

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, MAY 6, 2014

At 7:36 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."

Present: Mayor Peter S. Rustin

Council members: Maxim Basch, Nadia LaMastra, Daniel Park, Jon Warms, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Council member Anthony Barzelatto

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 – HPC member – urged Council to see the historic designation process through with 53 Knickerbocker Road.

Johanne Gambrell – Ravine Road – made suggestions concerning public comment on agendas for citizens who aren't aware of Council procedure or have historical memory.

Ernie Kollitidies – 164 East Clinton Avenue – referenced a historic designation plaque he affixed for a resident and comment that historic designation is worth the process.

TO BE CONSIDERED

Youth Services Advisory Committee Meeting Schedule

Mark Slawson, Director of Youth Services explained that the meetings are held every 4th Wednesday, but it has been difficult to maintain involvement among the members. One of the members had suggested meeting every other month. C. Zinna noted that activities are planned for the long term and based on the agendas, he did not believe meeting every other month would cause any problems. C. LaMastra expressed her concerns about communication and outreach among the community. Mayor Rustin explained that when he appoints residents to boards, he always asks them if they can make the required time commitment. He suggested that the Committee meet 6 times a year (September, November, January, March, May, and June) and that Mr. Slawson provide the Borough Administrator with a monthly report for Council to review. Council concurred with the meeting schedule change. Mr. Slawson informed Council that the open house for the incoming 6th graders will be held on May 15th from 3:30pm to 5:30pm.

Emergency Home Generators and Noise Enforcement

Mr. McClure advised that he conducted research on this matter and the NJ Noise Control Council has been discussing emergency generators since late 2011. They are working on to increase the day and night limit to 65 decibels and exempting them during emergencies. However, they have also discussed that 65 decibels is too low and most machines will not comply. Additionally, modifications to model noise control ordinance must be approved by the state. The Borough had submitted revisions previously, in which two were disapproved and one was approved.

Mayor Rustin recommended a generator ordinance which would encompass the time constraints and frequency on the testing of the devices. The ordinance should also include restrictions on placement, mitigation with shrubbery to muffle noise, and address temporary portable generators. Mayor Rustin will meet with the Construction Official and review the concept with the Borough Engineer in order for Council to consider at the next work session. Council agreed to wait for the ruling from the NJ Noise Control Council regarding the noise regulations.

Vending Refreshment Station

Council authorized Borough Administrator to proceed with purchasing the vending machine. Mrs. Thompson-Chin will review the pricing of the products and forward the information to Council.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin advised that a salary ordinance incorporating the contract for the Crossing Guards will be listed for introduction on May 13th. At this time, she is waiting to receive a signed agreement from OPIEU to proceed further with ratification and a corresponding salary ordinance. Mrs. Thompson-Chin reported that the county shared services meeting was more focused on services that are currently provided. The Borough uses most services that are offered by the County. There is a new service involving a mobile pet adoption van that can be used at events. She will review purchasing options with the Chief Financial Officer. With regards to Chestnut Street, Chief Chamberlain personally inspected the site and determined that 2 signs need to be installed to notify motorists of the 2-hour parking restriction in place. He is coordinating with DPW to install the signs. In reference to the street sweeping schedule, street sweeping takes place daily, with the downtown being swept first. The DPW Director is looking at the timing of cleaning various locations in the Borough.

CORRESPONDENCE

S. Spindel RE: Mackay Elementary School Yard Sale – 5/10/14
Council approved the yard sale for the 5th grade graduation fundraiser. The Borough Clerk will notify Ms. Spindel.

RESOLUTIONS for meeting of May 13, 2014:

- A. Approve Expenditures as of May 7, 2014
- B. Cancel Current Fund Miscellaneous Reserve Balance for Prior Year Bills
- C. Authorize Refund – Youth Services Teen Summer Camp – Lee
- D. Approve Raffle Application – RA1086
- E. Authorize Submission of Non-Binding Referendum for November 4, 2014 General Election
- F. Authorize Change Order #1 – Municipal Building Chiller Replacement

OLD BUSINESS

None.

NEW BUSINESS

Mayor Rustin advised that as a requirement to receive funding from the HMFA, the United Way is seeking a resolution for Payment in Lieu of Taxes. This matter will be discussed in further detail at the May 27th Work Session.

FOR THE GOOD OF THE ORDER

Mayor Rustin noted that Mr. Lubins arrived late and wanted to make address the Council. He requested if Council would permit Mr. Lubins to speak at this time. Council agreed.

Mel Lubins – Stonybrook Road – stated that the Borough is not enforcing its ordinances. Mayor Rustin advised Mr. Lubins that if he felt there was not enforcement, he should reach out to the Code Enforcement Officer or the Borough Administrator. Mrs. Thompson-Chin requested if Mr. Lubins can be more specific. Mr. Lubins commented that contaminated landfill is being used in the Borough and when it rains, the contaminated fill falls downhill to his property. Mr. McClure stated that issues involving land fill are environmental state law and are regulated and enforced by the DEP, not the Borough.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 14-168.

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. Attorney-Client Privilege
 - 1. 53 Knickerbocker Road
 - 2. Latz v. Borough of Tenafly
 - 3. Lanin v. Borough of Tenafly

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 adjourn the Committee of the Whole meeting.

There being no further business to come before the Council, on a motion from C. LaMastra, seconded by C. Zinna, and all present voting in favor, the meeting was adjourned to the Closed Session at 8:42 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Zinna, seconded by C. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC, CMC
Borough Clerk