

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JANUARY 4, 2011

The meeting was called to order at 7:31 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin.

Present:	Mayor Peter S. Rustin
Council members:	Anthony Barzelatto (arrived at 7:33 p.m.), Barry Honig, Martha Kerge, Nadia LaMastra Michael Lattif, Jon Warms
Borough Administrator:	Jewel Thompson-Chin
Borough Attorney:	William R. McClure, Esq.
Borough Engineer:	David Hals
Chief Financial Officer:	Gene Vinci
Zoning Official:	Frank Mottola
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. Arthur Peck, Devon Rd, stated that he is a member of the Library Board and expressed that he is in favor of having Soon Juhng appointed to the board. He believes that she is a wonderful person and has only heard praise for her.
2. Martha Koven, N. Summit St., explained that she had spoken to Michael Bruno, Chief of Police regarding the Light Rail. He informed her that he has not received a response to his letter sent to NJ Transit in 2008 regarding his concerns on the traffic impact of the Light Rail in Tenafly. She also pointed out that we have not yet received the DEIS which was promised by the end of 2010. She concluded by referring to statistics provided by the *Bergen Record* regarding the percentage of people who bike or walk to work. She said the statistics they provided were much lower than those provided by NJ Transit.
3. Johanne Gambrell, Ravine Rd., requested that the draft letter to Governor Christie regarding the Light Rail referendum be moved up on the agenda. The Mayor agreed to this request.
4. Mark Feldman, Lylewood Dr., asked that there be a thorough review of how the agenda is put together. He urged the Council to focus on the major issues facing the town

such as the budget, personnel compensation, union negotiations, completing the Police Headquarters Project within budget, and following through on the Light Rail issue. He also voiced his hope that the sentiments expressed in Mayor Rustin's speech given at the Reorganization meeting are followed up on.

5. Jeff Toonkel, Erledon Rd., welcomed the new members of the Council. He explained that he is a member of the Planning Board and the Environmental Commission. He asked the Mayor and Council to consider the significant costs associated with a change in the appointment of the Borough Engineer. Should the governing body choose not to reappoint the Borough Engineer, he asked whether a transition plan has been considered and whether this plan will be on time and under budget.

6. Bill Kelly, 24 Midwood Rd, commended the DPW on the job that they did during the snow storm. He questioned whether there is a program to help senior citizens with snow removal. Mayor Rustin responded that he had provided this service, but it became very difficult to continue.

7. David Simpson, 12 Woodland Park Dr., requested that if the Council is unsure of answers to questions asked, they do not provide inaccurate responses. He expressed his opinion that there should be no change orders in the Police Headquarters Project. He also expressed his belief that although the Borough received a low bid for this project, the fact that this contractor has little experience should raise concerns. Mayor Rustin advised the public that if they would like questions answered or concerns addressed, they should write a letter to the Mayor and Council and it would be placed on an agenda. He also stated that, by law, the Borough must choose the lowest bidder on any given project and any change orders would have to receive the approval of Mayor and Council.

8. Ernest Kolidides, E. Clinton Ave., expressed his hope that the Mayor's speech given at the Reorganization Meeting will be a prescription for this year. He asked that the decision to reappoint the Borough Engineer be based on his past performance. He pointed out that there have been many issues with the projects that he has overseen.

C. LaMastra requested that although it is not on the agenda, there be a discussion regarding the Library Board appointments. Mayor Rustin advised that the garbage contract, Library Board appointments, and Light Rail letter would be addressed first. C. Honig requested that the restructuring of the Building Department be added to the agenda, but Council decided to instead add this item to next week's agenda.

Due to the large agenda and time constraints, Council agreed to add a Special Committee of the Whole Meeting to follow the January 11th Public Meeting.

1-E. Garbage Contract Amendment – P. Roselle if Waste Industries Invited.

P. Roselle of Waste Industries was introduced. Mayor Rustin asked Mrs. Thompson-Chin to give an overview of the proposed amendment to the garbage contract. Mrs. Thompson-Chin explained that there are three years remaining on the current contract with Waste Industries and the proposed amendment would apply to these three years. The first proposed change is to switch to a split-year program in which garbage would be picked up once a week from September through May and twice a week from June to August. The second change would be to offer residents optional rear-yard pickup for an additional fee charged directly to the resident. The proposed fees for rear-yard pickup are \$25 for one can and \$45 for 2 or more cans. Mrs. Thompson-Chin also explained that there are proposed changes to garbage collection at the Board of Education. After some negotiation, it was decided that the Board of Education would reduce the garbage collection to two times per week during July and August when school is not in session. The total savings to the budget would be approximately \$140,000 per year for the remaining three years of the contract or a

savings of approximately \$33 per household. The proposed start date for the amended contract is March 1, 2011.

Council raised several concerns such as loss of service to the residents without equal savings and whether there was enough enforcement to prevent garbage from piling up. The main concern of the Council was those residents who are not able to bring their garbage to the curb; they felt these residents would have to bear a heavy financial burden to continue rear-yard collection. C. Lattif suggested partnering with the Board of Education to establish a community service program in the high school for this purpose. Mayor Rustin stated that a Joint-Use Committee meeting is scheduled for January 10th and he would bring this idea to the table.

P. Roselle informed the Council that his offer to amend the garbage contract would remain on the table for as long as the Council needed. Mayor Rustin asked to get a consensus from the table about whether they were open to a change in the garbage contract; C. Honig, C. Kerge, and C. LaMastra were not in favor of amending the garbage contract and C. Barzelatto, C. Lattif, and C. Warms were open to making a change in the contract. Council agreed to relist this item for the January 25th Committee of the Whole.

Library Board Appointments

C. LaMastra explained that the Council did not support the Mayor's appointment of Soon Juhng to the Library Board in order to allow for a member of the governing body to serve and continue the line of communication between the two bodies. Borough Attorney McClure advised that according to the State statute, the Mayor's alternate does not need to be confirmed. C. Honig argued that the statute is not clear. Several members of the Council stressed the importance of having a member of the governing body serve on the Library Board as it is the third largest budget in the municipality. C. Kerge stated that although Suhng Juhng would make a fine member of the board, she cannot remember a time during which a member of the Council did not serve on the Library Board. The Mayor responded that he would appoint a Council liaison. C. Honig expressed his concern that there is not enough rotation among the Council members being appointed to the various Boards and Commissions. Mayor Rustin responded that in his first few years in office, he did rotate positions. In recent years, Mayor Rustin stated that members of the Council requested that they remain in their current appointed positions. Mayor Rustin expressed his opinion that Soon Juhng would be a great contributor to the Board and informed the Council that he is choosing to keep his original nomination in place.

9-A Draft Resolution & Letter to Governor Christie Re: Light Rail Referendum

Council reviewed the draft letter to Governor Christie and suggested a few changes in the wording. Mayor Rustin is to revise the letter and provide a new draft for the January 11th Special Committee of the Whole.

TO BE CONSIDERED

A. Proposed Revisions – Land Development Ordinance

David Hals, Borough Engineer, and Frank Mottola, Zoning Official, explained that the Planning Board has recommended revisions to the Land Development Ordinance and these changes specifically apply to the building height definition, combined side yard, total impervious coverage and restrictions on below grade garages. Mr. Hals stated that the proposed revisions are meant to help control the three story appearance of homes,

discourage construction of below grade garages, control the impervious coverage of properties, and provide additional side yard separation between homes as streets are redeveloped.

Mr. Hals explained that the proposed amendments to the building height and below grade garage definitions are tied together. The Planning Board is recommending having the averaged grade measured around the entire perimeter of the house; it is currently measured from the four corners. He explained that this change will help in controlling the three story appearance of homes. Because homeowners do not want their garages considered in the calculation of the floor area ratio, Mr. Hals stated that there are many garages being built on the cellular level of the house. Not only do below grade garages add to the three story appearance of homes, but Mr. Hals pointed out that they have resulted in the flooding of basements. In order to encourage the building of ground level garages, the Planning Board is proposing excluding the first 400 S.F. of garage area from the FAR calculation. Mr. Hals explained that the combined side yard is aimed toward larger width properties. The Planning Board would like to create a combined side yard dimension to increase the side yard setback. This measurement would be a percentage of the lot width measured at the building setback line; the current side yard setbacks would remain as the minimum setback and the dwelling or building would not have to be centered on the lot. Finally, Mr. Hals explained that in terms of maximum impervious coverage, the Planning Board is recommending combining the coverage requirements of the maximum lot coverage, driveway coverage and rear yard coverage into a maximum coverage for use in all residential zone districts.

C. Lattif questioned whether these revisions would financially impact two-family dwellings to which Mr. Mottola replied that these revisions are neutral as to whether this structure is a one or two family dwelling. David Hals stated that the Planning Board is simply trying to return Tenafly's appearance to what it should look like without impacting anyone economically. C. Honig questioned why the use of mechanical pumps for the draining of storm water in below grade garages is not permitted and Mr. Hals explained mechanical pumps are prohibited due to power failures. It was decided to allow battery-operated pumps.

Council agreed to further discuss this item at a future work session. At that time, they would consider whether to put the revisions into ordinance form to be sent to the Planning Board for their review.

At 10:06 p.m. Council recessed and reconvened at 10:15 p.m.

- B. Bond Reduction – Grove Street Development
- C. 2011 Budget Hearings

Items B and C under To Be Considered will be placed on the January 11th Special Work Session Agenda.

- D. Police Salary Ordinance Amendment

Council agreed to move forward with the proposed Police Salary Ordinance. It is to be listed for introduction on the January 11th Public Meeting Agenda.

- E. Garbage Contract Amendment – P. Roselle if Waste Industries Invited.
See above.
- F. Professional Services Contracts

Due to time constraints, this item will be addressed at the January 11th Special Committee of the Whole.

- G. Tabled Resolutions
 - 1. Confirmation of Appointment of Borough Auditor

Mr. Vinci advised that the Borough Auditor is obligated to complete the 2010 work under the current agreement and there is not currently any 2011 work required. Although the impact of not renewing the current auditor’s contract would not be felt until after June 30th, Mr. Vinci recommended that the Council start the RFP process within 30 days. Council agreed to have the Borough Administrator prepare an RFP within 30 days.

- 2. Confirmation of Appointment of Labor Counsel

C. Honig suggested forming a search committee for Labor Counsel. Council agreed that the members of this committee would be Mrs. Thompson-Chin, Mayor Rustin, C. Honig and C. Warms. Council agreed that an RFP should be prepared.

- 3. Confirmation of Appointment of Borough Engineer

This item will be addressed at the January 11th Special Work Session.

- H. Amendment to Auditor’s Contract

Mr. Vinci explained that although the goal was to automate the 2010 general ledger, they are still working on putting the automated system in place. He advised that this work would instead need to be completed by the auditor and that funds are allocated for this purpose. Council agreed to amend the auditor’s contract.

- I. Computer for C. Honig

This item will be addressed at the January 11th Special Work Session.

2. **ADMINISTRATOR’S REPORT**

- A. Review of 2011 Newsletters
This item will be discussed at the January 11th Special Work Session.

3. **CORRESPONDENCE**

- A. Ostrow/Holy Name Medical Center Re: Letter of Endorsement for PACE
- B. NJLM Re: Resolution Urging Exemption for Reserve for Uncollected Taxes from the 2% CAP.

Items A and B under Correspondence will be included on the January 11th Special Work Session agenda.

5. **RESOLUTIONS** for meeting of January 11, 2011:
 - A. Approve December Expenditures as of January 5, 2011
 - B. Approve Interboro Mutual Aid Group Agreement.
 - C. Approve Raffle Application #RA983/H.S.A. Tenafly High School/06-09-11.
 - D. Amend Resolution 09-310 – Bus Shelter Request.
 - E. Authorize 2011 Animal Control Services Contract.
 - F. Authorize 2011 Integrated Rat Control Program – Hudson Exterminating Company.
 - G. Authorize Refund – Double Payment of Commuter Parking Permit.

6. **PUBLIC HEARINGS for the meeting of January 11, 2011:**
 - A. **Ordinances: None**
 - B. **Other: None**

7. **COMMITTEE REPORTS**

8. **Minutes** to be approved: None

OLD BUSINESS

- A. Draft Resolution & Letter to Governor Christie Re: Light Rail Referendum. See above.
- B. Engle Street/Inness Road Parking Restriction.
- C. Knickerbocker Road Sidewalk Request.
- D. Engineering Review Fee Ordinance.

Items B, C, and D under Old Business will be discussed at the January 11th Special Work Session.

Borough Attorney McClure advised that a Litigation item entitled Sheets vs. Borough of Tenafly would be added to the Closed Session.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 11-42

BE IT RESOLVED in compliance with NJSA 10:4-12, the Mayor and Council of the Borough of Tenafly are going into Closed Executive Session to discuss the following matters:

- A. Collective Bargaining
 1. Contract Negotiations Review
- B. Personnel
 1. Retiree Health Benefits Update
 2. Recreation Personnel
- C. Litigation
 1. Sheets vs. Borough of Tenafly

Minutes will be taken of the meeting and release to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Richard D. Wilson Committee Room to adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. LaMastra, seconded by C. Honig, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:40 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:28 p.m.

Respectfully submitted,

Jewel Thompson-Chin, Acting Borough Clerk