

MINUTES OF THE OPEN SESSION OF
THE TEANECK TOWNSHIP COUNCIL
HELD IN THE MUNICIPAL BUILDING COUNCIL CHAMBERS
TUESDAY, JULY 12, 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

163-11. 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 8:02 p.m. and asked all those present to rise for the Pledge of Allegiance.

Present: C. Parker, C. Stern, DM. Gussen, C. Honis, C. Katz, Mayor Hameeduddin.

Absent: C. Toffler.

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

MAYOR'S ANNOUNCEMENT

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PRESENTATIONS

1. Dr. Jerry Ryan, President of Bergen Community College.

Dr. Ryan did not appear. The Clerk stated that Dr. Ryan confirmed his attendance for this meeting and she will re-schedule this presentation for an upcoming Council meeting.

C. Katz requested Ms. Evelina invite Fairleigh Dickinson University officials to the July 26, 2011 Council Meeting to present their donation check.

Ms. Evelina responded that representatives from the University have been invited to said meeting.

C. Stern noted that Mendi Zecker from Bergen Community College was taking a local government course and was present in the audience and thanked him for his attendance.

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.

None.

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

Rich Sarkejian, Harrington Park – referenced prior comments regarding the Glass Steagall Act and the presentation in the House of Representatives for a second Glass Steagall Act; submitted a copy of the AFL-CIO resolution to endorse their support for the Glass Steagall Act; referenced townships in Pennsylvania and New Jersey who passed resolutions in support of the Glass Steagall Act and discussed the importance of supporting such a resolution.

Howard Rose, Teaneck – brought to the Council’s attention a previous orchestration by the Teaneck Community Band; invited the Council to attend future orchestras on select Wednesdays in the summer; encouraged the Council to consider their standing at the present time; discussed information being disclosed that may have not been disclosed; referenced resolution #47-11; hoped to see a resolution to *Toffler v. Township Council* through discussion rather than litigation; and asked for more discussions in closed session to resolve this matter.

Sarah Rappaport, Teaneck – referenced Councilman Katz’s June 28, 2011 comments regarding *Toffler v. Township Council*; referenced former employees’ lawsuits still being paid for; referenced a prior incident involving a Councilmember being reported in the news media; requested the Council re-consider Resolution #47-11; alleged breaches of confidentiality, discussed the process of passing #47-11; discussed potential legal expenses resulting in the loss of *Toffler v. Township Council* litigation; and requested the Council rescind the #47-11.

Dr. Alex Rashin, Teaneck – inquired as to the procedure of engineering maintenance; discussed the process of #47-11 and the role of the Ethics Board; and questioned compensation to legal counsel in *Toffler v. Township Council*.

Lillian Lewis – requested the Township Council iron out the incident outlined in *Toffler v. Township Council* and other issues behind closed doors.

There being no further persons who wished to speak, Mayor Hameeduddin declared that the public comment portion of the meeting was 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 reiterated that *Toffler v. Township Council* is now a court matter and will be handled by the court; clarified that the Ethics Board is equipped to handle financial matters; and requested Mr. Turitz confirm the same.

Mr. Turitz confirmed that the Local Ethics Board has financial jurisdiction in addition to public employees being employed in the Township within a specified amount of time; however, anyone can file a complaint with the Local Ethics Board.

C. Katz discussed spoke about incident regarding C. Toffler discussed the response of the incident. He read a statement into the record regarding *Toffler v. Township Council*, and requested C. Toffler drop the lawsuit of *Toffler v. Teaneck*.

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

MINUTES

RESOLUTIONS (Resolution A – vote taken prior to Closed Session)

- 170-11. Award Professional Services Contract – Special Counsel – Docket No. BER-L-5807-11.
- 164-11. Refund 2010 and 2011 Tax Overpayments – Chief Financial Officer – Various.
- 165-11. Refund 2009 and 2010 Taxes Pursuant to State Tax Court Decision – Block 1108, Lot 4.
- 166-11. Authorize Issuance of Purchase Order – Cliffside Body Corporation – DPW Equipment.
- 171-11. Affirm Support of Bias Intimidation Statute.
G. Affirm Board of Education’s Support of Anti-Bullying Bill of Rights.
- 167-11. Authorize Issuance of Purchase Order – Fire Ground Technologies – Firefighter Personal Escape Systems.
- 168-11. Support Authorizing the Sustainable Jersey Grant Funded by Wal-Mart.
- 169-11. Support of Wage Theft Legislation.
- 172-11. Re-appointments of Board of Adjustment Members.
- 173-11. Re-appointments of Planning Board Members.

BILL LIST

Ms. Evelina read the amount of the Bill List into the record. (\$4,007,710.19)

DM. Gussen moved to approve the Consent Agenda, including Minutes, Resolutions, and Bill List, and to dispense with the reading of same inasmuch as it has been posted on the bulletin board all day, except #171-11 and tabling resolution G. Seconded by Councilmember Honis.

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

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

Opposed: None.

Absent: C. Toffler.

Abstained: Katz (Resolution #164-11, #165-11, Bill List).

Mr. Turitz provided an explanation with respect to Resolution #170-11 for the public.

C. Parker moved Resolution #170-11 for the purpose of discussion. Seconded by C. Stern.

C. Parker expressed opposition to the Resolution and urged the Council to settle the matter in an effort to avoid litigation costs. C. Parker made a motion to table Resolution #170-11, and Council did not support same. As such, the motion for discussion remained.

Those members of Council who supported the resolution expressed their reasons for same, and Councilmember Parker reiterated her opposition. Councilmember Stern requested that Mr. Turitz advise the public with respect to the litigation process.

Mr. Turitz advised the public that the Township is in receipt of a Complaint by Plaintiff Toffler, and according to law, the Township must file an answer within 35 days. If the Township neglects to do so, the Plaintiff can file a Request to Enter a Default against the Township. In an effort to properly defend our municipality, the Council must authorize the hiring of special counsel.

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

Opposed: C. Parker.

Absent: C. Toffler.

C. Honis made a motion to discuss Resolution #171-11 and requested an explanation for the public by Mr. Turitz, and Mr. Turitz explained the purpose for same.

Mr. Turitz explained that Resolution #171-11 was a policy resolution affirming the Council's support for the biased intimidation statutes on the books in the State and supports the reporting requirements that already exist. The Police Department will enforce and carry forth all of the requirements. He added that the Police Department has reviewed this resolution and has affirmed their support for this resolution. Mr. Turitz noted that resolution G should be pulled as it is a companion Resolution and should be passed by the Board of Education due to jurisdictional purposes.

DM. Gussen amended his original motion to approve the Consent Agenda to reflect that Resolution G be tabled and Resolution #171-11 be approved.

Seconded by C. Honis.

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

Opposed: None.

Absent: C. Toffler.

Mayor Hameeduddin declared said items passed.

OLD BUSINESS

Mayor Hameeduddin asked Mr. Broughton if a response to a presentation to the Council from the Bergen County Utilities Authority (BCUA) has been received.

Mr. Broughton responded that to date, no response from the BCUA has been received, however, additional information regarding this presentation has been received.

Mayor Hameeduddin further inquired about the status of the website.

Mr. Broughton responded that the Committee will be meeting with the vendor, Delaware.net, on July 20th and should complete the website within a nine to 13-week time frame from the start of the project.

Mayor Hameeduddin requested an update of prior Council Meeting minutes.

Ms. Evelina responded that a report was submitted to Council at the June 28th meeting.

Mayor Hameeduddin requested that the report be re-submitted to Council in addition to the submission of minutes from the June 28, 2011 meeting.

MISCELLANEOUS

None.

NEW BUSINESS

1. Chairpersons' Recommendations for 2011-2012 Appointments.

Ms. Evelina relisted the aforementioned for Council consideration.

Ms. Evelina advised Council that those members of statutory boards who are up for re-appointment need to recuse themselves from their respective meetings in the absence of re-appointment. Council then agreed to authorize reappointments for the Planning Board, Board and Adjustment and the Cedar Lane Management Group.

Mr. Turitz informed the Council that two votes would be needed to re-appoint members; one vote to discuss the re-appointment of members and one vote to approve the re-appointment.

DM. Gussen moved to amend the rules of the Council regarding re-appointing members to the Board of Adjustment. Seconded by C. Parker.

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

Opposed: None.

Absent: C. Toffler.

C. Parker made a motion to approve Resolution #172-11, re-appointing 2 alternates and 1 regular member to the Board of Adjustment, as reflected in said Resolution. Seconded by C.Katz.

No member of the public wished to comment on these re-appointments.

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

Opposed: None.

Absent: C. Toffler.

C. Stern inquired about the other boards who need to function prior to the next Council meeting.

Mr. Turitz explained that statutory boards do not allow members to serve after their term has expired and most other non-statutory boards allow a person to serve until being re-appointed.

DM. Gussen made a motion to waive requirements of re-appointing members to the Planning Board. Seconded by C. Katz.

Roll call.

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

Opposed: None.

Absent: C. Toffler.

Abstained: C. Stern.

C. Parker made a motion to approve Resolution #173-11, re-appointing members to the Planning Board, as reflected in said Resolution. Seconded by C. Katz.

Dr. Alex Rashin requested clarification to a previous question about engineering maintenance.

Mayor Hameeduddin responded to Dr. Alex Rashin that this was not the appropriate time for this discussion.

Roll call.

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

Opposed: None.

Absent: C. Toffler.

Abstained: C. Stern.

Ms. Evelina requested that Council consent to reappointing all board members pursuant to Chairpersons' recommendations, as reflected in her report to the Council. Council approved the reappointment of members to boards, and Ms. Evelina will draft the respective resolutions for the upcoming Council Meeting.

COMMUNICATIONS

None.

COMMITTEE REPORTS - COUNCIL LIAISONS

C. Parker announced that the Youth Advisory Board is in need of new youth and adult members and discussed the requirements of the Board; requested that the advertisement for members be placed on the website; a press release was being sent out to *The Suburbanite* advertising same; and further discussed the need for new members for the upcoming year.

No Councilmembers had any objections to C. Parker's requests.

C. Honis shared that on July 6th, she attended the Teaneck Community Orchestra's opening season performance and delivered a resolution on the Township's behalf to Mr. Streckfuss, the first composer who was present for the longest amount of time; discussed the Township's endeavor with this organization; invited the public and Council to attend additional Teaneck Community Orchestra performances every Wednesday at 8 PM during the month of July. On July 11, the FORUM met at the high school and has achieved all of their funding requirements for this year. They are fully staffed for the first time in seven years. She reminded the public that the FORUM serves any Teaneck child between the ages of 17 and 19 and spoke about the enrollment of non-Teaneck High School students in FORUM activities.

COUNCIL-LISTED ITEMS

1. Tennis Courts at Phelps Park (DM. Gussen).

DM. Gussen discussed a July 11 meeting with the PPRAB and the status of the Phelps Park tennis courts, the decommissioning of the courts due to cracks and the placement of barricades, the Board's feeling that the barricades were unsightly and the damage of the courts were not sufficient enough to be closed down, and the Board recommended the repair of said courts are a vital amenity and that repairs be done as quickly as possible while requesting an update from the Manager.

Mr. Broughton responded that the entire court is scheduled to be resurfaced, and he will report back to DM. Gussen within the next day. He also reported that the court may not be ready this summer.

2. Clean Marina Program (C. Katz).

C. Katz requested the Township Manager complete the necessary paperwork for the Clean Marina grant program to build the Andreas Park dock.

A majority of Council agreed that the Manager proceed with the completion and submission of the Clean Marina Program.

TOWNSHIP MANAGER'S REPORT

Manager Broughton reported that Brooks Park's basketball court work will begin the week of July 11th. He noted that Robinson Street will be paved at the end of July or early August. He advised that the website Committee will meet with the vendor, Delaware.net, on July 20th. He advised that Queen Anne Road is scheduled to be re-paved starting July 13th from Fort Lee Road to Cedar Lane; and reiterated that the first of four Town Hall Meetings regarding the Old Police Building will take place on Tuesday, July 19th at 7 PM.

DM. Gussen requested clarification from the Manager for the public as to whether or not said Town Hall meetings were formal Council meetings.

Mr. Broughton responded that the meeting is open to the public, but is a meeting hosted by the architect and himself regarding the renovation of the Old Police Headquarters and is not a formal Council meeting.

Mr. Turitz added that the meeting is the Manager's meeting, not a formal open public meeting, and therefore did not require legal advertisements or a quorum of Council.

C. Parker inquired about the movie selection for National Night Out.

DM. Gussen responded that the Summer Movie series in Votee Park includes *Shrek 3*, *Despicable Me* and *The Karate Kid*.

Manager Broughton responded that *Shrek The Third* was the movie selected for National Night Out.

DM. Gussen added that all Tuesday night Movie In the Park events have a Thursday night rain date.

TOWNSHIP ATTORNEY'S REPORT

None.

ADJOURNMENT

Mayor Hameeduddin moved to adjourn at 9:01 p.m.

Seconded by Councilmember Katz.

Roll Call.

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

Opposed: None.

Absent: C. Toffler.