Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JULY 6, 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 (arrived at 9:40 pm), 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. Mark Feldman, 133 Lylewood Drive, Tenafly voiced concern about authorizing receipt of bids for the police headquarters expansion project. He suggested a full presentation be made to the public of what is being done for $4.8 million.
2. Alida Kratnoff, 59 Highwood Avenue, Tenafly, attended the Transportation Committee meeting last week where a possible referendum regarding the return of light rail was discussed. She saw the Traffic Study proposal and cautioned the Council to look carefully at it as it does not address many issues with the downtown traffic pattern, and creates others.
3. Karen Seeman, 156 Sunset Lane, Tenafly was present to discuss item 3-H on the agenda, regarding the breast cancer awareness campaign and the request to tie ribbons on trees along the streets of Tenafly.
4. Johanne Gambrill, 15 Ravine Road, Tenafly was dismayed to find the BID meeting of June 21 cancelled with no notice of it on the Borough website. She found the draft paragraph prepared for the rail referendum disturbing, and commented that the Council consider the version resident Martha Koven reworked from the initial draft prepared by former Administrator Joe DiGiacomo last year.
5. David Simpson, 12 Woodland Park Drive, Tenafly commented that the Police Headquarters expansion project is a huge undertaking and maybe it is not really necessary.

He cautioned the Council not to move precipitously without the public knowing more about the proposed project.

6. Martha Koven, 2 No. Summit Street, Tenafly questioned whether Transportation Committee member Howard Seiden had prepared the rail referendum question for the Council to consider this evening.

7. Ernest Kollitides, 164 E. Clinton Avenue, Tenafly claimed that the expansion project for police headquarters is too expensive, and wanted to know what we were getting for the money. Regarding the budget, the Administrator needs to review the resumes of all employees to see where cuts in staff could be made.

Item 3-H K. Seeman/Koman Re: Request/install ribbons on trees

A ribbon campaign has been requested for breast cancer awareness. It could be done on private property with written permission of the homeowner, but permission is denied for trees located in the Borough right-of-way, citing past denials to other non-profit organizations requesting the same type of campaign. Attorney confirmed that the lawsuit over the Eruv was responsible for the cautious stance. Borough Clerk to advise Ms. Seeman on procedure to apply to the Construction Official for the four permitted locations, and to provide information on applying for use of the electronic message board sign.

1. **TO BE CONSIDERED**

A. Introduction of BID budget set for July 13; hearing date August 10; publish 10 days prior (July 29).

Councilwoman LaMastra distributed a brochure developed by the Board of Directors as it contains a statement of what is planned and what they hope to accomplish. The budget is tied into the mission statement. The hiring of a Director is the most important goal of their first year's budget. Following discussion, the introduction of the budget was scheduled for introduction on July 13.

B. Authorize receipt of bids/Addition and Renovation to Police Headquarters and review proposed timeline from architect

Borough Administrator explained the stand-alone building proposed in 2008 was 15,000 square feet and the current proposal for expansion and renovation of existing police headquarters is 14,980 square feet and the cost is equivalent. She commented on the need for the project, that the facility built in 1962 is quite inadequate for present-day operations. To house operations while the project is underway there is a need for four temporary trailers.

Mr. Rouse agreed that more space was needed and was ready to proceed to authorize receipt of bids.

Mr. Lattif recognized the need for more space but wants to present a logic for why it is being done now. He expressed concern that it should wait until after the summer vacation break when people are away, and in the meantime, get questions and concerns from residents and pull them all together to present to the public.

Mr. McDermott suggested a special meeting be held on this topic. He recognized the police department's need for space but wants to look at it closely to see how best to do it. He asked that a needs assessment be done.

Following discussion, it was agreed that Ms. Thompson-Chin would contact the architect, engineer, police chief, construction official, zoning officer, chief financial officer and other appropriate officials to ascertain their availability to attend a work session/public meeting on either July 20, 21 or 22 from 7-10:30 pm to make presentations and be available for questions from the governing body. The public will be given an opportunity to ask questions afterward. The Administrator will advise Council when the date is set.

As the time was now 9:20 pm, a short break was taken.

C. Review referendum question on light rail (Mr. McDermott to provide input from Transportation Committee meeting of June 24).

As Howard Seiden was present, he was permitted to read his suggested referendum questions for consideration by the governing body. The format will have to be revised as ballots do not allow 'opening statements'. Borough Attorney will prepare the ordinance presenting the referendum questions for introduction at the July 13 public meeting. The Borough Clerk confirmed that the public hearing on the ordinance and adoption will be scheduled on the August 10 public meeting agenda. The referendum questions must be submitted to the Bergen County Clerk, Election Division by 4 pm on August 20 to make the November 2, 2010 general election ballot. (Mr. Barzelatto arrived at 9:40 pm during this discussion)

Item 3-G Transportation Committee Re: Draft letter to FTA re DEIS review time

Councilman McDermott asked this be discussed at this time as Mr. Seiden was still present. Following brief discussion, it was agreed to ask for more time than the standard 45 days to review the DEIS, and the Borough Attorney will write the letter to the FTA.

D. Developer's Agreement for Guy Tadmor/Major Soil Removal/111 Oxford Drive

Approval will be scheduled on the July 13 public meeting agenda.

E. Award of Bid/Walnut Park Playground installation, and award State Contract for purchase of ADA-compliant playground equipment

Award of both items will be scheduled on the July 13 public meeting agenda.

F. Award of Bid/Rose Garden Improvements at Davis-Johnson Park

Award will be scheduled on the July 13 public meeting agenda. The Administrator is to request Borough Engineer be more explanatory when addressing the issue of pavers vs concrete curbs in his recommendation.

G. Approve Contract with Bergen County/Davis-Johnson Park Lighting Project

Approval will be scheduled on the July 13 agenda.

H. Award Bid/2010 Resurfacing Program/Riverside Cooperative/Add Dean Drive Resurfacing to program

Administrator reported that usually resurfacing Dean Drive after the recent drainage improvement project would be charged to the ordinance that funded the project. Unfortunately there are no funds remaining due to unanticipated change orders the project required. As the bids for 2010 road resurfacing through the Riverside Cooperative came in low, Dean Drive can be added to the list of streets to be resurfaced this year. Administrator is to report back at the pre-meeting on July 13 regarding the sidewalk project involving Downey Drive in 2010, after speaking with the Borough Engineer and the Director of Public Works. It is important to complete sidewalk installation prior to September before school resumes.

I. Award Bid/ADA walkway at Tenafly Nature Center

Mr. Lattif stated he was not in favor of a crushed shale walkway based on his experience with the product at Davis-Johnson Park near where he lives. Mr. Barzelatto opposed the project as he felt it was not ADA-compliant in his opinion, the walkway leads nowhere, and the building and entrance are not ADA-compliant. Ms. Thompson-Chin reported the Board of Directors of the Nature Center wanted the crushed shale to stay consistent with the rest of the Nature Center. They were opposed to a concrete walkway.

J. Designate Acting Borough Clerk until permanent appointment made

Ms. Thompson-Chin will be appointed at the July 13 meeting to sign necessary documents in light of Ms. Hatten's retirement and as there will be no successor to her as of August 1.

K. Revise OPRA fee ordinance per new legislation

Ms Hatten reported recent legislation has new costs for photocopying set at $.05 per page for letter-size documents and smaller, and $.07 per page for legal-size documents and larger. The cost of CDs and diskettes must also be revised to reflect exact costs. The ordinance should be ready to be considered at the August meeting.

L. Request for Mortgage Subordination/COAH Rehabilitation program

M. Amendment to the contract with Community Action Services for processing mortgage subordinations on behalf of Tenafly.

Ms. Thompson-Chin explained we have a contract with Community Action Services for COAH-related rehabilitation projects, administered by Steve Weinberg. The no-interest rehabilitation loans help us meet our COAH obligations. Our current contract does not extend to handling subordination requests with mortgage companies. The cost of the transaction is borne by the homeowner. Council agreed to both resolutions for the July 13 public meeting.

N. Accept H1N1 Health Grant by July 30

Council agreed; will be scheduled on July 13 public meeting agenda.

2. **ADMINISTRATOR'S REPORT**

A. Update on Current Activities

Administrator briefly reviewed the Revaluation report of July 1 and the May construction activity report, and her memo updating the Council on current activities. She reported on ADA issues with the summer camp dealing with the staff dispensing medication to participants requiring such attention, and special needs children, and that a meeting will be held with the Attorney, Recreation Board and the JIF Attorney to make sure these issues are addressed appropriately. Donations have been coming in for the Concert series and of the funds raised, $3000 can be set aside for concerts in Davis-Johnson Park this year, and leave a balance of $7000 to start the funding for 2011 July 4th Fireworks display. The Mayor will provide a proposal for August D-J Park concerts next week.

B. Municipal Clerk Transition

Administrator reported that 14 applications had been received. The Screening Committee (Rustin, LaMastra, Warms, Fehrenbach, Thompson-Chin, Hatten) met on July 1 and narrowed candidates down to six. One interview was held on July 2 and the other five will be held tomorrow. It is anticipated that a special meeting for interviews with the finalists and the entire Council will be scheduled for the last week in July.

3. **CORRESPONDENCE**

A. E. Shanks Re: December holiday display at Huyler Park

As the renovation to Huyler Park is not yet completed including additional landscaping, the request for permission to place the crèche and secular holiday display on November 27, 2010 cannot be considered at this time. This matter will be considered in September.

B. Mellon Lane residents Re: Commuter parking on Mellon Lane

This matter will be discussed at an upcoming Police Commission meeting.

C. HPC Re: Request/Review Draft Letter to homeowners on Table 13 of Tenafly Master Plan

Council felt the letter was unclear and requested it be returned to the HPC to make the purpose of the letter more definitive for the recipients.

D. NJ DOT Re: Grant Available

E. P. Wolff/Byrne Lane Re: Cotswold Condominium/Statue issue

Borough Attorney will respond to the residents of the Condominium.

F. J. Wrocklage Re: Update Civil War memorial plaque

This request will be referred to the HPC as there are no Borough funds available at this time.

G. Transportation Committee Re: Draft letter to FTA re DEIS review time

Discussed early this evening with item 1-C above.

H. K. Seeman/Koman Re: Request/install ribbons on trees

Discussed earlier this evening.

4. **CLOSED SESSION**

As the time was nearly 11 pm, Council agreed to defer the legal matter to the July 13 closed session, and the Personnel items to the August 3 work session:

A. Legal
   1. Lease of Borough Property-5 So. Summit Street

B. Personnel
   1. 2010 increases for Non-represented employees
   2. Review of Contract issues for bargaining unit negotiations
   3. Schedule performance evaluation of Administrator per contract

5. **RESOLUTIONS for the meeting of July 13, 2010.**

A. July Expenditures
B. Authorize Refund/Tree Removal Escrow/final 20%/46 Knoll Rd/$800.
C. Authorize Refund/Tree Removal Escrow/80%/3 Birchwood Place/$2400.
D. Authorize Refund/Tree Removal Escrow/12 Knoll Road/$1400.
E. Appoint 2010-11 Representative and Alternate for Bergen County Community Development Committee (Boro Admin and DPW Director)
F. Approve late liquor license renewals: TPR
G. Introduction of BID budget for 2010
H. Approve Raffle Applications/#971 and 972 for C.A.T.S., Inc./Oct. 23 drawing
I. Award Bid or Authorize Receipt of Bids for Nature Center ADA Ramp
J. Award Bid for Walnut Park Playground
K. Award Bid for Rose Garden Improvements at Davis-Johnson Park
L. Award Bid for Road Resurfacing/Add Dean Drive
M. Approve Contract with County/Davis-Johnson Park Lighting Project
N. Introduction of Referendum Question on Light Rail service to Tenafly
O. Introduction of Revision to OPRA fees charged
P. Approve State Contract purchase/Walnut Park Playground Equipment
Q. Tax Court Judgment refund for years 2008 & 2009
R. Approve Refund/Construction Escrow/Spring Hill-Victoria Square/41 Engle
S. Approve Sub-Lease Agreement with Crown Castle/Co-Locator on Monopole
T. Request for Reverse Mortgage Subordination
U. Approve Outdoor Seating Permit for Clinton Inn and Tenafly Diner

6. **PUBLIC HEARINGS for meeting of July 13, 2010**

A. Ordinances: Ord. No. 10-21/Amend 08-25/Establish SID
   Ord. No. 10-22/2010 Multi-Purpose Ordinance

7. **COMMITTEE REPORTS**

8. **MINUTES to be approved:** Work Session of June 22, 2010
   Public Meeting of June 22, 2010
   Closed Session of June 22, 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.

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**

A. Disciplinary hearing scheduled for July 13, 2010
B. Mayor to appoint his representative and alternate for Bergen County Community Development Committee (Rustin and Rouse in 2009-10)
C. Councilwoman LaMastra questioned the status of the school-boro calendar for the upcoming school year and what limited number the School was considering printing. She also requested the Administrator report at the next work session on the enforcement and maintenance of the downtown clean up.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member McDermott, second by Council member Rouse, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:10 P.M.

Respectfully submitted,

Nancy Hatten