

**MINUTES OF THE OPEN SESSION MEETING OF  
THE TEANECK TOWNSHIP COUNCIL  
HELD IN THE MUNICIPAL BUILDING COUNCIL CHAMBERS ON  
TUESDAY, JULY 13, 2010**

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.

**ROLL CALL**

Present: C. Parker (arrived at 8:28 p.m.), C. Stern, DM. Gussen, C. Honis, C. Katz, C. Toffler, Mayor Hameeduddin.

Absent: None.

Also Present: S. Turitz - Ferrara, Turitz, Harraka, & Goldberg, PC; W. Broughton, Township Manager; L. Aportela-Hernandez, Municipal Clerk; J. L. Evelina, Senior Clerk; I. Abbasi, Executive Assistant.

**MAYOR'S ANNOUNCEMENT**

Adequate notice of this meeting has been provided by Resolution 170-10, setting the 2010 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.

Mayor Hameeduddin stated, if no objections, he would be going out of order for this evening's Agenda due to the overwhelming turn out on the 'Oak Tree' discussion. Mayor Hameeduddin welcomed Senator Loretta Weinberg for coming. Mayor Hameeduddin wanted to discuss the sitting arrangements. Clerk Aportela-Hernandez advised a resolution would be prepared for the next meeting. Mayor Hameeduddin pulled Resolution I. Mayor Hameeduddin welcomed C. Stern back to the Dais. Mayor Hameeduddin moved the "tree" to front of Agenda, as most of the audience was present for this discussion.

**TOWNSHIP ATTORNEY'S REPORT**

S. Turitz spoke on the Union of Traditional Judaism Bankruptcy, filed on May 14, 2010 and its historic significance to the Township. S. Turitz advised of the August 6, 2010 public bidding of this property and noted it would start \$1,450,000.00, excluding legal fees. S. Turitz further noted the Department of Public Works advised the tree was in danger. Further discussion on designating this area as a 'pocket-park' to save the tree was mentioned. S. Turitz noted with the two options presented, that if Council were to choose Option 1, no further action was needed. If Option 2 was chosen, an ordinance would have to be introduced. S. Turitz read the proposed ordinance (purchasing of both lots with M.O.S.T. funds).

**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 and addresses for the record. Comments were limited to five minutes per person.

Joan Davis, 967 Alpine Drive, Teaneck – spoke of widening the intersection for a left-turn lane from Palisade Avenue to Cedar Lane to accommodate Dunkin Donuts. Ms. Davis further commented on the \$800,000.00 Road Resurfacing Ordinance and opposed the spending.

Rachel Hausler, Teaneck – followed up on C. Katz’s question about legal fees of the Proposed Tree Ordinance.

Art Vatsky, 950 Garrison Avenue, Teaneck – noted the decision about the tree would be that of Council’s and asked for confirmation as to whether the 250-year-old tree was dead or not. Mr. Vatsky further spoke on the cost of the Police Building and noted his disappointment with the Streetscape Project and called it a ‘Shamescape’.

Carol Shaw, 107 Bennett Road, Teaneck – Impressed with saving the tree and noted the 800-person petition to preserve the tree.

Janice Gruben, Esq. – spoke on the oak tree and read a letter from Ronald D. Preiss (333 Willow Street).

Phillip Rhodes, 1261 Trafalgar Street, Teaneck – spoke on the oak tree.

Manny Landow, 1279 Pennington Road, Teaneck – (President of the Jewish Community Council) spoke on the tree and asked Council to use their best judgment.

Wallace Cowan, 499 Emerson Avenue, Teaneck – spoke on the tree and left a picture of the tree for Council.

Barbara Ostroth, 308 Vandelinda Avenue, Teaneck – spoke on behalf of Option 2; questioned Mr. Turitz’s report; asked Council to go along with the Arborist’s recommendations to preserve the tree; and opposed a comment made by an earlier speaker about using funds for resurfacing in town.

Eric Brauer, 738 River Road, Teaneck – spoke on the tree’s safety and asked Council to look into the matter further.

Stew Kaplan, 388 Edgewood Avenue, Teaneck – spoke about the tree and the Township being a Tree City USA.

Henry Pruitt, Voorhees Street, Teaneck – spoke about preserving the tree.

Barbara Wassum, 86 Bennett Road, Teaneck – questioned Council on the ownership of the tree; urged Council to develop a tree ordinance; and read a tree ordinance from Englewood Cliffs.

Michael Rogovin, 118 Grayson Place, Teaneck – spoke on the tree and its importance to all; asked Council to prune trees, not cut them down; and read a Jonnie Mitchell poem.

Laurie Ludner, 264 Sherman Avenue, Teaneck – spoke on preserving the historic tree and asked Council not to take the beauty away from the citizens of Teaneck.

Howard Rose, 575 Northumberland Road, Teaneck – read a poem from 1830 and spoke on Open Space funds.

Laura Zucker, 62 Hillside Avenue, Teaneck – spoke on the recommendations of the Almstead report and questioned why after 13 years we want to cut the tree down.

Mayor Hameeduddin asked how many more people wanted to talk about the tree and noted advised there was time for four more speakers.

Melinda Weissman, 631 Beverly Road, Teaneck – spoke on saving the tree.

Alex Rashin, 543 Sagamore Avenue, Teaneck - questioned Council if the tree could be made safe and the cost to do so; asked if the \$1,450,000.00 was for both lots or one; spoke on the \$800,000.00 Road Resurfacing Ordinance; and asked Council to postpone it, as so not to use borrowed money.

Eugene Coleman, 995 Richard Court, Teaneck – Spoke on the Campbell Farm House and urged Council to preserve the tree.

Sanford Hausler, 190 Cherry Lane, Teaneck – spoke on the arborist’s reports and suggested the tree was an insurance risk.

Don Wassum, 86 Bennett Road, Teaneck – offered his assistance in the development of a tree ordinance.

Senator Loretta Weinberg – Congratulated the re-elected Council members; spoke on preserving the tree; noted her long history with the tree; advised Council that her office was awaiting to hear from the New Jersey State Division of Forestry to see if the tree was listed on their State Directory; and noted her office has reached out to the New Jersey Department of Environmental Protection to see if the Township could apply for a conservation easement.

There being no further persons who wished to speak, 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.

C. Katz provided clarification to a statement made by an earlier speaker on widening Cedar Lane to create a left-turn signal and advised that the tree would not have been impacted. C. Katz noted the Streetscape is not that of a “Shamescape”. C. Katz spoke on earlier thoughts of putting something in the area of the tree (in memory of Sen. Weinberg’s late husband, Erwin). C. Katz favored Option 3 (to buy time) and to wait for the Senator’s Office response regarding NJDEP.

S. Turitz noted we do not have an Option 3 (to buy time) and not to get involved, as it is a private tree.

C. Honis quoted as a resident “we are truly between a tree and hard place”, and opposed the use of M.O.S.T. funds.

C. Parker spoke on the affordability factor with using up the M.O.S.T. funds to save the tree during current economical times and noted it would be irresponsible to expand the dollars. C. Parker wished there were other options but noted, whatever decision she makes will be best for the overall community. C. Parker touched on the tree ordinance; noted it was brought up before the previous Councilmembers; and plans to revisit it.

S. Turitz noted several ordinances drafted over the years but not supported by various Councils. C. Parker asked for it to be re-listed for a future meeting.

C. Stern noted the owners of the property were present and urged them to sit down with bidders and perhaps something could be done where the tree could be saved.

DM. Gussen had concerns with using M.O.S.T. money and concurred with C. Stern’s suggestion for the owners to meet with prospective bidders to come up with a plan.

Mayor Hameeduddin discussed the beautification of the trees in bloom on Elm Avenue and noted that Council has put \$50,000.00 in to replanting trees in town. He spoke on the arborist reports and noted that Option 2 was not an option for us, thus imploring the owners to seek discussion.

Mayor Hameeduddin called for a five (5) minute intermission.

Mayor Hameeduddin asked the Clerk to read Resolution #182-10 into the record, appointing C. Stern as the Class III member to the Planning Board.

### **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.

### RESOLUTIONS

- 175-10. Authorize Renewal of Retail Consumption Liquor License - Marriott at Glenpointe.
- 176-10. Authorize Execution of FY 2010 Multi-Jurisdictional Justice Assistance Grant.
- 177-10. Award Professional Services Contract - Kinsey Associates - Improvements to Wading Pools.
- 183-10. Authorize Execution of BCCD Grant - Barrier Free Bathroom at the Belle Avenue Information Center.
- 178-10. Authorize Appropriation of \$36,000 from the Capital Improvement Fund - Engineering Services.
- 179-10. Award Professional Services Contract - Schwanewede/Hals Engineering - Engineering and Construction Management for Queen Anne Road Section 6 State Aid Project.
- 180-10. Ratify Issuance of Payment - Downes Tree Service.
- 181-10. Authorize Renewal of Retail Consumption Liquor License - Vitale's.

### BILL LIST

The Clerk read the amount of the Bill List into the record. (\$3,852,493.71)

C. Toffler pulled Resolution #183-10 – ‘Barrier Free Bathroom at Belle Avenue Information Center for discussion.

Councilmember Parker made a motion approve the Consent Agenda, including Minutes, Resolutions, and Bill List, and to dispense with the reading of same in as much as it has been posted on the bulletin board all day, except Resolution 183-10. Seconded by C. Toffler.

Mayor Hameeduddin called on the Clerk for a roll-call vote.

In Favor: C. Parker, C. Honis, C. Toffler

Opposed: None.

Absent: None.

Abstained: C. Stern (Resolution #182-10), DM Gussen (Check# 158817), C. Katz (Resolution #179-10 and the Bill List), Mayor Hameeduddin (Check No. 15776).

C. Toffler spoke on Resolution #183-10, and Township Manager Broughton advised paperwork was received for the funding of said Resolution.

Mayor Hameeduddin advised the PAL Building Sub-Committee would consist of C. Katz and Township Manager Broughton.

DM Gussen made motion to adopt Resolution #183-10. The consensus of Council was in favor with no formal roll call vote.

Mayor Hameeduddin declared whether said items were passed.

### INTRODUCTION OF ORDINANCES

C. Katz made a motion that the following 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.

Manager Broughton advised that Ordinance 4188 should read Sanford Street, not Stanford Street.

The Clerk read the titles of the following ordinances into the record:

ORDINANCE 4188 - AN ORDINANCE APPROPRIATING \$55,000.00 FROM THE CAPITAL RESERVE FUND OF THE TOWNSHIP OF TEANECK FOR RESURFACING OF GLENWOOD AVENUE AND STANFORD STREET.

ORDINANCE 4189 - AN ORDINANCE APPROPRIATING \$81,654.00 FROM THE MUNICIPAL OPEN SPACE RECREATION AND HISTORIC PRESERVATION TRUST FUND OF THE TOWNSHIP OF TEANECK AND APPROPRIATING \$81,654.00 AS A CAPITAL IMPROVEMENT FOR THE INSTALLATION OF HANDICAP ACCESS AT MUNICIPAL WADING POOLS AND THE RESURFACING OF THE BASKETBALL COURT AT HERRICK PARK FUNDED FROM THE BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND.

ORDINANCE 4190 - BOND ORDINANCE TO AUTHORIZE THE 2010 ROAD RESURFACING 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 \$800,000 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 - 4191 - AN ORDINANCE AMENDING SECTIONS 33-18 (d) "OUTDOOR CAFES" OF CHAPTER 33 "DEVELOPMENT REGULATIONS" OF THE CODE OF THE TOWNSHIP OF TEANECK RELATING TO PORTABLE SELF SUPPORTING BARRIERS.

Seconded by DM. Gussen.

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

No member of Council commented.

There being no comments, Mayor Hameeduddin called on the Clerk for a roll-call vote.

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

Opposed: None.

Absent: None.

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

### **MISCELLANEOUS**

None.

### **OLD BUSINESS**

1. Advisory Boards - Appointments of Expired Members – The Clerk reported the following Advisory Boards responses: Affirmative Action - no response; Civilian Complaint Review - to re-appoint Howard Mackey and advised of the vacancy for the 2<sup>nd</sup> Alternate; Community Relations - not to appoint certain members due to lack of attendance; Ethics – to re-appoint expired members; Greenbelt – no response; Hackensack River Greenway Advisory Board and Municipal Open Space Trust – to re-appoint all expired members; Parks, Playground, Recreation, Advisory Board – not to re-appoint two members, at their request; Patriotic Observance Advisory Board – to re-appoint all members, with John McGilchrist as Chair; Senior Citizens Advisory – no response; Shade Tree Advisory Board – to remove two (2) members due

to lack of attendance and to appoint Alternate 2 as a regular member; Site Plan Review – to appoint James Kinloch and Alan Rosenberg; Social Services Advisory- to appoint all members; and Youth Advisory – no response.

DM Gussen asked that another request be sent to the Chairs who have yet to respond.

2. POAB Chairperson – Mayor Hameeduddin nominated John McGilchrist as Chair.

### **NEW BUSINESS**

1. Advisory Board Council Liaisons – C. Honis will maintain on all current Boards. C. Toffler will remain on the BOE/Affirmative Action and the Sustainability Committee. C. Parker advised she would remain on the YAB and Social Service Advisory Board, but would not be serving on the Library Board or Cedar Lane Management Board this term. C. Stern advised that he would like a list of Boards to consider joining. DM. Gussen will continue on the CID. C. Honis noted she would take C. Katz's place and serve on the Clean and Green.
2. Board of Adjustment/Planning Board Membership – Mayor Hameeduddin appointed the two (2) current members.
3. Seating Order on Dais – No discussion.

### **COMMUNICATIONS**

1. St. Mark's Syrian Orthodox Cathedral - Congratulatory Letter/Certificate Request. – All in favor.
2. C. Parker advised of a July 23, 2010 Summit for Elected Officials to be held at Princeton since C. Parker will be on vacation and would not be able to attend, DM Gussen and Mayor Hameeduddin offered to go in her place.

### **COMMITTEE REPORTS - COUNCIL LIAISONS**

C. Honis noted the Forum met and was pleased to announce there were no decreases in funding, and staffing was back in full capacity. C. Katz asked for a letter to be sent to the Board of Education in regards to the lack of parking in the municipal lot. DM Gussen reported on the Parks, Playgrounds and Recreation Advisory Board meeting. The board supported the use of Municipal Open Space Trust funds for the field resurfacing at Votee Park.

### **COUNCIL-LISTED ITEMS**

1. Teaneck and Sustainable Jersey - C. Toffler briefly spoke about the 150-point system and earning the bronze certification. C. Toffler asked for this item to be listed for the next meeting (under Old Business), as she would have more information to report on.

### **TOWNSHIP MANAGER'S REPORT**

Manager Broughton spoke on the Municipal Building cupola renovation and reported that preliminary drawings on the Old Police Headquarters Building had been provided by Arcari+Iovino that are currently being reviewed. Manager Broughton further noted that the specifications on the remediation of the Old Police Headquarters Building would be going out to bid shortly.

### **ADJOURNMENT**

DM. Gussen moved to adjourn. Seconded by C. Katz and carried by the following vote:

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

Opposed: None.

Absent: None.