

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, OCTOBER 8, 2013

At 7:34 p.m. Mayor Rustin 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 confirmed at the Annual Meeting, are posted on the public bulletin board in the lobby of the Municipal Center, published in the Record within the first 10 days of the New Year, and copies are sent to the Suburbanite and Northern Valley Press."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 7:52 p.m.) , Barry Honig, Nadia LaMastra, Jon Warms, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Council member Martha Kerge

PUBLIC COMMENT:

Mayor Rustin read the following statement:

Public Comments: A total of 15 minutes has been allocated for this purpose. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda below. Citizens must give their names and addresses when recognized to speak. Large groups are urged to select someone to represent them. The public is advised that these meetings are recorded and are subject to the Open Public Records Act.

Karen Neus – requested on behalf of the Boy Scouts to conduct a fundraising event in anticipation of the celebration of their centennial. They are seeking to sell poinsettias in December in Huyler Park and also conduct a coat drive the weekend after thanksgiving. If the poinsettias cannot withstand the cold, they requested to use the Garden Room at Davis Johnson Park. The details are still being finalized.

C. LaMastra noted that no fundraising in any public property is permitted and recommended amending the ordinance to permit community groups to engage in fundraising. Council directed the Borough Attorney to prepare a draft amendment.

Council did not make a determination as this time on the request. Mayor Rustin advised Mrs. Neus to come back to the Council once the Boy Scouts have a specific proposal.

Mark Feldman – 133 Lylewood Drive – inquired about the current status of environmental assessment for Nature Center proposal and when it will be available for public view. Mayor Rustin responded that nothing has been presented to the governing body to date, so it is possible that the assessment has not been completed yet. Mr. Feldman inquired about the amendment to the lease on the September 24th. Mr. McClure and Mrs. Aportela-Hernandez confirmed that the amendment was to a section of the ordinance, not the lease itself. Mr. Feldman asked why the discussion on the garbage bids was in Closed Session. Mr. McClure responded that Council will only be discussing legal issues that have arisen regarding the bids. Mrs. Aportela-Hernandez noted that the bids and service options will be discussed during the October 22nd regular public meeting. Mr. Feldman commented on the unflattering colors of the banners being discussed by the BID and requested that Council take close look at what is being presented.

Johanna Gambrill – stated that the banners do not add to beautification of the downtown and inquired how property owners are notified about the special hearing tonight and why there isn't an assessment of the BID's actions.

TO BE CONSIDERED

Banners in the Business Improvement District

C. LaMastra advised that the BID's request for banners will be postponed until further notice. The BID is seeking approvals from the Police Department and PSEG. They need to sort out all the details before presenting their proposal to the governing body. C. LaMastra noted that property owners have been mailed notice directly from Borough Clerk advising them of the hearing on the budget and a copy of the assessment roll.

Municipal Open Space Trust Fund

C. Honig expressed his disappointment about having this discussion after depleting fund by 50% and requested an inventory of appropriate properties for discussion. Mayor Rustin stated that even if there were an inventory of properties adjacent to public properties, 53 Knickerbocker Road is not adjacent to any municipal property. The parameters of evaluating properties must be defined other than proximity.

C. LaMastra questioned if open space is just about gathering properties and protecting them from development and how do properties evaluated for appropriateness. She recommended covering one of the swimming clubs for year round use, building an hockey rink, working on making Sunnyside Park more usable, investigating the best use of the playgrounds, and building a community center similar to the one in Cresskill.

Mayor Rustin noted that the concepts are worthy for Council, but the governing body has to decide if they want to spend the time researching these ideas, which is better suited for subcommittees. C. LaMastra responded that the governing body as a whole needs to have this discussion in order to direct the subcommittee. Mayor Rustin advised that he will speak to the mayor of Cresskill to determine how community center was financed and how properties were acquired.

C. LaMastra highlighted that the Borough's open space and affordable housing trust funds provide the opportunity to pooling the money to do something big. She reminded Council that the turf in the municipal field needs to be either repaired or replaced soon.

C. Zinna advised that Council needs to be realistic about the financing of projects and that plans need to be tied with the financial costs. C. Barzelatto noted that when the Borough purchases a property, it is taken off the tax rolls. Council needs to keep in mind what will ultimately be gained. C. Warms commented that there are no guidelines on how to spend the money, which is a weakness of the original referendum. Mayor Rustin explained that at the time, recreation was included in the title of the referendum in order to garner support for establishing the trust fund. He suggested that C. Honig and C. LaMastra craft suggestions on what direction the governing body should take with the open space trust fund.

Ordinances for Introduction on 10/22

Council reviewed the draft ordinances regarding the lightning safety policy and smoking control. Since Board of Education properties are cited in the document, Mr. McClure advised that the proposed ordinances be reviewed with the Board of Education to obtain their consent. The Borough Administrator will include these ordinances on the agenda for the Joint Use Meeting next week.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin reported that the Joint Use meeting to discuss the shared services agreement concerning Geissinger Field will be held on October 15th and the Board and Borough Attorneys will be in attendance.

Mrs. Thompson-Chin advised of the 8 resumes received, 6 candidates were selected for the first round of interviews to be conducted on October 16th and 17th. In discussing the schedule with the Borough Clerk, it has been recommended that the October 29th combined work session and regular meeting be canceled and to hold a closed session that evening to interview the finalists. Council concurred with the recommendation.

CORRESPONDENCE

J. Miller

RE: 53 Knickerbocker Road

This item was discussed during the To Be Considered portion of the meeting.

M. Lantz

RE: False Alarm Fines

Council denied the request to waive the false alarm fees. The Borough Clerk was directed to respond to the resident in writing and to note that regardless of the cause of the alarms, first responders are required to respond which puts them in jeopardy.

L. Knowles – Our Lady of Mt. Carmel RE: Parking Permits

Mayor Rustin advised that he spoke with Chief Chamberlain when he received the letter. When the school was under construction and the parking lot was used as a staging area, the Police provided 5

temporary street permits. This arrangement was an exception to the rule due to the construction. Mayor Rustin spoke with Father Leonard to resolve this matter.

L. Tauber RE: Woodhill Road Repaving Request
Council requested that the Borough Administrator review this letter with the Borough Engineer and request that he evaluate the condition of the street for inclusion in the road improvement program. The Borough Clerk will notify the resident of the status of the request.

RESOLUTIONS for meeting of October 22, 2013:

- A. Approve Expenditures as of October 16, 2013
- B. Authorize Release of Performance Bond and Refund of Escrows – County Tiger, LLC
- C. Authorize Refund – Overpayment of Taxes – Cohen
- D. Authorize Refund of Escrow – Tenaflly Associates, LLC
- E. Authorize Refund of Escrow – BMW of Tenaflly
- F. Award Contract – DPW Sweeper – Trius, Inc.
- G. Authorize Renewal of Plenary Retail Distribution License – 0261-44-014-005
- H. Authorize Refunds – Recreation Programs – Various
- I. Authorize Refunds – Recreation – Fingerprints
- J. Approve Developer's Agreement - Hudson Tenaflly LLC/Barbara and Norman Dorf

There were no comments on the resolutions.

As it was time to hold the special public meeting regarding the 2013 BID budget, Council recessed the meeting at 9:01 p.m. The meeting resumed at 9:48 p.m.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-354.

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

- A. Attorney-Client Privilege
 - 1. Solid Waste Bid Results
- B. Litigation
 - 1. Latz v. Borough of Tenaflly
 - 2. Hedvat v. Borough of Tenaflly

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 resume the Committee of the Whole meeting.

On a motion from C. LaMastra, seconded by C. Zinna, and all present voting in favor, the meeting was recessed to the Closed Session in the Committee Room at 9:49 p.m.

Council resumed open session at 10:32 p.m.

OLD BUSINESS

Mayor Rustin highlighted that the article regarding the lightning detection system and that is was a joint project with the Board of Education is in this month's New Jersey League of Municipalities magazine.

FOR THE GOOD OF THE ORDER

C. Honig commented on the increased presence of coyotes in the Borough. He recommended that there should be a reverse 911 call for residents to bring their dogs inside and to be vigilant with babies and young children.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Honig, second by C. Barzelatto, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:36 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez
Borough Clerk