

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

THURSDAY, DECEMBER 6, 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, Jon Warms

Borough Administrator: Joseph Di Giacomo
Borough Attorney: William R. McClure, Esq.

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. David Wall, 11 Cameron Road, Tenafly, Vice-Chair of Historic Preservation Commission, showed the governing body the sample signage that will be installed at the Elizabeth Cady Stanton house to replace the one that was damaged in a motor vehicle accident. The State of New Jersey is funding the sign; the Borough of Tenafly will install it. He pointed out that this one is fiberglass rather than metal.

2. Ernie Shapiro, 435A Hudson Street, Hackensack, representing Lyndon LaRouche, spoke to the impending collapse of banks and requested the governing body pass a resolution calling on Congress to take action.1

3. Eleanor Dunn, Cliffside Park, supported Mr. Shapiro and his cause.

1. **TO BE CONSIDERED**

A. Draft cable franchise municipal consent ordinance

Following brief discussion, Borough Administrator will send draft ordinance to Cablevision.

B. Adult Soccer club field use permit

Resolution of approval be listed on December 11th public meeting agenda.

C. Recycling and Convenience Center regulations

During discussion, Borough Administrator pointed out two items for consideration when drafting new regulations: what type of vehicles will be permitted access, and what items can be brought to the Recycling Center. Recognizing a major overhaul of the regulations must be addressed, it was determined that the Public Works Committee and Director of DPW should review them and make their recommendations to the Council in January.

D. Tree Removal Regulations/memo from Borough Administrator

Councilwoman Hoernlein suggested that both the scientific name and common name be included in the ordinance. Borough Administrator will revise and prepare the ordinance for introduction in January.

E. Review of vehicle bids received 12/4

Bids were received this morning for three Dodge Durangos, two for the Building Department and one for Fire Prevention Bureau. Bids were received from two vendors, although one vendor bid alternate vehicles not thought to be equivalent to the item bid. It was determined to wait with bid award as there are 60 days from receipt of bid in which to award the bid, and it is possible the State Contract on this type of vehicle will be available in January.

F. Paterson RCA payment schedule

Borough Attorney reported he had asked Paterson for a more definite date when full payment will be needed; he expects an answer shortly.

G. Snow removal plan for downtown business district (Mayor Rustin)

Following discussion, it was agreed that the ordinance will be amended to allow businesses 24 hours to remove snow from the sidewalk, or the Borough will remove and bill the business for the removal. The Borough will send a blanket notice at the start of every Fall/Winter season on how snow removal will be done. Borough Attorney will prepare the ordinance for introduction in January.

H. Formal response to Mr. Lubins/request to make presentation to Council

The Borough Clerk will write to Mr. Lubins and inform him he will welcome to come to any public meeting on the second or fourth Tuesday of the month and speak to the Council.

2. **ADMINISTRATOR'S REPORT**

A. Proposed employee performance evaluation program

Borough Administrator pointed out the DPW Director Bob Beutel was also a member of the Committee that drafted this evaluation form. During discussion, Councilman Warms requested a statement be added to the form that explicitly spells out that employee is aware of 'no discrimination because of race, creed, color, sexual harassment', etc. Borough Administrator will prepare some draft language to include on form under "Interpersonal Relations".

B. Hudson and Hickory Avenues road improvements/final change order

This final change order is within five percent of the total contract price. This item will be listed on the December 11th public meeting agenda.

C. Railroad Station restoration/time extension

Schiller and Plevy, contractors on this project, have requested permission to defer completion until Spring 2008, due to weather conditions. Left to be completed on the project are the replacement of the concrete platform and the refinishing of the doors. Council would be amenable to request, conditioned on there being no additional compensation to the vendor, and a detailed schedule be drawn to set in stone before Spring season when outdoor seating is in full use. The Café owner is to be included in discussions concerning the drawing of the schedule. It was also pointed out that strip lighting was damaged by contractor during repairs he is making; he must make arrangements for repair to damaged strip lighting.

The Borough Administrator added on the following items:

D. Proposal by Building Department for increase in fees

Borough Administrator reported Director of Buildings had done comparison with other towns, as Council requested. Borough Clerk is to list this on the first work session in January.

E. Police Department ammunition

Borough Administrator reported that at the Police Commission meeting, Chief Bruno explained that ammunition is in short supply, due to the war in Iraq. There is an opportunity to purchase a supply under State contract; this item will be listed on the December 11th public meeting agenda.

F. Elected Officials training program/Rutgers

Borough Administrator has been in touch with Rutgers and discussed the opportunity of hold classes in Tenafly. They offered the option of spreading classes out over four or five nights, and suggestions were to hold on either Mondays or Thursdays. It was agreed that Thursdays were preferable and Borough Administrator will coordinate with Rutgers.

3. **CORRESPONDENCE**

A. Dean Weber/81 Highwood Ave. Re: Construction events at 83 Highwood

Borough Administrator will provide a copy to the Police Chief and request he look into the allegations made concerning Police response and report his findings to the governing body.

B. D. Hals, P.E., Borough Engineer Re: Drainage Cost Estimates/Various Locations/Engle-Elm St-Dean Dr.

These projects will considered further during 2008 capital budget discussions. Councilwoman Hoernlein reported she had spoken to several engineering firms at the League of Municipalities conference; Dewberry has a stormwater management specialist on staff as does Boswell, who offered a free consultation. She is requesting that other engineering firms review our Engineer's proposed solutions. Borough Administrator will put together an outline for the firms to review report of the Engineer and his cost estimates. It could then be sent to both companies and if they want to come and discuss and tell us

what they would charge to do a review. Ms. Hoernlein stated she is interested in input from Low Impact Design Specialists. It was agreed to limit the requested review to the current report from our Engineer and cost estimates. Borough Administrator will prepare and email to Councilwoman Hoernlein.

4. **CLOSED SESSION**

At 10:00 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:

Personnel

1. Update on Status of Separation Agreement/DPW Foreman
2. Update on Status of Disciplinary Hearing/Custodian
3. Update on contract negotiations with four bargaining units

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.

5. **RESOLUTIONS**

- A. Approve Payrolls and December expenditures
- B. Approve budget transfer
- C. Approve State Contract Award/Autofeed Mail Machine/Clerk's office
- D. Approve State Contract Award/Bunker Pants & Coats/Fire Dept.
- E. Approve State Contract Award/Air Packs & Face Pieces/Fire Dept.
- F. Authorize Refund of Street Opening Bond/Permit #991
- G. Authorize Refund/80% of Tree Removal Escrow/83 Highwood Ave/\$4,800.00
- H. Authorize Refund/80% of Tree Removal Escrow/79 Hazelton Terr/\$200.00
- I. Authorize Refund/Final 20% of Tree Removal Escrow/71 Homestead Rd/\$600.00
- J. Authorize Refund/Final 20% of Tree Removal Escrow/1 Howard Park Drive/\$300.00
- K. Authorize Refund/80% of Tree Removal Escrow/11 Park St/\$6,840.00
- L. Authorize Refund/Building Dept Escrow/36 Buff Road/\$4,750.00

6. **ORDINANCES/HEARINGS**

PUBLIC HEARINGS for the meeting of December 11, 2007:

- A. Ordinances:
 1. Ordinance No. 07-28/Amend Land Development Regulations/Establish Soil Movement Regulations – Ms. Hoernlein
 2. Ordinance No. 07-29/Amend Land Development Regulations/Amend Fees and Escrows for Planning Board Applications and Technical Review Procedures – Ms. Hoernlein
- B. Other: Request for Temporary Storage Trailer – 12 Spruce Street

7. **COMMITTEE REPORTS**

Councilman. Warms relayed a comment from the Chamber of Commerce regarding the absence of parking spaces on Washington Street that would be allotted to the handicapped. It was pointed out that the Police Chief has determined spaces on Washington have the driver side exiting into traffic and it would be too dangerous in that circumstance.

8. **MINUTES to be approved on 12/11/07: Work Session of Nov. 20, 2007**

9. **OTHER BUSINESS**

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

At this point, it was agreed to add another work session in December 2008 due to the length of time between this meeting and the first COW in January.

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 10:22 p.m.

Respectfully submitted,

Nancy Hatten