

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, AUGUST 12, 2014

At 7:08 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: Anthony Barzelatto, Maxim Basch, Daniel Park, Jon Warms, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Councilmember Nadia LaMastra

TO BE CONSIDERED

Public Works Building LEED Assessment

Mr. Iovino, Borough Architect, described that he met with LEED consultant to discuss the viability of the project being certified at least at the basic level. While solar panels are not part of the initial consideration, it is feasible to make building LEED certified. To obtain this certification, it will add \$100,000 to \$150,000 to the project for specific mechanical and plumbing systems, which is an additional 5%. Mr. Iovino explained that the Borough will not see a return on this additional cost for at least 15 years.

Mr. Hipolit, Borough Engineer, explained that the DPW building is so small in scope, green savings can be achieved elsewhere. He cited changing lights in the downtown to LEDs and installing solar panels are other avenues that the Borough can pursue. C. Park inquired if the proposed building can have solar panels. Mr. Iovino responded that the building will be designed to allow for solar panels to be installed, if not now, then in the future.

Council determined to hold this matter for the September 9th Work Session for the full governing body to decide.

Huyler Park Pavilion Donation

Mrs. Thompson-Chin provided Council with the cover letter that accompanied the funds donated by the Chamber of Commerce, which stated that the funds were to be used for the sole purpose of building the pavilion. Council directed the Borough Clerk to send the Chamber a letter offering to return money or to meet to discuss using the money for some other benefit to the businesses in the Borough.

School Resource Officer

Mrs. Thompson-Chin reported that the Board of Education accepted the Council's final offer. The Board of Education's attorney is preparing an agreement for Mr. McClure to review, which includes some language to have the option to bow out of the project in years 2 and/or 3. She advised that Chief Chamberlain started the process of seeking eligible officers interested in the SRO assignment.

Resolution Regarding Pending Referendum

Mayor Rustin explained that while the proposed resolution indicates that we as a group will not take any sides in this issue, it does not preclude anyone as an individual from taking a position. We all agreed to abide by the results of the referendum.

C. Zinna commented that in 2012 and 2013 moved governing body moved the project forward. The Council is abdicating having an opinion with the resolution. We are elected to have an opinion.

C. Basch stated that the idea of this specific resolution was for the governing body to use not to use their position to persuade how voters should be deciding.

Mayor Rustin noted that if the governing body as a whole decides not to move forward with the resolution, it does not diminish the referendum. C. Zinna concurred and stated that it is the responsibility of an elected official to offer guidance, but the majority of the voters will rule in this matter.

The consensus of the majority of Council determined not to move further with the resolution.

C. Basch commented that since there is a referendum pending, the Council should not have any additional discussions regarding the project and requested that the presentation at the regular meeting not be held.

Mayor Rustin explained that the members of the Save the Green Acres contacted the National Park Service last year to express their concerns regarding the project. After review, the NPS required an application to be filed by the Tenafly Nature Center. The purpose of the presentation is to update the Council on the status of the application. He stated that the end result on this matter will be the referendum, but the Nature Center is responding to the NPS.

Mrs. Thompson-Chin advised that the Save the green acres group wrote letters of complaint to NJ DEP and the National Park Service about the project. They were successful in getting the agencies' attention. As a result, the Nature Center was required to do 2 additional studies, an archeological study and an environmental study. The state and federal government are not party to the referendum. The update is responding to the timelines set by the other agencies.

Wells Fargo Parking Agreement

Mr. McClure explained that the lease agreement for the parking lot needs to be renewed annually; however, he needs permission from the governing body to submit a letter of intent to indicating that the Borough will renew the lease. Council authorized Mr. McClure to proceed.

Knickerbocker Country Club Fireworks

Mayor Rustin advised that for the Police desk received approximately 40 call about the noise caused by the fireworks for 100 year anniversary. He noted that Council needs to keep that in mind in the event there are future large scale events of a similar nature.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin updated Council on the status of the tax bills. It is anticipated that tax bills will be mailed out by the end of this week. The certification of the tax rate from the county was the cause of the delayed. The grace period has been adjusted. The Borough does not mail out estimated tax bills as it is a duplicative and expensive process. The Borough does not have a cash flow problem that would require an estimated tax bill mailing.

With regards to the Roosevelt Monument, the restoration contract was signed contract today. On August 1st, The DPW Director submitted a letter of intent for a county historic preservation grant for funding to provide lighting at the monument. The letter of intent is the first step in the process as the application is due on October 31st.

Mrs. Thompson-Chin noted the report includes information indicating that American Recycling Technologies recycling bins is a for profit company.

Mrs. Thompson-Chin reported that the annual Police Senior Picnic will be this Friday, the New Residents reception will be September 9th, which is the same night as the work session meeting, and for the September 16th Community Night, the Recreation Department will play a greater role. Temple Sinai submitted an events application for their October 19th 5K run. The Police Department is reviewing the planned route.

TO BE CONSIDERED (continued)

18-20 Esmond Place

Mr. McClure advised that there is a strip of property between 18 and 20 Esmond Place that was never deeded and he provided the tax lien history of the property. Mayor Rustin explained that there are 16 spruce trees that have to be pruned on a regular basis on this strip. Mr. McClure explained that no one owns this strip and to deed the properties to the adjoining property owners a title and heir search needs to be conducted so that the Borough can deed the property to the adjoining owner at 20 Esmond Place who is interested in acquiring this property. Council authorized the Borough Attorney to proceed with the process.

CORRESPONDENCE

E. Cho RE: False Alarm Penalty Waiver
Council reviewed the request and denied waiving the false alarm penalty. The Borough Clerk will notify the resident.

Lubavitch on the Palisades RE: Menorah Display/Lighting Event
Council approved the annual request.

N. Wong RE: Sump Pump Drainage
Mayor Rustin advised that he visited the site with the Borough Engineer. The area in the street is not served by any storm drain, which creates ice issues in the winter. The only way to relieve it is an expensive process. Mrs. Thompson-Chin noted that she spoke with the DPW Director and the Borough Engineer who estimated that the improvement would cost between \$50,000 and \$100,000. She will request a more specific estimate and where the projected would be recommended on the priority list for consideration in the 2015 capital budget.

Bike MS RE: 30th Anniversary Bike Ride Route
Council approved the event as long as route is approved by Police and that the private property is respected by the participants. The Borough Clerk will notify the organization.

Build to Please RE: Refund of Street Opening Fee
Ms. Aportela-Hernandez explained that the applicant is seeking complete refund because the street was never opened. She explained that the Borough code states that the bond is refundable, but does not mention whether or not the permit fee is refundable. Council approved the request for the full refund and noted that there be an amending ordinance to specify that the application fee is not refundable.

R. Moldover/AFA Committee RE: Position on Nature Center
Council acknowledged letter from Ms. Moldover regarding ADA accessibility.

RESOLUTIONS for meeting of August 12, 2014:

- A. Approve Expenditures as of August 6, 2014
- B. Approve Outdoor Seating Application – Deli Express
- C. Authorize Refund – New Construction & Soil Moving Escrow – 54 Norman Place
- D. Authorize Refund – New Construction & Soil Moving Escrow – 46 DeMott Street
- E. Authorize Refund – Recreation Department – Various
- F. Authorize Cancellation of Current Fund Balances to Surplus
- G. Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for “Law Enforcement – Confiscated Funds”
- H. Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the “Summer Concerts and Independence Day Celebration”
- I. Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for “Hazardous Material Recovery”
- J. Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the “Tenafly Historic Preservation Trust Fund ”
- K. Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the “Huyler Park Gazebo ”
- L. Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the “Police Department Donations Trust”
- M. Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for “Teen Center/Teen Camp”
- N. Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for “Shade Tree/Tree Replacement Trust ”
- O. Certify 2013 Audit
- P. Award Contract - Purchase of Truck Mounted Vacuum Debris Collector
- Q. Close Inactive Trust Account – Reward Trust
- R. Renew Plenary Retail Consumption License – 115 Sanz County Road, LLC Pursuant to Special Ruling
- S. Authorize Refund – New Construction & Soil Moving Escrow – 66 Sherwood Road
- T. Authorize Refund – New Construction & Soil Moving Escrow – 84 Newcomb Road
- U. Adopt Corrective Action Plan
- V. Authorize Refund – Youth Services Teen Summer Camp – Decoroce
- W. Authorize Refund – Youth Services Teen Summer Camp – Zicarelli
- X. Authorize Refund – Youth Services Teen Summer Camp – Martin-Fehr
- Y. Authorize Refund – Youth Services Teen Summer Camp – Bolkin
- Z. Authorize Receipt of Bids – Roll Off Container Truck – DPW

