUBLIC HEARINGS for meeting of September 22, 2009**

- A. Ordinances: Ord. No. 09-23/amend Code section 35-506i
- B. Other: None

7. **COMMITTEE REPORTS**

Councilman McDermott: The Fire Department has not come back on the house numbers issue, or the out-of-town members. They have also not given a date for their officers to come to a Council meeting for approval as required by the Ordinance. Council will discuss at October 6 work session.

He reported that the Environmental Commission had a meeting with Architect Anthony Iovino on the expansion of the Police headquarters and discussed the LEED option with him.

Councilman Feldman: The Historic Preservation Commission will be making a presentation of some framed maps to the governing body on September 22. He also reported that the special Historic District signs project will have a special installation ceremony in the near future.

Councilman Warms: The Planning Board will have some changes to the Land Development Regulations to present to the Council.

Councilwoman LaMastra: Recreation met as a Recreation Board for the first time. There were 430 campers in 2009 compared to 360 in 2008. Recreation is seeking an additional Site Supervisor. Fingerprinting for the winter sports has started. Mayor requested a financial report on the summer camp and Ms. LaMastra will obtain and distribute.

She reported on the Welcome Committee's New Resident event held earlier this evening and commented on its success. The Borough Clerk was asked to send a note of thanks to the Committee on behalf of the Council.

Mayor Rustin: Municipalities are trying to get together to buy power. There need 210 to participate and only 91 have expressed interest.

He reported further that a recent bulletin from the League of Municipalities addressed a COAH issue and a recent finding in a builder's remedy suit against another town. Council agreed to put a resolution on the agenda for September 22 expressing our opposition.

8. **MINUTES to be approved:** September 1, 2009 work session
 September 1, 2009 closed session
 September 8, 2009 public meeting
 September 8, 2009 closed session

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; at August 4 meeting, agreed to move up to September 1.~~

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

- A. There will be a presentation of three items to Mayor and Council by the HPC at start of 9-22-09 meeting (*The presentation involves 3 old maps of Tenafly neighborhoods, circa 1900-10. Each map is framed.*)
- B. Appointment to Board of Health at 9/22 meeting: Maria Xylas
- C. Councilman Feldman asked that a discussion on the Canvassing code be placed on the October 6 agenda in light of an email from the Police Chief reporting an incident involving door-to-door canvassers for the upcoming gubernatorial election. The Borough Attorney will have a written opinion for the Council by Tuesday night.
- D. Councilman Feldman requested financial status reports be distributed monthly.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Rouse, second by Council member LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Nancy Hatten, Borough Clerk