

Approved: 7/24/12

MINUTES OF THE OPEN SESSION MEETING OF
THE TEANECK TONWHSIP COUNCIL
HELD IN THE MUNICIPAL BUILDING COUNCIL CHAMBERS
TUESDAY, OCTOBER 11, 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

239-11 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 8:00 p.m. and asked all those present to rise for the Pledge of Allegiance.

Present: C. Parker, C. Stern, DM. Gussen, C. Honis, C. Kat, C. Toffler.

Absent: Mayor Hameeduddin.

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

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.

PRESENTATIONS

None.

PUBLIC HEARING AND ADOPTION OF ORDINANCES

Ms. Evelina to read the Ordinances by title only.

None.

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

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

No one came forward.

DM. Gussen declared that any members of the public wishing to be heard at this time shall come forward and state their names for the record. Comments shall be limited to five minutes per person.

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Naomi Cramer, Teaneck – concerned with Township contracts not being reviewed by the attorney; quoted the Township Code concerning contracts; feels the Township should be protected regarding any contracts; hopes Council will be more diligent in the future regarding this subject; feels Council should support the request for an endorsing resolution for Jewish Family Service.

Paula Friedman, organizer of Healthcare Now - came in support of the United States National Health Insurance Act “Expanded and Improved Medicare for All”; requested that Council band together with other towns such as Hoboken and Fort Lee in supporting this cause; commented on Teaneck’s version of the resolution indicating she was satisfied with the wording of the resolution; informed all present that since the organization had been established, there are approximately 50 million individuals without health insurance; thanked C. Parker for meeting with the members of the organization.

Dr. Alex Rashin, Teaneck – stated that Township residents are dissatisfied with the Manager and the Administration regarding their services to the taxpayers; there are two positive achievements, the handling of snow removal and the handling of the hurricane; discussed the resurfacing of Sussex Road and that it is taking far too long for basic work to be completed; referred to the cupola and the facelift to Town Hall, indicating that this work is also taking too long; spoke of the poor, unhealthy working conditions in the basement of the municipal building and feels an effort to make necessary repairs to these conditions should take place immediately; discussed the old police headquarters and his dislike of the project involving the link; spoke about Opra process; also feels all contracts should be reviewed by the attorney; Council should decide what would be more cost effective, possible faults by a contractor or an attorney review of any contracts prior to proceeding with any projects.

Ruth Brower, Teaneck – addressed the recent natural disasters which caused massive damage to the Township involving trees; indicated that the DPW and the Township Manager are aware of the aggressively growing pattern of the Swamp Red Maple Tree; stated that to the best of her knowledge, this specific type of tree is no longer being planted, as the roots cause too much sidewalk/curb damage.

Howard Rose, Teaneck – spoke on behalf of Ms. Brower’s tree issue, stating that she has attended many meetings with the same complaint regarding the tree; feels she is very passionate about this problem; believes that Council should resolve this issue as they have the power to remedy the problem and that it is their legal obligation to do so.

Genevieve Maiberger, Teaneck – concurred with Mr. Rose regarding Ms. Brower’s issue with the Township tree; stated that the members of Council should go to Ms. Brower’s home and view the problem first-hand; stated that there are wires going through the branches of this tree and another storm could cause massive damage as well as major power outages.

There being no further persons wishing to speak at that time (or the time limit of one hour having expired), DM. Gussen declared that the public comment portion of the meeting was now closed.

DM. Gussen 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.

DM. Gussen addressed Mr. Rose’s comment stating that the Township Council does not have a legal obligation to remove the tree in question; the situation presents a very difficult decision to Council in that if they remove this tree, then they quite possibly may have to do the same for other residents with similar situations; requested input for the Township Attorney.

S. Turitz gave a description of the chain of command with regard to the removal of Township trees; the ordinance presently states that the Manager makes the decision as to whether or not a tree is dangerous and should be removed; the ordinance can be changed to set a different criteria; however, at this time, Council does not have the authority to do so; the persons involved in the decision-making process of tree removal are the Manager, the Shade Tree Advisory Board and the Department of Public Works.

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C. Toffler stated that she had spoken with Norma Goetz of the Shade Tree Advisory Board (STAB) and Ms. Goetz indicated to her that the members of the STAB would stop by Ms. Brower's residence to view the problem; Council can only do so much in this case; discussed the signing of the AIA contracts and stated that she had previously had a conversation with an architect and the architect indicated that proceeding with a project without a signed AIA contract leaves the architect more vulnerable than the Township; addressed Ms. Cramer's statement regarding the Township Code discussing the complications of the responsibilities of the Township Attorney, there are two items in the code, A) states that the Township Attorney shall review all resolutions, ordinances, contracts and regulations as directed by the Council or Township Manager, B) states that the Township Attorney shall review *all* resolutions, ordinances, contracts and regulations; requested clarification regarding this topic.

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

None.

MINUTES

None.

RESOLUTIONS (Resolution 239-11 – vote taken prior to Closed Session)

- 240-11. Refund 2010 and 2011 Tax Overpayments – Chief Financial Officer – Various.
- 241-11. Ratify 2008, 2009 and 2010 Tax Refunds Pursuant to State Tax Court Decision. Chief Financial Officer – Various.
- 242-11. Authorize Issuance of Purchase Order – Downes & Kindergan – Emergency Tree Work After Hurricane Irene.
- 243-11. Resolution in Support of the United States National Health Insurance Act. “Expanded and Improved Medicare for All” (H.R. 676).
- 244-11. Authorize Issuance of Purchase Order – Graphic Resource Systems & National Sheet Metal Machines, Inc. – Sign Making Equipment.

DM. Gussen pulled Resolution 250-11 to be heard at a later time.

C. Toffler pulled Resolution 244-11 for discussion.

BILL LIST

Ms. Evelina read the amount of the Bill List into the record. (\$ 4,527,626.74).

Councilmember Katz 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.

Seconded by Councilmember Honis.

DM. Gussen called on Ms. Evelina for a roll-call vote.

Roll Call.

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

Absent: Mayor Hameeduddin.

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Abstained: DM. Gussen (Bill List Item No. 163895); C. Katz (Resolution #240-11, Resolution #241-11 and the entire Bill List).

Recused: None.

DM. Gussen declared said items were passed.

C. Toffler moved Resolution #244-11 for discussion.

Seconded by C. Stern

C. Toffler discussed being uncomfortable with the purchase of the sign making equipment; inquired about the cost of purchasing signs versus the cost of the sign making equipment.

W. Broughton stated that the sign making equipment will allow the Township to replace all street signs, stop signs, parking signs and any other signs that may require replacement; the cost to purchase the signs would range to \$50,000.00, and that would cover only a portion of the signs needed; feels certain that the investment is a wise one.

C. Toffler questioned the price of materials needed for the machine.

W. Broughton did not have the specifics, but would look into the details of the cost; was certain that it would be far less expensive to produce the signs using the machinery.

DM. Gussen questioned the price of replacing 100 signs; indicated that he has no problem passing the resolution but would like the information regarding cost-effectiveness of both methods, purchasing the signs versus purchasing the sign-making machinery.

C. Stern questioned whether this purchase would in fact save the Township money.

W. Broughton indicated that the purchase was a wise one and would definitely save the Township money.

C. Parker asked the Manager how many signs would be provided at the price of \$50,000.00 and inquired about the life span of the sign making equipment.

W. Broughton was not sure how many signs would be produced for the price of \$50,000.00, but he was willing to look into this and provide Council with his findings; he was confident the purchase would be a sensible choice; the life span of the sign making machinery would be well over a five year span.

Roll Call.

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

Opposed: C. Toffler.

Absent: Mayor Hameeduddin.

Abstained: None.

Recused: None.

INTRODUCTION OF ORDINANCES

Councilmember Stern moved that the Ordinances be introduced and passed on first reading and that the 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 to read the Ordinances by title only.

Approved: 7/24/12

ORDINANCE #4244 - AN ORDINANCE AMENDING CHAPTER 36, ENTITLED "TRAFFIC" OF THE TOWNSHIP CODE.

Seconded by Councilmember Honis.

DM. Gussen inquired as to whether any Councilmember wished to comment upon the motion to introduce.

No one came forward.

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

Roll Call.

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

Opposed: None.

Absent: Mayor Hameeduddin.

Abstained: None.

Recused: None.

DM. Gussen declared that said ordinances were duly introduced and passed on first reading.

OLD BUSINESS

None.

MISCELLANEOUS

None.

NEW BUSINESS

1. November 15, 2011 Council Meeting – NJLM Annual Conference.

Council discussed the cancellation of the November 15, 2011 Council Meeting due to the NJLM Annual Conference being held that week. The next meeting will take place on November 29, 2011.

2. 2012 Council Meeting Schedule.

Ms. Evelina submitted to Council a proposed resolution for the 2012 Council Meeting Schedule to be introduced prior to the end of the year. Ms. Evelina thanked the Manager's staff for their assistance in obtaining religious, election, and league dates for the upcoming year.

DM. Gussen requested Council review the schedule prior to adoption and consult with the Clerk, should there be any issues.

3. Designate Official Newspapers for 2012.

Ms. Evelina stated this is a resolution adopted annually by Council delegating the newspapers for the publication of legal ads. The Bergen Record and the Suburbanite are the official newspapers for publication of Township legal ads.

Council concurred.

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4. STAB Press Release – New Membership.

Roby Langert, STAB Chairperson, informed the Township Clerk that there is a vacancy on the Board. The Clerk requested permission to submit a Press Release listing the vacancy.

Council concurred.

5. S1351.

Ms. Evelina informed Council that she had received information from the Municipal Clerk's Association in May regarding Senate Bill 1351 which had been passed in February. The Clerk requested Council's support in opposing the bill by resolution. Ms. Evelina went on to provide a brief description of the bill, indicating that it will place unreasonable demands on the Clerk's office.

DM. Gussen asked Mr. Turitz if he would comment on the Bill.

Mr. Turitz stated that the item adds a tremendous amount of burden to the operation of government. He went on to say that from a legal standpoint, it was a very poorly drafted piece of work. Mr. Turitz indicated that the Bill will create enormous administrative burdens, particularly on the Clerk's office. He stated that the OPRA process is working well now therefore there is no need for change.

DM. Gussen inquired whether there is an issue of state constitutionality, as far as the cost and burden.

Mr. Turitz stated that it can be considered an unfunded mandate and will certainly slow down government process.

COMMUNICATIONS

1. AAA of Bergen County, Inc. – Request for Endorsing Resolution – BCCDB Grant.

David Moore, Executive Director, addressed all present stating that their organization has been in Teaneck for several years and they have been quite successful in providing support and direction to individuals who are struggling with the effects of mental illness. The resolution would allow the organization to continue to provide this service to those in need.

Council concurred.

2. Jewish Family Service – Request for Endorsing Resolution – BCCDB Grant.

(name unintelligible) representative of the Bergen and North Hudson Counties, is coming to Council to seek a Township resolution for 2012-2013 Community Development Block Grant for victims of domestic violence. Two to four million women are in need of assistance each year, the grant provides the necessary counseling for these individuals.

Council concurred.

COMMITTEE REPORTS - COUNCIL LIAISONS

C. Parker informed all present that the Teaneck Youth Advisory Board will be honored by the Chamber of Commerce this year.

DM. Gussen congratulated all members on this special honor.

COUNCIL-LISTED ITEMS

1. Affirmative Action Advisory Board (C. Toffler).
 - a. Re-establishment of Board.

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C. Toffler stated tht in the last few weeks, there has been discussion as to whether the Affirmative Action Advisory Board was going to be renamed or reshaped. She spoke with many members of the community who indicated that the Advisory Board should be maintained under the same name in that the name is symbolic. She went on to say that there is an applicant who is interested in interviewing for the position of Chairperson for this board. Council will interview this individual in the near future.

C. Katz questioned who the catalyst was in the effort to change the name of the board.

DM. Gussen stated that the conversations were initiated by C. Toffler.

C. Toffler gave an explanation as to why she was looking to make the change to the name of the board.

b. Request Press Release for New Membership.

Council directed the Clerk to move forward with a Press Release for new applicants for this board, not to reestablish, but to rejuvenate.

2. Guard Fences for CSX Railroad, Adjacent to Schools (C. Toffler).

C. Toffler stated that a resident approached her with concerns after a couple of tragic accidents involving young children being hit by trains. The resident was inquiring as to whether there are fences in the area of school districts to prevent any further tragedies.

DM. Gussen spoke of a student being killed by a train some years ago near the Ben Franklin School. He inquired as to the condition of the fencing at this time.

W. Broughton gave a description as to the status of the fencing.

3. Economic Development Advisory Board (C. Toffler).

C. Toffler suggested restoring an Economic Development Advisory Board, as there is not one at this time.

C. Katz stated that the Board is the Teaneck Economic Development Corporation (TEDC).

DM. Gussen requested C. Toffler provide additional information as to what the board she was referring to entailed.

Council discussed the possibility that the Economic Development Board may have existed prior to the introduction of the TEDC.

DM. Gussen gave a brief synopsis as to the functions of the Cedar Lane Management Group and the TEDC, indicating that the Township is not without economic development bodies.

C. Toffler indicated that there are many vacant stores within Teaneck, therefore Council should be thinking about reestablishing an Economic Development Board. She further suggested this item be relisted at a future Council meeting.

TOWNSHIP MANAGER'S REPORT

None.

TOWNSHIP ATTORNEY'S REPORT

None.

ADJOURNMENT

DM. Gussen moved to adjourn at 9:34 p.m.

Approved: 7/24/12

Seconded by Councilmember Katz.

Roll Call.

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

Opposed: None.

Absent: Mayor Hameeduddin.

Abstained: None.

Recused: None.