

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, DECEMBER 3, 2013

At 7:01 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 November 27, 2013 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: Barry Honig, Martha Kerge, Nadia LaMastra, Jon Warms,  
Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Council member Anthony Barzelatto

## **CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-427.

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. 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. Kerge, seconded by C. Honig, and all present voting in favor, the meeting was recessed to the Closed Session in the Committee Room at 7:01 p.m.

The Committee of the Whole Meeting resumed at 7:48 p.m.

As Andrew Hipolit, Borough Engineer, was present, Mayor Rustin advised that his presentation would be moved up on the agenda.

## **TO BE CONSIDERED**

### **Proposal on Hydrology Studies – Discussion with Borough Engineer**

Mr. Hipolit advised that he has reviewed the plans for both the Clinton Avenue and the existing site and noted that no matter which site is chosen, it would be a major project and would require runoff to be reduced. He explained that he would need to look at the two sites as conceptually proposed to determine the flow rate and volume of flow. Once those basic numbers are identified, the State requires that the flow rate be reduced. He advised that there would be two phases to the hydrology study. Phase 1 would entail evaluating the general drainage impacts of the two sites in a conceptual manner and determining if a more detailed study is warranted. Phase 2 would include a comprehensive drainage study of both sites and will include a review of the potential off site impacts resulting from the development of both sites.

As the cost for these studies is a budgetary item, Mayor Rustin suggested that this discussion take place in 2014. He noted that the project is on hold and would not progress until the results of the referendum should one be held.

C. Honig stated that he supports this expenditure as he believes that if there is going to be a referendum, the people voting need to understand whether one site is preferable over the other in terms of drainage.

C. Zinna questioned the topography in both locations. Mr. Hipolit advised that the topography of the homes and buildings in the area of E. Clinton is essentially the same as the proposed site, whereas at the existing site the homes are significantly downhill.

Mr. Hipolit recommended that this study be conducted once there are concrete plans. Several members of Council agreed that the decision on whether to conduct the hydrology study should be postponed.

### **Davis-Johnson Park Lighting Improvements**

Mr. Hipolit advised that the lighting improvements that are being approved are a part of the third phase of the Davis-Johnson Park Lighting Improvements. Council concurred with Mr. Hipolit's recommendation to award the purchase of lighting bollards to Warshauer Electric.

### **Municipal Building Chiller Replacement Schedule**

Mr. Hipolit advised that the chiller replacement will bring the chillers up-to-date through modern technology and should produce a significant energy savings. C. Honig questioned why this purchase could not be made through the Cooperative Purchasing Network. Mr. Hipolit explained that the guidelines established by the DCA require that money would have to be saved by using a cooperative outside of New Jersey and in this case, there was not adequate evidence that there was a cost savings significant enough to warrant using the national cooperative. C. LaMastra expressed concern about the timeline and ensuring that the project is complete by May. Mr. Hipolit advised that he has provided a suggested schedule and there will be penalties should the project not be completed on schedule. Council directed Mr. Hipolit to proceed with bidding this project with the recommended schedule.

### **Banners in Business Improvement District – Presentation by the BID**

Robin Odabash Brown and Khalid Mansoor from the BID Board presented information to Council regarding banners that they would like placed in the downtown and brought samples. They advised that these banners will be hung on utility poles and the cost will be \$8,000 to \$9,000. They then presented a map with the proposed locations for the banners. Council requested that an 8 ½ x 11 copy of the map be given to the Borough Clerk for distribution to Council.

Mayor Rustin inquired whether the ordinance regarding utility poles will need to be amended. Mayor Rustin also questioned whether the flags would be durable during the winter and if they would require cleaning. Ms. Odabash Brown responded that they have wind slits and will be secured with a heavy duty bracket. Mr. Mansoor advised that they are choosing a durable and heavy duty material that should last three years maintenance-free.

C. Kerge questioned whether any of the business owners have been advised of this proposal to which she was told that they have not spoken with business owners.

Council requested that written approval be given by the Police Chief and DPW Director prior to Council approving this request. Mr. McClure is to review the ordinance on utility poles and report back to Council whether it needs to be amended.

### **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.

Mark Feldman, 133 Lylewood Drive, noted that a senior needs survey was conducted last January and inquired those results have been communicated to Council. C. LaMastra advised that she is going to bring this issue up under For the Good of the Order. Mr. Feldman then requested that any reference to the Nature Center project be kept out of the newsletter until after the referendum. He expressed his opinion that a decision need to be made about how to handle the issue of land use when determining future rules regarding open space. He then commented that the public should

have been better notified about the hearing that is scheduled for tomorrow night before the Historic Preservation Commission regarding the possible historic designation of the Mackay property.

Mayor Rustin responded that should the HPC recommend that this property be designated historic, this recommendation would be made to the Mayor and Council and would then be sent to the Planning Board for their recommendation. He advised that the Planning Board hearing would be well-publicized and the Council would have the final say.

Andrew Mikesh, 50 Sherwood Road, explained that Dean Street does not have any pedestrian crossing from Clinton Avenue to Ivy Lane and expressed his concern about the safety of children going to school. He asked that Council consider having more pedestrian crossings.

Mayor Rustin suggested a pedestrian crossing be placed at Westervelt Avenue and C. LaMastra suggested that one also be placed on Elm Street. Council asked that the Police Chief investigate the two intersections and provide his recommendation to Council

Gerald Nigro, 5 Stonybrook Road, noted that at the April meeting regarding the Nature Center project, the architect advised that 50% of the runoff from the proposed location would go to the Hudson River and the other 50% to the Hackensack River. He then questioned whether a study was conducted to determine this information.

As Mr. Mikesh is involved in this project, Council asked that he inquire whether a study was conducted and advise the Borough Clerk of this information.

Johanne Gambrell, Ravine Road, expressed her opinion that all of the facts should be put forward before the Nature Center is permitted to proceed with this project. She then commented that one of the attractions of Tenafly is that there is not sign pollution and believes that there needs to be more information presented on the overall vision of the banner proposal and the reason behind it. She also remarked that it is beyond her comprehension that business owners have not been consulted.

## **ADMINISTRATOR'S REPORT**

Mrs. Thompson-Chin advised that the bid notice for solid waste collection is scheduled for publication and posting to the website on December 8<sup>th</sup> and a resolution to extend the current contract with Waste Industries until April 30, 2014 will be placed on the December 10<sup>th</sup> Public Meeting agenda. She further advised that a letter has been sent to all bidders to notify them of the actions taken by Council.

Mrs. Thompson-Chin informed Council that a resolution to authorize the Request for Proposals for architectural services for the renovation of the Department of Public Works is being listed on the December 10<sup>th</sup> Public Meeting agenda.

## **CORRESPONDENCE**

M. Rodriguez

RE: Message Display Board – Typhoon Haiyan  
Fundraiser Event

Council agreed to the request to place information on the message board regarding the Typhoon Haiyan Fundraiser.

## **RESOLUTIONS** for meeting of December 10, 2013:

- A. Approve Expenditures as of December 4, 2013
- B. Schedule 2013 Recess/2014 Reorganization Meeting
- C. Authorize Tree Mitigation Escrow Refund – 40 Forest Road
- D. Authorize Tree Mitigation Escrow Refund – 224 Highwood Avenue
- E. Authorize Recreation Refunds – December 2013
- F. Execute Developer's Agreement – Charnow Associates, LLC
- G. Authorize Tree Mitigation Escrow Refund – 112 Churchill Road
- H. Authorize Tree Mitigation Escrow Refund – 82 Oak Street
- I. Authorize Requests for Proposals – Architectural Services for Renovation of the Department of Public Works

## **For Good of the Order**

C. LaMastra requested that a meeting be scheduled on December 11<sup>th</sup> at 3:30 p.m. to review the results of the senior needs survey with the Senior Center. The Borough Clerk is to send an email to

Council to confirm who will be attending and the meeting will be noticed as a combined meeting of the Mayor and Council and Senior Citizens Service Committee.

C. LaMastra explained that Jill Baratta from the Chemical Awareness Program contacted her and advised that there has not been a Council representative present at their meetings. C. Honig responded that he never received notification of when the meetings were scheduled. Mayor Rustin asked that C. LaMastra convey to Ms. Baratta that she should notify him if a Council representative does not attend.

C. LaMastra expressed her opinion that Council needs to offer a sincere apology to TVAC when they are invited back to be honored at a Council meeting.

C. LaMastra advised that the brass sign on the rock memorial in Dean Park recognizing Clifton Fleet, former Mayor, was stolen and asked that it be replaced. Mrs. Thompson-Chin is to follow up with the Borough Historian to determine what information was included on this sign.

C. Warms advised that the Environmental Commission will hold an environmental seminar next Tuesday on the how to use energy efficiently, the NJ Clean Energy Program, and the availability of energy rebates.

Mayor Rustin stated that he would like to form an ad hoc committee to discuss the Open Space Trust and how to evaluate properties.

#### **OLD BUSINESS**

None.

#### **NEW BUSINESS**

None.

#### **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Kerge, second by C. Zinna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:56 p.m.

Respectfully submitted,

Anne Dodd  
Deputy Borough Clerk