

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, September 7, 2010

The meeting was called to order at 7:36 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 7:45 p.m.),
Nadia LaMastra (arrived at 7:39 p.m.),
Michael Lattif, Joseph McDermott (arrived at
7:37 p.m.), 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."

David Simpson – 12 Woodland Park Drive – spoke about the national, state, and local economy and budgets; requested Council to drastically rethink public expenditures with regards to the salary and benefits of public employees; asked that Council focus on the economy and budget with every decision.

Mark Feldman – 133 Lylewood Drive – stated that Council can send a signal to the community and unions with the decision they make regarding the salary of non-union employees; with regards to the police headquarters expansion, requested that Council reevaluate the actual space needs as well as the number of police officers that are actually needed.

1. **TO BE CONSIDERED**

A. Engineering Review Fee ordinance

Mrs. Thompson-Chin explained that the engineering review fee schedule was enacted over a decade ago, but was not established by ordinance. To correct this oversight, the fees need to be memorialized in an ordinance form. In preparing this ordinance, staff reached out to the neighboring communities, which generally charge an escrow fee of \$500 or more per application. The proposed fees are flat fees based on years of experience and actual number of hours usually involved in conducting engineering reviews. In the case for larger applications, an escrow process would be utilized.

C. LaMastra questioned the application of a flat fee with respect to applications of varying sizes for potential projects. C. Barzelatto concurred. Mayor Rustin recommended that the Mrs. Thompson-Chin obtain the opinion of the Construction Official with regards to charging a flat fee versus escrow. This item will be listed for the October 5th Committee of the Whole Meeting for further discussion.

B. Renew Membership Bergen County Municipal Joint Insurance Fund

Council determined to renew the membership to the Bergen County Municipal Joint Insurance Fund. A resolution authorizing the execution of the renewal will be listed for the September 14th Consent Agenda.

C. Soil Moving Application (Major)/35 Sunderland Road

Mr. McClure explained that this document was for informational purposes only and no action was required. C. McDermott expressed concern that the Environmental Commission is not receiving notice of such projects. Mayor Rustin requested that the secretaries for the Planning Board and Board of Adjustment be reminded to place a set of plans for every application in the Environmental Commission box and that in the same token the Environmental Commission is to submit their comments to the respective boards in a timely manner.

D. Salary Ordinance/Unrepresented Employees

C. LaMastra questioned if some employees are out of the maximum end of the salary range. Mr. Vinci, Chief Financial Officer, confirmed that the proposed ordinance only lists the base salary and the longevity is not listed. Mrs. Thompson-Chin explained that the salaries listed are based on the job title, whereas longevity is based on the individual.

The salaries being presented are based at a 3% increase based on previous discussions, with the exception of statutory titles. Salary ranges for certain Library employees are included, but are not binding. Mr. Vinci explained that those specific salaries provide the Borough with the authority to pay these employees since the Library Board does not have its own payroll. Mrs. Thompson-Chin stated that a revised ordinance will include a section that the Library employees are under the supervision of the Library Board.

Council determined to discuss the salary of specific personnel in Closed Session.

E. Two Applications to Bergen County Open Space Program/Huyler Park Phase II (Park Lighting) & Sunnyside Park (Restoration of Grass Field)

Mrs. Thompson-Chin advised that applications for park lighting for Huyler Park and the restoration of the grass field for Sunnyside Park will be prepared for submission to the Bergen County Open Space Program, which are due by October 8, 2010. Council discussed the bandstand in Huyler Park and the pavilion which was originally part of the park's Phase II plan, but had been removed. Council determined to add the pavilion back to the plans as part of the grant application.

F. Hals Recommendation/Request Right-of-Way Vacation/Sherwood Road

Council reviewed a letter from a resident who had requested the Borough to vacate the right-of-way. The request had been forwarded to the Engineer who recommended not granting the request because it would affect the adjacent property owner and possibly utility companies. The determination of Council was to decline the resident's request. The Borough Clerk will notify the resident.

G. Grant Application/NJ DOT/Road Resurfacing/Columbus Drive Section 3

Mrs. Thompson-Chin advised Council that resurfacing of Columbus Drive was the listed as the Borough's first choice and was submitted to NJ DOT via the SAGE system on August 13th.

H. Grant Application/NJ DOT/Road Resurfacing/Tenafly Road, Section 2

Mrs. Thompson-Chin advised Council that resurfacing of Tenafly Road was the listed as the Borough's second choice due to sewer infrastructure issues and was submitted to NJ DOT via the SAGE system on August 13th. She and staff are looking for other funding sources due to the additional costs involved with correcting the sewer infrastructure issues.

I. Authorization Sale of Notes to Fund Approved Capital Projects

As he reviewed a list of completed and current active projects authorized by various bond ordinances, Mr. Vinci proposed a note sale to cover current and future expenses in the amount of \$2,000,000. Council authorized Mr. Vinci to proceed.

J. Developer's Agreement/Jeanne Swift/15 Highwood Avenue

Council authorized a resolution granting this developer's agreement to be listed on the September 14, 2010 consent agenda.

K. Developer's Agreement/Tenafly Car Wash/277 County Road

Council authorized a resolution granting this developer's agreement to be listed on the September 14, 2010 consent agenda.

L. Developer's Agreement/County Tiger (7-11)/29 County Road

Council authorized a resolution granting this developer's agreement to be listed on the September 14, 2010 consent agenda.

M. Authorize Bid Receipt for Resurfacing of West Clinton Avenue, Section 3

Mrs. Thompson-Chin informed Council that the Borough received a grant from NJDOT for the resurfacing of West Clinton Avenue. Council reviewed the proposed project schedule from the Engineer and confirmed that a resolution authorizing the receipt of bids for this project to be listed for the September 14, 2010 consent agenda.

O. Reorganization Meeting

Mrs. Aportela-Hernandez informed Council that the first Saturday in January is the 1st and asked if Council wished to proceed with tradition to hold the Reorganization Meeting on that date. Other options were to hold the meeting on Sunday the 2nd or Tuesday the 4th, since must occur within the first 7 days of January. Council indicated that they wished to hold the meeting on the 1st at noon.

2. **ADMINISTRATOR'S REPORT**

A. CFO's Recommended Change to Two Bill lists per month

Mr. Vinci recommended to Council to have 2 bill lists per month in order to facilitate the payment of bills. Council concurred with the recommendation.

B. CY 2010 Revenues & Expenditures

Mr. Vinci explained that since the details on calculating for the 2% tax levy cap, his estimations are based on the formulas used for 2010. The main drivers of the levy cap are revenue and expenditures. He reviewed his estimates in revenue and appropriations, assuming that State Aid will remain flat and that pensions and BCUA sewer charges will be increased at the same levels at 2009.

C. Budget Overview for 2011

Mr. Vinci advised Council that the Borough received approximately 46% of its State Aid. All municipalities are on hold pending the results of the best practices checklist. He cited salary savings and the status of budget line items. Mrs. Thompson-Chin informed Council that the Borough is in relatively good shape, but will continue looking for opportunities to increase revenue and decrease expenses.

D. Governor's Correspondence re the Best Practices & Best Practices Check List Requirement for State Aid

Mrs. Thompson-Chin reported that this checklist of 88 questions, which is due on October 1st, will be used to determine if municipalities will receive the full balance of their State Aid. She went through the list with Mr. Vinci and estimates that based on the responses which have to be certified by Mr. Vinci, the Borough will receive 99% of its balance of State Aid. They will continue to review the checklist and advise Council on the final status of the application on September 28th.

E. Proposed Budget Discussions

Council determined to conduct individual meetings for preliminary 2011 budget discussions on the Tuesdays where there is no currently scheduled meeting between September through November, with a date held in place for December if such a meeting is necessary.

F. Change in SHBP Regulations Regarding Dependent Coverage

Mrs. Thompson-Chin informed Council that due to enacted federal legislation, employees now have the option of covering their dependent children until the age of 26. The prior cut-off age was 23, with restrictions. This legislation eliminates all restrictions. A survey of the employees will be conducted to determine who will use this option and the results will be reported back to Council.

G. Police Headquarters' Update on Bid Process & Construction Management

Mrs. Thompson-Chin reported that the architect reviewed the bid package materials and determined that the lowest bidder is responsive. Mr. McClure explained that one of the main subcontractors did not fill out BRR-1 and PWCR-1 of the bid package until after the bid, but this omission is not a deficiency since the registration certificates were provided as required by the main vendor. Council requested that Mrs. Thompson-Chin discuss with staff and research construction management oversight for the project.

H. Update on Talley Associates Status - Janice Talley

Mrs. Thompson-Chin reported that Ms. Talley has not resigned as the Borough planner in writing as of yet. Ms. Talley only resigned verbally, but has continued working

subcontractors. Mayor Rustin requested that Mrs. Thompson-Chin verify what Ms. Talley has been paid for and what services have been rendered.

I. Performance Evaluation Process Implementation

Mrs. Thompson-Chin informed Council that she will be providing more information in this topic in October.

J. ERT Vehicle Utilization

Mrs. Thompson-Chin reminded Council that the bid opening for this vehicle will be on September 9th. The purpose of the vehicle will be for emergency response, command center, and as a community vehicle. Council requested that Mrs. Thompson-Chin obtain information regarding the last SWAT deployment.

3. **CORRESPONDENCE**

A. Hui/44 Marconi St. Re: Request/Two feet Wall Outside Fence

Council decided to allow the resident to keep the wall as long as the resident maintains full responsibility for the structure in the event of any damage and removes the structure should the Borough need to reclaim the right-of-way. The Borough Clerk will notify the resident.

B. Carman/12 DeMott St. Re: Commendation/Bob Beutel/
Exemplary Service

Council recognized the letter of commendation.

C. Jasinski/81 Cortland Pl. Re: Request/Drainage Problems/Hickory
Avenue

Council requested that Mrs. Thompson-Chin review this matter with the Borough Engineer and report back upon completion of the review.

D. Pascack Valley Meals on Wheels Re: Request/Financial Assistance/Meals
on Wheels Program

While financial assistance cannot be provided at this time, Council expressed their appreciation for the service and will communicate the services rendered in order to increase interest and support among the community and potential volunteers.

E. Emily Fund Re: Request/Proclamation October
Domestic Violence Awareness Month

A proclamation will be listed for the September 14, 2010 agenda.

- F. Hinrrichs/36 Grandview Terr. Re: Commendation/Employees Transfer Station

Council recognized the letter of commendation.

- G. Liaw/261 Hickory Avenue Re: Request/Appeal Denial of Temporary Permit/Location Storage Container

Council granted the appeal for the temporary storage container. The Borough Clerk will notify the resident.

- H. Litzky/3 Kensington Court Re: Request/Decal/Florida License and NJ Registration w/ Florida Address

Since the decal is for year-round use, Council determined that the resident is eligible for a letter permitting that he can use the Recycling Center during the 5 month course of his residency. The Borough Clerk will notify the resident.

- I. BC Board of Chosen Freeholders Re: Resolution #1169/Oppose Cuts Emergency Medical Technicians

A resolution opposing the EMT Fund cuts will be listed on the September 14th Consent Agenda.

- J. Kouzinas/10 Jay Street Apt. 2 Re: Request/Two (2) Tenant Parking Permits

Mrs. Aportela-Hernandez advised that there is a limit of 2 decals per household and that a family member already has a parking permit. Council reviewed the request and authorized the issuance of 1 tenant parking permit. The Borough Clerk will notify the resident.

- K. Talty/17 Central Avenue Apt. B Re: Request/Two (2) Tenant Parking Permits

Mrs. Aportela-Hernandez informed Council that parking permits had been provided in the past for tenants at this location. Council authorized the issuance of 2 permits subject to the completion of an application, with a copy of the applicants' lease, driver's licenses, and vehicle registration. The Borough Clerk will notify the resident.

- L. Lach/Trinity Lutheran Church Re: Request/100th Anniversary Flea Market/Trinity Lutheran Church/10-2-10

Council granted the request for Trinity Lutheran Church to conduct the flea market. The Borough Clerk will notify the resident organizing the event.

M. Simon/Our Lady of Mt. Carmel Re: Request/Garage Sale/Our Lady of Mt. Carmel Church/9-25-10

Council granted the request for Our Lady of Mt. Carmel to conduct the garage sale. The Borough Clerk will notify the resident organizing the event.

N. Office of the County Prosecutor Re: Consolidation Police Services

Mayor Rustin advised that he will be attending the workshop. Mrs. Thompson-Chin advised that she and Mr. Vinci will also be attending. Mrs. Aportela-Hernandez reported that Teaneck and Bogota received a grant from the Office of the County Prosecutor to conduct a feasibility study regarding the consolidation of police services after the NJ SHARE program was suspended and that this project was the genesis of this workshop.

O. Kolsky/133 Serpentine Rd. Re: Request/Appeal for Property Violation

Council decided to allow the resident to keep the plantings as long as the resident maintains full responsibility for the structure in the event of any damage and removes the structure should the Borough need to reclaim the right-of-way. The Borough Clerk will notify the resident.

P. Migliore/Chamber of Commerce Re: Request/Woofstock/10-24-10

Council reviewed the request from the Chamber of Commerce for their "Woofstock" event. Permission was denied for: use of Huyler Park, use of the park and nearby streets for displays, street closures, and one day outdoor seating for establishments that do not currently have a permit. Council agreed that the activities may be held in the oval and the vendors can have their stands in the half-circle, a sound system can be used, a banner can be placed, and stores can participate in a sidewalk sale, subject to Blue Laws since the event will be on a Sunday. The Borough Clerk will notify the Chamber of Commerce of Council's decision.

Q. Mandel/Teaneck Re: Request/Sukkot Carnival at JCC/09-27-10

Council granted permission for the annual JCC Sukkot Carnival. The Borough Clerk will notify the resident coordinating the event.

4. **CLOSED SESSION**

Due to the late hour and amount of items to be discussed, the Closed Session will be postponed until September 14th.

5. **RESOLUTIONS** for meeting of September 7, 2010:
- A. Approve September Expenditures
 - B. Approve Refund/Tree Mitigation Escrow/The Crossings/Block 1104 Lot 1.01/\$12,680.00
 - C. Approve Refund/Tree Mitigation Escrow/123 Dean Drive/\$100.00
 - D. Approve Refund/Tree Mitigation Escrow/32 Cypress Road/\$150.00
 - E. Approve Refund/Tree Mitigation Escrow/85 Erledon Road/\$250.00
 - F. Approve Refund/Tree Mitigation Escrow/57 Elm Street/\$250.00
 - G. Approve Refund/Tree Mitigation Escrow/6 Sisson Terrace/\$1,330.00
 - H. Approve Refund/Tree Mitigation Escrow/115 County Road/\$100.00
 - I. Approve Refund/Tree Mitigation Escrow/17 Grandview Terrace/\$1,080.00
 - J. Approve Refund/Tree Mitigation Escrow/61 Leonard Ave/\$50.00
 - K. Approve Refund/Tree Mitigation Escrow/264 Tenafly Road/\$400.00
 - L. Approve Refund/Tree Mitigation Escrow/49 Leonard Avenue/\$50.00
 - M. Approve Refund/Tree Mitigation Escrow/26 Columbus Drive/\$300.00
 - N. Approve Refund/Tree Mitigation Escrow/265 Riveredge Road/\$150.00
 - O. Approve Refund/Tree Mitigation Escrow/1 Dogwood Lane/\$2,410.00
 - P. Approve Refund/Soil Moving Escrow/47 Sunset Lane/\$6,500.00
 - Q. Approve Refund/Youth Services Program/Litzky/\$650.00
 - R. Approve Refund/Youth Services Program/Mayo/\$65.00
 - S. Renewal of Liquor License for 2010/JCC On The Palisades
 - T. Authorize Submission Tenafly Chemical Awareness Program/Municipal Alliance Grant
 - U. Approve Raffle Applications #RA975 & #RA976/St. Thomas Armenian Church/11-18-10

6. **PUBLIC HEARINGS for the meeting of September 28, 2010:**

A. Ordinances:

No. 10-24/Land Development Regulations (LDR) Chapter XXXV, Article II, Section 35-201/Revise Definitions

No. 10-25/Revise Display Building Number Requirements/Chapter 10, Section 10-11/Numbering of Buildings

No. 10-26/Amended Sign Ordinance/Chapter XIV/Signs/Amendment to various provisions

No. 10-27/Land Development Regulation (LDR)/Chapter XXXV, Article II, Sec. 35-201 and Article VIII Sections 35-201 & 808/Revise Definition and Placement of Basketball Hoops in Front Yards

B. Other:

7. **COMMITTEE REPORTS**

None.

8. **Minutes** to be approved: Work Session of August 3, 2010
Closed Sessions of August 3, 2010
Public Meeting of August 10, 2010
Closed Sessions of August 10, 2010

9. **OLD BUSINESS**

- A. {from August 3rd COW}: Downey Drive Sidewalk Status

Mayor Rustin reported that the Board of Education informed him that they will unanimously approve a resolution supporting the installation of a sidewalk on Downey Drive the Board of Education property to the intersection with Thatcher Road. Mrs. Thompson-Chin advised that she will provide minutes from the meeting with the Board of Education where they had expressed their support. Mrs. Aportela-Hernandez advised that Board of Education submitted notification late this afternoon that said resolution was adopted and provided Council with a copy of the resolution.

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

C. LaMastra requested information on the Business Improvement District budget and the collection of payments. Mrs. Thompson-Chin advised that she will have a report on this matter for the October 5th meeting.

C. Barzelatto requested to have a presentation regarding the Junior Firefighter program in October.

Mayor Rustin reported that Congressman Scott Garrett commended the Borough for its July 4th celebration. He also received correspondence from County Executive McNerney requesting if the Borough had a resident to nominate as Volunteer of the Year. C. Barzelatto recommended Robert Fuller who has volunteered with the Tenafly Fire Department for over 60 years.

11. **ADJOURNMENT**

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

Respectfully submitted,

Lissette Aportela-Hernandez