

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

MONDAY, AUGUST 10, 2015

At 7:02 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. Notice of this meeting by Resolution #15-101 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 and Borough website."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Maxim Basch (arrived at 7:21 p.m.),
Nadia LaMastra, Daniel Park, Paul Stefanowicz, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: None

TO BE CONSIDERED

Reverse Bid Analysis

Mrs. Thompson-Chin advised that the Borough has attained significant savings as it is paying less in electricity for municipal facilities and street lights. The current contract for the third party supplier is expiring in October. Mr. Michael Stoller from EMEX explained the reverse energy auction process, how they are seeking to obtain a similar return of savings, and indicated that the auction will be held tomorrow. He noted that there are two resolutions listed for tonight that preauthorizes the results of the auction.

Green Team Proposal for a Community Garden

Ms. Carole Hodges of the Green Team described the proposal for a community garden to be located behind the Fire Department. She noted that the Green Team is seeking funding from the Borough to start planting next spring, after the last frost. Mayor Rustin suggested having an article about the garden in the October newsletter, which would include a request for the donation of materials and funds. C. Park noted that there may be fund available in the Environmental Commission's budget to help start the project.

Pfister Pond – Engineering Proposal

Council reviewed the engineering proposal for the preliminary study, which totaled \$72,000. The results of the study formulate the action plan.

C. Zinna inquired if certain phases of the proposal can be selected or must they all be completed. Mayor Rustin suggested that a meeting be held with the Borough Engineer and representatives of the Nature Center regarding this inquiry and to determine what funding the Nature Center is seeking to provide. C. LaMastra suggested conducting an online survey to determine if residents are in favor for the expense. C. Barzelatto stated that the Nature Center needs to prioritize their projects and compare the pond dredging project to the need of repairing or rebuilding the current site on Hudson Avenue. C. Basch concurred with C. Zinna and recommended that the testing phase be done only before moving forward. C. Park agreed and noted that the sediment testing of phase 3 will truly determine the full cost of project depending on the extent of contamination. C. Park will meet with members of the Nature Center and the Borough Engineer to review if only phase 3 or a portion of the phase can be done or if the study is required to be completed in full.

53 Knickerbocker Road

C. Basch expressed that the Borough should designate the house at 53 Knickerbocker Road as historic.

Mayor Rustin explained that a historic designation of a property takes months since state approval is required. He noted that at the Planning Board attorney explained that since the subdivision has

been approved the house cannot be designated as historic. Mr. McClure clarified that the “time of application” rule applies. He stated that as part of the subdivision application, it included the removal of the house. If the Borough were to grant historic designation to the house and try to remove the authority to demolish the house, the subdivision application and approval prevail. If house was designated as historic, a certificate of appropriateness is not needed for demolition.

C. Basch commented that Mr. Lapsker should be allowed to present his proposal for a joint purchase of the property. C. Zinna responded that he struggle with putting the apartment buildings in the neighborhood as described in the proposal and that such development is not appropriate for the site. C. Stefanowicz concurred that he is not in favor of the proposal. He recognized that a lot of work went into to the proposal, but he does not want the Borough to set a precedent of permitting 3-4 story housing in the area. He noted that there should be a subcommittee to seek a buyer to preserve the property without development. There was no consensus among the majority of Council to move forward with Mr. Lapsker’s proposal.

Mayor Rustin advised that at the Planning Board meeting, the attorney for property owner was asked to delay any action for 90 days in order for the Borough to find a buyer to purchase the entire property and leave the house as is.

C. Barzelatto remarked that he thought at the last meeting there could be an effort to designate the house as historic, but based upon the attorney’s explanation, such a designation is not a reliable process; therefore the Borough should give its best effort to save the property during this 90 day window.

Mr. McClure explained that historic designation of a property is to complete an objective. Unfortunately, the “time of application” rule would apply with respect to any plans since the initial subdivision application had the demolition of the house. Therefore, the goal of a historic designation would be to stop the demolition and such action would likely embroil the Borough in litigation. It would be extremely unlikely that the Borough would prevail because the “time of application” rule is clear and this situation does not qualify for any exceptions. Then Borough would be liable and end up not being able to complete its objective for historic designation.

ADMINISTRATOR’S REPORT

- Mrs. Thompson-Chin advised that she had received a call from NJ OEM regarding the Hazard Mitigation Grant Program indicating that the Borough’s generator project that had been put out for bid was going to be reduced by \$102,000 due to a state calculation error. When the Borough was advised in 2013 that only \$75,000 would be awarded, necessary steps were taken to supplement grant with the 2014 multipurpose bond ordinance. Despite the significant reduction in grant, the Borough is able to secure the balance of funding. Bids were received for the project, which were within project funding.
- For the 9/11 ceremony, there is a scheduling conflict in the area of Peace Plaza due to recreation activities that were previously reserved to begin at 5pm. C. Barzelatto will inquire about hosting the ceremony at the Fire Department. He will also inquire with the Recreation Department to incorporate a remembrance ceremony during halftime.
- With regards to the Qualified Purchasing Agent, based on the options available that are consistent with requirements from the DCA, Mrs. Thompson-Chin will seek a shared service agreement within the Riverside Cooperative.
- NJ DOT approved the Central Avenue railroad crossing project. Mrs. Thompson-Chin contacted the DOT to obtain more specifics on the project due to the location and impact on school traffic. The DOT responded that the project will be executed by CSX, who has 2 years to complete the project.
- The tax bills will be mailed at the end of this week since the Borough just received the required information from the County.
- An official tree removal permit has been established for visible documentation and will improve enforcement.

CORRESPONDENCE

Rabbi Shain

RE: Menorah Lighting Event

Council approved the annual menorah lighting event ceremony request from the Lubavitch on the Palisades.

S. Sinisi, Esq. RE: 87 County Road
Council noted the letter from the property owner of 87 County Road, in which the Borough sought permission to have the HPC enter the site to determine if there were any historical artifacts. C. Stefanowicz confirmed that the HPC toured the facility and did not find any historical artifacts.

Pastor Storck RE: Annual Fair
Council approved the request from the Trinity Lutheran Church to hold their annual fair on September 26th.

S. Ried/M. Kim RE: POD request
Council reviewed the request as the configuration of the property does not allow for the placement of a POD as per Borough regulations. Council authorized the placement of the POD for 3 months and if additional time is required, the property owners must seek an extension.

Board of Elections RE: Relocation of Polling Places
Ms. Aportela explained certain polling places are being removed from some schools due to accessibility issues. The remaining schools will have an officer on site to address any security concerns. District 5 will join 3 and 4 in the McCandless Room. Districts 6 and 8 will be placed in the Board of Education Office. Districts 9 and 12 are moved to the Tenafly Presbyterian Church. Districts 10 and 11 will be located at the Society of African Missions. This information will be in the October newsletter. Ads will be placed in the Record and Suburbanite, as well as the website after Labor Day. There will also be a Code Red announcement as the election approaches.

J. Vougiatzis RE: Block Party Request
Council approved the block party request. The Borough Clerk will notify the resident.

RESOLUTIONS for meeting of August 10, 2015:

- A. Approve Expenditures as of August 5, 2015
- B. Authorize Refund – Tax Court Judgment
- C. Approve Tree Mitigation Escrow Refund – 3 Last Road
- D. Approve Tree Mitigation Escrow Refund – 9 Kenwood Road
- E. Approve Tree Mitigation Escrow Refund – 15 Woodhill Road
- F. Approve Tree Mitigation Escrow Refund – 19 Sisson Terrace
- G. Approve Tree Mitigation Escrow Refund – 20 Esmond Place
- H. Approve Tree Mitigation Escrow Refund – 84 Newcomb Road
- I. Approve Tree Mitigation Escrow Refund – 93 Prospect Terrace
- J. Approve Tree Mitigation Escrow Refund – 183 Serpentine Road
- K. Approve Tree Mitigation Escrow Refund – 240 Oxford Drive
- L. Approve Tree Mitigation Escrow Refund and Transfer to the Tree Replacement Fund – 224 Highwood Avenue
- M. Approve Engineering Escrow Refund – 39 Grove Street
- N. Authorize Recreation Department Refunds – Various
- O. Authorize Recreation Department Refunds – Fingerprint Reimbursement
- P. Approve Tree Mitigation Escrow Refund – 1 Grandview Terrace
- Q. Authorize Redemption of Tax Title Lien 2014-2
- R. Authorize Refund – Carrington Mortgage Services
- S. Award Contract – Construction of DPW Administration Building – LMN Contracting
- T. Authorize Release of Performance Bond – Shelter Development, LLC
- U. Approve Raffle Application – RA 1116
- V. Authorize Retention of Licensed Site Remediation Professional
- W. Approve Roof Permit Refund – 30 Riveredge Road
- X. Approve Tree Mitigation Escrow Refund – 14 Birchwood Place
- Y. Authorize Execution of Bergen County Trust Fund Project Contract – Roosevelt Common Tennis Court Lighting Project
- Z. Authorize Purchase of Electricity Supply Services for Public Use on an Online Auction Website
- AA. Authorize Purchase of Electricity Supply Services for Public Use on an Online Auction Website – Lighting Meters
- BB. Approve Street Opening Refunds - Various

Minutes to be approved: July 13, 2015 Work Session
July 13, 2015 Regular Meeting
July 13, 2015 Closed Session

PUBLIC HEARINGS:

- A. Ordinances: ORDINANCE NO. 15-10 – AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS REPRESENTED BY THE TENAFLY PUBLIC WORKS

SUPERVISORS BARGAINING UNIT FOR THE CALENDAR
YEARS 2014, 2015, AND 2016

ORDINANCE NO. 15-11 - AN ORDINANCE CREATING NEW
SECTION 3-17 IN CHAPTER III OF BOROUGH
REGULATIONS, WHICH SHALL BE ENTITLED "SALES OF
TOBACCO AND NICOTINE DELIVERY PRODUCTS".

B. County Open Space
Application

#R15-289/Authorize Submission of Bergen County Open
Space Trust Fund Municipal Program Park Improvement
Application – ADA and Equipment Improvement Project for
the Upper Portion of Griffin Park

FOR THE GOOD OF THE ORDER

- C. LaMastra recommended that the Police Commission discuss using the police department as a safe zone for online transactions and noted Hillsdale was in the newspaper this weekend for becoming a safe zone. The Borough Administrator responded that she will speak with Chief Chamberlain regarding this matter.
- C. LaMastra commented that August 1st was the deadline submitting applications for the United Way assisted housing facility and stated that there should have been more communication about the application process and deadline. Mrs. Thompson-Chin confirmed that information about the application process was on the Borough website and there were many calls received about the program.
- C. Barzelatto advised that he will hold a presentation on emergency shelters for the Borough at the September 17th meeting.
- C. Barzelatto stated that the electronic message sign needs to be updated because it is displaying older events.
- C. Barzelatto inquired about the status of hiring a code enforcement officer. Mrs. Thompson-Chin advised that Robert McQuade started today and is an experienced code enforcement officer who works part-time in Harrington Park. William Kirsch will begin on the 17th.
- Mayor Rustin noted that Senator Loretta Weinberg sent a letter to the governing body seeking feedback on proposed bills concerning OPRA and OPMA. A response will be prepared for Council to review before submitting the Borough's feedback.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Zinna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Lissette Aportela
MPA, RMC, CMC
Borough Clerk