

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JUNE 24, 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, and Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Councilmember Anthony Barzelatto

TO BE CONSIDERED

Ordinance for Historic Designation

C. Zinna expressed concern about fact property owners do not want the designation and what would happen if the Borough winds up in a situation involving litigation since the property owners have threatened to sue. He noted the cost of litigation and if the Borough does not prevail what would the the damages to the plaintiff be. He stated if the property owners do not want the designation, then why is the Borough moving forward.

C. Basch commented that he is not sure that the whole property is historic.

Mr. McClure advised that it is not uncommon for a property owner to be opposed to historic designation. In this particular instance, the house itself potentially is eligible for designation, but designation of house itself will impact the rest of the property. If the Borough were to designate the property as historic, such action will clearly result in litigation. There is substantial risk of litigation. Although it is difficult to quantify an amount, it is unquestionable the litigation will be a substantial cost to the Borough.

Mayor Rustin stated that designating just the house won't satisfy either party and will lead to a lawsuit from the property owner. It is questionable if Borough will win the lawsuit. No one wants to lose the house, but the cost of designating the house and/or entire property is significant. In this case, the governing body must consider the rights of the property owner.

C. Zinna noted that this is also an issue of fairness. The property has been zoned in a particular way and now that it is up for sale, it seems that the Borough is changing the rules on owners. C. Basch agreed and stated that the designation came in at a late time, which gives the appearance that the reason behind it is because the property is up for sale.

Mayor Rustin commented that the HPC has reached out to property owners for several years with no response but with no follow through. Now that the property is up for sale and the HPC wants to move forward, property owner responded that they are against it.

C. Zinna remarked that if \$7,000,000 can be raised for the Borough to purchase the property for preserve via grants or donations, then he would consider the designation. The impact of the litigation should not become a cost to all of the residents.

C. Warms informed Council that only the front façade is original to the home which is impacting his decision. He does not want the Borough involved in extensive litigation.

The consensus among Council was not to move forward with designation of entire property. The majority of Council was against moving forward with only designating the house.

ADMINISTRATOR'S REPORT

- Mrs. Thompson-Chin highlighted two main follow-up items relating to activities being jointly pursued with the Board of Education. With regards to the lighting at Geissinger Field, the Joint Use Committee met with Brian Eifert, who serves as the risk manager for Borough and Board of Education to further clarify the issues related to liability exposure based on the hours of operation and public access to the Geissinger Track. Mr. Eifert provided recommendations regarding the appropriate signage to notify users how the lighting will be used. The meeting concluded with the Board's facility supervisor being directed to contact the project engineer to obtain an estimate for providing four additional lights, one per pole. Further information will be provided once the Committee meets after the cost estimate has been evaluated.
- With regards to the issue involving the School Resource Officer, consensus has not been reached concerning the monetary amount of the contribution from the Board of Education. Mrs. Thompson-Chin reported that she and Chief Chamberlain conveyed that the salary of the SRO does not remain the same over a 3 year period as this is a full time employee with benefits. She noted that there was a disagreement concerning the funding allocation and the amount of time the officer will spend at the schools. She and Chief Chamberlain will meet with the Superintendent on July 1st. The basic points of resistance have not changed and as such, the issue may not be resolved in time for start of the school year.
- Mrs. Thompson-Chin informed Council that the Historic Preservation Commission is seeking the Borough's assistance in repairing, maintaining and preserving the Roosevelt Common Monument. HPC Member, Rita Heller commented that the monument was renovated with funding from a Bergen County Open Space grant awarded in 1999, but the monument is the continuing subject for vandalism and needs continuing maintenance. When graffiti was removed last year, 17 areas of deterioration were noticed. The HPC is looking for sculptural rehabbing of the monument and future surveillance. Mrs. Thompson-Chin advised that funding has been secured for the restoration of the monument. Mayor Rustin commented that the Borough needs to figure out how separate the monument from the rest of the activities at the park. He recommended low level landscaping or a retaining wall limiting access to the structure.

CORRESPONDENCE

P. Reisman

RE: False Alarm Waiver

Mayor Rustin requested that Council table this item until the July 15th work session so that he can speak with Chief Chamberlain regarding this matter. Council concurred.

RESOLUTIONS for meeting of June 24, 2014:

- A. Authorize Tree Mitigation Escrow Refund – 9 Kenwood Road
 - B. Authorize Tree Mitigation Escrow Refund – 9 Kenwood Road
 - C. Authorize Tree Mitigation Escrow Refund – 32 Crabtree Lane
 - D. Authorize Tree Mitigation Escrow Refund – 255 Highwood Avenue
 - E. Authorize New Construction & Soil Moving Escrow Refund – 167 Highwood Avenue
 - F. Authorize Cancellation of Stale Check
 - G. Approve Outdoor Seating Application – Zana D Restaurant
 - H. Authorize Refunds – 2014 Tax Court Judgment – Various
 - I. Adopt Personnel Manual
 - J. Award Professional Services Contract - Affordable Housing Administrative Agent – Community Action Services
 - K. Authorize Tree Mitigation Escrow Refund – 31 Cypress Street
 - L. Authorize Additional Engineering Services – Grant Application for Huyler Park Pavilion Project.
 - M. Authorize Additional Engineering Services – Soccer Cage Lighting
 - N. Award Contract – 2014 Micro-Surfacing Road Improvement Program – Asphalt Paving Systems
 - O. Designate Nicholas Oresko Memorial Park
 - P. Authorize Renewal of Plenary Retail Consumption Liquor License - 2014-2015 Term
- C. Basch inquired about the bidding for the Resolution J regarding Community Action Services. Mrs. Thompson-Chin advised that there is pending work in progress under the current contract with Community Action Services. She noted that this service is not required to be bid, but the vendor does comply with the Pay-to-Play requirements. There are only a few units left that have to be rented or sold.

