

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JANUARY 10, 2012

At 7:31 p.m. Mayor Rustin read the Open Public Meetings Act Statement: "In compliance with the Open Public Meetings Act P.L. 1975, chapter 231, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the lobby of the Municipal Center, published in the Record within the first 10 days of the New Year, and copies are sent to the Suburbanite and Northern Valley News."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 7:34 p.m.),  
Barry Honig, Martha Kerge, Nadia LaMastra,  
Jon Warms (arrived at 7:33 p.m.), Mark Zinna

Borough Administrator: Jewel Thompson-Chin  
Borough Attorney: William R. McClure, Esq.  
Chief Financial Officer: Gene Vinci

Absent: None.

## **PUBLIC COMMENT:**

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.

Anne Dodd – Hillside Ave – Bergenfield – Executive Assistant to the Borough Clerk – advised Council that questions and concerns submitted about the sick leave/disability policy have not been addressed. She inquired if a cost savings report was prepared or if a survey of surrounding towns conducted. She raised concerns about family leave, management rights in place in the event of abuse of leave policy, placing restrictions on new hires, and holding a separate meeting should be with non-represented employees.

Mr. McClure advised Council that their discussion on this matter must take place in Closed Session due to the potential impact on negotiations with represented employees.

Mayor Rustin responded that he would like a written list of questions so responses can be provided and discussed with Council. Mrs. Thompson-Chin stated that she is aware of many of the questions, but the answers stem from the policy that is ultimately adopted, which is still being discussed. The answers to the questions depends how Council chooses to structure the program.

C. Honig noted that the current policy of 130 days is out of step with private sector. He commented that Council acknowledges the employees' concerns and wants to be compassionate and fair. He believes the policy will meet those goals, but won't meet the same level of generosity. He is not looking to pick on a particular group as he wants the policy implemented throughout the Borough.

Mrs. Thompson-Chin explained that if a person is eligible for family leave and uses all his/her sick time, he/she can use personal and vacation days. Family leave is by definition unpaid and the ability to use paid leave time is a management prerogative. The question at hand is the number of sick days employees will receive. She described the administration of obtaining medical reports and the involvement in an employee's personal medical history.

Valerie Nicolosi – 253 Rockland Ave – River Vale – described the process of taking family leave in 2006, requested a meeting with Council and for time to do research on her own to make sure employees are not hit with a financial hardship. She explained that she had contacted AFLAC and was advised that open enrollment is not available until July. She described that the information the employees received from Guardian consisted of a cover and application. The main concern the employees have involves the amount of sick time. She requested that Council consider a sick bank.

George Sikoryak - Cresskill – Police Dispatcher – stated that it is not fair to compare to the private sector, as there are not bonuses in the public sector. He noted that it is hurtful to go from sick time that has been obtained over the year to have it reduced to only 10 sick days.

Bob Beutel – 204 Palisade Avenue – Bogota – Director of Public Works – described that a major policy change such as this should be implemented on everyone all at once.

Lindsay Graham – Bergenfield – commented that issue of disability policies and sick leave was raised in the first quarter of last year before any negotiations started with any group and inquired why the policy is being implemented on the non-represented group.

Julie Villafuerte – 290 West Clinton Avenue – Senior Center Director – explained that Guardian wanted the applications completed and signed by December 13<sup>th</sup> and that she will not be covered by plan due to her age.

Mark Slawson – 100 Prospect Avenue – Hackensack – expressed frustration that the policy is being thrown at one group, but others have the ability to negotiate.

Jeanne Alcott – Walsh Drive – Dumont – Administrative Assistant to the Chief of Police - 31 year employee – requested an informal setting to discuss this matter since the affected employees don't have the ability to negotiate.

Mayor Rustin advised that a majority of problems can be addressed by having questions in writing first. He described that changes need to be made and asked the employees for time to sort out the details.

## **TO BE CONSIDERED**

### **Light rail**

Mayor Rustin described the joint meeting of Council and the Transportation Committee for Thursday in which the group will review some of the presentations that are being prepared by various groups, such as the Environmental Commission, Board of Education, etc., that will speak at the NJ Transit hearing on the 24<sup>th</sup>. Howard Seiden, Chair of the Transportation Committee, advised that he attended a meeting by the Borough of Leonia the previous evening and described the impact light rail will have in that community.

Mayor Rustin recommended that the governing body should write a letter to various representatives to ask the county and state officials to explain the basis for their support of the project, as well as to express the Borough's opposition to a stop in Tenafly and that Tenafly supports building until Englewood.

C. Honig stated that due to the legal complexities in this matter, the Borough needs to entertain concept to raise money for a legal fund so it won't be a budget burden, engaging a significant public relations firm to bring message into the state to understand the Borough's legitimate objections, and the need to engage a lobbyist firm since local officials are in favor this project. The lobbyist will work on the legislators in the central and southern part of the state to block the approval of the plan. He volunteered to contact the attorneys for their input, recommendations, and costs.

Mr. McClure agreed that the issue is complex with overlapping federal and state laws, as this is a very specialized area coupled with environmental laws, but most opposition efforts are conducted by lobbying efforts.

C. Kerge stated that she did not want energy or money to be spent before it's necessary and that the Borough should start with a political approach than spending money before the project has federal funds. Mayor Rustin noted that the Borough needs to get a firm commitment from decision makers in writing as to what they were stand for, since he does not think that the Borough can out-lawyer NJ Transit. The people that need to be convinced are the politicians that control the money.

C. Honig expressed his concern that representatives on both ends of the political spectrum are in support of the project. The route of writing letters is falling on deaf ears. It was determined that C. Honig and Mr. McClure will conduct a conference call with the attorneys recommended by Mark Gordon and that Mayor Rustin will prepare letters to the Bergen County freeholders, County Executive Donovan, Congressman Rothman, Congressman Pascrell, Congressman Garrett, and both US Senators.

Council determined that C. LaMastra, as Council President will read a letter on behalf of the Council into the record during the NJ Transit hearings on the 24<sup>th</sup>. Mr. Seiden advised that the Borough can respond in writing on any issue raised during the hearings by February 21<sup>st</sup>, which will be part of the federal record.

*At 9:02 p.m. Council recessed and reconvened at 9:07 p.m.*

#### **DPW Contract**

Council determined to discuss details of the contract in Closed Session under Contract Negotiations.

#### **Local 3-1-1**

C. Honig explained that the idea of a local 3-1-1 is to have people staffed or trained to interface with PSEG and emergency services. It would be one local number so residents don't have to communicate with different entities. Mrs. Thompson-Chin explained that the website already has a centralized complaint system and that there are already specified individuals to speak with over the phone when they call Borough Hall.

Council determined to list this matter for further discussion for the February work session so C. Barzelatto can present further information from an emergency management perspective.

#### **Concession Stand**

Mayor Rustin advised that he would like opportunity to coordinate the concession stand project. C. LaMastra advised that Tom Swift updated Recreation Board that he was waiting for quotes for excavation and that then things will move by then. Recreation Board decided would take the help from the Mayor if it moves the process along. C. Honig expressed his disappointment on the delay on the completion of the project. Mrs. Thompson-Chin advised that the construction manager submitted a detailed complete project plan in June, but was advised only materials would be approved by Council, because the labor was to be performed by volunteers. What Mr. Hals and Mr. Swift both found, was could not find volunteer labor excavation, footings, and foundation, so quotes need to be solicited since the prior quotes had expired. Council authorized Mayor Rustin to assist with the coordination process.

#### **Rules of Procedure and Protocol (Review Subcommittee)**

C. Kerge, C. Warms, and C. Zinna were appointed to a subcommittee to review the Council Rules of Procedure and Protocol. They will coordinate with the Borough Clerk and provide a draft for Council to review for the January 31<sup>st</sup> work session.

#### **Stream Wall Repair Engineering Proposal**

Mrs. Thompson-Chin advised that funds are available in the capital budget. The cost of the repair is \$17,500. However, since it was damaged by the storm, it is on FEMA inventory. The Borough may get a reimbursement of 75% of the cost. Council granted authorization to proceed with the repair.



**RESOLUTIONS** for meeting of JANUARY 17, 2012:

- A. Approve Expenditures as of January 11, 2012.
- B. Authorize Refund/ Trust Account PB#1-10-11/Emco Realty Corp.
- C. Authorize Refund/Construction Permits/Nautilus Swimming Pools Supplies & Service.
- D. Authorize Refund/ Trust Account PB#1-10-24/Alois J. Rupp.
- E. Confirm Appointment to the Library Board of Trustees.
- F. Authorize Return of General Letter of Credit and Refund/ Trust Account PB#1-10-04 and Trust Account #00051/Jeanne K. Swift.
- G. Execute Agreement/2012 Animal Control Services.
- H. Confirm Presidential Election Day Compensation.
- I. Authorize Refund/New Construction and Soil Moving /S&D Developers, LLC.
- J. Authorize Refund/Tree Mitigation Escrow/8 Woodhill Road.

There were no comments from Council on the proposed resolutions.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**FOR THE GOOD OF THE ORDER**

- Finance Committee (C. Honig)

C. Honig described the creation of an operation efficiency committee consisting of volunteers with management consulting backgrounds to conduct an independent analysis of the Department of Public Works. Mrs. Thompson-Chin explained that usually 95% of the recommendations from Finance Committees don't take into consideration ordinances, contracts, public contracts law, and state regulations. There was no consensus among Council to proceed with this matter.

- Presentations for January 17<sup>th</sup> Public Meeting:
  - Oath of Office to Police Officer Matthew Savitsky and Officer Brandon Moriarty
  - Recognition of TVAC members
- C. LaMastra requested that Mr. Kyle Wilfert, be recognized by the Council in a statement that describes how his death will be a loss to the community. C. Kerge will draft the letter on behalf of the Council.
- C. Honig noted that the Mr. Eckel, Plumbing Sub-code Official has resigned. Mrs. Thompson-Chin advised that a new plumbing sub-code official has been solicited through the Riverside Co-Op since municipalities cannot have a break in service for inspectors per the Uniform Construction Code.
- C. Kerge advised that the Historic Preservation Commission has created a book about historic properties and that the Commission is seeking to present the book at a future Council meeting.

**CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 12-39.

BE IT RESOLVED in compliance with NJSA 10:4-12, the Mayor and Council of the Borough of Tenafly are going into Closed Executive Session to discuss the following matters:

- A. Contract Negotiations
  - 1. Employee Sick Leave/Disability Benefits – Non-Represented Employees
  - 2. Proposed Bargaining Agreement with Local 342
- B. Personnel
  - 1. Police Department

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Richard D. Wilson Committee Room to adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. Kerge, seconded by C. LaMastra, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:44 p.m.

**ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:41 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk