

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, JUNE 30, 2015

PRESENT: Councilmembers Anthony Barzelatto, Maxim Basch, Nadia LaMastra, Daniel Park, Paul Stefanowicz, and Mark Zinna

ABSENT: Mayor Peter Rustin

ALSO PRESENT: Borough Administrator Jewel Thompson-Chin
Borough Attorney William R. McClure

At 8:37 p.m. Council President Zinna read the Open Public Meetings Act Statement: "In compliance with the Open Public Meetings Act P.L. 1975, chapter 231, the notice requirements have been satisfied. Meeting dates for the year are listed in the Annual Agenda; copies are sent to the Record, Suburbanite, and Northern Valley Press and posted on the bulletin board in the lobby of the Municipal Center."

The Salute to the Flag was led by Council President Zinna.

Motion by C. LaMastra, second by C. Park, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the June 9, 2015 Work Session, June 16, 2015 Regular Meeting, and June 16, 2015 Closed Session (not to be released) are approved.

REVISIONS TO AGENDA:

The Borough Attorney advised that one item will be added to the Closed Session regarding an update on the Latz litigation.

PUBLIC COMMENTS

Martin Gilbert – 12 Leonard Avenue – stated that he is a member of the garden club. He noted that he wanted to bring attention to the deplorable state that Davis-Johnson Park is in. He added that there are parts of the park, which are overgrown, weed infested and have dead trees. Mr. Gilbert stated that the garden club has planted in the park for the last two years over a thousand dollars' worth of spring bulbs, which were cut down and covered over with mulch. He also added that the garden club had an area where they wanted to make a monarch butterfly garden, however they were not granted any approval.

The Administrator stated that she will have the DWP Director, Bob Culvert review the resident's concerns. She added that various landscapers donated their services.

C. LaMastra questioned if the DPW was to get a master gardener. The Administrator stated that Mr. Culvert contacted a few Board of Agriculture programs; however he was unable to get any volunteers.

Rita Byrne – 43 Berkley Drive – noted that there are 2 copper lions which were dedicated to the memory of the late Mayor John Manos. She added that the mayor was responsible for spearheading the campaign to preserve all of the Green Acres, which are on the East Hill. Ms. Byrne stated that she would like to have that area cleaned and allow for planting around the copper lions. She added that she had a situation at her home where a borough tree fell down and the DPW came and cleaned up the area. Ms. Byrne advised that she has two other trees that were planted by the Borough and has been on her property for over 30 years. She stated that one of the roots from the tree is growing into her driveway and the other is growing into the sewer. Ms. Byrne requested to have the trees removed and to have something smaller planted in its place. The Administrator advised that she will have the DPW Director inspect the trees.

C. Barzelatto stated that he met with Mr. Culvert last week to discuss his concern with the condition of trees in the center of town.

Rita Heller – Marcotte Lane – stated that she is a 47 year resident of Tenafly and has been on the HPC for 21 years. Ms. Heller discussed the reversal of the LG plans, which she added was huge news. She added that if an international giant can rethink plans, the Borough should consider the issue with 53 Knickerbocker Road.

Jeffrey Miller – Leroy Street – stated that he attended the Planning Board Meeting regarding 53 Knickerbocker Road. He urged the Mayor and Council as well as the Planning Board to recommend that the entire site be considered historic. He added that he believes that it's disingenuous for them to apply for a subdivision. Mr. Miller added that there could be trees which are 200 – 250 years old and deserve preservation.

C. Zinna noted that the Planning Board is constrained by laws. He added that they cannot arbitrarily change the rules midstream.

Karen Neus – 330 Engle Street – noted that the corridor along Knickerbocker Road makes Tenafly unique. She added that 50 Knickerbocker is going to be subdivided and the neighbors at 29 Knickerbocker want to sell. She noted that the decision regarding 53 Knickerbocker is going to set a tremendous precedent and make it easier for the next person with a large piece of land to tear down their house and sell it to developers. She questioned if anyone has talked to the homeowners. Ms. Neus further added that she would like to see a creative solution and a coordinated effort to work with the homeowner.

CONSENT AGENDA

- #R15-225/Approve Expenditures as of June 24, 2015**
- #R15-226/Approve Outdoor Seating Permits – Various**
- #R15-227/Rescind Resolution #15-115 – Redemption of Tax Title Lien TTL12-7**
- #R15-228/Authorize Refund – Overpayment of Taxes – Lee & Jun**
- #R15-229/Authorize Refund – Tax Court Judgment – Schreer**
- #R15-230/Authorize Refund – Tax Court Judgment – Pizzurro**
- #R15-231/Authorize Refunds – Recreation Department – Various**
- #R15-232/Award Contract – VCI Emergency Vehicle Specialists**
- #R15-233/Approve Change Order #1 – Concrete Construction Corporation**
- #R15-234/Authorize Renewal of Plenary Retail Consumption License and Plenary Retail Distribution License**

Motion by C. LaMastra, second by C. Park that the Consent Agenda be approved.

On a roll call, the vote on the Consent Agenda was recorded as follows:

C. Barzelatto:	aye	C. Park:	aye
C. Basch:	absent	C. Stefanowicz:	aye
C. LaMastra:	aye	C. Zinna:	aye

All members present voting in favor, the Consent Agenda was approved.

COMMITTEE REPORTS:

Councilman Park

The Tenafly Nature Center has their master strategic plan for the next 3 years. He noted that they will provide an update on July 13. He noted one issue they have is regarding Pfister's Pond, which is shrinking. He added that the Tenafly Nature Center has an idea on how to save the pond.

Councilman Stefanowicz

A few members of the HPC went to inspect the railroad station with Mr. Culvert, which they will provide a report of recommendations.

NEW BUSINESS:

Introduction of Ordinance

C. Park moved that the following ordinance be introduced and passed on first reading and set July 13, 2015 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Tenafly Municipal Center as the place for a hearing on said ordinance. Seconded by C. LaMastra:

The Borough Clerk read into the record:

ORDINANCE NO. 15-09 – AN ORDINANCE APPROPRIATING \$46,000 AVAILABLE GRANT FROM BERGEN COUNTY OPEN SPACE AND \$54,500 AVAILABLE IN CAPITAL FUND BALANCE TO PROVIDE FOR IMPROVEMENTS TO GRIFFIN PARK IN THE BOROUGH OF TENAFLY TO BE UNDERTAKEN

On a roll call, the vote was recorded as follows:

C. Barzelatto:	aye	C. Park:	aye
C. Basch:	absent	C. Stefanowicz:	aye
C. LaMastra:	aye	C. Zinna:	aye

#R15-235/Appoint Chief Financial Officer/Director of Finance

Motion by C. Park, second by C. LaMastra that #R15-235 be approved.

C. Zinna welcomed the new CFO, Susan Corrado. He stated that he hopes she has a long and prosperous career.

Ms. Corrado thanked the council for selecting her.

On a roll call, the vote on #R15-235 was recorded as follows:

C. Barzelatto:	aye	C. Park:	aye
C. Basch:	aye	C. Stefanowicz:	aye
C. LaMastra:	aye	C. Zinna:	aye

OLD BUSINESS:

C. Barzelatto stated that he requested information from the Superintendent of Public Works concerning the feasibility of privatizing recycling. The Administrator advised that she is working on it and getting estimates.

C. Zinna advised that C. Basch brought along a gentleman who would like to discuss his ideas on 53 Knickerbocker Road.

C. Basch introduced Josh Lapsker and added that he will discuss partnering with the town.

Josh Lapsker – 254 Jefferson Avenue – he stated that C. Basch brought to his attention a problem and he added that he may have a solution, but noted that he will be able to present in 3 weeks. Mr. Lapsker explained that he would like to build on 3 acres, 2 buildings. He noted that one building will be for senior housing and implement 68 units on 2 acres of land. Mr. Lapsker discussed a second building in back, which would be for 50 assisted living units, which will be smaller units. He added that 95% of the trees could be preserved.

Mr. Lapsker stated that he is willing to make an offer of \$1 million dollars and another \$2 million for the closing.

Mr. Lapsker added that for the remaining 3.5 acres he would like to work with the town to keep the house. He noted that he would like to add a walking path and a golf path consisting of an 18 hole putting green.

C. Zinna questioned if Mr. Lapsker has had any conversations with the homeowner. Mr. Lapsker stated that he did not speak with the homeowner.

C. Basch questioned if Mr. Lapsker is willing to give the money back to the town to renovate the building. Mr. Lapsker agreed to do so.

C. Zinna stated that the area is zoned for single family homes. He added that it is currently zoned for a maximum of 10 houses.

Mr. Lapsker stated that the town will receive more tax revenue for the 118 units.

C. Stefanowicz questioned whether there would be any concern as to the precedent in a change in zoning regarding the high density. Mr. Lapsker stated that it will have 3 floors.

C. Basch stated that in an effort to save the house and trees there needs to be a creative solution.

C. Barzelatto stated that things need to be put in perspective. He added that the focus should be to save the house and trees are secondary. C. Barzelatto added that building a 3 story apartment complex to save trees is over the top. C. Basch stated that the issue stands that if you save the historical house, you want to save the surrounding of the property with the hundred year old trees to keep the atmosphere. C. Barzelatto asked Mr. Lapsker if he would be willing to buy property and do nothing with it until a suitable solution is determined.

Mr. Lapsker replied that he would need to know in 6 months if something can be done with the project.

C. LaMastra stated that there has been increased density with heights, assisted living, and subdivisions throughout town. She questioned what will happen with the house once it's renovated. She also questioned what the end goal of the house is.

C. Park questioned what happens if the owner turns down the offer.

C. Zinna stated that the Borough should not discuss offering money, until it is figured out what can be done with the property.

C. Basch noted that he believes that the best use of the house would be to put the new senior center there.

The Borough Attorney stated that assuming if the Borough wants to move ahead, the Borough would need a written proposal to be able to ask questions and evaluate it. He added that it is premature to go into Closed Session tonight to discuss the monetary aspect. Mr. McClure noted that budgetary matters are for public discussion. He advised that the negotiation of a price is something that is done in Closed Session.

C. Zinna confirmed that Mr. Lapsker needs to put together a proposal in writing for the CFO to review.

The Borough Attorney stated that a private person is not under the same constraints as the municipality. He stated that he met with the property owners and they advised him that they want \$7 million dollars. He stated that it may not be worth that price. C. Basch stated that the Borough needs to have the property appraised.

C. Barzelatto questioned why the Borough has to get involved. He also inquired as to what the Borough is going to do with the house. He stated that the Borough is rushing into something and certain steps need to be taken. C. Barzelatto questioned where the Borough will come up with the millions of dollars for the purchase and maintenance of the house. He added that he is in favor of historic preservation; however it needs to be realistic.

C. Park questioned whether the senior housing and assisted living would be for profit. Mr. Lapsker stated that it would be.

C. Barzelatto asked Mr. Lapsker what benefits he is getting out of the deal. Mr. Lapsker stated that he would like to save the trees. He added that there needs to be a deal in place and the zoning needs to be changed.

C. Barzelatto asked Mr. Lapsker how he got involved. Mr. Lapsker stated that C. Basch asked him to look at the property to determine on how to save the trees. C. Basch stated that in the previous Work Session he noted that Josh is a friend of his who he brought in while they were in desperation mode to save the property.

C. Barzelatto questioned how long the governing body as well as the HPC was aware of the sale of the house. C. Basch replied 2 years. C. Barzelatto stated that for years nothing was done, however he added that now a deal has to be made in 6 weeks.

C. LaMastra asked for permission last year what to do with the open space fund. She questioned whether it is for recreation or historic preservation. She added that there has never been a discussion on what to do with the money. She further questioned what the mechanism is to let the Borough know to look at potential pieces of property to save space.

C. Barzelatto stated that one of the concepts of the Open Space fund was to have enough money in there to be able to buy a piece of property to stop developers, which he added is the reverse of what is going on here.

Rita Heller – stated that the HPC is very much aware and have been writing to the property owners to engage them. She added that they wrote several letters, however the owner did not answer any of them. Ms. Heller stated that the property went on the market when the son inherited it; however she stated that he does not have the same feeling for the property as his mother did. She further stated that there is a great deal of history within the property which begs for historic designation. Ms. Heller confirmed that the property went on the market August 6, 2013. She noted that she and Dave Wall spent hours in the Bergen County historic offices with a consultant studying the site plan. She added that the HPC presented a white paper to the Planning Board and Mayor and Council to preserve the

mansion with viable market alternatives for the remainder of the property. She continued that Carnegie Hall was close to demolition, however after a last effort, it was saved. Ms. Heller stated that there is a history in this Borough of converting mansions into apartments.

Jeffrey Miller – stated that he is a real estate broker and has been in commercial real-estate business as well as on the Environmental Commission. He stated that there is 2.2 Million dollars in the Open Space Trust Fund, which he added is the perfect application for the use of those funds to preserve the house and the arboretum. He noted that there may be grant money that can be added on. Mr. Miller added that density in a portion to preserve the majority of the land is a typical compromise. He hypothesized what would happen if the owners approached the Borough with a buyer subject to Open Space trust fund allocations.

C. Zinna stated that conversations are hypothetical, however there needs to be a concrete detailed plan.

Mr. Miller questioned the Borough Attorney on how to deal with the COAH money.

The Borough Attorney noted that it adds more spending plan and COAH matters are in litigation in the state courts.

The Borough Attorney stated that a municipality cannot encumber funds that have not been collected and authorized yet.

C. Barzelatto stated that despite the good effort, there is too much involvement. He added that he cannot commit the council. He added that there needs to be a plan moving forward.

Mr. Miller – suggested that the house be converted into a preschool.

Karen Neus – stated that she has copies of remarks on this issue that she made to the planning board in 2010 and copies of remarks in 2012 to the Council. She advised that she has been making efforts. She added that she spend a number of hours writing the historic plan element. Ms. Neus noted that she has been a member of the HPC since 2006 and has spent hours over many years making efforts. She added that the property is part of the HPC's master plan, which predates her service. She noted that they have been trying desperately to get attention on this property.

C. Basch suggested that the Borough get an appraisal done on the property.

C. Park stated that there needs to be a proposal done first before moving forward.

C. LaMastra stated that the Borough does not own the property and therefore does not have permission to have an appraisal done.

The Borough Attorney advised that the specific use of the property affects the appraisal.

C. LaMastra stated that the governing body needs to determine the value to the community.

C. Barzelatto stated that he appreciated what the HPC has done. He noted that he does not want the Borough to rush into something that the Borough will regret. C. Barzelatto advised that everything needs to be done in the proper steps.

Mr. Lapsker urged the governing body to make a decision and inquire if interested.

C. Zinna stated that the governing body is interested to see the proposal, which then can be debated. He added that there is no guarantee that there will be an agreement or that it meets the legal requirements.

C. Barzelatto stated that there is no doubt that everyone within the governing body would like to save the house.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 15-236.

BE IT RESOLVED in compliance with NJSA 10:4-12, the Mayor and Council of the Borough of Tenafly are going into Closed Executive Session to discuss the following matters:

- A. Litigation/Attorney-Client Privilege
 1. Latz v. Borough of Tenafly

- B. Personnel
 - 1. Current CFO Status
 - 2. FMLA Updates
 - 3. Police Department New Recruit
 - 4. DPW Grievance

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Richard D. Wilson Committee Room to adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. Basch, seconded by C. Park, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:13 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Park, second by C. Stefanowicz, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:51 p.m.

Respectfully submitted,

Lissette Aportela,
MPA, RMC, CMC
Borough Clerk