

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JUNE 1, 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

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."

1. Martha Koven, 2 North Summit Street, Tenafly questioned why the Council removed the consideration of a referendum question on light rail from the agenda.

2. Jeffrey Thompson, 41 Lawrence Parkway, Tenafly explained he was present in reference to his letter on tonight's agenda (item 3-F). He stated he had not been given notice by his neighbor that trees bordering his property were going to be removed and expressed his concern over the way the Building Department is handling the tree removal ordinance.

3. Mark Feldman, 133 Lylewood Drive, Tenafly noted the last reference to the Police Expansion project was at a February 9 meeting of the governing body and he requested an accounting of the project to date. He voiced concerns about the interaction of the Police, Fire and TVAC with the Council as well as with the public. He urged the Council to revisit the possibility of a referendum on light rail issue on the November ballot.

4. Bob Kutik, owner of Womrath's Book Store, 12 Washington Street, Tenafly, and member of the BID, expressed concern that getting the BID started was not moving fast enough and funding was necessary to hire a Director to get things on track.

5. Johanne Gambrill, 15 Ravine Road, Tenafly questioned how the discussion scheduled for the June 1 meeting on the light rail referendum had been removed from the agenda. She noted she had had a similar experience with tree removal as in her case, the trees were cut and then permits were sought.

Following brief discussion, it was noted that at a previous work session, the light rail issue had been removed from further consideration by the Council.

Council agreed to address items 1-A, 3-F and the light rail referendum question.

1-A Amend BID Ordinance No. 08-25/revisions to Schedule A

Borough Attorney advised that the list of properties will be provided by the Engineer's office tomorrow. Ms. LaMastra urged the process be done expeditiously, as the biggest issue is funding. Administrator will meet with the CFO to discuss possible reallocation of funds in 2010 budget for use by the BID as seed money. Borough Clerk cautioned that there were specific notification requirements in the statute governing Special Improvement Districts that would dictate the scheduling of the public hearing. All agreed to introduce the Ordinance on June 10 and the Clerk and Attorney will confer on the notification requirements. Ms. Thompson-Chin, Ms. LaMastra, Norman Dorf, President of the BID, and Mr. McClure will meet to review the schedule for adoption of the Ordinance on the BID revisions and establish a timeline going forward with deadlines to keep the process moving.

3-F J. Thompson/Lawrence Pkwy Re: Tree Removal incident

Administrator reported she had met with both the Director of Public Works Bob Beutel and Code Enforcement Officer Jim Massaro to discuss the concerns raised by Mr. Thompson in his letter. She summarized the key points as the health of the trees, permission to remove the trees, and the notification requirements to adjoining property owners. The trees in question are located in the buffer zone of the two properties. Mr. Beutel, a certified arborist, inspected the trees and determined they were sickly, dead or junk trees. The number of trees sought to be removed was less than 20 and no permit is required. She explained further that trees to be removed from a buffer area do not require that permission be sought of the neighbor, only that documentation that notice of intent to remove and when trees are to be removed was given must be submitted when getting a no-fee permit.

Light Rail referendum issue

Council agreed to discuss whether or not to put a question on the November ballot regarding the light rail issue at its next work session on June 22. Councilman McDermott will forward the question to be considered to the Borough Clerk for inclusion in the packets prior to the meeting.

1. **TO BE CONSIDERED**

A. Amend BID Ordinance No. 08-25/revisions to Schedule A

See above

B. Traffic Ordinances/part-time one-way streets (Ord No. 10-19) and Downey Drive/Oak Street time limit parking (Ord No 10-20)

Ordinances will be introduced at the June 10 meeting.

C. Request/Remove Sidewalk permanently on Leonard Avenue (from 5/25 COW)

Following brief discussion, Administrator was asked to research the Ordinance that requires a sidewalk be installed when a home is built in the Borough.

D. Resolution for Green Building from Environmental Commission/Green Team

It was agreed to schedule this resolution on the June 10 agenda. Education of the public is important key to success of program. Articles will be included in future newsletters and on the Borough website.

E. School-Borough Calendar/limited printing

Administrator explained that at the recent Joint-Use Committee meeting, the Board of Education suggested that because the joint School-Borough calendar is expensive to produce and mail, a limited number of copies should be printed and residents should rely instead on the online version for their information and schedules. She reported further that 6900 calendars are printed, and the cost is split between the Borough and the Board of Education. Our cost in 2009 was a little over \$2700.

After brief discussion, Council was not in favor of implementing this change this year.

F. Recycling Center decals-update

Borough Administrator reported she met with the Director of Public Works. He would like to transition to the all white decals as many cars still have the old orange and blue decals which are difficult to view through the tinted glass of the vehicles. After discussion, it was agreed that 2010 is the last year for vehicular access to the Recycling Center with orange and blue decals. Notice of the change will be in the next newsletter to alert the public of the requirement to change to the white decal through the Borough Clerk's office.

2. **ADMINISTRATOR'S REPORT**

A. Update on fireworks and summer concerts/accounts

Administrator reported that donations of \$7500 have been received to date and there is enough in the account for Fireworks program this year. The contract with Garden State Fireworks has been executed. Donated funds will be used to advertise the event in the Suburbanite. Council requested an estimate of police and public works overtime and that the donated funds should cover that amount. It was agreed that the Administrator and CFO should have a report for the August work session on the implementation of the new accounting system that will generate reports as requested.

B. Anti-idling enforcement update

An initiative from the Green Team and the Environmental Commission, this applies largely to the Board of Education. Don Kaplan is handling this for the Board of Ed and the posting of the message signs at the four elementary schools. Administrator will research whether the Board of Education will be purchasing the signage.

C. ERT vehicle/review of bid specifications

Bids have been rejected, and subsequently, the specifications have been revised. A new bid will be authorized at the June 10 meeting, with advertising in the June 15 Record newspaper, receipt of bids scheduled for July 1, with possible bid award on July 13. Borough Administrator remarked on the continued need for this vehicle. Council requested she investigate obtaining financial assistance for the purchase from the Israeli consulate.

3. **CORRESPONDENCE**

A. B.Denson/Buff Rd Re: Request for Block Party 07-10-10  
Scheduled on the June 10 agenda.

B. Green Door Café Re: Request for Canopy/Outdoor Seating  
A hearing was scheduled for June 10 and the Clerk will notify Mr. Bell.

- C. Tenaflly Car Wash Re: Request/Canopy & Temporary Use

As there was some question as to where this request should be heard, Borough Clerk will speak with Mr. Murphy to determine his intentions and based on his responses, she will either schedule a hearing on June 10 for the governing body to hear his appeal, or refer him to the Planning Board where Board Attorney Zenn has indicated it should be heard.

- D. Tenaflly Planning Board Re: Support for Environmental Comm. Green Building resolution

- E. Tenaflly Planning Board Re: Review of Ordinance No. 10-15

Planning Board had no objections to allowing medical and dental offices on JMP property in the commercial area yet to be developed.

- F. J. Thompson/Lawrence Pkwy Re: Tree Removal incident

Discussed earlier this evening.

4. **CLOSED SESSION**

At 10:15 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:

- 1. Update/Bargaining Units/budget discussions

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 June 10, 2010**

- A. Approve June expenditures
- B. Elimination of program to accept construction debris at Recycling Center
- C. Intro 2 traffic ordinances
- D. Approve 2010-12 Bergen County Snow Plow Agreement
- E. Reduce Perf Bond and Engineering Escrow/JMP residential component
- F. Approve Tree Removal Escrow Refunds
- G. Refund/overpayment of taxes
- H. Award bids/Repair and Maintenance of Police Cars & Repair and Maintenance of Traffic Signals

6. **PUBLIC HEARINGS for meeting of June 10, 2010**

- A. Ordinances: Ord No. 10-16 (CAP Bank), Ord. No. 10-17 (Coppell, et al) and Ord. No. 10-18 (Columbus Drive)
- B. Other: Green Door request/Canopy in right-of-way

7. **COMMITTEE REPORTS**

Councilman Barzelatto reported that at the last Youth Services meeting, it was decided a sign would be posted that the Teen Center is not open to the public, due to the large number of requests to use the restrooms when there is a sporting event on the

municipal field. Secondly, there will be a request from the Committee for a dedication in honor of the late Mary Mandel who gave much of her time over many years in service on the Committee.

Councilman McDermott reported that the Transportation Committee met last week and feel strongly about the light rail referendum question. He questioned the status of the traffic study by the consultant and the Administrator responded that only the initial data had been collected and there was no report yet.

Mayor Rustin reported on a Northern Valley Mayors Association event at the Mahwah safety facility. There is a push to get towns to commit to having all their dispatch operations generate from that site for emergencies. There is a push for shared services, but no sense of service will be provided to us.

8. **MINUTES to be approved:** Work Session of May 25, 2010  
Public Meeting of May 25, 2010  
Closed Session of May 25, 2010

9. **OLD BUSINESS**

- A. *[from 2-3-09 COW]* Fire Dept recognition to be scheduled, and *(from 10/6/09 COW)* revisions to Fire Department Ordinance.

Councilman Barzelatto reported the Fire Department was close to finishing their suggested revisions and it will be coming to the Council shortly.

- B. *[from 2-3-09 COW]* Building Numbers/Map-Revised Ordinance to be reviewed.  
C. *(from 2/23/10 COW)* Review GIS

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

Mr. Barzelatto suggested there be better organization next year with the Elks for the Memorial Day parade, and a need for prohibiting parking on Washington Street until after the parade.

Mayor Rustin commented on the request by the Governor's office for support for the 'tool kit' for budget containment; he will re-circulate the proposal for Council to review.

Borough Clerk Hatten advised the governing body of her intention to retire as of August 1, 2010.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Rouse, second by Council member LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Nancy Hatten