

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, SEPTEMBER 3, 2013

The meeting was called to order at 7:04 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. Notice of this meeting by the August 13, 2013 and the August 29, 2013 Sunshine Notices 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 7:33 P.M.), Martha Kerge, Jon Warms, and Mark Zinna

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

Absent: Council members Barry Honig and Nadia LaMastra

TO BE CONSIDERED

Proposed School Traffic Regulations

Mayor Rustin explained that at end of school year the Police Department made some temporary traffic adjustments to mitigate traffic by limited parking in specific areas. The proposed restrictions do not affect the summer, weekends, or holidays. Council determined to proceed with the introduction of Ordinance 13-18 as listed.

HGACBUY

Mrs. Thompson-Chin advised that HGACBUY is a national cooperative system in which the DCA has permitted municipalities to utilize. She noted that adopting a resolution only confirms that the Borough is eligible to participate in this system but does not obligate the Borough in any capacity. Council authorized that a resolution be listed for September 10th authorizing participation in this program.

Youth Services – Refunds

Council requested that the Youth Services Director attend the September 24th work session to discuss this matter in greater detail.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin reported that the lightning detection system is active but the timing is still being synchronized. She noted that Borough departments will meet with Board of Education representatives on September 11th to coordinate the outreach to the public.

Mrs. Thompson-Chin advised that the employee manual is being completely rewritten and will be very comprehensive. It will consist of 3 parts: personnel policies & procedures, a supervisory supplement for managerial guidance, and DOT drug & alcohol policy for CDL operators. The intent is to distribute the proposed manual to governing body and bargaining units for a concurrent comment period in late September in order to implement the manual by the end of the year.

Mrs. Thompson-Chin informed Council that to date 4 bid applications have been picked up for the Solid Waste Collection bid. Council determined to discuss the results of the bids and options in the responses at the October 22nd regular meeting.

CORRESPONDENCE

Grace and Love Church RE: Request for Designated Parking Space
Mayor Rustin advised that he reached out to the representative of the congregation, which rents space from the Church of the Atonement. They purchased a van to transport congregants, but the church does not have sufficient parking for the van on the premises. There was no consensus to grant parking on street or public parking lot.

Trinity Lutheran Church RE: Request for Fair – 10/5/13
Council approved the annual request for the Church to conduct the event.

M. Esrig & R. Scharfpsitz RE: Nature Center Redevelopment
Council directed the Borough Clerk to write a letter thanking the residents for their comments, which will be taken into consideration.

N. Lawrence, Compliance Officer RE: Request for Letter
Mayor Rustin read into the record an e-mail submitted by Green Acres, which requested a letter indicating that the Tenafly Nature Center has been authorized by the Borough to submit the necessary documentation to fulfill the requirements of Green Acres' Change In Use and LWCF' Change Of Use on behalf of the Borough. Council authorized the Borough Clerk to send the confirmation letter to Green Acres.

B. Denson RE: Block Party Request
Council approved the block party request.

Tenafly Environmental Friends RE: Open Space Trust and Geissinger Field
Council directed the Borough Clerk to notify the group that if Council proceeds with introducing an ordinance to appropriate open space funds for the improvements to Geissinger Field, they can present their position at the public hearing on the ordinance.

T. Mandel RE: Sukkot Carnival
Council approved the annual request for the JCC to conduct the carnival

E. Todd RE: False Alarm Charge
Council reviewed the request and denied the waiver of the penalty.

The Community Chest RE: Banner for Annual Campaign
Council determined not to grant the request for the banner, but recommended that the group seek a permit to install a billboard sign through the Building Department.

TO BE CONSIDERED

Reverse Energy Auction – Presentation by M. Stoller, EMEX
Mike Stoller of Energy Market Exchange explained that EMEX has been approved by the DCA as a vendor for energy procurement. EMEX has conducted reverse energy auctions for over 100 local units in NJ. He outlined the reverse auction process in which electrical bills are first reviewed in order to prepare a reserve bid analysis, which is an early indicative for opening bids. Third party commodity providers compete in the course of a five minute auction.

Mayor Rustin inquired about the impact on the Borough’s relationship with PSEG. Mr. Stoller responded that there is no impact due to the deregulation of utility services. The winner of the auction will bill the Borough for the supply, but the delivery charge is still through PSEG. Mayor Rustin requested that Mr. Stoller provide a list of municipalities EMEX has serviced and to highlight the communities serviced in Bergen County. C. Zinna inquired how EMEX is compensated. Mr. Stoller noted that the winning supplier pays EMEX for this service. C. Barzelatto queried about the term for the contract. Mr. Stoller responded that 95% of the localities, which also include boards of education and utility authorities, opt for a 24 month contract.

RESOLUTIONS for meeting of September 3, 2013:

- A. Appoint Borough Auditor
- B. Certify 2012 Audit
- C. Renew Membership with the Bergen County Joint Insurance Fund
- D. Confirm Appointments to the Board of Health
- E. Authorize Refund – Youth Services Teen Summer Camp – Even-Zahav

- F. Authorize Refund – Youth Services Teen Summer Camp – Cammalleri
- G. Authorize Tree Mitigation Escrow Refund – US Tender
- H. Authorize Tax Overpayment Refund – Mansoor & Arain
- I. Authorize Tax Court Judgment Refund – Pullman
- J. Authorize Bond and Escrow Refunds – US Tender
- K. Authorize Bond and Escrow Refunds – Rangrez
- L. Authorize Bond and Escrow Refunds – Pattap
- M. Authorize Tree Mitigation Escrow Refund – Grand Cupola
- N. Authorize Tree Mitigation Escrow Refund – Sibstroy Investment, LLC
- O. Authorize Tree Mitigation Escrow Refund – Sibstroy Investment, LLC
- P. Authorize Tree Mitigation Escrow Refund – Ginzberg
- Q. Authorize Zoning Board and Construction Escrow Refunds – Lubavitch on the Palisades
- R. Request Dedication by Rider - Annual Tenafly Community Night Trust Fund
- S. Authorize Maintenance Bond Refund – Ari Realty
- T. Execute 2012 Open Space Trust Fund Contract – Froggy Park – Park Improvements
- U. Execute Shelter Agreements with the American Red Cross
- V. Authorize Renewal of Plenary Retail Consumption License – 0261-33-010-009
- W. Authorize Refunds – Recreation – Various
- X. Authorize Refund – Site Plan Waiver Escrow – Gartner
- Y. Authorize Refund – Site Plan Waiver Escrow – Lozaki Corp.
- Z. Authorize Refund – Site Plan Waiver Escrow – Min Yu, D & K Management LLC.
- AA. Authorize Redemption of Tax Title Lien TTL12-6
- BB. Authorize Bond and Escrow Refunds – Cohen
- CC. Authorize Bond and Escrow Refunds – US Tender
- DD. Authorize Tree Mitigation Escrow Refund – Lolis Development, LLC
- EE. Authorize Refund – Site Plan Waiver Escrow – Canciglia, LLC
- FF. Authorize Bond and Escrow Refunds – Rupp
- GG. Authorize Zoning Board Escrow Refund – Chang
- HH. Authorize Refund – Tax Court Judgments
- II. Authorize Tree Mitigation Escrow Refund – Edgewater Equities, LLC
- JJ. Authorize Tree Mitigation Escrow Refund – North American Eagle Construction Co, LLC
- KK. Authorize Tree Mitigation Escrow Refund – 28 Country Club Rd, LLC
- LL. Authorize Tree Mitigation Escrow Refund – Spring Hill Associates
- MM. Authorize Tree Mitigation Escrow Refund – Sherry
- NN. Authorize Tree Mitigation Escrow Refund – Ben-Ari
- OO. Authorize Affordable Housing Trust Fund Expenditures - The Buzak Law Group, LLC - Special Affordable Housing Counsel
- PP. Authorize Refund – Site Plan Waiver Escrow – Martin
- QQ. Authorize Issuance of Outdoor Seating Permits – Various
- RR. Approve Raffle Applications RA1058 – RA1060
- SS. Authorize Renewal of Plenary Retail Consumption License – 0261-33-001-006
- TT. Request Bergen Municipal Joint Insurance Fund to Extend General Liability and Non-Owned Automobile Liability Coverage to Tenafly Little League Softball
- UU. Authorize Receipt of Bids – DPW Street Sweeper
- VV. Authorize Tax Overpayment Refund – Braun
- WW. Amend 2013 Meeting Schedule – 2013 BID Budget Hearing

C. Kerge inquired when the Buzak Law Group had been retained. Mayor Rustin responded that the attorney had been retained by the Planning Board.

PUBLIC HEARINGS:

A. ORDINANCE:

ORDINANCE NO. 13-16 – AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT TO DEED BLOCK 901, LOT 44, ALSO KNOWN AS 311 TENAFLY ROAD, TENAFLY, NEW JERSEY TO BCUW/MADELINE HOUSING PARTNERS, LLC SUBJECT TO CERTAIN CONDITIONS

OLD BUSINESS

Geissinger Field

Mayor Rustin explained the Board of Education has approved putting lights on the field. If the Borough willing to partner with the Board to contribute to the cost of the artificial turf, the turf will be installed at the same time as the lights. Otherwise, the Board will delay

installing the turf for another year because they are moving ahead with replacing the roofs of the schools as they have received grant funding for that expenditure. He explained that the Board is seeking a contribution not to exceed \$885,000 from the open space trust fund. Mrs. Thompson-Chin commented that the balance in the open space trust fund is a little over \$2,000,000. The consensus among Council was to move forward with an ordinance to allocate funding for introduction on September 10th.

FOR THE GOOD OF THE ORDER

Council directed the Borough Clerk to prepare a resolution for the September 10th consent agenda opposing United Water’s application for a rate increase to the Board of Public Utilities.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-317

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. Lease or Acquisition of Property
 - 1. Prominent Properties Proposal

- B. Personnel
 - 1. Finance Department Pension Matter

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 for to adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. Zinna seconded by C. Barzelatto, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 8:29 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, there was a motion by C. Warms, seconded by C. Zinna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk