

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JULY 9, 2013

The meeting was called to order at 7:05 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin, "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 7:12 p.m.), Barry Honig, Martha Kerge, Nadia LaMastra, Jon Warms, and Mark Zinna

Borough Administrator: Jewel Thompson-Chin
Borough Attorney: William R. McClure, Esq.

Absent: None.

TO BE CONSIDERED

Membership of Police Department – Proposed Ordinance Revision

Mrs. Thompson-Chin explained that an issue had been identified as part of the accreditation process by the Rodgers Group and it was determined that it is fundamental to have in place a detailed listing of the ranks in the Police Department. Council directed the Borough Clerk to prepare the applicable ordinance for introduction on August 19th.

Solid Waste Collection

Mrs. Thompson-Chin explained that in anticipation of the current solid waste collection contract expiring on December 31st, bid specs were prepared which includes the option of collecting town wide one day a week. She expects to have bid results to present to council by October 8th. Council directed the Borough administrator to also include an option of pick up twice a week between June and August, with once a week pick up for the remainder of the year.

Ordinance Authorizing Execution of BCUW-Madeline Agreement

C. Honig inquired this matter did not undergoing the bidding process. Mr. McClure explained that under the Local Lands and Buildings Act, the disposition of property is done via ordinance and is exempt from competitive bidding because nothing is being purchased. The purpose of the ordinance is to enter into an agreement to convey property to accomplish a municipal purpose.

C. Honig requested that the Borough obtain a letter from the DCA indicating that this agreement is an appropriate transaction. Mrs. Thompson-Chin explained that when the spending plan was approved by DCA, it was based on and contingent that a developer was in hand that Borough was working in conjunction with was the Bergen County United Way and Madeline.

Mr. McClure clarified that the situation in Franklin Lakes was did not involve competitive bidding. Various offers from different entities for different projects were reviewed and each offer was unique. There is no competitive type bid situation for conveying property. He noted that the United Way signed the contract with the seller of the property. The United Way were the contract purchasers and the Borough received permission from DCA to use affordable housing funds to purchase the property. If it were a situation where the property was initially municipal property, then the Borough would solicit proposals. C. Warms noted that COAH sent a memo that approved the project which included language that the property would be conveyed to the BCUW.

ADMINISTRATOR’S REPORT

Mrs. Thompson-Chin advised that the Saturday code enforcement activities are moving forward. The Borough received the 2012 Bergen County Open Space Trust Fund Grant to rehabilitate Froggy Park in the amount of \$47,750. The project is expected to begin in 2014.

C. LaMastra noted that 3 members of the BID are meeting with the CFO to go over the budget process so that the budget is introduced in the August meeting.

CORRESPONDENCE

E. Urdang Re: Developer’s Agreement for Shelter Development
Council reviewed the letter and determined not to grant the request to waive the posting of guarantees and escrows prior to the execution of the developer’s agreement. Council directed the Borough Clerk to forward the letter to the Planning Board Attorney for his review and input before responding to Mr. Urdang.

RESOLUTIONS for meeting of July 9, 2013:

- A. Approve Expenditures as of July 3, 2013
- B. Execute Contract - Affordable Housing Administrative Agent - Community Action Services
- C. Authorize Receipt of Bids – DPW Front End Loader Truck
- D. Approve Outdoor Seating Permit - Emanu-El Delicatessen
- E. Approve Raffle Applications RA1056 & RA1057
- F. Authorize Tree Mitigation Escrow Refund – MIA Homes
- G. Authorize Tree Mitigation Escrow Refund – IZAK Construction
- H. Authorize Tree Mitigation Escrow Refund - Uri Rapaport Construction
- I. Authorize Tree Mitigation Escrow Refund – Shah
- J. Authorize Bond and Escrow Refunds – Sophias Construction
- K. Authorize Bond and Escrow Refunds – Bunis
- L. Authorize Tree Mitigation Escrow Refund – Kong
- M. Authorize Tree Mitigation Escrow Refund – Sarnak
- N. Authorize Commuter Parking Refunds – Various
- O. Authorize Receipt of Bids – Collection of Solid Waste
- P. Authorize Tree Mitigation Escrow Refund - Green

PUBLIC HEARINGS:

A. ORDINANCES:

ORDINANCE NO. 13-15 – AN ORDINANCE AMENDING CHAPTER XI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED “FIRE PREVENTION AND FIRE PROTECTION”, AND MORE PARTICULARLY, THE PORTION OF SECTION 11-1.11e REFERRING TO §506.3.2.

B. OTHER (AT 8:30):

Disciplinary Proceeding Re: Plenary Retail Distribution License #0261-44-009-005

OLD BUSINESS

Joint Meeting with Senior Citizens Service Committee in September

Mrs. Aportela-Hernandez advised Council that based on the responses received regarding Council’s availability to meet with the Senior Citizens Services Committee, it appears that the date of Monday, September 9th at 3:30pm is when the joint meeting can be held. Council directed the Borough Clerk to confirm with the Senior Citizens Center Director if that date works for the members of the committee.

FOR THE GOOD OF THE ORDER

C. Kerge advised that she spoke with the CFO regarding sewer charges for tax exempt properties, such as churches and synagogues. The CFO stated that while the sewer charges for the Borough as a whole went down, the charges for tax exempt properties increased by 45%; however the County has not provided a detailed response to explain the increase.

C. LaMastra explained that during the budget discussions, there may have been some miscommunication regarding a vehicle for OEM. When TVAC presented their budget request for an ambulance and a responder, Council only authorized the purchase of a responder. TVAC did not anticipate getting rid of any responder vehicles and anticipated having 3

responders in total. The transfer of a vehicle for OEM use was agreed upon under the wrong pretense. Mayor Rustin noted that he will meet with the Borough Administrator, Police Chief, Fire Chief, and TVAC Captain to discuss fleet management and will advise on the use of all vehicles at the next meeting. C. Barzelatto referenced that OEM is required to have a designated vehicle pursuant to state statute.

ADJOURNMENT:

As there was no further business to come before the Council, there was a motion by C. Honig, seconded by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk