

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, FEBRUARY 2, 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 Warms

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. Gloria Layne, 64 N. Lyle Avenue, Tenafly, member of the Senior Center Advisory Committee, referencing the possible merger of the Recreation, Youth Services and Senior Center departments, urged care in meeting the needs of Seniors which are different from the youth of the community.
2. Elaine Sippach, Lawrence Parkway, Tenafly, asked the governing body to consider filling the Assistant Director position at the Senior Center.
3. Mary Salpukas, 85 Hillside Avenue, Tenafly, stated that staffing is a vital component at the Senior Center and urged that the Assistant Director position be filled as soon as possible.
4. Walter Kosman, 31 Woodmere Lane, Tenafly commented that communication from the governing body to the public has been insufficient, specifically regarding the possible merger of the three departments; he urged the installation of pedestrian crosswalks on Jefferson Avenue, Riveredge Road and Tenafly Road; and suggested that solar panels should be considered in the construction of municipal and school buildings.
5. Jeff Levene, 27 W. Clinton Avenue, Unit 2-C, Tenafly, observed from his attendance at the Senior Center that the Director needs to have the Assistant Director position filled full time and without further delay.
6. Johanne Gambrell, 15 Ravine Road, Tenafly objected to the combining of the two Committee of the Whole meeting and the Public meeting on the fourth Tuesday of the month and the lack of opportunity for public comments at the work session and the delay

in receiving comments at the public meeting. The issue of Street Fairs in the downtown affects local businesses and it is still unresolved.

7. Mark Feldman, 133 Lylewood Drive, Tenaflly opined that not enough time is allowed for the Council to interact openly with the public, expressed concern about the availability of financial reports and annual reports, wanted to understand what went on at joint-use committee meetings with the Board of Education and police commission meetings, and offered further that the public wants information to be able to contribute their input to the Council on matters of concern to them.

1. **TO BE CONSIDERED**

A. Revisions to Sign Ordinance

Discussion deferred to March 2 work session meeting. Council members can email their individual suggested revisions to the Borough Attorney. Attorney will provide Clerk with electronic copy to distribute to Council.

B. Recreation recommendations/revise Municipal Field Lighting policy

Naomi McDermott, Chair of Recreation Board and Rich Rodriguez, Vice Chair were present for the discussion. Suggested changes included the liberalization of rules for the times of field lighting and during fall schedule, to adjust the end time to 10:30 pm to accommodate two football home games, addressed emergency situations with short extension of time permitted. Recreation will meet with residents of Foster Road to present the recommended revisions at their March meeting, get input from the residents, and then forward a final version of recommended changes to the Mayor and Council for their consideration and approval.

C. Report from Eifert, French on Health Insurance Experience Reports

Administrator advised that the BMED wants to see a loss ratio of no more than 75%; Tenaflly's is too high currently. Recommendation is to stay with State Health Benefits for the time being and then revisit possible change in provider in the future.

D. Review 'Public Comments' scheduling for 4th Tuesday work session and public meeting agendas/time of meetings

With the change in meeting schedule by combining two meetings in one evening, there is no opportunity for the public to speak at the shortened work session meeting. Following brief discussion, Council agreed to change the Public Meeting agenda on the fourth Tuesday of the month to list Public Comments earlier in the meeting thereby combining what had been listed as Audience Remarks for Agenda Items and Audience Remarks for Non-Agenda Items into one opportunity to address the governing body. The change in format will be implemented at the February 23 meeting.

E. Council Dialogue with Public

Mr. McDermott expressed his concern about members of the public making statements at meetings of the governing body that contain misinformation, and because there is no dialogue with the public at these meetings, the misinformation is not addressed for the rest of the public to hear and get a clarification of the issue. He felt it deceives the public when the Council fails to correct the dissemination of erroneous information. After brief discussion, it was agreed that a response should be given immediately to someone with misinformation; Council members should wait to be recognized by the Chair and then speak.

F. Role of Mayor in governing body meetings

Mr. McDermott withdrew this item from the agenda; there was no new date proposed for rescheduling discussion.

G. Transportation Committee meeting schedule for 2010

It was agreed that Transportation Committee meetings would be held quarterly on the fourth Thursday of the month where permitted. Mayor Rustin, Mr. McDermott and Mr. Lattif will reach out to volunteers on the Committee to serve as the Chair.

H. Award Bid/Huyler Park Improvements Project

Recommendation received from engineer David Hals to award contract to Trino Associates who came in below the estimated cost of the project. Administrator pointed out that we may have to give back some of the County grant due to lowered cost of project. Resolution of contract award will be listed on the agenda for February 9.

I. Independence Day 2010 observance/date for fireworks

Date of town-wide celebration and fireworks display will be Saturday, July 3, 2010.

J. Technology subcommittee of Council to meet with School District CIO

Mr. McDermott and Mr. Warms expressed desire to form a sub-committee to meet with Michael Ulshoefer of IT department at Board of Education to discuss various technology issues; does the Council want this sub-committee formed? Mr. Lattif stated he was opposed philosophically to in-house solutions and felt there was a need to have the scope of work defined first and have a needs assessment done. It was agreed to wait for the new Administrator.

2. **ADMINISTRATOR'S REPORT**

A. Proposed change to Administrative Code – merging Departments of Health and Building into Department of Code Enforcement

Administrator reported that the Building Department has taken over all non-Registrar functions that had been performed in the Board of Health office, except attendance at Board of Health meetings. The proposed change to the Code would reflect the change in areas of responsibility. As there was consensus among the Council to move forward, the introduction of the Ordinance effectuating the change will be scheduled on the February 9 agenda.

B. Engle Street Resurfacing, Section 5 – Change Order No.1 and Closeout Project

This will be listed on February 9 agenda for formal action.

Administrator added on the following three items:

C. Status of Plans for Expansion of Police Headquarters

Architect Anthony Iovino is ready to prepare construction documents on this project. Both he and Police Chief Bruno would like to come before the Council to explain the concept plan. Council agreed to have a special meeting on Tuesday, February 9 at 7 p.m. prior to the Pre-Meeting, to present the plans.

D. Budget 2010

Administrator reported that within the next seven to ten days, he will assemble and distribute all department requests for funding in 2010. He asked the Council to schedule time to listen to departmental requests. Council agreed to two Saturday morning meetings from 9 am to 1 pm; Administrator to select the two dates and report back.

E. Annual Reports from Departments

Administrator reported he is gathering the reports from 16 people and will present his report to Council in the near future. He noted the need for standardization and quantification and will include his suggestions for those items in his report to the Council.

3. **CORRESPONDENCE**

A. Tenaflly Little League Re: Request for Annual Parade

Formal action will be taken at February 9 meeting

B. Tenaflly Planning Board Re: Concept Plan for Facility on Municipal Field

Council acknowledged report from Planning Board approving the concept plan.

C. NJ Public Advocate Re: Lead Poisoning Prevention

D. M. Koven/No. Summit Re: Light Rail issues

At this time, there was no consensus among the Council to discuss a position on the issue of reinstating light rail to Tenaflly. They deferred any discussion on a possible referendum on light rail to the first June work session, noting that August is the deadline for submitting public questions to the County Clerk for inclusion on the general election ballot in November. The Borough Clerk will respond to Ms. Koven and note to her that Chief Bruno is an active member of the Transportation Committee

E. B.C. Dept of Parks Re: Canadian Geese

Mayor Rustin reported that in a discussion with Public Works Director Beutel, Mr. Beutel does not believe this pertains to Tenaflly.

F. R. Meyersburg Re: Request/Waiver of Alarm Fee

Formal denial will be scheduled on February 9 agenda; thereafter Borough Clerk will respond and explain purpose of the registration fee.

G. M. Feldman Re: State of the Borough Report

Borough Administrator advised earlier this evening that the State of the Borough will be forthcoming.

H. S. Savas Re: State of the Borough Report

Administrator remarked that the sample provided by Mr. Savas is for a very different type of community, but that he found the sample valuable and he will share it with the new Borough Administrator when appointed.

I. COAH Re: Designation of Affordable Housing Trust Report Fund Preparer

Administrator reported he is preparing the requested report.

J. Boy Scouts of America Re: 100th Anniversary

Council agreed to have this proclamation as part of the February 9 agenda.

K. Kent Mgmt/Primrose Parc Re: Request for street sign

Council agreed that a sign could be installed at the Condominium's expense, as long as it is not in the Borough's right of way. Borough Clerk will respond to requester.

L. League of Municipalities Re: S-1 Abolish COAH

There is proposed legislation to abolish COAH. Councilman Warms asked if it was appropriate for the Chair of the Planning Board to send a letter to our District 37 representatives urging them to pass the legislation to abolish COAH. Council agreed the Planning Board could send such a letter.

4. **CLOSED SESSION**

At 10:35 p.m., the Borough Attorney read the following resolution:

Motion by Council member LaMastra, second by Council member Lattif, 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:

- B. Personnel to be presented by Interim Borough Administrator
 - 1. Borough Administrator Search

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 for the meeting of February 9, 2010.**

- A. Approve February expenditures
- B. Tax Court Judgment 2008-2009
- C. Approve Appropriation Transfer Reserves 2009
- D. Approve Amendment to 2010 Temporary Budget
- E. Approve Refund/Final 20%/Tree Mitigation Escrow/135 Highwood Ave.
- F. Approve Escrow Refund/PB#1-09-11/Site Plan Waiver /Island Pools
- G. Approve Escrow Refund/PB#1-09-12/Site Plan Waiver/Sr. Citizens Housing Corp.
- H. Introduction of Ordinances to re-appropriate funds for park projects
- I. Establish position of Council liaison to Volunteer Fire Department
- J. County Board Judgment Refund 2009
- K. Approve Raffle Application #961/Sisterhood of Temple Sinai/2-27-10

6. **PUBLIC HEARINGS for meeting of**

- A. Ordinances: Ordinance No. 10-02/Correction to Zoning Map
- B. Other: Open Space Hearing/Allocation of Funds for Davis-Johnson Park Improvements

7. **COMMITTEE REPORTS - None**

8. **MINUTES to be approved:** Closed Session of January 23, 2010
Work Session of January 26, 2010
Public Meeting of January 26, 2010
Closed Sessions of January 26, 2010
Closed Session of January 29, 2010

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 10-6-09 COW)* Deferred following items:
 - 1. Decrease in revenues in Building Department/possible fee increases *[at 1/5/10 COW, moved to 2010 budget discussions]*
 - 2. Council stance on Light Rail
 - 3. Revision to Fire Department Ordinance
- D. *(from 2-2-10 COW)* Schedule discussion of possible referendum on light rail issue on June 1, 2010 work session agenda.

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

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Rouse, second by Council member McDermott, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:00 P.M.

Respectfully submitted,

Nancy Hatten