

Approved: October 23, 2007

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, OCTOBER 2, 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 and Jon Warms

Borough Administrator: Joseph Di Giacomo

Borough Attorney: William R. McClure, Esq.

Absent: Borough Clerk Nancy Hatten

Executive Assistant to the Borough Clerk Eileen DeFabiis was present.

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. Mark Marzocchi, 293 Riveredge Road, Tenafly, expressed concern over the bus stop located in front of his home and would like to see it moved or eliminated.
2. Larry Cherchi, Mayor of Leonia, 232 Freeland Avenue, Leonia, requested use of the Skate Park by Leonia residents.

Borough Administrator Di Giacomo will ask that this request be placed on the next Recreation Commission meeting agenda for discussion. He will request a list of questions or comments to be presented to the Mayor and Council. At the same time the Recreation Commission could look into what programs Leonia has for sharing.

Councilman Rouse recognized Library Director Steven Wechtler, Library Board Members Arthur Peck and Everett Ferguson, and President of the Library Board of Trustees Ellen Rochford.

Councilman Rouse expressed concern about overcrowding at the Library.

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Steven Wechtler also expressed concerns about overcrowding at the Library and their need for space. The lack of space is having a negative impact on the Library. He proposed use of the south-end of the McCandless Room for Library programs once the new Police Headquarters is complete. The McCandless Room is structurally part of the Library. The Library would fund the soundproofing and any other renovations they would like to do to the McCandless Room.

Ellen Rochford explained the history of the McCandless Room.

Mr. Fergenson explained that this is the only chance the Library has to acquire more space without having to fund any money. They have no flexibility in terms of space.

Mayor Rustin commented that the governing body truly appreciates the level of service that the Library provides and that the governing body will consider their request.

1. **TO BE CONSIDERED**

A. Planning Board proposed Soil Moving Ordinance & Application (from 8/7 & 9/18)

Borough Administrator Di Giacomo received an e-mail from David Hals Engineering, dated September 11, 2007, with revisions to the Proposed Soil Moving Ordinance. There was discussion of several questions regarding elevation of the basement floor, the mounding of soil within a certain distance of a proposed building, and the building height. The Borough Administrator suggested having the Fire Department take a look at the ordinance.

The Borough Administrator will send a letter, with the ordinance, to the Planning Board asking them to address numbers 11 and 12 of the e-mail from Hals Engineering.

B. Temporary Debt/bond sale discussion (from 9/18 meeting)

Borough Administrator Di Giacomo explained the non-traditional debt service schedule for the financing of the new Police Headquarters. The Borough is currently applying to the Local Finance Board for approval of the non-traditional debt service schedule for this project.

A Resolution approving the application will be on the 10/9/07 agenda.

C. Tree Removal Ordinance Amendments

Jeff Toonkel, member of the Environmental Commission, believes the Borough should use 'Botanical' names instead of 'Common' names of trees in the Tree Removal Ordinance. The Borough Administrator suggested using 'Common' names. Also discussed was tree water absorption and how we quantify the root system. Councilman Lattif suggested making a list of questions to ask residents wanting to take down 20 or more trees. Borough Administrator Di Giacomo suggested looking at the current standards of review and make sure everything is addressed.

The Borough Administrator will go over the ordinance with Bob Beutel, Director of the DPW. No further action at this time.

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D. Increase Dog and Cat License Fees/Amending Ordinance

The governing body reviewed the amending ordinance for the increase of dog and cat licenses. The ordinance will be introduced at the 10/9/07 Mayor and Council Public Meeting.

E. Expand Membership of Business Development Committee/SID Challenge

Borough Administrator Di Giacomo requested permission to solicit interest from people who would like to be on the Business Development Committee.

Council approved request.

F. Prescription Drug Discount Program

Councilman Latiff presented a prescription drug plan that he found on the County website which provides 10% to 50% savings on prescription drugs, and would like this offered to the residents of Tenafly. Mayor Rustin asked Borough Attorney McClure if there would be any risk to the Borough. Borough Attorney McClure replied no.

Borough Administrator Di Giacomo will speak with the Cresskill Borough Clerk regarding this plan as they are currently using this program.

G. 2008 Budget Instructions and Submission Schedule Memo

Councilman Lattif remarked that there is inconsistent compliance with various directives contained in the Borough Administrator's memo that is sent out each year containing budget instructions and submission schedule. He suggested sending a memo stating that all departments must comply with the Administrator's memo.

Council approved the Borough Administrator sending an 'Affirmative Statement' putting department heads on notice that whether or not they will receive salary increases next year will be determined by their submission of goals.

H. NJ DEP/Biennial Certification Enforcement

The Borough received a letter from the State of New Jersey Department of Environmental Protection regarding their Site Remediation Program and failure to meet contaminated site monitoring requirements.

Borough Administrator Di Giacomo remarked that no action is needed on this.

I. Permit Application for Use of Roosevelt Common/PIE Valley PTO

Borough Administrator Di Giacomo remarked that an application was received by the Recreation Commission from PIE Valley PTO requesting permission for use of Roosevelt Common for a Walk-A-Thon. The application was denied by the Commission. The Borough Administrator remarked that they need to have more compassion when dealing with groups such as this.

This item is approved and is to be placed on the October 9, 2007 Public Meeting Agenda.

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2. **ADMINISTRATOR'S REPORT**

A. Cable television franchise renewal/draft ordinance

The Borough Administrator introduced a memo with all provisions of the existing ordinance and franchise, which included other issues that need to be addressed. He advised Council that they have 30 days to approve or disapprove the franchise. He suggested sending to Cablevision what some of the issues are that the Borough wants included in the next franchise. One issue discussed was that the Statute provides minimum insurance requirements. The Borough can impose higher requirements which would have to be approved by the Office of Cable TV. The Borough Administrator sent an e-mail to the Borough's Joint Insurance Fund with what the Borough currently requires and asked them if they have any suggestions on a higher amount. He is hoping to hear from them in the next day or two.

With approval from Council the Borough Administrator will send the terms and conditions that the Borough is willing to consider for renewal of the franchise to Cablevision.

B. Resurfacing Program/Final Change Order

Borough Administrator Di Giacomo reported that there was 450 fewer tons of asphalt than in the original estimate. Even though it is less, the Borough still has to do a Change Order. Another issue that ties into this is that in August the Engineer had given the Borough quotes on sidewalk replacement. At that time it was decided to hold up on it until the Borough saw what the final cost was. He asked if the governing body would like to go ahead with the sidewalks between now and Thanksgiving. The sidewalks to be replaced are on Tenafly Road, opposite Stillman School and Prospect Terrace. The Engineering estimate was \$18,000.00, and the low quote was 16,870.00. The Borough has enough money to go ahead with this project.

After a brief discussion, the Change Order and approval for the sidewalk replacements will be put on the October 9, 2007 Public Meeting Agenda for approval by Council.

C. Hudson/Hickory resurfacing/change order

Borough Administrator Di Giacomo advised Council that there are going to be two Change Orders for the resurfacing project on Hudson and Hickory Avenues. One is for a need for an additional drainage inlet on Hudson Avenue. The other is for redesigning some of the storm drainage to either go under the gas mains or avoiding them on Hickory Avenue. The cost is unknown at this time.

D. Community development application/McCandless room automatic doors

Council agreed to go ahead at the October 9, 2007 Public Meeting with approving the application to put automatic doors in at the McCandless Room. The Borough will ask for a matching grant of about \$10,800. The doors will be located where the first set of doors are located.

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E. HVAC repairs/improvements/study

Borough Administrator Di Giacomo remarked that this was discussed at the Building Department meeting last week. They would like to reallocate money already appropriated for three projects.

1. Instead of trying to replace the Borough's compressor and chiller, Frank Mottola, Building Director, has made contact with Conditioning Control Systems, Inc. of Cresskill who evaluated the chillers and said that they just need to be upgraded and restored. The cost is \$10,200.00.

Councilman Warms questioned the repair of significant leaks in the system.

Borough Administrator DiGiacomo will confirm the repair of all leaks, not just significant leaks.

2. Installing a gas line to the existing roof top heating ventilating/air conditioning units that will provide heat to the Assessor's office and the Finance Department. The estimate for this work is \$10,920.00.

3. The Building Director received a cost proposal from Omdex Incorporated, Consulting Engineers, which is the company that has been working with our architect on the new Police Headquarters. They have also done preliminary consulting on this building with respect to breaking the Library off from the rest of the building. The Building Director has a proposal for them to come in and see what changes need to be made to the Borough Hall building knowing that the Police Headquarters, which is open 24 hours a day, is moving out. Is the existing system now going to be adequate or do we need to have a major upgrade? This would be a cost for them to come in, study it, and give us a report on the existing system minus the Police Department. The cost of the study is \$ 10,300.00.

The Borough would like to go ahead with these three projects. The Borough Administrator will talk to the Chief Financial Officer about how to reallocate the money in the ordinance. The ordinance may have to be amended to do it.

Council approved the three projects.

F. The Borough Administrator acknowledged a petition from Mr. Iacullo of Prospect Terrace who is asking to replace roll curbing, on the entire street, with formed asphalt. He will ask the Department of Public Works Director to look at this and make sure it can be done without creating any grading drainage problem.

Item F will be placed on the next Work Session Agenda for a decision.

G. Last week the Borough Administrator approved use by the Democratic Committee of the Ailliene S. D. Johnson Garden Room for a dinner party on the evening of October 13th. They are requesting permission to serve alcoholic beverages, and to conclude their use of the room at 10:00 p.m. instead of 9:00 p.m.

There were no objections from Council. This item will be placed on the October 9, 2007 Agenda.

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- H. Letter from a resident at 10 Boulder Road regarding pothole issues.

After a brief discussion it was decided to have the Department of Public Works Director inspect the condition of the road and fix or repair any potholes and the Borough Administrator will advise the resident that repaving of the road will be considered for paving next year.

- I. Letter from Melvin Lubins regarding 33 Stonybrook Road

Borough Administrator Di Giacomo acknowledged receipt of a letter from Mr. Lubins alleging numerous code violations in connection with construction activity on his neighbor's lot. Mr. Di Giacomo commented that half of the code sections cited by Mr. Lubins pertained to subdivisions and site plans and do not apply to the single-family home construction activity in this case. The Administrator was asked to meet with the Borough Engineer and Zoning Officer to review each of the items and reply to Mr. Lubins.

Mayor and Council took a five minute break.

3. **CORRESPONDENCE**

- A. Elliot Urdang, Esq./JAM Paper Re: Request for Temporary Trailers

Item A will be placed on the October 9, 2007 Public Meeting Agenda for approval of request for a period not to exceed six months.

- B. Mayor, L. Cherchi, Leonia Re: Request for use of Skate Park

The Borough Administrator will ask that this request be placed on the next Recreation Commission meeting agenda for discussion. He will request a list of questions or comments to be presented to the Mayor and Council. At the same time the Recreation Commission could look into what programs Leonia has for sharing.

- C. Church of Atonement Re: Request/Temporary Signage

Item C will be placed on the October 9, 2007 Public Meeting Agenda for approval.

- D. Scott Garrett Re: FAA airspace issue

Letter addresses air traffic congestion. No action needed

- E. Bruce Egert, Esq. Re: Columbus Dr. & Grove St.

Mr. Egert suggested the DPW put up temporary or permanent dividers on the S shaped portion of lower Columbus Drive as it nears Grove Street.

No action being taken.

- F. Maugham School Principal Re: Designate Handicap Spot

Mayor Rustin remarked that the Police Chief has already sent a letter to the Principal of Maugham School with the recommendation not to do this, but to create a second and/or third handicap space in their lot.

- G. McSpirit & Beckett Re: Employee Parking

The Borough Administrator will discuss this with Nancy Hatten.

- H. NJSLOM Re: Major Sign Ordinance Decision in NJ DEP Site Remediation Notice

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I. Alan Ashkinaze Re: Request on behalf of Marzocchi/Bus Stop at 293 Riveredge Road

Borough Administrator Di Giacomo suggested asking the Police Commission to consider and make a recommendation.

Councilman Rouse will report back after the next Police Commission meeting.

4. **CLOSED SESSION**

At 11:19 p.m., the Borough Attorney read the following resolution:

Motion by Council member Rouse, second by Council member LaMastra, 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

B. Personnel - to be presented by Borough Administrator

1. DPW bargaining unit contract negotiations
2. Administrative employees bargaining unit contract negotiations
3. Pending disciplinary hearing/Robert Rodriguez/status
4. Continuation of disciplinary hearing/Michael Cote/status

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.

Reconvene into Committee of the Whole meeting at 11:57 p.m.

5. **RESOLUTIONS**

- A. Approve payrolls and October expenditures
- B. Approve Application to Local Finance Board for nonconforming bond principal payments
- C. Authorize advertisement and receipt of bids for new Fire Prevention vehicle
- D. Approve Outdoor Seating License/29 Prime Numbers LLC/18 Piermont Rd.
- E. Authorize release of Street Opening Escrow/Permit #993/83 Woodland Street
- F. Authorize Refund/80% of Tree Removal Escrow/23 Birchwood Place/\$1,400.
- G. Authorize Refund/80% of Tree Removal Escrow/91 Churchill Road/\$1,200.
- H. Authorize Refund/80% of Tree Removal Escrow/93 Churchill Road/\$1,600.
- I. Authorize Refund/80% of Tree Removal Escrow/119 Elm Street/\$1,000.
- J. Authorize Refund/80% of Tree Removal Escrow/46 Forest Road/\$120.
- K. Authorize Refund/80% of Tree Removal Escrow/14 Homestead Road/\$1,000.
- L. Authorize Refund/80% of Tree Removal Escrow/2 Millers Crossing/\$2,000.
- M. Authorize Refund/80% of Tree Removal Escrow/10 Nelson Place/\$600.
- N. Authorize Refund/80% of Tree Removal Escrow/22 Oak Street/\$1,000.
- O. Authorize Refund/80% of Tree Removal Escrow/11 Sherwood Road/\$1,200.
- P. Authorize Refund/Final 20% of Tree Removal Escrow/10 Boulder Road/\$1,400.
- Q. Authorize Refund/Final 20% of Tree Removal Escrow/125 Downey Drive/\$100.
- R. Authorize Refund/Final 20% of Tree Removal Escrow/53 Edgewood Street/\$700.
- S. Authorize Refund/Final 20% of Tree Removal Escrow/70 Glenwood Road/\$150.
- T. Authorize Refund/Final 20% of Tree Removal Escrow/61 Gordon Avenue/\$300.
- U. Authorize Refund/Final 20% of Tree Removal Escrow/40 Grandview Terrace/\$150.

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- V. Authorize Refund/Final 20% of Tree Removal Escrow/34 Hastings Drive/\$2,500.
- W. Authorize Refund/Final 20% of Tree Removal Escrow/138 Sunset Lane/\$650.
- X. Authorize Refund/Release of Engineering Bond/18 Kent Road/\$10,000.
- Y. Authorize Refund/Overpayment of Taxes/40 Roberts Court/\$1,438.27

6. **ORDINANCES – hearings on April 10, 2007:**

- A. Ordinances:
 - 1. Cap. Ord. No. 07-22 / Supplement Capital Ordinance No. 04-10/Skate Park to include Skate Park, Phase II
 - 2. Cap. Ord. No. 07-23 / Supplement Capital Ordinance No. 02-08/ include Barrier Free Doors at the Senior Center
 - 3. Cap. Ord. No. 07-24 / Improvements to Huyler Park, Phase I
 - 4. Cap. Ord. No. 07-25 / Construction and Furnishing of new Police HQ
- B. Other: Knickerbocker Country Club request to encroach into Borough right-of-way for installation of gate at the Erledon Road delivery entrance

7. **COMMITTEE REPORTS**

8. **MINUTES** of September 18th work session and September 25th regular meeting will be on October 9th meeting agenda for approval.

9. **OTHER BUSINESS**

Mayor Rustin advised Council that he received an invitation from the Rutgers Group asking to meet with the Mayor, chair of the Environmental Commission, and Gus Allen on Monday, October 15th at 4:00 p.m., at the duck pond. Mayor Rustin feels that the Borough Administrator and the Department of Public Works Director should be included in the meeting. He asked for input from the Council as to what they would like to do.

Councilman Lattif expressed concern over the meeting and would like to know exactly what their intent is.

After a lengthy discussion it was agreed that a formal request should be made to the Mayor and Council requesting a meeting.

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

A. William S. Saunders, chair of HPC would like to make a brief presentation at the 11/20 work session on the Mosley Archive Collection: please confirm date or offer alternate.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Councilman Rouse, second by Councilwoman LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 12:08 a.m.

Respectfully submitted,

Joseph Di Giacomo, Acting Borough Clerk