

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, NOVEMBER 23, 2010

The meeting was called to order at 7:32 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 7:36 p.m.),
Nadia LaMastra, Michael Lattif, Patrick J. Rouse,
Jon Warms

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Council-Elect: Barry Honig, Martha Kerge

Absent: Council member Joseph McDermott

1. **TO BE CONSIDERED**

A. Dean Drive – Presentation by Dave Hals, P.E., Borough Engineer

Mayor Rustin explained Council's concern that since the project on Dean Drive had been completed, a couple of storms that had occurred in March and June had caused flooding in the area. C. LaMastra confirmed that there were 2 storms in October in which Dean Drive flooded to the train tracks. During the first storm, there were leaves in the catch basin, but during the second storm, there were no leaves and water was coming out of the manholes.

Mr. Hals stated that he inspected the culvert, which is presently at 70% capacity. During the inspection, there is no evidence of clogging. The purpose of the culvert is to drain the ponding at a much faster rate. Due to the size of the pipes and utilities underground, the largest system that could fit was put in place. The system in place has decreased the amount of time the road was flooded and has prevented the homes in the surrounding side streets from being flooded as well.

B. Light Rail Referendum

Mayor Rustin stated that with the 2 to 1 opposition to the light rail referendum, the Council must acknowledge these results as a body. He asked if Council wished to go any further. CE Honig recommended a formal resolution opposing light rail and a request to drop the

project from consideration. CE Kerge concurred with the recommendation, with a copy of the resolution to go to the NJ Legislature and NJ Transit. She also supported a letter to Governor Christie. Mayor Rustin recommended language, such as the project as proposed does not suit the needs of the Borough and that a one-seat ride to New York City is preferable. He will prove a draft letter to Governor Christie for the December 7th COW meeting for Council to review.

C. Reorganization Meeting.

Mrs. Aportela-Hernandez requested clarification on the ordering of refreshments which has been done at prior reorganization meetings. However, the upcoming meeting is being held at a later hour. Council authorized the Borough Clerk to place an order of refreshments.

Mayor Rustin recommended that Benny Lorenzo, who is stepping down from the Board of Adjustment be recognized at the Recess Meeting. C. Rouse recommended a similar recognition for Ellen Rochford. Both residents will be presented with a Peace Plaza plaque.

CE Kerge mentioned that she and CE Honig would like an invocation and benediction at the reorganization. They will provide the Borough Clerk with the details accordingly.

D. 2011 Meeting Schedule.

Council reviewed the proposed meeting schedule and recommended that the April 19th meeting be rescheduled to April 26th due to Passover, that the meetings in the summer be held during the first 2 weeks in July and August, and that the first November public meeting be scheduled for Thursday, November 10th due to the NJLM annual conference. The Borough Clerk will revise the agenda accordingly.

As the time required Council to commence the Regular Meeting, on a motion by C. Lattif second by C. LaMastra, and unanimously carried, the meeting was closed at 8:42 p.m. Council will resume reviewing the balance of items upon conclusion of the Regular Meeting.

The Mayor opened the meeting of the Committee of the Whole at 10:11 p.m.

E. 9/11 10th Anniversary Committee

Mayor Rustin stated that former Mayor Ann Moscovitz wished to chair a committee to hold a 10th Anniversary event. C. Barzelatto will participate in this committee. Mayor Rustin will advise former Mayor Moscovitz.

F. Proposed Parking Regulation – Inness Road/Engle Street

Council reviewed Chief Bruno's proposed parking regulation in response to the resident's e-mail about traffic in the area. Council requested Chief Bruno to advise if County approval.

The Borough Clerk will e-mail Chief Bruno. Council requested to list this item for further review at the January COW.

G. Fingerprinting of Coaches

Council reviewed Chief Bruno's memo and the Recreation Board's concerns about losing coaches. Mrs. Thompson-Chin advised that she, Chief Bruno, and Mr. Favorito will meet to discuss this matter and that Chief Bruno wishes to speak to the Recreation Board. She will update Council on the outcome of these meetings. Mrs. Thompson-Chin reported on potential funding for the fingerprinting through the Meghan Kanka Foundation, but the application requirements have become more stringent.

2. **ADMINISTRATOR'S REPORT**

A. Construction Management RFP

Mrs. Thompson-Chin advised Council that 22 firms responded to the RFP with proposals ranging from \$67,500 to \$262,508. The majority of the responses are above \$100,000. The responses were opened publicly at 3:00 p.m. yesterday. According to state requirements, the public and solicitors were required to be advised of the selection criteria. Mrs. Thompson-Chin will be reviewing applications and scheduling interviews in an effort to try to award the contract by December 14th.

B. Clinton Auto Service

Mrs. Thompson-Chin summarized the scope of information reviewed. The back-up documentation will be available in the Clerk's office for Council to review. She did not find any evidence of harassment or selective enforcement. She requested proof from Mr. Obernauer, who did not provide any evidence and did not deny that he has violations or that he has not complied with the use variance approvals. He did not want to discuss the cause of ongoing monitoring and believed the use variance shielded him from the monitoring. What he considered harassment is the appropriate follow-up that Code Enforcement is mandated to do. There have been several months of no active monitoring. The onus is on Mr. Obernauer to resolve the code violations. Mrs. Thompson-Chin will send a letter to Mr. Obernauer with a summary of her findings.

3. **FOR THE GOOD OF THE ORDER**

None.

4. **CORRESPONDENCE**

A. Aguiar/605 Knickerbocker Road Re: Mobile Home Parking

This item was discussed at the Public Meeting.

B. Kollitides/164 East Clinton Ave Re: Street Deposit of Leaves

Council reviewed Mr. Kollitides' e-mail requesting an ordinance regarding the distance of depositing leaves. According to staff, such an ordinance would not be enforceable and cannot be observed consistently among all properties. Mayor Rustin mentioned that staff reduction amounted to 2 less crews to collect leaves. C. Rouse stated that no overtime for leaf collection was provided in the budget and that it is time to have residents bag leaves. Mrs. Thompson-Chin explained that there were articles in the August and November newsletters regarding leaf season and the reduction in service. Also, the Record did an article on this matter. C. LaMastra recommended using the Board of Education's Honeywell 911 so residents can receive a reminder phone call on this matter and any other Borough issues. C. Warms requested that the Code Red system be used to alert residents of the observance in the recycling pick-up this week due to the Thanksgiving holiday. The Borough Administrator responded that she will implement this request.

C. Tenafly Chamber of Commerce Re: Holiday Parade and Party

Council reviewed the Chamber's letter and Chief Bruno's comments on the request. Council approved the parade and party subject pursuant to Chief Bruno's recommendations. The Borough Clerk will notify the Chamber.

D. Vantage Health System Re: 2011 Budget Contribution

This item was discussed at the Public Meeting.

E. Viswanathan/95 Buff Road Re: Sidewalk Replacement

This item was discussed at the Public Meeting.

F. Hughes/Farmers' Market Re: Gratitude to TPD & DPW

This item was discussed at the Public Meeting.

G. Hakim/St. Anthony's Church Re: Sign Request

This item was discussed at the Public Meeting.

5. **RESOLUTIONS** for meeting of November 23, 2010:

- A. Approve November Expenditures as of November 17, 2010
- B. Amend 2010 Meeting Schedule and Resolution #10-303 regarding November 30, 2010 Special Committee of the Whole.
- C. Award Contract – Purchase of Backhoe.
- D. Approve Refund/Tree Mitigation Escrow/8 Woodhill Road/\$2,600.00
- E. Approve Refund/Tree Mitigation Escrow/142 Sunset Lane/\$100.00
- F. Approve Raffle Applications #RA981 &982/Giants of Generosity, Inc./01-20-11
- G. Redemption of Tax Lien TTL 10-4

- H. Cancellation of Monopole Taxes/Block 1210 Lot2.X
- I. Approve Two (2) Veteran Deduction Refunds – Marlborough Co-op Corp
- J. Approve County Board Judgment Refunds – Yr 2010
- K. Approve Tax Court Judgment Refunds
- L. Authorize Re-Bid for the Replacement of Twenty-One (21) Windows at the Municipal Center
- M. Authorize 2010 Budget Line Item Transfers
- N. Authorize Refund/Engineering Escrow/60 Jefferson Avenue/\$6,280.00

6. **PUBLIC HEARINGS for the meeting of November 23, 2010:**

A. Ordinances:

ORDINANCE NO. 10-29 - AN ORDINANCE TO AMEND CHAPTER II, SECTION 2-23 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED “DEPARTMENT OF FINANCE”

ORDINANCE NO. 10-30 - AN ORDINANCE AMENDING CHAPTER II, SECTION 2-47.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ESTABLISHING THE QUALIFICTIONS FOR MEMBERSHIP IN THE TENAFLY FIRE DEPARTMENT

ORDINANCE 10-31 - AN ORDINANCE AMENDING CHAPTER II, SECTION 2-59.2a OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY SETTING FORTH THE COMPOSITION OF THE ADVISORY COMMITTEE FOR THE DISABLED

B. Other: None.

7. **Minutes** to be approved: Work Session of October 26, 2010
 Regular Meeting of October 26, 2010
 Closed Session of October 26, 2010
 Work Session of November 4, 2010
 Closed Session of November 4, 2010
 Regular Meeting of November 9, 2010

8. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Rouse second by C. Warms, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:03 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez