

MINUTES OF THE OPEN SESSION MEETING OF
THE TEANECK TOWNSHIP COUNCIL
HELD IN THE MUNICIPAL BUILDING COUNCIL CHAMBERS ON
TUESDAY, NOVEMBER 9, 2010

Mayor Hameeduddin called the open Session meeting of the Teaneck Township Council to order at 8:11 p.m., and asked all those present to rise for the Pledge of Allegiance.

ROLL CALL

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/Acting Clerk; J. 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 informed the public that the Veteran's Day Observance will take place on the Municipal Green at 11 a.m., and Council met in Closed Session to discuss labor issues. Action will be taken after resolutions are read into the record.

Mayor Hameeduddin moved New Business to the front of the agenda.

NEW BUSINESS

1. Special Hearing - Limited to Applicants and Neighbors Within 200 Feet.
RE: Daibes Gas 14, LLC / 7-Eleven (227 Teaneck Road).

S. Turitz clarified that today's presentation will involve no further action taken at this time by the Council and that the presentation is being made by the property owner who is petitioning to change the restriction in the deed from a gas station only to add a convenience store. S. Turitz reminded the Council and the audience that the easement can only be removed by the Council and not the Planning Board and this must be done at a public hearing with this meeting not constituting as said formal hearing.

Nylema Nabbie, Esq. of Giddleman, Moskow and Jakowski (sic) spoke about the deed restriction in the 1955 deed and the process her client, Daibes Gas, has undertaken in an effort to have said

deed restriction lifted. Ms. Nabbie brought two witnesses to present the proposed 7-Eleven convenience store at the location in question.

Conrad Rankadi (sic), presented his architectural drawings; discussed the building's dimensions and spoke about the customized prototype of the 7-Eleven if the deed restriction was to be lifted.

Michael Kauker, Municipal Planner, spoke to the Council about the history of the property; properties and gas stations surrounding 227 Teaneck Road; and the various types of zoning of gas stations and the areas around 227 Teaneck Road.

C. Stern asked Mr. Kauker if a similar study regarding convenience stores was done in Teaneck and Mr. Kauker responded that it had not. Mr. Kauker further discussed the amount of gas stations in comparison to convenience stores and zoning in the commercial district of Teaneck.

C. Katz inquired about a similar zoning use down the block from this location, but with restricted hours of operation. Ms. Nabbi responded that the hours of operation have not been determined for 227 Teaneck Road but believed the hours requested were 24/7.

Mayor Hameeduddin moved to open the informal hearing to applicants and neighbors within 200 feet of 227 Teaneck Road.

Jeff Hums, Teaneck, spoke about the amount of convenience stores in and around Teaneck. He discussed his disapproval for the proposed 7-Eleven; the volume of music emanating from the Dairy Queen near his home; safety concerns for children crossing Teaneck Road; and public safety concerns at such convenience stores.

C. Katz asked Mr. Hums if he and his neighbors were opposed to any commercial business in the area of their homes or particularly a 7-Eleven. Mr. Hums affirmed that something should be built at 227 Teaneck Road, but urged the Township to consider a more appropriate ratable. He further discussed the property maintenance issue with this property during snowfall, and a bus stop located at this property.

C. Katz asked if Mr. Hums had been in contact with someone from Daibes Enterprises, and Mr. Hums confirmed that he had spoken in the past with one of Mr. Daibes' attorneys.

Ella Blanch-Young, 266 Teaneck Road, discussed the improvement of quality of life needed in the 200-foot area of 227 Teaneck Road and objected to having a 7-Eleven at this location.

Maurencia Frank, Teaneck, spoke about wanting to maintain the same quality of life since she moved to Teaneck in 1962. She also referenced a recent article from The Bergen Record and asked when a legal document was null and void.

Newling Robley, Willow Street, Teaneck, spoke to the Council about the traffic flow of Willow Street and Teaneck Road. He also spoke about parking concerns surrounding his home because

of his street becoming narrower and the impending additional traffic issues that would arise if a 7-Eleven was situated at 227 Teaneck Road.

Mayor Hameeduddin reminded the public that this was an informal hearing and no action was to be taken at this meeting.

PRESENTATION

None.

PUBLIC HEARINGS AND ADOPTION OF ORDINANCES

Ms. Evelina read the Ordinance by title only.

ORDINANCE #4206 - 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 were now open. Any members of the public wishing to be heard on any of said ordinances or to ask questions concerning said ordinances may come forward and state their name 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 this ordinance was now closed.

Councilmember Katz moved to pass Ordinance #4206 on second and final reading and adopt. The Township Acting Clerk is hereby authorized and directed to advertise same according to law.

Seconded by Councilmember Toffler.

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. Katz, C. Toffler, Mayor Hameeduddin.

Opposed: None.

Absent: None.

Abstained: None.

Mayor Hameeduddin declared that said ordinance was duly adopted.

C. Katz inquired about the status of the list of handicapped spots to be evaluated.

Manager Broughton responded that there are 34 spots currently on the list of handicapped parking spaces and the list was still being evaluated by the Traffic Bureau.

J. Evelina read Resolution #313-10 into the record to reimburse R. Wilson and D. Kazinci for legal fees connected with Ordinance 4200.

J. Evelina read Resolution #314-10 into the record which directed Labor counsel to file an answer and take all necessary action to dismiss the lawsuit against the Township of Teaneck and William Broughton regarding the Public Safety Director and Deputy Manager.

J. Evelina read Ordinance #4207 into the record and said it would be introduced at the next meeting.

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 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.

Mildred Tucker, Teaneck, discussed the tabling of Ordinance #4200 and the cost of lawsuits from said ordinance. She requested that Council explain the reasoning for expending funds on this issue without delaying the introduction of this ordinance for further consideration. Ms. Tucker also inquired about the staffing levels of the Police Department given the recent retirements and police officers working double shifts.

John Tarvances, Teaneck, expressed his concern over homes being purchased and converted into houses of worship and asked if Council has addressed this concern.

Nicolani, Teaneck, raised a concern about commuter parking in front of his restaurant on Cedar Lane and suggested that the Council place parking restrictions in this area to assist merchants and customers doing business on Cedar Lane.

Joe Richardson, Teaneck, informed Council of statistics regarding deaths and convenience stores.

Paula Rogovin, Teaneck, discussed Fair Trade chocolate and requested authorization to install a Fair Trade sign on Route 4 and on various streets and a liaison to work with the Fair Trade commission on this.

Jeff Hums, Teaneck, spoke about Jehovah's Witnesses parking on Fort Lee Road and the impact the proposed 7-Eleven would have if allowed to be built at 227 Teaneck Road.

Morris O'neill, Teaneck, expressed his disapproval of the 7-Eleven and felt the business was being pushed onto residents without any of their feedback.

Frank Halp, Teaneck, discussed traffic patterns and speeding around Amman Park and Teaneck Road and suggested a medical office or bank be situated at 227 Teaneck Road instead of a 24/7 convenience store.

Young, Teaneck, discussed the design of the 7-Eleven and the traffic pattern around 227 Teaneck Road.

Howard Rose, Teaneck, inquired if the Township could release projected costs of anticipated litigation from the lawsuit regarding the Township of Teaneck, Township Manager and PBA.

Lillian Lewis, Teaneck, spoke as a representative of the TRBCA and spoke to Council about the TRBCA's efforts to fund holiday lights on Teaneck Road between Selvage and Tryon Avenue. She also asked if the business merchants in the area and Council could support funding some of the cost of the holiday lights.

Maurencia Frank, Teaneck, shared with the Council that 7-Eleven is a seller of "Four Loco."

There being no further persons wishing to speak at this time (or the time limit of one hour having expired), Mayor Hameeduddin declared that the public comment portion of the meeting was now 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 asked that S. Turitz place the issue of parking brought forth by Amarone's on the Zoning Board Subcommittee's next agenda.

C. Katz requested for further information as to the location of the parking situation and emphasized that Township employees also park by Amarone's on Broad Street.

Mayor Hameeduddin informed the residents around 227 Teaneck that a vote would be necessary to change the zoning or lift the deed restriction on 227 Teaneck Road and that no vote or action would be taken any time soon by Council.

C. Parker did not feel that the 7-Eleven's scale as presented was not appropriate for a residential neighborhood.

C. Katz asked if the Fair Trade Commission could bring forward sizes of signs and locations for proposed placement.

S. Turitz confirmed that qualifications would need to be set in terms of size and placement of the sign in order for Council not to have to take any action for approval.

Manager Broughton will be in touch with Mrs. Rogovin to determine the location and sizing of the Free Trade Sign.

C. Katz expressed his support for the TRBCA Holiday Lights. The Council approved the authorization of \$3,500 to said lights.

Manager Broughton spoke about the staffing of police officers on a daily basis and the PBA Layoff appeal.

C. Toffler inquired about the number of Police Officers on the Road.

The Manager responded that the number of officers on patrol varies based on the recommendation of the Tour Commander and discussed the process and time table of hiring and training police officers.

DM. Gussen discussed the PBA Layoff Appeal and addressed the concern over religious land use brought up by a resident during Good and Welfare.

S. Turitz also commented that the Township could not restrict houses of worship from any zone.

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

- 308-10. Authorize Execution of Developer's Agreement - Dar-UI-Islah.
- 309-10. Appoint Member to Patriotic Observance Advisory Board.
- 310-10. Authorize Settlement - Jones v. Township of Teaneck, et al. - Docket No. BER-L-0759- 10.
- 311-10. Refund 2009 Tax Overpayment - Chief Financial Officer - Block 1808, Lot 9.
- 312-10. Approve 2010 Budget Account Transfers - Chief Financial Officer - Various.

BILL LIST

Ms. Evelina read the amount of the Bill List into the record. (\$11,083,519.57)
Deputy Mayor 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 Resolutions 313-10 & 314-10. Seconded by Councilmember Stern.

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 (Bill List Item 160061), C. Katz (Bill List), Mayor Hameeduddin (Resolution #308-10)

Mayor Hameeduddin declared said items were passed.

INTRODUCTION OF ORDINANCES

None.

Councilmember Parker moved that the following Ordinances be introduced and passed on first reading and that the Acting 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.

Seconded by Councilmember Katz.

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

Opposed: None.

Absent: None.

Abstained: None.

Mayor Hameeduddin declared that said ordinance was duly adopted.

MISCELLANEOUS

None.

OLD BUSINESS

1. Rent Control. - This topic was pulled by C. Parker and will be addressed at the November 30th meeting.

COMMUNICATIONS

1. Letter dated September 12, 2010 from Teaneck Girl Scouts - PAL Building Usage.

C. Katz requested that this topic be listed for discussion at the next Council meeting.

2. Request for Endorsing Resolution - CDBG Application - New Concepts for Living.

No member of the public was present for this presentation and the matter will be listed for the November 30, 2010 meeting.

COMMITTEE REPORTS - COUNCIL LIAISONS

None.

COUNCIL-LISTED ITEMS

1. Fair Trade Town Sign (C. Toffler).

This matter was previously discussed during the meeting.

2. Manager's Vehicle Expenses (C. Toffler).

C. Toffler inquired as to the cost of the Manager's vehicle.

Manager Broughton welcomed questions directly regarding the cost of his car and discussed the resolution regarding his compensation.

Council discussed their respective reasoning for the recent resolution affording the Township Manager a car from the fleet.

S. Turitz further discussed the taxability of the car towards the Manager.

Manager Broughton also discussed the compensation of other Township Managers.

C. Parker announced that the YAB Public Safety Committee will be touring the Bergen County Jail on Sunday, November 14th.

3. Present Status of Police Department Staffing and Funding (C. Toffler).

This matter was previously discussed during the meeting.

4. Givaudan Building (C. Parker).

C. Parker reported that Mr. Perry Rosenstein offered \$500 to help purchase the Givaudan Building. She also requested if the Mayor and another Councilwoman Honis could schedule a meeting with Congressman Rothman to discuss grant funding for projects in Teaneck.

The Manager requested that the Committee inquire about police equipment and C. Parker added that the status of FEMA funding for the March storm will also be discussed with the Congressman.

5. Teaneck Road Holiday Lights (C. Parker).

This matter was previously discussed during the meeting.

TOWNSHIP MANAGER'S REPORT

1. I have probationally appointed Mr. John M. Fields to the position of Assistant Supervisor in the Public Works Department, effective November 1, 2010.
2. Recycling Program.

Manager Broughton announced the new recycling program would begin on January 3rd. A new recycling calendar will be mailed to residences shortly and residences will be offered a free 32 gallon recycling barrel. The Manager also announced that he recently met with residents from Ward Plaza to discuss parking restriction options in their area.

3. Medicine Disposal Program.

Manager Broughton announced a program at the Police Department to properly dispose of old or expired medicine between 10 AM and 2 PM on November 13th and 14th.

He also announced that Veteran's Day will be observed on Thursday, November 11th on the Municipal Green at 11 AM.

TOWNSHIP ATTORNEY'S REPORT

S. Turitz reported that several months ago he offered to meet with State Senator Lorretta Weinberg regarding Teaneck's experience with COAH. He will be meeting with her to discuss the Township's experience.

DM. Gussen inquired about the next steps to proceeding with the Votee Park Drainage Study.

The Manager discussed the next steps in the process of the Drainage Study at Votee Park

ADJOURNMENT

Councilmember Katz moved to adjourn at 10:05 p.m.

Seconded by Deputy Mayor Gussen.

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

Opposed: None.

Absent: None.