

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JUNE 12, 2012

At 7:33 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 Press."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 9:15 p.m.), Barry Honig (via telephone), Martha Kerge (arrived at 7:34 p.m.), Nadia LaMastra, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Council member Jon Warmes

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.

Jackie Salzman – Buff Rd – ADA Committee – requested on behalf of the committee and as a parent of child with disability that the Borough produce a special needs identification card for residents who have disabilities, including children. Mayor Rustin responded that the Recreation Department has the equipment to produce identification cards. C. LaMastra advised that she will review this request with the Recreation Department and with Chief Bruno.

Rebecca Moldover – Elm Street – remarked on the lack of handicap parking in Tenafly, particularly at Café Angelique and downtown; requested that Council consider parking for the handicapped when reviewing parking plans for the downtown. Mayor Rustin reported that the Borough Engineer will review this matter with Chief Bruno.

Johanna Gambrill – Ravine Road – inquired if anything about the BID be discussed tonight. C. LaMastra and Mayor Rustin confirmed that the BID will not be a topic of discussion tonight. Ms. Gambrill commented that because of Sunday's street fair all parking spots next to Washington Avenue were not accessible and that there was no warning to residents or businesses that this was the case. She requested that parking information for street fairs should be on the website. Mayor Rustin advised Council that when they authorize street fairs in the future, the Police need to make sure there are handicap accessible spots available, even if they are temporary spots.

Mark Feldman – 133 Lylewood Drive – expressed his interest in the proposed engineering aspects with stormwater regulations; commented that Council needs to consider civil liberties aspect of entering people's homes and to calculate financial impact for older homes to be in compliance.

MEETING WITH BOROUGH ENGINEER, A. HIPOLIT & DEPT. HEADS ADA Assessment Report on Recreational Facilities

Borough Engineer, Mr. Hipolit explained that the assessment report reviewed recreational facilities in terms of safety inspection and ADA compliance. The parks identified in the report were Huyler Park, Churchill Nature Preserve, Davis-Johnson Park, Froggy Park, Roosevelt Commons, Sunnyside Park and Walnut Park. Safety concerns were addressed with DPW. DPW Director, Mr. Beutel advised that the identified issues that require immediate attention are being addressed. Mr. Hipolit noted that the report also includes cost estimates to address ADA issues and that he will go into

further detail at tomorrow night's ADA Committee meeting. Mayor Rustin recommended that Mr. Hipolit obtain sense of priorities from ADA Committee and then meet with the Borough Administrator and DPW Director to arrange a priority schedule and funding plan. Mayor Rustin inquired of open space funding can be used to address these issues. Mr. Hipolit responded that municipal open space funds can be used and that the Borough can apply for funding through county open space as well. C. LaMastra inquired how often should this study be conducted. Mr. Hipolit noted that the JIF will look at the parks for generic safety and recommended an updated assessment every 3 years. Mayor Rustin commented that the updated assessment should also consider whether improvements to the parks can be done in house or outsourced.

Ms. Moldover inquired about Resolution F - Authorize Execution of ADA Cooperative Engineering Design Grant Program and ADA Cooperative Curb Ramp Construction Grant Program with Bergen County, which is listed for next week's consent agenda. Mr. Hipolit explained that the County put a halt on all repaving programs because ramps are not being built according to regulations and that the County came up with a policy that municipalities have to adopt regarding ADA sidewalk ramps or they will not repave any more roads.

Storm Water Management Enforcement/Continued Certificate of Occupancy Ordinance

Mr. Hipolit reviewed that the recently enacted sump pump and roof leader ordinances were mandated by the BCUA. He explained that when there is more stormwater in the sanitary sewer, it becomes more costly to the Borough. He noted that while the Borough has ordinances, mandates, and permits, but now the Borough needs to conduct enforcement and described Englewood Cliffs' stormwater ban into sanitary sewer. The enforcement is enabled by a CCO ordinance and would allow inspections for illegal connection when a resident is obtaining any building permit. Mr. Hipolit advised that when there is a rain event, the metered flow is more than double and stormwater is significantly penetrating the sanitary sewer system. C. Honig inquired if there was a way to zone in on areas by looking at specific flows instead of town wide CCO ordinance. Mr. Hipolit responded that conducting inspections by zones is highly engineering fee oriented and will take a few years to complete. He stated that the Borough is probably paying 40 - 60% more than necessary. C. LaMastra inquired if the stormwater issue an impetus for a CCO ordinance. Construction Official, Mr. Byrnes explained that in CCO, an inspector will be looking at connections and the benefit will be protecting buyers from buying a violation that they are not aware of. C. Kerge advised that no one sells or buys a home without having it inspected by licensed home inspector, so in this town buyers will know in 95% of cases if there are violations. Mr. Byrnes explained that home inspectors on the majority do a good job in inspecting, especially equipment of a home. He noted that a CCO inspects for proper installation, home inspectors are not familiar with local zoning laws and don't check if there are open permits. He explained that a CCO inspection checks if all permits are closed out. It's the obligation of the homeowner to notify the Building Department to conduct final inspection and home owner should not make final payment to contractors until final inspection is conducted.

C. Zinna inquired if the issue of stormwater should be separate from a CCO ordinance. He supports work stormwater enforcement but not a CCO ordinance. Mr. Hipolit responded that the Borough can video entire sanitary sewer system to find illegal connections, which costs about \$1 per foot. C. LaMastra recommended that in addition to educating through the newsletter, the Borough should consider airing commercials on Channel 77 grab public attention. C. Honig recommended before conducting the education program, the Borough needs to obtain flow and payment figures and to look at those figures 6 months to a year after the education program to determine if there has been a reduction in flow and payments and that if there is no significant change, then Council needs to consider to move on to more aggressive enforcement.

The consensus of Council was to work further on education, including a commercial on Channel 77 and to have the Borough Engineer and Department of Public Works to conduct a random video test of the sanitary sewer system.

Grease Trap Ordinance

Mr. Hipolit explained that the fees paid to the BCUA involve the flow and to dissolve oxygen and the more grease placed in a sewer line the greater the need to dissolve oxygen in the line. Grease degrades the sewer line and causes breakage. The proposed ordinance only applies to commercial establishments. DPW has to clean blockages in all the commercial areas. DPW Director, Mr. Beutel confirmed that there are hot spots in commercial areas where grease has caused sewer lines to break. Mr. Hipolit stated that businesses are already required to have a grease trap and that the ordinance involves inspection and maintenance. The goal is to have restaurants that have grease traps functioning properly. Council directed the Borough Engineer to provide a revised draft for further review for the next full work session.

Proposed Revision to Shade Tree Ordinance

Mr. Beutel highlighted the proposed revisions to the tree ordinance which includes provisions that increase the size of the buffer zone, adds hazardous trees into the ordinance in which property owners are responsible for trees on their property, and eliminates major mature tree from the definition section, which will reduce mitigation costs imposed on the property owner. The revision also proposes having a major tree removal permit reviewed by DPW Director and Borough Engineer instead of the Mayor and Council since there are other issues involved, such as soil moving. A revised draft will be provided for further consideration.

TO BE CONSIDERED

Proposed Six-Month Suspension of Recycling Center Privileges

Council concurred with the recommended 6 month suspension and requested that Mr. Beutel create a rule for code of conduct for use of Recycling Center.

Police Department Table of Organization – Special Work Session for June 19th.

Council determined to hold a special work session after the June 19th public meeting. The Borough Clerk will prepare the required meeting notice.

Selection of Dates for ICS Class

C. Barzelatto advised that the ICS Class is a mandated 6 hour training session. Council determined to have the course on Monday, July 2nd and July 9th from 6 p.m. to 9 p.m.

Potential 9/11 Program

Council confirmed that there will not be a 9/11 program. C. Barzelatto noted that the Fire Department Memorial is expected to be completed by September.

NJLM 97th Annual Conference

Council directed the Borough Clerk to schedule the accommodations for the November conference.

Ordinance Amending Municipal Judge’s Salary and Compensation

Council directed the Borough Clerk to list the proposed ordinance for introduction for the June 26th meeting.

Proposed Parking Ordinance – Madison Avenue

Council directed the Borough Clerk to list the proposed ordinance for introduction for the June 26th meeting.

Proposed Developer’s Agreement – Lubavitch on the Palisades

The proposed developer’s agreement will be listed for the June 19th Consent Agenda.

C. Honig left the meeting at 9:36 p.m.

ADMINISTRATOR’S REPORT

Mrs. Thompson-Chin advised Council that a contract will be awarded to Community Action Services (CAS) as the Borough’s Affordable Housing Administrator. The Borough has engaged this firm on other contracts in the past and their services have been found to be satisfactory. CAS currently has the contract for administering the Borough’s Affordable Housing Rehabilitation program.

Mayor Rustin noted that the spending plan was approved by the DCA and that now the issue with the United Way project involves DEP approval.

Mrs. Thompson-Chin advised that with regards to the 2012 Road Resurfacing Program/Riverside Cooperative, a temporary injunction was granted until the court hears the parties’ positions. The hearing was scheduled this afternoon.

CORRESPONDENCE

Senator Pennacchio RE: Request for Resolution of Support Transparency in Government Act

Council requested the Borough Clerk to prepare the resolution of support for the June 19th Consent Agenda.

Borough of Dumont RE: Thank you for Donation of Communication Console
Council acknowledged the letter of appreciation.

S. Cangemi RE: Block Party Request – 6/17/12
Council approved the block party request. The Borough Clerk will notify the resident.

RESOLUTIONS for meeting of June 19, 2012:

- A. Approve Expenditures as of June 13, 2012.
- B. Authorize Renewal of Plenary Retail Consumption, Plenary Retail Distribution, and Club Liquor Licenses/2012-2013 Term
- C. Authorize Refund/Engineering Review Fee/57 Floral Terrace
- D. Authorize Refund/Zoning Escrow/115 Sanz County Road, LLC
- E. Authorize Execution of 2011 Bergen County Open Space Trust Fund Municipal Program Grant Agreement
- F. Authorize Execution of ADA Cooperative Engineering Design Grant Program and ADA Cooperative Curb Ramp Construction Grant Program with Bergen County
- G. Authorize Receipt of Bids/Tree Chipper for the Department of Public Works
- H. Authorize Refund/Roof Replacement Permit/Reiner Group, Inc.
- I. Authorize Execution of DPW Supervisors Contract
- J. Authorize Execution of Affordable Housing Administrator Contract with Community Action Services
- K. Approve Downey Drive Sidewalk Engineering Estimate

Minutes to be approved on June 19, 2012:

May 29, 2012 Closed Session

OLD BUSINESS

C. LaMastra reminded Council that the BID budget and bylaws will be discussed at the June 26th work session and requested that Mr. McClure have the revised bylaws prepared for review.

NEW BUSINESS

None.

FOR THE GOOD OF THE ORDER

- Proclamation/Recognition of Safe at Home Champions at June 19th meeting. This is the first time the senior softball team has won the tournament.
- Kerge requested that there needs to be a discussion on the bureaucracy in the zoning, Building, and planning departments with regards to cumbersome rules. Mayor Rustin responded that at tomorrow night's Planning Board meeting, there will be a discussion on changing zoning rules and combining uses for 2 zones to eliminate the need for variances.
- Kerge inquired about making the work session packet the Council receives available to the public. The Borough Clerk and Borough Attorney advised that the work session packet is not a public document and cannot be released as it is considered to be consultative, advisory, and deliberative material under the Open Public Records Act. There was no consensus among Council to move forward with this discussion.
- Mayor Rustin reported that with regards to the Concession Stand, the exterior is almost finished, the plumbing is ready for sinks and urinals to be installed, and tile flooring is being donated. He advised that the Recreation Board discussed the management of the concession stand as they like to get maximum use of facility. The goal is to have snack shack open on a regular basis when there is an activity. C. LaMastra reported that there was unanimous consensus by the Recreation Board to bid the management of the facility. Mrs. Thompson-Chin advised that they need to find out what appliances are being donated to incorporate their usage in the bid specs.
- Barzelatto requested that DPW perform weeding of the concrete pillars in the center of town.

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 10:07 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk