

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JANUARY 6, 2015

At 7:39 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. Notice of this meeting by Resolution #14-372 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 7:53 p.m.), Maxim Basch, Nadia LaMastra, Daniel Park (arrived at 7:43 p.m.), Paul Stefanowicz (arrived at 7:42 p.m.), Mark Zinna

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

Absent: None.

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.

Johanna Gambrill – commented that vehicles parking at the bottom of Hillside Avenue are blocking the view of the street, inquired about the status of the swim clubs, and expressed concern about kids drinking in the park if alcohol is permitted. Mayor Rustin requested that the Borough Administrator speak with the Police Chief to monitor the area of Hillside Avenue and stated that underage drinking is not permitted under state law.

TO BE CONSIDERED

New DPW Building Cost Estimate – Presentation by Anthony Iovino, Architect.

Mr. Iovino reviewed the floor plans for the proposed building and updated renderings. C. Zinna inquired about construction management of the project. Mr. Iovino noted that the Clerk of the Works was not included in the cost estimate in an effort to keep the estimate conservative. He noted that the cost for construction management for the Police Headquarters project was about \$70,000.

C. Basch expressed concern about the cost of the project at \$400 per square foot. C. LaMastra cited the bid estimates for the snack shack and stressed that these are the costs municipalities face. This project cannot be compared to the cost of a residential building. She further stated that the only thing that is within Council's control is the quality of the professionals who will have oversight of the project to minimize the potential change orders.

Borough Engineer, Mr. Hipolit explained the UST closure process, which is a unique item associated with the project. Mr. Hipolit noted that site as it exists today had 2 to 3 underground storage tanks which were removed about 10 years ago. However, the contractor who did the project cannot be located and did not close out the paperwork. Neither the DEP nor the Borough has records documenting the close out of the project. Therefore, there is a need to reconstruct the process. This type of issue exists all throughout the state. He will provide an update in approximately 30 days.

C. Zinna commented that Council should seriously consider budgeting for the Clerk of the Works. C. Basch inquired about the process. The Borough Administrator explained that there is a solicitation process that is conducted on a project basis. Council concurred with including a Clerk of the Works for the project.

CFO, Mr. Vinci advised that there are 4 bond ordinances that are specific to the DPW building. Based on Mr. Iovino's cost estimate for the building, furniture, and fixtures, as well as costs associated with professional fees, Mr. Vinci stated that Council needs to adopt 2 ordinances to secure the balance of the funds for the project. One would be a supplemental ordinance and the other would be a reappropriation ordinance, which takes funds available from prior ordinances and designates them for new purpose. The 5% down payment that must be anticipated in the capital improvement budget for this year will increase to \$100,000, possibly \$105,000. Last year, the down payment was \$95,000.

C. Barzelatto advised Council to strongly consider adding fire sprinklers to the DPW building. It is a savings that will be seen down the road. Mr. Iovino noted that sprinklers are not included in the plan because they are not required and to add them would be about \$40,000. Council agreed to add the sprinklers as an alternate in the construction bid specs.

Hiring Procedures for Employees

C. Barzelatto requested that this topic be scheduled for a future work session. Council concurred.

Proposed 2015 Municipal Budget Hearing Schedule

C. LaMastra requested that the Nature Center be added to the proposed department schedule to conduct a presentation as they had done in previous years. Mrs. Thompson-Chin stated that she will reach out to the executive director to add their presentation to the meeting of February 17th. A resolution to schedule the budget meetings will be listed for the January 13th consent agenda.

Consumption of Alcoholic Beverages in Parks

After discussion, Council determined not to change the policy as the current ordinance states that consumption of alcoholic beverages is not permitted in any recreation or public area unless it is approved by the Mayor and Borough Council in connection with an approved event or program.

With regards to fundraising, Council determined that it is permitted on Borough property as long as it is not for political reason and only for Tenafly based non-profit organizations. The approval of the event will be the purview of the Borough Administrator.

Model Noise Ordinance Amendment

Mr. McClure advised that the amendment by the state only lowered the maximum fine, but the Borough's noise ordinance is not affected as it was not set at the initial maximum.

Do Not Stand Idly By Resolution

Mayor Rustin explained that the purpose of the resolution is to encourage manufacturers to improve gun safety by implementing smart gun technology. C. LaMastra commented that one of the issues is that other states do not have the same level of restrictions for gun purchasing. C. Barzelatto noted that this topic will lead Council down a slippery slope as it is not within council's purview. C. Zinna concurred as this is not an issue that should be dealt in this level and devolves into the concept of gun rights. He added that Council needs to focus on local issues such as roads and sewers. Mayor Rustin stated that if enough municipalities are on the list of adopting such a resolution, it may persuade manufacturers to make smarter guns for safety.

C. Park referenced a resolution from Jersey City that when soliciting through an RFQ, manufacturers of smart gun technology receive a greater preference. He will obtain a copy of the document for Council to review.

Riverside Cooperative Membership

Mrs. Thompson-Chin reported that on the December 17th meeting, Haworth confirmed that they are stepping down the lead agency and that Northvale will serve as the lead agency. A resolution to confirm the Borough's intent to continue as a participant in the cooperative will be listed for next week's consent agenda.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin advised Council that with regards to the video taping of meetings, the wiring is being installed in the two meeting rooms. She will reach out for a status on the equipment.

CORRESPONDENCE

R. Martocci

RE: False Alarm Charge

Council determined not to waive the fee. The Borough Clerk will notify the resident.

A. Artola/S. Bratter RE: Boxing Gym Proposal

C. Zinna advised that he received a request if the Recreation Department would add boxing as one of their sports. C. LaMastra stated that the individuals should make a presentation to the Recreation Board. She noted that she will forward e-mail to the Recreation Director to see if a presentation can be scheduled for next Monday's meeting.

RESOLUTIONS for meeting of January 13, 2015:

- A. Approve Expenditures as of January 7, 2015
- B. Approve Contract – WorkPlace Connection of Valley Health Medical Group

C. Barzelatto inquired about the drug testing process. Mrs. Thompson-Chin responded that it is a random testing of the DPW employees as the DOT requires that CDL holders be tested. She provides a roster of employees quarterly to Valley Health, who conducts the random selection and provides notice to her within 48 hours of a test. She lets the DPW Director know of the scheduled test to ensure the employee does not have a scheduled day off or is on sick leave. Valley sends a lab technician to conduct the testing and they forward the results to her. If a result comes back positive, there is a process in place outlined in the DPW contract. C. Basch inquired if the contract was put out to bid or if quotes were solicited. Mrs. Thompson-Chin advised that Valley Health is a state approved vendor, the cost is well below the bid threshold, and the testing is required under federal regulations.

OLD BUSINESS

Letter to Swim Clubs

Mr. McClure advised that he received a response from the Tenafly Swim Club. This item will be discussed further in Closed Session since it involves the Borough's legal rights regarding the leases.

FOR THE GOOD OF THE ORDER

C. Barzelatto requested that Council consider amending the extra duty rate ordinance. Mrs. Thompson-Chin advised that there is a matter regarding this topic which will be discussed in Closed Session.

C. LaMastra inquired about the agenda for January 27th since Downtown NJ is conducting its presentation to the Council and that the Chamber of Commerce and BID were also attending the presentation. Council determined to have the presentation be the only item to be considered that evening for the work session and not to schedule any public hearings for the regular meeting so that there is no time constraint for the presentation.

C. LaMastra inquired if Council would establish a policy to purchase new iPads for new members and that the outgoing members keep the iPad that was issued to them since it would be a device at least 3 years old, depending on the term of the outgoing member. The Borough Clerk noted that since there were 10 iPads initially purchased, it had qualified as a purchase from the capital budget; however any new purchases must be accounted for in the operating budget. Council concurred with the recommendation and requested that the budget account for purchasing new iPads for new members.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 15-43.

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. Collective Bargaining
 - 1. Contract Negotiations Update
 - 2. Outside Employment Ordinance Grievance
- B. Personnel
 - 1. Use of Workplace Computer
- C. Litigation
 - 1. Latz v. Borough of Tenafly
- D. Attorney-Client Privilege
 - 1. Swim Club Leases

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 9:07 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. Park, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:22 p.m.

Respectfully submitted,

Lissette Aportela,
MPA, RMC, CMC
Borough Clerk