

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, NOVEMBER 26, 2013

At 7:03 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 News. Notice of this meeting by the November 18, 2013 Sunshine Notice has been sent to the Record, the Suburbanite and Northern Valley Press and has been posted on the public bulletin board in the lobby of the Municipal Center."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 7:13 p.m.), Barry Honig, Martha Kerge, Nadia LaMastra, Jon Warms, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: None.

## **CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-400.

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. Personnel
  - 1. Overview of Goals and Objectives of Tax Collector
  - 2. Potential Disciplinary Matter – Building Department

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. Honig, and all present voting in favor, the meeting was recessed to the Closed Session in the Committee Room at 7:05 p.m.

The Committee of the Whole Meeting resumed at 8:38 p.m.

Since Mr. Silber was present, Mayor Rustin suggested moving the item of correspondence submitted by Mr. Silber be moved to the first item of discussion. Council concurred.

## **CORRESPONDENCE**

R. Silber RE: Improvement of Vacated Land

Mr. Silber explained that the roadway was vacated to adjoining property owners, but the road has gone to disrepair due to health of the homeowner. He inquired if future improvements be made with Council's consent. Mr. McClure responded that consent will depend on the extent of the improvement. Mayor Rustin noted that a specific plan has to be signed off by the other property owners that have the cross easements and then reviewed by Borough Engineer for approval. Mr. McClure added that as long as the proposal does not interfere with Borough's rights, then it's a private matter among the property owners that share the easement.

## **TO BE CONSIDERED**

### **Solid Waste Collection – Service Options**

Mrs. Thompson-Chin advised that today is the 60<sup>th</sup> day from the bid opening for solid waste collection in which a contract needs to be awarded or that all bids be rejected and the service be

rebid. Mr. McClure clarified that since there was no consensus on which service option to select, the bids should be rejected. Council determined to reject all bids and request an extension with the current contract. The project will be rebid with only 2 options: rear yard pick up, twice per week and rear yard pick up with once per week collection January through March and twice per week for the balance of the year. The bid specifications will also have specific language concerning collection services for Board of Education properties. A resolution will be added to the regular meeting under New Business and Mr. McClure will write to the three vendors who submitted bids.

#### **Suspension of Noise Ordinance During Power Outages**

Construction Official, Mr. Byrnes advised that he reviewed the Borough Code and NJ noise regulations. The state exempts the usage of generators from the noise regulations in emergency situations in all areas, except residential zones, which is a determination left up to the municipality.

Council reviewed a sample ordinance received from Manalapan. Mr. Byrnes, Mrs. Thompson-Chin, and Mr. McClure will further meet on this matter to present a draft ordinance for Council to consider in January.

#### **Borough Engineer Proposal on Hydrology Studies**

Council reviewed the proposal and determined to have the Borough Engineer attend the December 3<sup>rd</sup> work session to discuss the proposal in greater detail.

#### **Letter to the Tenafly Nature Center and Save Tenafly Green Acres – re: Referendum and Outcome of Results**

Mayor Rustin presented to Council draft letters to be sent to the committee of petitioners of Save Tenafly Green Acres and to the Executive Board of the Tenafly Nature Center. The letter requests that the respective members sign and return the letter, which requests that the groups agree to abide by the results of the referendum regardless of the result or the margin of the vote. C. Honig recommended that a specific date of January 15<sup>th</sup> be added to the letter for the two groups to return the letter with the signatures.

#### **ADMINISTRATOR'S REPORT**

Mrs. Thompson-Chin advised that the Borough will submit an application for replacing the deck at the Senior Center and improving its access for the 2014 CDBG program. The resolution authorizing the submission of the grant application is on tonight's consent agenda as the application deadline in Friday, December 6<sup>th</sup>.

Mrs. Thompson-Chin requested permission to solicit Requests for Proposals to obtain a cost estimate for professional architectural services for updated plans, specs for the DPW Administration Building. There is \$373,289.00 earmarked for this project from a 10-year old bond ordinance. Council authorized the Borough Administrator to proceed with the RFP process.

Mrs. Thompson-Chin advised that the Borough recently received its 2011 Recycling Tonnage Grant award in the amount of \$35,387.

Mayor Rustin highlighted that the Borough newsletter won honorable mention from Rutgers in its annual Municipal Public Information contest.

#### **CORRESPONDENCE (continued)**

K. Farris Neus RE: Boy Scout Troop 86 Fundraiser  
Council received an updated fundraiser request from Boy Scout Troop 86, who seek to conduct a Christmas trees sale at Huyler Park. Council granted authorization for the event.

Lubavitch on the Palisades RE: Revised Request – Lag Ba'Omer Parade  
Mayor Rustin advised that he spoke with Rabbi Shain. The original parade route involved participants coming down to Roosevelt Common which conflicted with the Jenna's Rainbow annual event. Council approved the revised request.

#### **RESOLUTIONS** for meeting of November 26, 2013:

- A. Approve Expenditures as of November 20, 2013
- B. Approve NJDOT Change Order #1 – Columbus Drive Improvement Project
- C. Schedule January 7, 2014 Work Session
- D. Authorize Line Item Budget Transfers
- E. Authorize Redemption of Tax Title Lien TTL12-3
- F. Authorize Tree Mitigation Escrow Refund – 90 Magnolia Avenue
- G. Authorize Tree Mitigation Escrow Refund – 108 Buckingham Road
- H. Authorize Tree Mitigation Escrow Refund – 90 Coppell Drive
- I. Authorize Tree Mitigation Escrow Refund – 28 N Browning Avenue
- J. Authorize Tree Mitigation Escrow Refund – 411 East Clinton Avenue
- K. Authorize Tree Mitigation Escrow Refund – 27 Dogwood Lane

- L. Authorize Tree Mitigation Escrow Refund – 15 Eager Place
- M. Authorize Tree Mitigation Escrow Refund – 67 Highwood Avenue
- N. Authorize Tree Mitigation Escrow Refund – 31 Dogwood Lane
- O. Authorize Refund – Site Plan Waiver Escrow - PB#1-13-11
- P. Authorize Recreation Refunds – November 2013
- Q. Approve Raffle Application – RA 1064
- R. Authorize Submission of 2014 CDBG Application
- S. Authorize Tree Mitigation Escrow Refund - 60 Depeyster Avenue
- T. Authorize Refund – Overpayment of Taxes – Various
- U. Authorize Refund – Overpayment of Taxes - Corelogic
- V. Authorize Refund – Overpayment of Taxes – Hudson City Savings Bank
- W. Authorize Refund – Overpayment of Taxes – Wells Fargo Real Estate Tax Service
- X. Authorize Refund – Overpayment of Taxes – BAC Tax Service

**FOR THE GOOD OF THE ORDER**

C. LaMastra proposed that instead of January 5<sup>th</sup>, the Recess and Reorganization Meeting be scheduled for Thursday, January 2<sup>nd</sup> at 7:00 pm and 7:30 pm. Council concurred

**OLD BUSINESS**

**Geissinger Field Agreement – Tabled Ordinance No. 13-28**

C. LaMastra cited that in the agreement, the language “not limited to” expands the Borough’s commitments of improvements from the turf, lights, and sound proofing. It appears that that improvements are open ended. She further noted that while the Borough would be responsible for professional fees incurred by the Board, the Board of Education should also be responsible for the cost of the Borough Engineer’s fees.

Council directed Mr. McClure to revise the agreement to limit the scope of the Borough’s contribution to just turf, lights, and sound proofing, and that the soft costs be split. Mr. McClure will incorporate the changes and forward the revised agreement to the Borough Clerk and Board of Education Attorney.

**ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. Honig, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk