

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JANUARY 5, 2010

The meeting was called to order at 7:30 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin.

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Nadia LaMastra, Michael Lattif,
Joseph McDermott, Patrick J. Rouse, Jon Warme

Interim Borough Administrator: Gregory Fehrenbach

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. Jeff Toonkel, 127 Erledon Road, Tenafly read the following statement of support for extending the use of the Municipal Field lights:

"I would like to voice my support for extending the use of municipal field lights on Saturdays and Sunday.

My suggestion, for consideration by the mayor and council, is that the municipal field lights be used, by permit only, on Saturdays and Sundays, until 8:15pm, for the months of March through November. Municipal field is used in the month of June until sunset, which is approximately 8:15pm and this appears to be acceptable in our community.

Our town population growth and increased recreation demands are increasing the pressure on our grass turf fields as well as the municipal synthetic field. Sunnyside Park has no time to rest and our children are already jockeying for field space with adult leagues and outside Tenafly schools at municipal field and Sunnyside.

Our Tenafly High School athletic teams will step up this September to a higher level of competition and this will further increase the pressure on our recreation facilities.

One step to alleviate some of this pressure is by fully utilizing our existing field capacity and extending the use of our municipal field lights. Thank you"

2. Martha Koven, 2 No. Summit Street, Tenaflly inquired whether the two items referencing light rail listed on the agenda under 'Old Business' would be discussed this evening.

The Mayor explained that items listed under 'Old Business' are not being discussed this evening but should be reviewed to determine at which subsequent work session they will be scheduled for discussion.

3. Mark Feldman, 133 Lylewood Drive, Tenaflly reminded the Council that prior to his retirement, the former Administrator had provided a list of Capital Ordinances that required review for disposition of surplus and urged the Council to do so.

4. Johanne Gambrill, 15 Ravine Road, Tenaflly commented that while she is in favor of the Farmer's Market, she questioned why the town does not charge the organizer for the use of town services. Regarding the Business Improvement District, she felt that there should be clear definition on exactly which businesses are included.

7:45 P.M. Members of Recreation Board to be present to discuss Municipal Field Lighting policy/responsible party.

Rich Rodriguez of the Recreation Board was present and read a statement into the record (attached). The Board felt, in light of Ordinance No. 09-13 creating their Board, that they had control over the issue of lights on the field that superseded the Council's policy establishing the rules and regulations on lighting of the municipal field.

Following lengthy discussion, it was agreed that the Recreation Board will provide the Council with specific recommendations for changes to the policy on the use of lights and Council will review their suggestions.

1. TO BE CONSIDERED

A. Correction to Zoning Map (McClure)

This is a correction to a drafting error in the drawing of the map that research dates back to 1968. Introduction of the required ordinance was scheduled for January 12.

B. Bylaws of BID/District Management Corp.

Section 12 of Article V will be deleted. Ms. LaMastra reported the Board still has concerns about applicability of the Open Public Meetings Act; Borough Attorney advised that the statute prevails over whether the OPMA applies. Ms. LaMastra will take back to the Board. Clerk to list adoption of Bylaws on January 26 agenda. Attorney was asked to give an update on the lawsuit (Pambar, et al v Borough of Tenaflly) and item was added to Closed Session Agenda this evening.

C. Tenaflly Farmers Market Annual Report for 2009/Request for 2010

Resolution approving Market from mid-May to end of October, from 10-3, will be on January 12 agenda. Request to have banner advertisement across Washington Street will be discussed at an upcoming Chamber of Commerce meeting.

D. Resolution urging technical and practical revisions to OPRA

Resolution from Tenaflly will be on January 12 agenda.

2. **ADMINISTRATOR'S REPORT**

A. Energy Audit of Municipal Center and potential cost savings

A contract authorizing PSE&G to conduct an energy audit of the Municipal Center will be on the January 12 agenda.

B. Consultant Services for DEIS Review

Interim Administrator reported on his conversation with Janice Talley that the preparation work is being done to prepare for the parking/circulation study and is waiting for the DEIS release. Mr. Fehrenbach requested the Council liaisons alert their various boards/commissions/committees to the impending release of the DEIS and their need to respond quickly when contacted for their input.

C. Potential Consolidation of Leisure Services

Interim Administrator presented governing body with concept of consolidation of leisure services (Recreation, Senior Center, Youth Services) for more efficient functionality of registration, scheduling, instructors, arranging trips, etc. There is a commonality among the three groups, an overlap of ages, and they all have similar activities. A consolidation would provide a better use of personnel and more efficient operations. The Council agreed to have Mr. Fehrenbach pursue this approach.

Add-ons: D. At the meeting of January 26, Director of Public Works Bob Beutel will be in at 7:30 work session to discuss the renewal of the contract with Green Sky for the renewal of their contract to market our recyclables. The resolution authorizing the contract renewal will be on the 8:30 public meeting agenda on the 26th.

E. Mr. Fehrenbach had additional items to be added under Closed Session this evening, related to the possible consolidation of leisure services/pertinent personnel issues, and contract negotiations with Cresskill on a shared services agreement for Registrar services.

3. **CORRESPONDENCE**

A. E. Mednick Re: Request/Waive False Alarm Penalty
This will be denied at the January 12 meeting.

B. Teaneck Fire Department Re: Thank You/donated truck

4. Closed Session moved to end of meeting.

5. **RESOLUTIONS for the meeting of January 12, 2010:**

- A. Approve January expenditures
- B. Authorize Refund/Tree Removal Mitigation Escrow/Final 20%/24 Knoll Road
- C. Authorize Refund/Tree Removal Mitigation Escrow/Final 20%/89 Franklin St
- D. Authorize Refund/Tree Removal Mitigation Escrow-Builder/Final 20%/53 Woodland Street
- E. Authorize Refund/Tree Removal Mitigation Escrow-Homeowner/Final 20%/53 Woodland Street
- F. Authorize Refund/Tree Removal Mitigation Escrow/Final 20%/20 Buckingham Road
- G. Authorize Refund/Tree Removal Mitigation Escrow/121 Sussex Road
- H. Approve 2010 Animal Control Contract

- I. Approve 2010 Bloodborne Pathogens Program contract with Bergen County Dept. of Health Services
- J. Approve 2010 Employee Assistance Program contract with Bergen County/Federal DOT requirement
- K. Amend Cap Ord. No. 09-09/delete reference to Downey Drive Sidewalks
- L. Amend Borough Code/CFO position
- M. Approve Raffle Application Nos.958 and 959/Ben Porat Yosef
- N. Approve 2010 Renewal of Agreement/Designation of the "Housing Authority of Bergen County" as Administrative Agent for affirmative marketing and affordability controls for affordable housing units
- O. Authorize Refund/Tree Removal Mitigation Escrow/Final 20%/70 Davenport
- P. Authorize Refund/Tree Removal Mitigation Escrow/11 Harold Street
- Q. Approve Release/Certificate of Redemption TTL08-7/3 Coppel Drive
- R. Approve Refund/County Board Judgment for 2009 Added Assessments

6. **PUBLIC HEARINGS for meeting of January 12, 2010: None**

7. **COMMITTEE REPORTS - None**

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

9. **OLD BUSINESS**

- A. *[from 2-3-09 COW]* Fire Dept recognition to be scheduled.
- B. *[from 2-3-09 COW]* Building Numbers/Map-Revised Ordinance to be reviewed.
- C. *[from 6-4-09 COW]* Borough Attorney and Borough Administrator to report on Police Headquarters *vis a vis* ROSI restriction.
- D. *(from 10-6-09 COW)* Deferred following items:
 - 1. Decrease in revenues in Building Department/possible fee increases
 - 2. Council stance on Light Rail
 - 3. Revision to Fire Department Ordinance
 - 4. Sign Ordinance revisions
- E. *(from 11-24-09 COW)* Schedule discussion of possible referendum on light rail issue on early 2010 work session agenda.

It was agreed to delete item C from the above list. Clerk was asked to schedule the review of the Sign Ordinance on the February 2 work session. Mr. Warms asked for the Decrease in revenues in Building Department be discussed at the same meeting, but rest of Council agreed it should be discussed during 2010 budget meetings. Revision to the Fire Department Ordinance is scheduled for discussion at the February 2 work session as Mr. Barzelatto understood from Fire Chief Philpott the Department's recommendations will be submitted within a few days. No other items were scheduled for discussion at this time.

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

Mayor Rustin asked that the matter of frequency of Transportation Committee be discussed at the February 2 work session and to discuss the mission of the Committee.

Councilman Rouse suggested a formal letter be sent to those who were to be honored at the Recess Meeting and have them attend the February 9 public meeting for recognition: Former Councilwoman Carol Hoernlein, Galit Sacajiu, Susan Schwartz and Tony Morreale.

Mayor advised Council of the Bergen County Mayor's breakfast at the Arena diner on Tuesday, January 12 at 7:30.

Councilman Warms asked that he and Councilman McDermott be allowed to organize a technology committee. Mr. Fehrenbach reported he had discussed several issues with Michael Ulshoefer of the Tech Department at the Board of Ed on the expansion of storage space which is a financial matter, and the ability of forwarding messages from tenafly.net account to private accounts which is not possible because of problems with support from Microsoft.

4. **CLOSED SESSION**

At 10:05 p.m., the Borough Attorney read the following resolution:

Motion by Council member LaMastra, second by Council member McDermott, 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
 - 1. Pambar, et al v. Borough of Tenafly
 - 2. Shared Services Contract Negotiation
- B. Personnel
 - 1. Appointment of CFO
 - 2. Update on Search for Administrator
 - 3. Consolidation of Depts-Leisure Services-personnel matter

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.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member LaMastra, second by Council member Warms, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:25 p.m.

Respectfully submitted,

Nancy Hatten