

MINUTES OF THE OPEN SESSION MEETING OF
THE TEANECK TOWNSHIP COUNCIL
HELD IN THE MUNICIPAL BUILDING CHAMBERS
TUESDAY, MARCH 6, 2012

MAYOR'S ANNOUNCEMENT

Adequate notice of this meeting has been provided by Resolution 28-12, setting the 2012 meeting dates, sending a copy to THE RECORD and THE JEWISH STANDARD, 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

57-12. 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. Honis, C. Katz, C. Toffler, Mayor Hameeduddin.

Absent: None.

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

Adequate notice of this meeting has been provided by Resolution 28-12, setting the 2012 meeting dates, sending a copy to THE RECORD and THE JEWISH STANDARD, 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.

Mayor Hameeduddin congratulated the men's and women's high school basketball teams on their county championships the previous week. He also requested both teams be brought in for their achievements to be recognized.

DM. Gussen suggested that both teams be recognized after their tournament games are played.

Mayor Hameeduddin clarified that a letter can be sent to invite both teams to be invited and recognized at a future Council Meeting for their achievement.

PRESENTATIONS

Certificates of Appreciation - Thanksgiving Day Food & Toy Drive – 2011.

Mayor Hameeduddin and DM. Gussen thanked the various Teaneck youth groups for their efforts during the Thanksgiving Day Food and Holiday Toy Drive. Mayor Hameeduddin and DM. Gussen read the language of the certificate of appreciation into the record and read into the record the following names of those individuals and organizations who assisted in the 2011 Food and Toy Drive.

Chineun Chun
Seun Joon Lee
Pastor Sanhoom Lee
Sungin Lee

Shinyun Kim
Grace Ko
John Lim
Ann Chon
Janice Preschel
Rosiland McLean
Hope Presbyterian Church
Dale & Thomas
Local 820 AFSCME AFL-CIO
Public Works Supervisors Union
Cross River Bank
Firemen's Mutual Benevolent Association Teaneck Local 42
Checkmark Plus
Generator Plus
Seniors at Circle Drive
New Milford-Teaneck Lodge
Temple Emeth
David Boesch
Professional Fire Officers
Bogota Savings Bank
Teaneck Rotary
Keisha McLean
Christian Lim
Elise Lim
Jacob Lim
Steve Cho
Antonia Im
Yunjae Kim
Caroline Ko
Andrew Ko
Dan Lee
Matt Park
Patrick Kim
Michael Senchi
Fernando Senchi
Branden Sanabria
Kevin Y. Salazar
Lauren Reaves
Yanell Lopez
Siobhan Hawkins
Josh Lewis
Jordan Matthews
Leo Voreacos
Molly Voreacos
Harrison Preschel
Zack Preschel
Chris Colel
Ezra Bye
Jorge Vazquez
Whitney Apoh
Angelica Dematas
Stephany Vargas
Anthony Parker
George Tejada
Kevin Robledo
CJ Levin
Tamara Levin
Jonathan Lopez
Elpidio Reynoso
Carlos Reynoso
Jordan Posada
Khalid Legette

Taylor Dalrymple
Gabriella Collazzo
Cameron Beal
Marcus Montgomery
Sarah Mendoza
Ethan Francis
Roger Toral
Jason Highet
Tristan Highet
Cathy Hennig
Lenny Hennig
Joshua Battista
Julio Arcay
Lily Spagnola
Joey Spagnola
Chelsei Campbell
Katharine Grace McCartha
Leilah Colazzo
Lauren Pena
Jasmine Loleng
Amia Loveless
Toni Loveless
Brianna Rodriguez
Diana Welch
Arianna Bazan
Brian Sanabria
Karla Morales
Tray'von Norwood
Kwaswo Yeboah
Kayla Yelpes
Nicole Henao
Mark Pastoral
William Valencia
Teaneck Cub Scouts Pack 171
Teaneck Boy Scouts Troop 106
Yeshivat Noam Day School
Ann Chon
Mohammed Hameeduddin

Ms. Rosiland McLean spoke about the families that were sponsored by donations from organizations including Hope Presbyterian Church, residents, and the Township's employees.

Mr. Broughton thanked Mr. Lim of Hope Presbyterian Church, Ms. McLean, Ms. Andrade, and the Township's employees for their generous efforts in the Thanksgiving Food and Toy Drive.

C. Katz also thanked the Teaneck Moose Lodge, Mayor Hameeduddin and C. Toffler for their efforts in this campaign, and spoke about his visit to the Teaneck Helping Hands Food Pantry during the distribution portion of the Food Drive.

PUBLIC HEARING AND ADOPTION OF ORDINANCES

Ms. Evelina to read the following Ordinance by title only:

ORDINANCE #4253 - AN ORDINANCE APPROPRIATING \$75,000.00 FROM THE MUNICIPAL OPEN SPACE RECREATION AND HISTORIC PRESERVATION TRUST FUND OF THE TOWNSHIP OF TEANECK AND APPROPRIATING \$75,000.00 AS A CAPITAL IMPROVEMENT FOR THE AMMANN PARK TENNIS COURT RESURFACING PROJECT, DR. MARTIN LUTHER KING, JR. PARK NEW PLAY AREA, AND MILTON VOTEE PARK ROLLER HOCKEY RING PROJECT,.FUNDED FROM THE BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND, AND HISTORIC PRESERVATION TRUST FUND

ORDINANCE #4254 - AN ORDINANCE AMENDING CHAPTER 36, ENTITLED
"TRAFFIC" OF THE TOWNSHIP CODE

Mayor Hameeduddin inquired whether any member of the Council had any comments respecting these ordinances prior to opening the public hearing.

None.

Mayor Hameeduddin declared that the public hearings on the above ordinances open. Any members of the public who wished to be heard on any of said ordinances or to ask questions concerning said ordinances come forward and state their name and address for the record. Comments or questions shall be limited to five minutes per person.

None.

There being no further persons wishing to speak concerning said ordinances, Mayor Hameeduddin declared that the public hearing on these ordinances was now closed.

Councilmember Stern moved to pass Ordinances 4253 and 4254 on second and final reading and adopt. The Township Clerk is hereby authorized and directed to advertise same according to law. Seconded by DM. Gussen.

Mayor Hameeduddin inquired whether any member of the Council had any comments respecting these ordinances.

None.

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. Honis, C. Toffler, Mayor Hameeduddin.

Opposed: None.

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

Mayor Hameeduddin declared that said ordinances were duly adopted.

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 at this time came forward and stated their name for the record. Comments were limited to five minutes per person.

David Spielman, Teaneck – discussed a DOT crew working near Route 4 replacing signs including a stop sign at Queen Anne Road and Route 4; requested that the Township seek the removal of the sign because of an alleged safety precaution.

Ruth Brower, Teaneck – referenced her red swamp maple tree's root growth allegedly harming her foundation and property; requested Council take corrective action on her tree; referenced Mr. Broughton's prior comments regarding being the custodian of trees; expressed her dismay at Council's lack of action regarding her red swamp maple tree.

Lorraine Henry, Teaneck – discussed an almost three year old alleged issue with a neighbor's barking dog; discussed the timeline of events and the course of action she took to report the barking dog to law enforcement officials; the dismissal of the charges against her neighbors; questioned the process of her court appearance; questioned the effect of the noise ordinance; and questioned whether or not hanging clothes on a fence were part of the property maintenance code.

Carter Jackson, Teaneck – discussed a tree that is hanging over a power line on Hubert Terrace near Argonne Park and requested Public Works look at the hanging tree limb; requested that public trees that recently fell on his shed be removed.

Mark Schwartz, Teaneck – spoke about his recent submission to run in the May 2012 Council election and reiterated his commitment to the Fair Campaign Pledge.

Genevive Mayburger, Teaneck – questioned the Council and Manager's duties in regards to Ms. Brower's and Ms. Henry's prior concerns, questioned the work of boards and commissions, and referenced her past votes for current members of Council.

Dr. Alex Rashin, Teaneck – spoke about the unlocked HVAC area between the Municipal Building and Public Library, referenced his discussions with members of the public as a Council candidate and the public's desire to see a zero percent tax increase; alleged complains regarding quality of service; the position of C. Toffler and the exchange of praise with her husband, Charles Powers; C. Toffler's vote on Resolution 309-11; requested C. Toffler be consistent in her voting; and requested the Council preserve Township property.

Naomi Kramer, Teaneck – requested Council hold a monthly Workshop meeting and discussed the alleged benefit of same; referenced her prior comments regarding Boards and Commissions give reports to the public during a Council Meeting or to have public reports available; referenced Ordinance 4256; requested the Manager and Council hold off on any decisions regarding GZA GeoEnvironmental, Inc; and referenced alleged comments from the Township Attorney regarding Resolution 6-12 and was happy to see that the revised resolution limited the Manager's powers.

Vincent Napolitano, Teaneck – thanked C. Toffler for initiating the withdrawal and rescinding of Resolution 61-12.

Lillian Lewis, Teaneck- questioned the progress made regarding Ms. Brower's tree since she reported the issue.

There being no further persons wishing to speak at this, 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 requested that the Manager contact DOT to inquire about the placement of the stop sign of Route 4 and Queen Anne Road and asked Mr. Turitz if the Township could unilaterally remove the stop sign.

Mr. Turitz responded that further research would be required to make a determination.

Mayor Hameeduddin spoke about the current tree ordinance and series of events investigating Ms. Brower's tree concern. He also noted that the Mr. Turitz is currently researching the tree ordinance and is looking for a solution to remediate Ms. Brower's concern. Mayor Hameeduddin further spoke about the form of government the Township operates under and requested Ms. Henry speak to Mr. Broughton regarding her situation. Mayor Hameeduddin also questioned whether or not hanging clothes are against the property maintenance code.

Mr. Turitz responded that the property maintenance ordinance fell under the jurisdiction of the Health Department.

Mayor Hameeduddin requested the Manager have the Building or Health department look into whether or not hanging clothes violates the property maintenance code. He also encouraged the public to call him or other members of Council to make them aware of any issues in the Township. Mayor Hameeduddin added that there are currently no plans to speed up the Votee Park remediation process with GZA GeoEnvironmental. He further inquired whether or not the Manager and the Department of Environmental Protection (DEP) had scheduled a meeting to discuss Votee Park.

The Manager responded that a meeting with DEP was scheduled for Tuesday, March 13, 2012.

Mayor Hameeduddin referenced Mr. Napolitano's comments from the Good and Welfare portion of the meeting. He explained the process of rescinding a resolution and clarified the action taken on the resolution pulled from the February 21, 2012 meeting.

C. Parker requested a brief summary of the work undertaken on Ms. Brower's tree.

Mr. Broughton gave an overview of Ms. Brower's tree complaint beginning in July 2011 present; referenced the recommendations made to Ms. Brower that were cost effective without the need to remove the tree; felt that he has handled Ms. Brower's safety with the utmost sensitivity; and noted that the tree will continue to be monitored.

C. Parker thanked the Manager for his summary.

C. Toffler requested Mr. Turitz provide the Council with the portion of the Code that would allow the Manager to remove the tree at the next meeting.

Mr. Turitz responded that the Manager has the authority to remove the tree under the portion of the Code cited by Ms. Brower and C. Toffler. He further added that under Teaneck's form of government, the Manager has the decision making ability to remove a tree falling if he felt it fell under the portion of the Code regarding trees. Under the Township's form of government, the Council, he noted, makes the policies and the Manager executes them and this prevents Council from taking arbitrary and capricious actions.

C. Parker requested clarification as to whether or not the Manager's decision was based on expert opinion.

Mr. Broughton replied that his decision was based on expert opinion in addition to his own observations. He continued that decisions regarding cutting trees are done so to maintain uniformity and fairness in the process.

C. Toffler appreciated Ms. Kramer's comments regarding holding Workshop Meetings and requested Council hold a monthly Workshop Meeting in order to hold discussions about items that should not be discussed in Closed Session. She hoped this was an idea the Council could consider; spoke about the final report due on March 8, 2012 from GZA GeoEnvironmental Inc.; requested that the report be made available to the public as soon as possible; cited a former report from GZA GeoEnvironmental allegedly being delivered late to Council; questioned whether or not a prior report from GZA GeoEnvironmental was considered public.

Mr. Turitz noted that reports given to Council and the Manager by GZA GeoEnvironmental are consultative and thus exempt from OPRA however, he understood that the Manager had made a decision in the spirit of full disclosure that all reports in all forms were to be made public. Mr. Turitz further clarified that full disclosure did not entail the immediate release of said documents from GZA GeoEnvironmental Inc.

C. Toffler requested a statement that Council could share documents with the public provided by GZA GeoEnvironmental Inc.

Mr. Broughton confirmed that he will continue to make available reports by GZA GeoEnvironmental to the public in the interest of full disclosure.

Mr. Turitz questioned if the Manager had any objection to releasing documents provided by GZA GeoEnvironmental Inc. to the public.

The Manager responded that he had no object for Council to distribute said reports to the public.

Mr. Turitz clarified C. Toffler's comment by stating that in tonight's Closed Session meeting a topic was brought up that he advised could only be discussed in Open Session. He added that no discussion regarding this topic was made and instead was immediately shut down.

C. Toffler confirmed that the discussion Mr. Turitz referenced was indeed shut down in Closed Session.

C. Stern requested that the Manager retrieve a copy of the Level 4 Report from GZA GeoEnvironmental which contains all of the graphs, data, analysis, and laboratory results.

Mr. Broughton responded that he would inquire if said report was available from GZA GeoEnvironmental.

DM. Gussen spoke about the sections on the Council's agenda that permit discussion regarding items that used to be held in a Workshop Meeting. He urged his colleagues to use these portions of the Council agenda in the current meeting format to discuss matters they felt needed to be discussed.

C. Parker furthered that some discussions are not appropriate for a formal business setting such as Open Session and should be discussed instead outside of a regular meeting agenda.

C. Toffler commented that the Council may work up eventually to a Workshop Meeting with four Councilmembers supporting the idea.

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.

MINUTES

RESOLUTIONS

- 58-12. Authorize Issuance of Purchase Order – Goosetown Communications – Township's Radio Upgrade Program.
- 59-12. Refund 2011 and 2012 Tax Overpayments – Chief Financial Officer – Various.
- 60-12. Authorize Submission of Municipal Recycling Tonnage Grant Application – NJDEP.
- 62-12. Authorize Submission of Application to NJT – Installation of Bus Shelters.
- 61-12. Authorize Change in Beneficiaries.

BILL LIST

Ms. Evelina to read the amount of the Bill List into the record (\$3,681,946.29).

DM. Gussen moved to approve the Consent Agenda, including Raffles, Minutes, Resolutions and the 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 Stern.

C. Honis requested Resolution 62-12 be pulled for discussion. Seconded by Mayor Hameeduddin.

Mayor Hameeduddin 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, Mayor Hameeduddin.

Opposed: None.

Absent: None.

Abstained: DM. Gussen (BL #165904, 165955), C. Katz (Bill List).

Mayor Hameeduddin declared whether said items were passed.

C. Honis moved Resolution E for discussion. Seconded by C. Toffler.

C. Honis asked the Manager about the removing of benches at bus stops on Hamilton and Teaneck Road. She also asked about the process to select the locations for new bus shelters.

Mr. Broughton answered that the locations had been previously chosen and that only five of six selections were approved by NJ Transit. He responded that the removal of the Hamilton Road bench would be investigated and that several times, the bench falls on private property and required the home owner's approval prior to installation and have been removed for not being approved by the home owner. He added that a bench was recently installed at Bilton Street and NJ Transit affords five shelters a year.

C. Katz asked about the number of benches provided by NJ Transit at bus stops and if the Township could request benches until bus shelters were installed.

Mr. Broughton was unaware as to the number we could request at a maximum per year and requested C. Honis forward him any locations that wished to have a bench installed.

C. Honis moved Resolution 62-10. Seconded by C. Katz.

Roll Call.

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

Opposed: None.

Absent: C. Stern (at time of vote).

INTRODUCTION OF ORDINANCES

DM. Gussen 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.

ORDINANCE #4255 - AN ORDINANCE AMENDING SECTION 29A-23.1 OF CHAPTER 29A, PROPERTY MAINTENANCE CODE, OF THE CODE OF THE TOWNSHIP OF TEANECK, RESPECTING VACANT AND ABANDONED BUILDINGS

ORDINANCE #4256 - AN ORDINANCE ESTABLISHING A ENVIRONMENTAL ADVISORY BOARD RESPECTING VOTEE PARK AND AMENDING SECTION 2-148 OF ARTICLE XXX OF CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF TEANECK

Seconded by Councilmember Toffler.

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

None.

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

Roll Call.

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

Opposed: None.

Absent: C. Parker (at time of vote), C. Stern (at time of vote).

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

OLD BUSINESS

1. 2012 Municipal Budget – Continued Discussion.

Mr. Broughton requested that this agenda item be tabled until the March 20, 2012 Council Meeting. He is currently working with the CFO, Christine Brown, to confirm revenue numbers as they may have increased and would like to confirm these numbers prior to a full report to Council on the 2012 budget.

MISCELLANEOUS

None.

NEW BUSINESS

1. James Tighe, Tax Assessor.

Mr. Broughton also requested this agenda item be tabled until a future meeting because of additional information needed prior to a report being made to Council.

2. Clerk's Evaluation

Mayor Hameeduddin congratulated Ms. Evelina for completing her first full year as Township Clerk. He requested that she be given a RICE notice prior to the next Council meeting in order to start the evaluation process.

COMMUNICATIONS

None.

COMMITTEE REPORTS - COUNCIL LIAISONS

C. Honis reported that the Northern Valley Division of Bergen Community Block Grants met and requested \$216,000 to repave Ayers Court and Lozier Place. She reported that they were granted \$181,000 but were rejected for a grant to assist the High School.

C. Katz asked about the timeline for the Animal Control bid.

Mr. Turitz responded that Mr. Lynch is putting together the bid and it should be going out shortly.

C. Katz inquired about the process remaining for the bid to be sent out.

Mr. Turitz commented that Mr. Lynch has certain certification forms he needs to add in addition to possibly adding further specifications.

C. Katz questioned the limitation of private organizations being included in the Animal Control bid.

C. Parker referenced a recent Mental Health Advisory Commission meeting and the report by the County Health Department's need to offer more competitive given the loss of contracts from other municipalities.

C. Katz remarked that the charge from the County is based on population and discussed areas in the County that are charged less because of open space. He also added that he has seen the new recycling cans placed around the Township.

COUNCIL-LISTED ITEMS

None.

TOWNSHIP MANAGER'S REPORT

1. Annual Report.

Mr. Broughton reported that the Annual Report has been completed, circulated to Council, and posted on the Township. He read the Manager's Message from the beginning of the report into the record. He also thanked the Council for the opportunity to serve as the Township Manager. He further reported on the installation of recycling containers.

2. Donation.

Mr. Broughton reported that the Teaneck PAL, which is no longer a 501 C3 non-profit organization, donated \$11,849.99 by its former members to the Township. The funds will be available for use by the Youth Advisory Board.

Mr. Broughton also discussed a group in-person registration for the 2012 Community Gardens Garden Plots. The registration will be held at 7 p.m. in the Council Chambers on Wednesday, March 7 and Wednesday, March 28.

C. Parker asked if former members from the PAL were available to attend a Council Meeting to be thanked for their donation.

Mr. Broughton responded that former members from the Police Department can be asked, however, they live a far distance from Teaneck.

Mayor Hameeduddin requested an update regarding obtaining space for the various sports leagues.

Mr. Broughton referenced a recent meeting with the County and their willingness to accommodate and assist us with the use of some fields. He noted that the use of some fields will require \$1,800 for the use of lights for night time use. Mr. Broughton is working to reduce this cost to the Township but confirmed that the County is providing the Township with priority use. In addition, other parks will be going online to accommodate for the need for sports leagues to practice.

Mayor Hameeduddin specifically requested an update for the Teaneck Junior Football league and Teaneck Stingrays to find practice space.

Mr. Broughton responded that he will check on these two specific requests and added that there may need to be a purchase of temporary lighting for these fields.

C. Toffler referred to a conversation regarding an upcoming festival being held by Teaneck Comes Together in either June or July and spoke about the location of the meeting being reportedly at Votee Park. She asked if this event is indeed planned for Votee Park or elsewhere.

Mr. Broughton responded that he is aware of the event and it is currently in the preliminary planning stage. Once additional information follows he will provide it to the Council.

TOWNSHIP ATTORNEY'S REPORT

Mr. Turitz commended the Manager for finding a contact to sign-off on behalf of the PAL as former members to prevent the funds from being escheated to the State.

1. John Paff vs. Township of Teaneck.

Mr. Turitz reported that Mr. Paff challenged the Township on several redactions on Closed Session minutes and a \$6 charge. He noted that the Government Records Council upheld the Clerk's handling of the documents. Mr. Turitz added that the document in question is public and includes redactions.

ADJOURNMENT

Mayor Hameeduddin moved to adjourn at 9:21 p.m.

Seconded by Councilmember Honis.

Roll Call.

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

Opposed: None.