

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, MARCH 1, 2011

The meeting was called to order at 7:34 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 8:34 p.m.), Barry Honig, Martha Kerge, Nadia LaMastra, Michael Lattif (via telephone), Jon Warmis
Borough Administrator:	Jewel Thompson-Chin
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

Schowl Hedvat, explained that he had submitted a letter detailing several violations on his neighbor's property located at 12 Mayflower Drive. He explained that he has an application before the Planning Board to subdivide his property and this neighbor is opposing his application. He believes it is unfair that he is being made to satisfy every code when his neighbor is not. He explained that he has submitted his complaint to various departments within the Borough, but feels that he has been ignored. He asked Council to take action and see that the rules are fairly enforced.

Mayor Rustin told Mr. Hedvat that his letter would be moved up on the agenda.

Patricia Silberman, 3 Ravine Road, asked that her letter also be moved up on the agenda and Council agreed to this request. She urged the Council to seriously consider how to address the deer problem in town. She expressed her opinion that they are a hazard as they cause car collisions, health issues such as Lyme Disease, and deforestation.

David Simpson, 12 Woodland Park Drive, asked Council to consider forming a financial advisory committee using the expertise of professionals within the community. He expressed his opinion that Borough and Board of Education projects should be coordinated and the Borough along with the Board

of Education should establish committees of people with real expertise to analyze these projects and the bids that are received.

Gady Reinhold, 20 Hillcrest Road, asked that when big issues are going to be discussed at a Mayor and Council meeting, there be better notification. Council agreed and asked that there be a discussion of the Reverse 911 System or the Code Red System on an agenda in April. C. Kerge added that there should be press releases to which Mrs. Thompson-Chin responded that she does send press releases on a regular basis and posts information to the Borough website.

Judy Stern, 17 Wight Place, questioned what would happen to the Downey Drive Sidewalk Project if the findings of the study are that a sidewalk should not be installed. Mayor Rustin responded that the bid process is lengthy and the results of the study should be provided to the governing body prior to the bid being awarded. At that time, the Council would decide whether to delay or abandon the sidewalk installation. C. Honig questioned when the study would be discussed and Mrs. Thompson-Chin responded that she is working with David Hals, Acting Borough Engineer, and as Council had requested, she would have information to present at the March 22nd Work Session.

Jeff Toonkel, 127 Erledon Road, advised that he was accompanied by two 7th graders who were assigned to find an issue in which there is a difference of opinion. He introduced Matthew McDermut and Daniel Nachum.

Matthew McDermut, 71 Norman Place, expressed his opinion that the internet is the most effective way to communicate with the residents.

Daniel Nachum, 64 Willow Lane, also believes that the internet should be used to communicate messages to the public. He explained that there used be to a school newsletter, but no one read it.

David Simpson, 23 Woodland Park Drive, asked that the Mayor and Council take a position on expensive Board of Education projects, such as replacing the roofs on the schools.

Because of the requests from Mr. Hedvat and Ms. Silverman, Correspondence items 3N and 3C were addressed next.

3N. Hedvat/28 Elkwood Terrace

Re: 12 Mayflower Drive

Mr. McClure advised that the subdivision is a Planning Board issue and the complaints regarding the neighbor's property should be referred to Code Enforcement for further investigation. Mrs. Thompson-Chin added that Code Enforcement has been made aware of this complaint and there may be some potential issues. Council expressed their concern as to why action has not already been taken. They asked that Mrs. Thompson-Chin refer this complaint to the appropriate departments and that Council be provided with a detailed report as to what they observed and what action, if any, should be taken. This report will be listed for discussion under Old Business at the March 8th Public Meeting.

3C. Silverman/3 Ravine Road

Re: Increase in Deer Population

Council agreed that the increase in the deer population does cause problems within the community. They asked that the Nature Center place a communication piece in the upcoming newsletter providing tips on how to keep deer away from properties.

TO BE CONSIDERED

A. BCUA – Sanitary Sewer Inflow and Infiltration Reduction Program

Mrs. Thompson-Chin advised that Remington & Vernick had canceled their presentation for this evening, but would like to reschedule for April 5th. Council agreed to this date.

B. March 8th Swearing-in Ceremony for Two Police Captains

Council agreed to schedule the Swearing-in Ceremony for the Robert Chamberlain and John Trainor, the two new Police Captains, at the March 8th Public Meeting. They would also be asked to attend the pre-meeting so Council can meet them prior to the ceremony.

C. Tenafly Farmer's Market Year End Report – Review and Comment

Mayor Rustin remarked that the Farmer's Market has added to the quality of life and promoted business on Sundays. He noted that they would be requesting to continue.

D. Dog Park – Review Schematic

Mayor Rustin advised that item 3R under correspondence is a letter requesting a dog run. He also passed out an article and a letter from an 8th grader expressing the benefits of having a dog park. He asked that the Council give him permission to put together a committee of residents to fundraise to help fund the park. Council discussed the proposed location of Roosevelt Commons and suggested other locations. Council also questioned the town's liability if a dog were to attack a person or another dog. Mr. McClure advised that there would be no more liability than there is for any other park. C. Honig also raised concern over the cost of maintaining the park. Mayor Rustin expressed his opinion that there would not be a tremendous amount of maintenance and suggested the possibility of selling membership. Council agreed that Mayor Rustin would investigate the idea further and come back with a solid sense of where the park should be placed.

E. Form Sub-Committees for Borough Engineer/Auditor Review

C. Honig raised concern over Mayor Rustin serving on the Engineer Sub-Committee as he feels that Mayor Rustin has spoken at meetings and in the press in support of David Hals and it could create prejudice against other firms who submit RFQs. Mayor Rustin responded that the Engineer and Auditor are his appointments and he feels as though he should be able to serve on these committees. Council discussed whether the entire governing body should review all of the RFQs that are submitted for Engineer. Mr. McClure advised that there is a benefit to having a sub-committee as members can work on issues without the time limits of a public meeting. He advised that members of the sub-committee should only share information with the other members of the governing body at a public meeting. Mrs. Thompson-Chin explained that she has requested seven copies of each RFQ, so each member of Council will receive a copy. Council agreed that the Mayor's original appointments for the Engineer and Auditor Sub-Committees should stand. Mayor Rustin, C. Honig, and C. Warms will serve on the Auditor Sub-Committee and Mayor Rustin, C. Kerge, and C. Lattif will serve on the Engineer Sub-Committee.

ADMINISTRATOR’S REPORT

A. Projects Review

Mrs. Thompson-Chin advised that she, Bob Beutel, and David Hals had met to review the DPW Capital Projects. She discussed her memorandum outlining the status of the various projects including the Railroad Station Lighting, Davis-Johnson Park, Walnut Park, Huyler Park, Athletic Fields, Streets & Roads, Spring Tree Planting, and Dunham House detached garage repair. C. LaMastra asked whether concerts would be able to be held in Huyler Park and Mrs. Thompson-Chin advised that the Media & Events Committee is looking at the timing of events and she believes that the park can be used for the concerts. C. Barzelatto raised concern over the Railroad Station Lighting Project and Mrs. Thompson-Chin explained that this project is a part of a grant. She advised that capital monies have been allocated and are on-hand for this project. Mayor Rustin asked why Tenafly Road is not included on the list of streets to be paved this year. Mrs. Thompson-Chin explained that there are serious sewer problems and cost estimates are being obtained for a new type of repair that is much less expensive than the traditional method. C. Barzelatto asked that there be stricter rules for release of escrows to contractors, PSE&G, and United Water for road opening permits. Mrs. Thompson-Chin is to speak to Bob Beutel and David Hals about the impact that construction is having on the roadways. C. LaMastra requested that the Construction Official conduct safety inspections of our park equipment. C. LaMastra questioned whether the Youth Services Trust can be used to supply the lighting for the Municipal athletic field and Mrs. Thompson-Chin advised that she would look into that possibility. C. LaMastra asked whether the Concession Stand Project could be completed with the location of the Police trailers. Mrs. Thompson-Chin agreed that the impact of the trailers on this project needs to be further investigated.

CORRESPONDENCE

A. Dusedau/Hodskin Place Re: Snow Street Plowing Policy

Council acknowledged that the complaint of plows blocking in driveways and walkways is common, but the plowing process cannot be impeded. Council asked that a letter be sent to Ms. Dusedau expressing that Council understands and the Borough is doing the best it can to address the problem.

B. Solar Roof Development, LLC Re: Solar Installations

Council asked that this letter be given to the Environmental Commission for their review and comments.

D. Soumare/JCC On the Palisades Re: Rubin Run/5-8-11

Council asked that this letter be referred to Chief Bruno for his review and comment.

E. Tanne/12 Knoll Road Re: Commendation Robert Byrnes
F. Chen Re: Commendation Robert Byrnes
G. Meka/Little Falls, NJ Re: Commendation Robert Byrnes

Council asked that letters be sent to each resident thanking them for their comments and advising them that Council discussed their comments at this meeting.

H. Block/4 Glenwood Court Re: Authorization Recycling Center

- I. Gershuny/29 Woodland Park Drive Re: Authorization of Alternate Form of ID/Recycling Decal
- O. Layne/64 N. Lyle Avenue Re: Resolution 193/Recycling Decal

Council agreed that the Recycling Center policy for obtaining decals needs to be reviewed. They asked that Mrs. Thompson-Chin, Mr. McClure, and Bob Beutel review the resolution and make revisions to accommodate those who own property in Tenaflly, but either have out-of-state licenses or registrations or do not have their Tenaflly address listed on their license. Mr. McClure is to send an email to Council asking for their suggestions on how best to revise this policy.

- J. Zhitkov/127 Tenaflly Road Re: Unsafe Road Condition

Mrs. Thompson-Chin advised that the trench had been repaired earlier today.

- K. Weinberg/New Jersey Legislature Re: Resolution #R11-58/Exempts Uncollected Tax Reserve from 2% CAP

Council acknowledged receipt of a letter from Loretta Weinberg regarding resolution #R11-58 in which the Council expressed their support of A3606/S2588 exempting the uncollected tax reserve from the 2% CAP.

- L. Savas/40 South Park Drive Re: Downey & South Park Drive
- M. Savas/40 South Park Drive Re: Downey Drive Sidewalk

Council asked that Mr. Savas' letters be provided to the firm who will conduct the study on the Downey Drive area.

- P. Kane Re: Garage Sale Permit

Council asked that the Borough Clerk review the garage sale policy to allow for residents to apply and receive their garage sale permit by mail.

- Q. Strambler/132 Lawrence Parkway Re: Street Lights

Mayor Rustin advised that that he had received this letter from an 8th grader. He referred this letter to Chief Bruno for his comment and will send a response once he receives Chief Bruno's comments.

- R. Todd/12 Royden Road Re: Dog Park/Run

Council asked that a letter be sent to inform Ms. Todd that a dog park is under consideration.

- S. The Land Conservancy of New Jersey Re: Open Space & Recreation Plan Grant Opportunities

Mrs. Thompson-Chin stated that she had referred this letter to Gus Allen of the Planning Board for his review and comment.

T. Moore/52 Bliss Avenue Re: Commendation DPW

Mayor Rustin acknowledged receipt of a letter from Ms. Moore commending the DPW for the condition of the roads after the snow storm.

U. NJ Tree Foundation Re: Donation for Trees

Mayor Rustin advised that he had received a check in the amount of \$500 from PSE&G through the NJ Tree Foundation and it has been deposited into the tree fund.

V. Kunz/52 Surrey Lane Re: Elimination of Rear-Yard Garbage Collection

Council asked that a letter be sent to Ms. Kunz advising her that the garbage contact amendment is no longer under consideration. Mrs. Thompson-Chin remarked that she had spoken to Mr. Roselle of Waste Management to tentatively inform him of Council's decision and he responded that as there is two and a half years remaining on this contract, he is open to considering the amendment again in the future.

W. NJ DCA Re: 2011 Women's History Month

Council agreed to list the resolution designating March 2011 as Women's History Month.

RESOLUTIONS for meeting of January 11, 2011:

- A. Approve March Expenditures as of March 2, 2011
- B. Approve Refund/Tree Mitigation Escrow/156 Elm Street/\$150.00
- C. Approve Refund/Knickerbocker Country Club/All Escrow Accounts
- D. Authorize Cancellation of Stale Dated Checks
- E. Award Fireworks Contract to International Fireworks

PUBLIC HEARINGS for the meeting of March 8, 2011:

- A. **Ordinances:** None
- B. **Other:** Major Tree Removal/156 Churchill Road

Mrs. Thompson-Chin informed Council that Joe Thiel would attend the Major Tree Removal Hearing for 156 Churchill Road.

COMMITTEE REPORTS

C. Barzelatto advised that the Fire Department is reviewing all local ordinances. He stated that they are considering forming a Fire Commission for disciplinary action. Council asked that Mr. McClure review the ordinance as it stands and see what, if any, revisions need to be made. Council agreed that three members of the governing body should serve and that these members would be C. Barzelatto, C. Honig, and C. Warms.

Minutes to be approved: Work Session of January 4, 2011
Public Meeting of January 11, 2011

OLD BUSINESS

None.

FOR THE GOOD OF THE ORDER

None.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 11-107a

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. Professional Contracts/Attorney-Client Privilege
 - 1. Labor Counsel Update

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. Kerge, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:13 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Kerge, second by C. Honig, and unanimously carried, the meeting was adjourned at 11:17 p.m.

Respectfully submitted,

Jewel Thompson-Chin, Acting Borough Clerk