

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, DECEMBER 6, 2011

At 7:31 p.m. Mayor Rustin read the Open Public Meetings Act Statement: "In compliance with the Open Public Meetings Act P.L. 1975, chapter 231, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the lobby of the Municipal Center, published in the Record within the first 10 days of the New Year, and copies are sent to the Suburbanite and Northern Valley News."

Present: Mayor Peter S. Rustin

Council members: Martha Kerge, Michael Lattif, Nadia LaMastra,
Jon Warms

Borough Administrator: Jewel Thompson-Chin
Borough Attorney: William R. McClure, Esq.
Chief Financial Officer: Gene Vinci

Council Elect: Mark Zinna

Absent: Council members: Anthony Barzelatto, Barry Honig

PUBLIC COMMENT:

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.

Valerie Nicolosi – 253 Rockland Ave, Rivervale - Board of Health, Administration, and Planning Board Secretary – read prepared statement regarding the long term/short term disability, the significant change on non-represented employees, recognized that the current sick plan is costly and that some have used time that was unnecessary, and proposed allowing additional sick days based on length of service or for a sick time bank that is not payable upon leaving employment for the morale and productivity of affected employees.

Pat Rouse – advised that the Library Board has not discussed the proposed policy, but will meet next week to discuss this matter.

Anne Dodd – 127 Hillside Ave, Bergenfield – Executive Assistant to the Municipal Clerk – commented on the impact of the preexisting clause and requested that a cost savings report be generated for group review.

Dee Lorberbaum – Administrative Assistant, MLUL Officer, and Municipal Housing Liaison – advised that although she is retiring in 14 months, she is supporting the group, who are devoted and take their jobs seriously and noted that it seems like every time Council wants to see a change, the non-represented group is always selected to try out first.

Bob Beutel – 204 Palisade Ave – Bogota - DPW Director – stated that Council in the past has always been fair with employees, but the proposal is not fair and agreed that sick time is out of control, but are they are going from one extreme to another.

Julie Villafuerte – 290 West Clinton Avenue, Tenaflly – Senior Center Director – explained that the change is drastic and that the proposal reflects how the employees are valued.

Mark Slawson – 100 Prospect Ave, Hackensack – Youth Services Director – concurred with Ms. Villafuerte’s statement.

Being that there were no further comments, Mayor Rusting closed public comment session and explained that in a work session agenda, the normal process for resolutions listed for the next public meeting is that the resolutions are not discussed unless a councilmember has questions or comments.

C. Warms mentioned that he wants to see a policy that will be fair to employees, as well as residents, and that is competitive with other municipalities and government entities in the state. He was disturbed with the preexisting conditions exclusion, requested information on what other towns do with banking sick pay, and remarked that the comments made today are reasonable.

Mayor Rustin advised that the Borough is in the middle of negotiations with bargaining units which precludes much discussion regarding this matter from taking place in open session. He stated that employees and their concerns have been heard. He respects all of the employees and would like to look at this a little closer in closed session due to the boundaries.

Mr. Vinci clarified that the preexisting condition is covered for short-term portion 26 weeks, which is the equivalent of the 130 day maximum the current sick leave policy and that the exclusion only applies to the long term benefit for the first year, which is available until age 65. This plan covers 60% of salary, whereas presently employees receive 100% of salary.

C. LaMastra stated that there has never come a time employees are not appreciated and it was never an intention to hurt any of the employees in any manner. She confirmed that Council will discuss the policy in greater detail because she is not comfortable with what was heard and thanked the employees for coming out tonight.

C. Lattif proposed that questions from employees with specific medical issues are put to Guardian so they respond in writing so that there is no room for interpretation. Mayor Rustin agreed with the recommendation.

C. Kerge advised that she was away on November 1, 2011, when this topic was discussed and is totally amazed and shocked that this was being discussed. She concurred with C. Warms’ concerns.

TO BE CONSIDERED

Tenaflly Spending Plan 2011-2018

Council reviewed the Borough’s 2011 – 2018 spending plan devised by a subcommittee of the Planning Board and the Planner, which Mrs. Thompson-Chin advised that the plan would be revised. C. LaMastra requested to hold a much broader discussion in January for an alternative use for some of the money as Council needs to brain storm before approving the spending plan. She cited the shortage of housing for disabled adults that can live on their own as an example. Mrs. Thompson-Chin stated that Council can always amend a plan, but that the Borough is vulnerable because there is no plan in place. Council determined to discuss the spending plan in greater detail during the second work session of January.

Workplace Connection Contract for 2012

Mrs. Thompson-Chin advised that the contract is fairly basic and comparable to last year. One of the applicable changes if DPW contract is approved, there is a change in drug and alcohol policy threshold level, but that there would be no change in the cost that would affect the Borough.

Local 311 Agency

This item will be listed for discussion during the first work session in January.

2012 Meeting Schedule

Council reviewed the schedule and directed the Borough Clerk move the second work session and public meeting of September to Thursday, the 27th due to Yom Kippur and to move the first work session of November to Thursday, the 8th.

Inspection of Stormwater Outfalls

Mrs. Thompson-Chin advised that the inspection of the stormwater outfalls is mandated by the Department of Environmental Protection and reviewed the proposal from engineer, which includes the cost of inspection and permit fee. There are 203 outfalls that need to be expected individually. Council approved the proposal.

Establishment of Goals for Borough Administrator

The subcommittee that conducted the recent evaluation tabulation will meet with the Borough Administrator to prepare an outline of proposed goals for one of the work sessions in January.

Purchase of Furniture for Police Headquarters

Mrs. Thompson-Chin reported that as per Council's request at the last public meeting, she requested that the Clerk of Works provide a cover memo to explain recommendations for future purchases for the Police Headquarters. With regards to the proposal for purchasing the furniture, all items are on state contract and the proposal is within budget set aside for furniture. C. Kerge inquired if the Borough can pursue obtaining a greater discount. Mrs. Thompson-Chin advised that she will investigate and report back to Council. Mr. Vinci noted that if the Borough does not purchase these items under state contract, we will need to go out to bid.

ADMINISTRATOR'S REPORT**Registrar**

Mrs. Thompson-Chin reported that she received a letter from Cresskill's Borough Attorney, seeking to terminate the shared services agreement on May 4, 2012. She advised that she has a call in to Cresskill's Administrator to clarify if the Borough is seeking to pursue alternatives to continue to work together, since the letter was not clear. In the event Cresskill is not interested in continuing a working relationship, she will reach out to surrounding communities for an arrangement.

Geisinger Field

Mr. McClure advised that he contacted the attorney for the Board of Education. At this time, the deeds need to be reviewed to determine if there are any restrictions.

IT Committee/Generator

Mrs. Thompson-Chin advised that Mr. Benenati was assigned to prepare a cost-estimate proposal for a generator in the high school to back up the servers in the event of power failure. A follow up Joint Use Committee has been scheduled for January 9th.

Maser monthly report

C. LaMastra inquired about the status of the lighting at Huyler Park and if Paul Keyes' plans for the pavilion/gazebo will be used. Mrs. Thompson-Chin responded that an evening walkthrough was conducted, which included the Historic Preservation Commission and criteria was developed for Phase 2. With regards to Phase 3, Mrs. Thompson-Chin advised that the prototype is consistent with Mr. Keyes' plan.

C. LaMastra inquired about the one-way designation on Downey Drive. Mrs. Thompson-Chin stated that an ordinance to amend the one-way designation will be prepared for January.

CORRESPONDENCE

F. Keen Re: Recycling of Printers
Council directed Mrs. Thompson-Chin to review the letter with DPW Director Beutel for his comments and recommendation.

American Cancer Society Re: Annual GWB Challenge
Council approved the proposed route. The Borough Clerk will advise the ACS and forward a copy of their letter to Chief Bruno.

R. Dabby Re: Letter of Commendation – Det. Barnes
Council acknowledged the letter of commendation.

Grace Chapel, Inc. Re: Sewer System Backups
Mrs. Thompson-Chin will review the letter with the Construction Official, DPW Director and Borough Engineer.

Borough of Alpine & Re: Resolution Opposing United Water Rate
Borough of New Milford Increase
Council authorized a resolution opposing the United Water rate increase be placed on the December 13th Consent Agenda.

C. Morano Re: False Alarm Leniency
Council denied the request to waive the false alarm penalty. The Borough Clerk will advise the resident.

S. Duk Ahn Re: False Alarm Leniency
Council denied the request to waive the false alarm penalty. The Borough Clerk will advise the resident.

E. Urdang Re: Rezoning 49 Madison Avenue
There was no consensus among Council to rezone 49 Madison Avenue as proposed in the letter.

C. Biscaldi Re: Farmer’s Market
Mayor Rustin advised that he will ask the Farmer’s Market coordinator to attend a work session early next year to discuss the location of the Farmer’s Market for 2012.

Cliffview Pilot Re: Designation as Official Newspaper
Mrs. Aportela-Hernandez advised Council that the pending legislation referenced in the letter was to allow municipalities to use their own websites to advertise public notices.

RESOLUTIONS for meeting of DECEMBER 13, 2011:

- A. Approve Expenditures as of December 7, 2011.
- B. Approve Raffle Applications #RA1006/ Parents Guild of Our Lady of Mt. Carmel
- C. Adopt Short Term & Long Term Disability Plan/Guardian Life Insurance Company
- D. Authorize 2011 Budget Line Item Transfers
- E. Authorize Purchase of Office Furniture /Global c/o EvensonBest LLC under NJ State Contract for the Tenafly Police Headquarters/\$74,655.65

Council determined to discuss Resolution C in Closed Session.

PUBLIC HEARINGS for the meeting of DECEMBER 13, 2011:

Ordinances:

ORDINANCE NO. 11-16 - AN ORDINANCE TO AMEND CHAPTER XXXV, ARTICLE VI, SECTION 606, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED “DEVELOPMENT FEES FOR AFFORDABLE HOUSING”

ORDINANCE NO. 11-17 - AN ORDINANCE AMENDING CHAPTER IV, SECTION 4-24.3b OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF

TENAFLY REGULATING THE ANNUAL LIMITS APPLICABLE TO “GARAGE SALES” IN RESIDENTIAL ZONES.

Minutes to be approved: November 22, 2011 Special Closed Session
November 22, 2011 Public Meeting
November 22, 2011 Closed Session

OLD BUSINESS

None.

NEW BUSINESS

None.

FOR THE GOOD OF THE ORDER

- Finance Committee (C. Honig)
This item will be relisted for discussion for a work session in January.
- 2011 Fire Prevention Poster Contest Awards
The awards will be presented at the December 13th Public Meeting
- C. LaMastra advised that the BID is running Holiday Happenings this week and next Tuesday through Thursday. Information is updated daily on Facebook. The purpose of this promotion is to encourage residents to visit stores to conduct their holiday shopping for the possibility to win an Ipad.
- C. Lattif stated that when one enters Tenaflly Gourment from Highwood Avenue, there is no circular pattern or directional. Mrs. Thompson-Chin will ask the Planning Board engineer to review this matter and advise.
- C. LaMastra commented that Oxygen went out of business recently, people have taken out contracts for this fitness center, and that the BID Director is getting calls. She inquired how the BID Director should proceed. Mr. McClure responded that customers need to register their complaints with the NJ Division of Consumer Affairs.
- C. Kerge noted that she was informed by the crossing guard on Grove Street and Central Avenue post that there is a sidewalk that continues east on Central Avenue only part of the way, so children just go out into the street. Mrs. Thompson-Chin will ask the Borough Engineer to look at sidewalks from railroad tracks to Tenaflly Road on Grove Street as a potential Safe Routes to School grant project. Additionally, she advised that a proposed area for said grant application will be the two remaining sidewalk segments at Smith School on the north side of Downey Drive and the east side of Thatcher Road to help offset the costs. A resolution authorizing submission of the grant application will be on the Consent Agenda for December 13th.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 11-369.

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

- A. Personnel
 - 1. Recreation Director Compensation Proposal
- B. Contract Negotiations
 - 1. Employee Sick Leave/Disability Benefits – Non-Represented Employees

Minutes will be taken of the meeting and released 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. Warms, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:21 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Kerge, second by C. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:37 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk