

MINUTES OF THE OPEN SESSION MEETING OF
THE TEANECK TOWNSHIP COUNCIL
HELD IN THE MUNICIPAL BUILDING COUNCIL CHAMBERS
MONDAY, JUNE 6, 2011

MAYOR'S ANNOUNCEMENT

Adequate notice of this meeting has been provided by Resolution 331-10, setting the 2011 meeting dates, sending a copy to THE RECORD, THE SUBURBANITE, THE BERGEN NEWS/SUN BULLETIN, THE JEWISH STANDARD, and THE COUNTY SEAT, filing a copy in the Township Clerk's Office and posting it on the Municipal Building bulletin board, and the Mayor hereby directs that this statement be included in the minutes.

ROLL CALL

MOTION TO GO INTO CLOSED SESSION

138-11. Authorize Council to enter Closed Session.

CLOSED SESSION DISCUSSION

MOTION TO RETURN TO OPEN SESSION

Mayor Hameeduddin called the Open Session Meeting of the Teaneck Township Council to order at 8:03 p.m. and asked all those present to rise for the Pledge of Allegiance.

Present: C. Parker, C. Stern, DM. Gussen, C. Katz (8:07 PM). C. Toffler, Mayor Hameeduddin.

Absent: C. Honis.

Also Present: S. Turitz/W. Rupp – Ferrara, Turitz, Harraka & Goldberg Esqs.; W. Broughton, Township Manager, J. Evelina, RMC, Township Clerk; I.Abbasi, Executive Assistant.

MAYOR'S ANNOUNCEMENT

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PRESENTATIONS

1. Proclamation for Advocacy Group at the Adler Aphasia Center - National Aphasia Awareness Month.

Robyn Straus (sic), a volunteer at the Adler Aphasia Center, briefly referenced a letter written by an advocacy group requesting a proclamation from the Township Council. Mayor Hameeduddin read the proclamation into the record designating the month of June as Aphasia Awareness month in New Jersey.

2. Proclamation – Juneteenth.

C. Parker and Mayor Hameeduddin presented Dr. Theodora Lacey, Ms. Lillian Lewis and Dr. Pruitt with a proclamation. Dr. Browd (sic) discussed the historical significance of the Juneteenth Celebration and the history of slavery in Bergen County. He invited the general public to the Juneteenth Celebration co-sponsored with the Bergen County Executive and Board of Chosen Freeholders on Saturday, June 18, 2011 at Overpeck Park. C. Parker read the remainder of the Juneteenth Proclamation into the record.

PUBLIC HEARING AND ADOPTION OF ORDINANCES

NONE.

MEETING OPEN TO THE PUBLIC FOR GOOD AND WELFARE OR PUBLIC INPUT ON ANY MATTERS ON THIS AGENDA

Mayor Hameeduddin inquired whether any member of the Council had any comments prior to opening the meeting to any comments from the public.

C. Toffler discussed the pending re-vote of two resolutions on the Consent Agenda. She voiced concern regarding the resolution of the charter school financing by discussing prior failed fundraising efforts; read a September 19, 2009 article from *The Record* into the record discussing improvements to the school and their cost; read or referenced minutes of the TCCS wherein Rex Shaw said the Township could not finance or back the school's finances; voiced her concern over the Township taking an enormous financial burden by guaranteeing an \$11 million loan; discussed the current appraised value of the Charter School building; and referenced a prior conversation with a member of the Friends of the Charter School.

Mayor Hameeduddin clarified that taxpayers are already paying the rent for the Charter School, and advised that the vote on the resolution is to add an extension to the Charter School's building.

C. Toffler affirmed that she had reviewed Mr. Turitz's prior explanation from the May 24, 2011 Council meeting.

Mayor Hameeduddin declared that any members of the public who wished to be heard shall come forward and state their names for the record. Comments were limited to five minutes per person.

Dr. Henry Pruitt, Teaneck- spoke about the Teaneck Council's \$6 million dollar cut from the 2010-2011 school budget, the proposal to back the \$11 million Charter School budget, the Board of Education's thought of asking the Council to bond a solar panel project for the roofs of Teaneck's public schools.

Art Vatsky, Teaneck- requested the Manager give an update about the Cedar Lane Streetscape at the appropriate time; discussed billboards on Route 4 that identify the Township of Teaneck and the ordinance prohibiting them, the hours of operation of the Municipal Building, the renovation of the Old Police Building and the proposed Charter School Resolution.

Laura Malzner – questioned if the Charter School ever completed construction on their second floor for the art studios, and questioned the components of a cultural arts center.

Arthur Whale- spoke about his volunteer work at the Charter School, the concept of the Arts Center in the Charter School and their hours of availability to the community; and expressed his strong feelings in favor of the Charter School receiving the backing of the Township Council's resolution.

Joan Wright, Hackensack – spoke about the reasoning not to hold a private fundraising campaign, discussed reasons why the Charter School was not completed, the layout of the Charter, the changes to lighting and building design, the funding formula for Charter Schools, the decrease in the interest rate for the bond being sought and the on-going effort with the Township and its agents to find the best solution for Teaneck.

Howard Thompson, Teaneck – referenced a recent accident at Van Cortland and Intervale Road; requested additional enforcement or speed bumps installed around this area to deter speeding; questioned why the basketball court at Tryon Park was paved but not striped; and commended Township Manager Broughton's speedy and timely abatements of Voorhees Street residents' complaints.

Dr. Alex Rashin, Teaneck- discussed a recent newspaper article about unemployment in New Jersey, budgeting with increases closer to 0 or 1%, the use of surplus funds to reduce taxes, the

possibility of asking employees to freeze raises in benefits for one year, a contract between the Township and Arcari-Iovnio Architects, the consideration of Department Heads for the design of the Old Police building, the need for public comments on the design of the building, the use of teleconference meetings to substitute for in-person Department Head meetings; and requested planning be stopped for public input.

Richard Sarkejian (sic), Harrington Park – read a statement into the record by Michael Menzies, Chairman of Independent Community Bankers of America; read a quote into the record by Carl Icahn; discussed Representative Marcy Kaptur (D- Ohio)’s proposed legislation to bring back the Glass-Steagall Act; and spoke about the current operations of the Federal Reserve Bank.

Leslie McKeon, Teaneck- expressed her dismay at the figures of the Charter School and recent comments on behalf of the Charter School; felt that a gym was not the ideal space for a performance space; discussed the two performing arts space at Teaneck High School and Benjamin Franklin Middle School; and sought clarification about the comparison of a half million dollar gym to an 11 million dollar bond.

Mildred Tucker, Teaneck – asked that the Council explain why C. Katz did not have to recuse himself from the discussion regarding the Charter School due to his involvement with the Fundraising Board; discussed the Council’s priorities regarding education spending, transparency standards, the increase in bonds being issued, senior citizens and their personal budgets; and asked the Council re-consider their position to support the bonding of the Charter School.

Ron Costello, Teaneck – thanked Mr. Broughton and Mr. Abbasi for their efforts to swiftly abate properties with overgrown grass; requested a deer-crossing sign around Shepard Avenue to alert motorists and the investigation of a four-way stop sign at either Sunrise Terrace or Buffet Terrace.

Cal Greenberg – reminded residents and the Council that items to be discussed in Open Session should relate to the Township of Teaneck; echoed sentiments by Dr. Rashin that the Council should have pity on the taxpayers; and urged that Council keep taxes to last year’s level.

Laura Zucker, Teaneck- addressed the topic of the Charter School, alleged impropriety by the Township Council on the topic of the Charter school, the issuance of bonds being issued by the Council, and asked Council to re-consider the idea to fund a Charter School.

Rose Lee Greenberg – supported Dr. Rashin’s comments with respect to the budget; suggested the Council lower taxes to stimulate the revenue base; and referenced the Laffer Curve.

There being no further persons who wished to speak at this time, Mayor Hameeduddin declared that the public comment portion of the meeting closed.

Mayor Hameeduddin inquired whether any member of the Council or the Manager wished to respond to the public comments or whether a member of the Council wished to remove any item from the Consent Agenda and have a separate discussion thereon.

Mayor Hameeduddin supported the solar energy panel project previously referenced by Dr. Pruitt.

Deputy Mayor Gussen referenced prior conversations with former and current Superintendent of Schools to work on joint bonding issues of solar energy cells.

Mayor Hameeduddin invited Dr. Pruitt to a meeting with Superintendent Pinsak to discuss cost sharing of the solar energy panel project. He urged residents to reach out to the U.S. Attorney General’s Office if they felt the Township Council or Administration were involved in any improprieties. He asked if Manager Broughton could have additional enforcement around Intervale Road, a deer-crossing sign installed at Shepard Avenue and if the basketball court at Brooks Park could be striped.

Deputy Mayor Gussen added that the Brooks Park basketball court was recommended to be striped by the Parks, Playgrounds and Recreation Advisory Board and is looking to be paid for through MOST Open Space funds.

Mayor Hameeduddin commented that property taxes in New Jersey are designed to go up. He spoke about the inability to ask employees to take wage freezes and the Council's ability to eliminate positions, but unwillingness to do so at this time.

C. Toffler requested Mr. Turitz clarify the outcome of a scenario if the Friends of the Charter School defaulted on their bond obligation.

Mr. Turitz clarified that the item on tonight's agenda is a resolution endorsing the concept subject to many items returning in front of the Council. The purpose of the resolution was to allow the Friends of the Charter School to explore financing concerning the re-financing of their bonds. It is possible that the Friends may return from the Bond Market with nothing new to offer. If the Friends return with an offer to afford, the Charter School can refinance their current debt and generate 1.5 to 2 million dollars for the new gym. The money never touches the Friends of the Charter School. The 9 million dollar balance on the old loan is paid, and the balance of the surplus is placed into an escrow account. If there is a default in not completing the gym or failing to make a payment, the Township would take over the actual ownership of the property and the bonds. The current mortgage is being paid off through a lease of the landlord and the tenant, the landlord being the Charter School. The next step, if the resolution is approved, is to see what occurs with the financing of the Charter School. The Charter School would then need to return to Council with a bond ordinance and a public hearing. The process is similar to that of the boat house. The Township is not liable at the current time for the debt of the Charter School. The money currently used to pay off that debt comes 90% from the Board of Education via tax dollars. Mr. Turitz informed the public that both bond counsels for the Township, Charter School and holder of the debt have consulted with the Local Finance Board about the bonding issue and received an oral approval from the Local Finance Board and the Attorney General's Office.

C. Toffler further inquired if it is legal for the Township to be the owner of a Charter School.

Mr. Turitz answered in the affirmative and further spoke about the process to change the Township's budget after it has been approved.

Mayor Hameeduddin questioned Mr. Turitz if all matters relating to the budget were followed in accordance to the law.

Mr. Turitz answered that to the best of his knowledge, all procedures were properly followed.

C. Toffler inquired about a decision regarding Councilmember Katz recusing himself from the vote on the Charter School resolution.

Mr. Turitz answered that making donations to not-for-profit organizations monetarily or acts in kind does not disqualify any Councilmember from voting or discussing an issue related to said organization. Regarding being a chairman of a fundraising organization, there were no cases that dealt with this specific situation. Mr. Turitz thus recommended to Council that since all certifications have to indicate any potential or possible issues that could affect the bonding, it would be in the best interest of the Township that C. Katz recuse himself from the discussion and vote on the Charter School. He also reminded the Council that recusing oneself on an issue includes recusing oneself from the discussion by removing themselves from the dais.

DM. Gussen asked if an abstention from a Bill List item included a recusal from the entire Bill List or a certain item on the Bill List.

Mr. Turitz answered that there is no need to physically remove oneself from the dais for an abstention on a Bill List item but reminded Council to simply mention the item specifically that they will be abstaining from.

Township Manager Broughton reported that he met with the contractor who will be calling for mark outs of utility lines, and this may take three (3) to seven (7) business days. After the mark outs, the various sidewalks and light pole bases that need replacement will be replaced.

DM. Gussen discussed the billboard and the Township's exemption from its own zoning restrictions, thus allowing the placement of a "Welcome to Teaneck" sign. He also discussed the

expanded hours that the Municipal building is open after hours for meetings of the Council, Zoning Board and Board of Adjustment. He agreed with Dr. Rashin's comments about not passing a budget with an increase and discussed his vote on all budgets during his tenure on Council. He spoke about arguments for and against the Charter School.

C. Toffler shared a quote from Elie Wiesel from a recent commencement address and requested that everyone on the Township Council and all residents do not stand idly by when an injustice is being done.

CONSENT AGENDA

All matters listed below are considered to be routine in nature by Council and will be enacted by one motion. There will be no separate discussion of these items. If any discussion is desired by Council, that particular item will be removed from the Consent Agenda and will be considered separately.

RAFFLES

All subject to approval and conditions applicable with the Legalized Games of Chance Control Commission and pursuant to State Statute.

NONE.

MINUTES

NONE.

RESOLUTIONS (Resolution 138-11 – vote taken prior to Closed Session)

- 139-11. Appropriate Funds – Capital Improvement Fund – Reconstruction of Sylvan Terrace – Community Development Project.
- 140-11. Award Professional Services Contract – Schwanewede/Hals Engineering – Reconstruction of Sylvan Terrace – Community Development Project.
- 141-11. Award Contract – Finne Building & Investment, Inc. – Teaneck Municipal Building Improvements.
- 142-11. Refund 2011 Tax Overpayment – Chief Financial Officer – Block 2409, Lot 8.
- 143-11. Refund 2010 Taxes Pursuant to State Tax Court Decision – Chief Financial Officer – Block 1206, Lot 2.
- 144-11. Authorize Payment to D&S Land Development – Required Additional Work and Materials – Storm Drain Outfall in Andreas Park and Rock Wall.
- 147-11. Endorse Proposed Project of Friends of the Teaneck Community Charter School.
- 145-11. Approve Settlement Agreement – Rahmiel Brown, et al. vs. Teaneck – Docket No. BER-L-3968-09.
- 146-11. Award Contract – English Paving Company, Inc. – 2010 Road Resurfacing Program.

BILL LIST

Ms. Evelina read the amount of the Bill List into the record. (\$6,899,277.62)

Deputy Mayor Gussen moved to approve the Consent Agenda, including Minutes, Resolutions #139-11 through #146-11 except resolution #147-11 and Bill List, and to dispense with the reading of same inasmuch as it has been posted on the bulletin board all day. Seconded by Councilmember Toffler.

Mayor Hameeduddin called on Ms. Evelina for a roll-call vote.

Roll Call.

In Favor: C. Parker, C. Stern, DM. Gussen, C. Katz, C. Toffler, Mayor Hameeduddin.

Opposed: None.

Absent: C. Honis.

Abstained: C. Katz (Resolution #140-11, Bill List).

Recused: None.

Mayor Hameeduddin declared said items passed.

Deputy Mayor Gussen moved to Resolution H for discussion. Seconded by Councilmember Stern.

C. Katz recused himself from the dais prior to the vote and spoke about his former involvement with the Fundraising Board.

C. Parker spoke about supporting the resolution at tonight's meeting for the reason of having additional meeting spaces and additional facilities for our youth. She mentioned that this resolution is non-binding and she does have concerns but not enough to stop the process at this point.

Mayor Hameeduddin called on Ms. Evelina for a roll-call vote.

Roll Call.

In Favor: C. Parker, C. Stern, DM. Gussen, Mayor Hameeduddin.

Opposed: C. Toffler.

Absent: C. Honis.

Abstained: None.

Recused: C.Katz.

Mayor Hameeduddin declared said item passed.

INTRODUCTION OF ORDINANCES

Mayor Hameeduddin moved that the Ordinances be introduced and passed on first reading and that the Township Clerk is hereby authorized and directed to publish the required legal notice of the introduction thereof, together with a notice of the place, time, and date on which a public hearing will be held on said ordinances, and on which said ordinances will be considered for final adoption.

Ms. Evelina read the Ordinances by title only.

ORDINANCE #4237 – AN ORDINANCE AUTHORIZING THE RESURFACING OF WEST ENGLEWOOD AVENUE, SECTION 4, FROM SUSSEX ROAD TO WINDSOR ROAD AS A GENERAL IMPROVEMENT AND APPROPRIATING \$140,000.00 TO BE ENTIRELY FUNDED BY A GRANT UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT FOR FISCAL YEAR 2011.

ORDINANCE #4238 - BOND ORDINANCE TO AUTHORIZE THE 2011 ROAD RESURFACING AND SIDEWALK AND CURB IMPROVEMENT PROGRAM IN, BY AND FOR THE TOWNSHIP OF TEANECK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,100,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE

SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

ORDINANCE #4239 - BOND ORDINANCE TO AUTHORIZE STORMWATER DRAINAGE IMPROVEMENTS AT VARIOUS LOCATIONS IN, BY AND FOR THE TOWNSHIP OF TEANECK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$94,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

ORDINANCE #4240 - BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF VARIOUS MUNICIPAL PARKING LOTS IN, BY AND FOR THE TOWNSHIP OF TEANECK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$327,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Seconded by Deputy Mayor Gussen.

Mayor Hameeduddin inquired as to whether any Councilmember wished to comment upon the motion to introduce.

There being no further comments, Mayor Hameeduddin called on Ms. Evelina for a roll-call vote.

Roll Call.

In Favor: C. Parker, C. Stern, DM. Gussen, C. Toffler, Mayor Hameeduddin.

Opposed: None.

Absent: C. Katz (at time of vote). C. Honis.

Abstained: None.

Recused: None.

Mayor Hameeduddin declared that said ordinances were duly introduced and passed on first reading.

OLD BUSINESS

Mayor Hameeduddin asked the Township Manager for an update on the website.

Manager Broughton reported that the contract was sent to the vendor, and we are still awaiting the return of the contract executed.

Mayor Hameeduddin further inquired about the Burial Grounds and its maintenance.

Manager Broughton reported that the Burial Grounds were placed on the maintenance list, and estimates are being sought to replace the fence at the site.

Mayor Hameeduddin also asked for an update about the possibility of recycling scrap metal.

Manager Broughton did not have an update at this time.

C. Parker clarified that she recently asked the Manager if the Burial Grounds could be placed on the Maintenance List and apologized to Ms. DeAnn Ipp about prior comments made regarding the Burial Grounds.

Mayor Hameeduddin confirmed that we are waiting the consensus of specifications for the sign at the Burial Grounds.

Manager Broughton reported that he is currently researching to see if a sign was ever made for the Burial Grounds.

Mayor Hameeduddin discussed the idea of funding the Teaneck Road Business Community Alliance holidays lights project, and the majority of Council agreed to utilize funds from a gift account at no cost to the taxpayers.

Mayor Hameeduddin inquired if the majority of Council was in support of allowing the Teaneck Fair Trade Organization to place a link on the Township website, displaying our Township's Fair Trade status. The majority of Council confirmed their support for this idea.

MISCELLANEOUS

None.

NEW BUSINESS

None.

COMMUNICATIONS

None.

COMMITTEE REPORTS - COUNCIL LIAISONS

None.

COUNCIL-LISTED ITEMS

None.

TOWNSHIP MANAGER'S REPORT

Manager Broughton reported the results of a traffic study on Shepard Avenue. He requested Mr. Costello meet with him in person to discuss the results. He reported the results of a study to place dashed lines to show where motorists can turn onto Ward Plaza. He reported trash to the Department of Transportation on Route 4. Finally, he advised that overgrown grass cut at the entrance to Route 4 from Julia Street and at Ward Plaza.

C. Toffler inquired about the responsibility of cutting grass at the Decatur entrance to Route 4.

Mayor Hameeduddin followed-up that he visited the location in question the day after the Planning Board meeting and found DPW cutting the grass.

C. Parker inquired if there was any information on the Township website discussing solar panels.

Manager Broughton answered that PSE&G had informed the Township of their intent to install solar panels on light poles in town and that there was previous communication on the website advising residents to contact either PSE&G or the Board of Public Utilities.

TOWNSHIP ATTORNEY'S REPORT

None.

ADJOURNMENT

Deputy Mayor Gussen moved to adjourn at 9:40 p.m.

Seconded by Councilmember Parker.

Roll Call

In Favor: C. Parker, C. Stern, DM. Gussen, C. Katz, C. Toffler, Mayor Hameeduddin.

Opposed: None.

Absent: C. Honis.