

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, DECEMBER 2, 2014

At 7:41 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 (arrived at 7:42), Jon Warms (arrived at 7:44), Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Councilmember Anthony Barzelatto (available via telephone)

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 14-387.

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. LWCF/NPS Application

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 this public 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 recessed to the Closed Session at 7:42 p.m.

The Committee of the Whole resumed at 8:24 p.m.

TO BE CONSIDERED

Annual Financial Overview – Presented by CFO Vinci

Mr. Vinci noted that the documents reflect a preliminary budget, as input from department heads has not been received yet. The preliminary budget anticipates an increase of a litter over 1%. Other

outstanding factors involve the 2015 BCUA bill and rates for the PERS and PFRS pensions. The health insurance increase is between 6-12%, but will be mitigated by employees' contribution to their premiums. Revenue is anticipated to be flat from this year. Salary and fringes encompass about 53% of budget. Fringe includes health insurance, workers compensation, pension costs, and LOSAP. C. Basch requested that the budget include a van for senior transportation.

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.

Carl Zipperle – 89 Hillside Avenue – spoke about how East Clinton Avenue site is does not make sense architecturally for utility reasons and is too big for the needs of the community.

Al Meyerson – 133 Kent Road – feels that residents voted not to have this project and fails to understand why Council does not accept responsibility to adhere to the peoples' wishes and vote. He requested Council to take steps to show that peoples' vote will be respected.

Gerry Nigro – 5 Stonybrook Road – stated that a new facility can be built according to the contour of the land on Hudson Avenue and that there is no need for the reported excavation. He stated that the Nature Center reports were based on inappropriate findings. He inquired when the 24 year lease will be terminated.

Silvia Meyerson – 133 Kent Road – requested a letter withdrawing support be written and that the application be withdrawn.

Johanna Gambrill – Ravine Road – noted that she was unsure of the voting procedure or concept of consensus at meetings. With regards to the Swim Clubs' parking lot, she questioned how can the swim clubs claim they can't afford to fix the lot if they haven't submitted their financial statements.

Richard White – inquired if the original 52 acres from the Nature Center are still part of the current land encompassing the area.

Jason Alvator – 40 Joyce Road – inquired if he is permitted to light luminaries this year. Mayor Rustin confirmed that the Council has authorized permission to light luminaries in celebration of the holidays as long as they are on private property and in front of homes that granted permission.

Tom Nigro – 5 Stonybrook Road –requesting Council to rescind R#13-329 adopted on September 10, 2013, which empowered the Nature Center to act as the Borough's agent for the Blankman tract.

David Simpson – 12 Woodland Park Drive – commented that the useful purpose of the application process makes no sense.

David Weisockiec – 22 Glenwood Road – stated that he is disgusted with discussion of referendum, Council should get rid of all agreements and go back to figure out how to improve current site.

TO BE CONSIDERED (continued)

311 Tenafly Road – Project Update and Endorsing Resolution Request

Mayor Rustin advised Council that the attached resolution that will conclude financing portion and the project can move on to the next phase. Council authorized that the resolution be listed on the next agenda.

Davis-Johnson Park - Rules & Regulations for Use

C. Warms commented that he would like to look at other communities that permit fundraising in public areas. Garden room is sufficiently remote from Borough hall. C. Zinna advised that under state statute political fund raising is not allowed in public building, but community groups can do so. Mrs. Thompson-Chin stated that nonprofits can fundraise at Borough facilities as long as they have liability insurance. Council determined to visit the liquor restriction at January work session.

LWCF/NPS Application

The consensus of majority of council approved withdrawal of LWCF/NPS Application. Mayor Rustin stated that he hopes the community can begin healing. Borough Administrator will notify DEP and the National Park Service. Mr. McClure added that there is no need to rescind the resolution as requested by Mr. Nigro because the Borough is the principal and as such has greater authority than the agent.

ADMINISTRATOR'S REPORT

- C. Park inquired if Mrs. Thompson-Chin would be the Riverside Co-op Executive Director due to the retirement of the current director and potential change of Haworth Borough serving as the lead agency. Mrs. Thompson-Chin responded that the Executive Director is a separate position that is not held by a Borough Administrator.
- Mrs. Thompson-Chin requested clarification from Council on how to proceed with the videotaping of meetings. There video switching equipment for when Council has a work session and a regular meeting on the same evening, costs approximately \$10,000. Mr. DiGregorio advised that the process can proceed and this piece of equipment can be added later, but it is better for all equipment to be installed at the outset. She advised the CFO identified existing capital funds to supplement the Cablevision grant. If the video switching equipment is purchased at the onset, the total cost is for the project is approximately \$29,000, which includes \$6000 for labor and materials for installation. Council authorized Mrs. Thompson-Chin to proceed with the full expenditure. She will contact Mr. DiGregorio to coordinate the purchase and installation. Mayor Rustin advised that he has 2 students willing to volunteer to record the meetings at this time.
- Mrs. Thompson-Chin commented that while the state has extended the budget process for next year, she will try to have the budget books distributed to Council on the 1st week of February.
- Mrs. Thompson-Chin stated that the agreement with the City of Englewood for the Illingworth Avenue resurfacing and curb replacement has been reviewed by Mr. McClure and that a resolution for an interlocal services agreement will be listed on the December 9th agenda.
- Mrs. Thompson-Chin informed Council of a joint request from Chief Chamberlain and the PBA to amend the maximum rate for services for nonprofits in the outside duty ordinance from an assignment continuing 4 or more days in a single week to 5 or more days in a single week. Mr. McClure advised that it is not a substantial change to require an amendment

publication. After discussion, Council directed the Borough Administrator contact the Chief to explain the basis of the request and the potential impact on frequent customers and other nonprofits that may only request these services on an occasional basis.

- C. LaMastra inquired if the playground equipment to be purchased from the grant for Griffin Park will be reviewed with the AFA Committee. Mrs. Thompson-Chin confirmed that the Borough Engineer will confer with the Committee.
- With regards to the generator for the Senior Center, Mrs. Thompson-Chin will ask the Borough Engineer to provide a cost estimate for that site's generator. She noted that while the grant was reduced, the FEMA reimbursement from Superstorm Sandy can be used towards the purchase and installation of a generator at the Senior Center.
- C. LaMastra inquired if the Borough Engineer can review extending the netting of the soccer cage since balls are getting kicked into Riveredge Road.

CORRESPONDENCE

A. Casillo

RE: Lost Brook Preserve

Council directed the Borough Clerk to e-mail Mr. Casillo of the decision to withdraw application.

RESOLUTIONS for meeting of December 9, 2014:

- A. Approve Expenditures as of December 3, 2014
- B. Approve Raffle Application – RA1095
- C. Authorize Refund – Tax Court Judgment
- D. Authorize Tree Mitigation Escrow Refund - 29 Sunset Terrace
- E. Authorize Refund – Overpayment of Taxes

OLD BUSINESS

None.

NEW BUSINESS

None.

FOR THE GOOD OF THE ORDER

- C. Basch commented that there was a letter received from the Nature Center to the Borough regarding the change of use application. He requested that it be read into the record. Council determined not to have it read.
- C. LaMastra expressed her concern regarding the swim clubs not reporting their financials. Council directed Mr. McClure to write a letter to the two clubs about their responsibility to maintain the parking lot and if they cannot afford the expenditure, their financials must be provided. Council will revisit this matter at the January work session.
- Mayor Rustin highlighted the newspaper article regarding the Borough's bronze status renewal for Sustainable Jersey. He noted that a lot of credit goes to DPW Director Culvert.

- Mayor Rustin advised that he received a letter from parent requesting if the Tenafly High School soccer team can be recognized as they had a successful season. He will contact the athletic director to set to schedule a presentation for a meeting in January.
- Mayor Rustin reached out to executive director of Downtown NJ. The group has a 3 to 5 person study team who will conduct evaluations, interviews, and a walking tour to assess downtown areas. The process costs about \$5,000, but the Borough would be eligible for a grant for ½ of the cost. He will contact the organization to schedule a presentation at a work session in January.
- Council recognized the passing of John Moscone, who was a former Superintendent of Public Works, former member of the Fire Department, and a former crossing guard.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 14-388.

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. Personnel
 - 1. Department of Public Works
- B. Collective Bargaining
 - 1. PBA Contract
- C. Attorney-Client Privilege
 - 1. 5 South Summit Avenue – Lease Status

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 this public meeting.

There being no further business to come before the Council, on a motion from C. LaMastra, seconded by C. Park, and all present voting in favor, the meeting was adjourned to the Closed Session at 10:10 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Warms, second by C. Park, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:01 p.m.

Respectfully submitted,

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