

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, APRIL 7, 2015

At 7:31 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 Press."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Maxim Basch, Nadia LaMastra, Daniel Park (arrived at 7:39 p.m.), Paul Stefanowicz, 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.

Edythe Kornfeld – stated that one issue that still remains with the Nature Center proposal, which is the resolution committing building and parking. She commented that in view of the referendum, the resolution should be voided or a new resolution using language from the 1970s rules that indicate there is to be no development in the area be adopted in order to bring closure to the issue.

Alvin Myerson – concurred with prior speaker.

Tom Jacobs – 66 Magnolia Avenue – expressed that the referendum made it very clear that the people would like to leave Blankman Tract as undeveloped. He thanked the mayor and council for respecting the results of the referendum, but recommended that the rules should revert to original language and put this issue to bed.

TO BE CONSIDERED

Appropriation Ordinances for Introduction

Mr. Vinci described the ordinances scheduled for introduction next week. One ordinance will be the annual multipurpose ordinance that reflects the projects authorized in the capital budget. Another ordinance reappropriates unexpended funds from the 2013 multipurpose ordinance to cover other expenses for this year's projects. One ordinance is to appropriate funds from a grant received for the county curb ramp program. Its purpose is to set up the funds since it's a reimbursement grant.

Registered Municipal Advisor and Continuing Disclosure Agent

Mr. Vinci explained that with regards to the MCDC initiative the Borough had contracted Phoenix Advisors last year. There is additional work required to complete the requirements of the MCDC, so the contract needs to be renewed with Phoenix Advisors for \$650. For the refunding bond, he received a proposal from Government Capital Management and had consulted with bond counsel. The cost for these services is \$3500. Mr. Vinci noted that down the road the Borough would need to solicit proposals for a permanent financial advisor.

Business Improvement District

C. LaMastra described how Council determined to discuss the status of the BID after hearing the presentation from Downtown NJ. She stated that Stephanie Pasternak, Carol Geisenheimer, James Elias, and Robin Brown of the BID were also present and that when she raised the question on

dissolving the BID it was not because of a lack of hard work, but of philosophical differences of opinion.

Ms. Geisenheimer explained that when the BID was established in 2008, the economy was bad and while money was raised the BID was not given a purpose. Since the stores are rented, there is no sense to continue unless a sense of direction is provided and that maybe there is another entity that could do better. She highlighted that one of the former directors is from Downtown NJ and had no ideas to contribute. She commented that the BID had served its purpose.

Ms. Pasternak commented on how there should be a voice for the businesses and that a study should not be done. She declared that there should be a membership to Downtown NJ, whether it's through the BID or the Borough.

Mayor Rustin clarified that the BID was established because there was dissatisfaction with the state of the downtown. The Chamber did not have support at the time from merchants. He noted that biggest output of funds from BID was for directors that did not work out for whatever reason. C. Zinna commented that the BID has a lack of clarity on what to do. Ms. Pasternak responded that unreasonable expectations set up the BID for failure as they cannot force a landlord to take a tenant. Mayor Rustin stated that the director and board should've provided a realistic plan so that there would be logical expectations.

C. Barzelatto stated that at prior Council meetings plans have been presented by the BID, but had not been executed. He remarked that there are 11 hair and nail salons within 4 blocks and that it is time to move on. He described that the presentation by Downtown NJ was a sales pitch. He inquired why Beth Lippman did not bring the resources of Downtown NJ during her tenure as director. He believes is the BID a bureaucratic organization that collects fees for promises. He state that the Chamber can represent the merchants and Borough professionals can handle the garbage, signage, parking, code enforcement, and snow removal issues. C. Barzelatto thanked the members for their time and efforts, but stated it was time to dissolve the group and return the money.

C. LaMastra responded that communication has been the key problem as the ability to reach landlords has been difficult. The BID had their mission statement revised 3 times. The latest mission was to revitalize, recruit, and reenergize the businesses in the district. The members had to self-educate themselves. The problem was that the group was formed before the mechanism was put in place.

Mayor Rustin commented that if the BID is dissolved, it would be unrealistic to rely on the Chamber because they do not have a funding process. C. Zinna recommended dissolving the BID, return funds to the stakeholders, and constitute a subcommittee of Council and BID members on how to move forward. C. Park noted that it would be best to determine if the organization can be restructured before dissolving it.

Mayor Rustin recommended that the entire BID board resign so that the current BID ordinance can be reviewed to determine if it can be restructured and if it cannot not, then it will be dissolved. He appointed C. LaMastra, C. Park, and C. Zinna to the subcommittee to review the BID composition and report their findings back to the governing body.

CORRESPONDENCE

T. Jacobs

RE: Resolution #13-329

Mr. McClure explained that the letter that calls for Resolution #13-329 to be rescinded misses the point and creates an artificial issue. The resolution was specifically tailored for the discovery and education center project and since the project is not moving forward, then the language in the resolution will not move forward. He referenced the 7th whereas clause, which cites specific plans that were subject to detailed terms and conditions. The project is dead. That education and discovery center is dead. It is moot. C. Basch stated that rescinding the resolution would finally finish this topic. Mr. McClure stated that there are potential legal issues that impact the lease with the Nature Center which requires clarification with the governing body in closed session before this matter can be discussed any further.

At this time the meeting was recessed at 9:03 p.m. The meeting resumed at 9:10 p.m.

TO BE CONSIDERED (continued) Proposal for Recruitment Services

Mrs. Thompson-Chin reviewed the proposal submitted by Mr. Fehrenbach for the recruitment of a Chief Financial Officer. She recommended that Council accept the full service proposal and noted that all required pay-to-play and business registration paperwork has been submitted. Council authorized the Borough Administrator to engage Mr. Fehrenbach's services with a resolution to be placed on the April 14th consent agenda.

Declaratory Judgment Resolution

Council reviewed the draft declaratory judgment resolution that is required as part of court decision on COAH rules. It will be listed for the April 14th consent agenda for formal adoption.

iTN North Jersey

Mayor Rustin explained how he was contacted by iTN North Jersey, which is a non-profit franchise that operates 24 hours a day/7 day a week providing transportation services and includes a \$90 membership fee. The group is seeking help with recruiting volunteers also, as they are a national organization seeking to expand into this region.

C. Park noted that Bergen County is not moving forward with the grant for the senior van because does not accommodate the needs for the site in Bergenfield. He stated that the mayor of Northvale will be bringing the issue at the next Riverside Co-Op since their van needs to be replaced.

C. Basch recommended that the TVAC students may want to volunteer to provide this service and inquired if the Borough can indemnify such volunteers. Mrs. Thompson-Chin stated that she will be speak with Ms. Byrne to determine if there are any guidelines from the JIF on this matter.

Mayor Rustin will invite representatives from iTN North Jersey to a work session in May to conduct a presentation.

Professional Engineering Services

Mrs. Thompson-Chin referenced the 3 letters from Maser which are associated with projects. The UST Closure Project is with regards to the DPW Building. The other two reference fees associated with road resurfacing projects.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin advised that the countywide Hazard Mitigation Plan needs to be updated by April 30th. In order to not jeopardize the Borough's generator grant, a package of 12 mitigation actions was submitted to the Bergen County OEM, who assured that the countywide plan will be updated by the deadline.

Mrs. Thompson-Chin noted that the Joint Use meeting has been rescheduled from April 13th to the 27th. The Borough of Cresskill invited Council to attend their pool commission meeting on April 13th to discuss the idea of a shared services arrangement. An invitation would be extended to the swim clubs as well. Mayor Rustin suggested that the Borough of Alpine be contacted to since they have a swim club as well.

There are 2 pending bills in the state legislature regarding the reduction of property taxes for municipal volunteers, but the current language indicates that the volunteers must be over 60 years of age. With regards to reducing taxes for volunteer firemen, municipalities are not permitted to undertake any tax reduction without authorizing legislation from the state.

CORRESPONDENCE

Tenafly Lions Little League RE: Annual Parade
Council approved the annual request for the little league parade which will be held on Saturday, April 25th.

Academy of Our Lady of Mount Carmel RE: Letter of Commendation
Council acknowledged the letter of commendation for Officer Smaragdakis and Officer Glebocki for responding to assist an ill student.

RESOLUTIONS for meeting of April 14, 2015:

- A. Approve Expenditures as of April 8, 2015
- B. Authorize Cancellation of Balances of Completed General Capital Improvement Authorizations
- C. Approve Outdoor Seating Permit Application – Brasserie
- D. Authorize Street Opening Refunds – Various
- E. Authorize Refund – Overpayment of Taxes
- F. Oppose State Transition Plan
- G. Authorize Refund – Overpayment of Taxes
- H. Authorize Refund – 2014 County Tax Board Judgment

OLD BUSINESS

None.

NEW BUSINESS

None.

FOR THE GOOD OF THE ORDER

Council discussed the upcoming tree planting program. DPW is waiting for the weather to improve in order to commence planting.

C. Barzelatto expressed concerns regarding the exterior of the Senior Center and particularly the siding. Mrs. Thompson-Chin advised that the Borough received a grant for exterior repairs and recently received the documentation to obtain the award.

C. Zinna advised that he has received documentation form the Domus Corporation which works with the Newark Archdiocese. Similar to the United Way, they provide housing for COAH credits in which the Borough provides a piece of land. C. Zinna recommended that Council schedule a presentation with the representatives of Domus for possibility a facility that would provide senior housing for affordable credits with a facility in the lower portion of the building. He will forward information to the Borough Administrator. C. Zinna also inquired if the Council wished to use open space funds to purchase property at 53 Knickerbocker Road. Mr. McClure advised that particulars of that discussion must be conducted in closed session as a matter involving the purchase, lease or acquisition of real property with public funds.

C. LaMastra commented about notifying the public that people cannot walk on the track during lacrosse training. A reminder will be posted on the website and newsletter.

Mayor Rustin reminded Council of the importance of filing the financial disclosure forms by the April 30th deadline as 8 local government officers were fined for not filing, despite reminders from the Borough Clerk and their respective board secretaries.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 15-122.

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. The Plaza Reimbursement Request
 - 2. Swim Club Leases
 - 3. Tenafly Nature Center Lease

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 adjourned to the Closed Session at 10:07 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Basch , second by C. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Lissette Aportela,
MPA, RMC, CMC
Borough Clerk