

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, SEPTEMBER 1, 2015

At 7:36 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: Maxim Basch, Nadia LaMastra, Daniel Park, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Councilmembers: Anthony Barzelatto, Paul Stefanowicz

## **TO BE CONSIDERED**

### **Temporary Purchasing Agent and Bid Threshold**

The Administrator noted that when Mr. Vinci retired from the Borough, the Borough lost its QPA. She explained that the Borough can appoint a temporary QPA to fill the vacancy. She stated that the Borough can appoint Ms. Corrado by resolution. The Administrator added that the second resolution would adopt the increased bid threshold to \$40,000.00. Ms. Thompson-Chin advised that since Ms. Corrado is a licensed CMFO she will not need to take any courses, however she will be studying for the exam. She further advised that anything that is 15% of the bid max requires quotes, which is a requirement by law.

### **Resolution Endorsing State Legislation to Protect the Viewshed of the Hudson Palisades**

The Mayor noted that there are two resolutions regarding protecting the Viewshed of the Hudson Palisades. He stated that Tenafly already has zoning laws which prevent building without a variance; however he added that this law would prevent the need for any variance. C. LaMastra questioned where the two foot line is situated. The Mayor informed her that the line is from the top of the cliffs. Mayor Rustin stated that if the Borough were to move forward, it would be closer to Alpine's resolution.

### **Pfister Pond – Engineering Proposal – Update**

C. Park noted that the sediment testing will be able to be done at Pfister Pond, which he informed, will cost approximately \$10,000.00. He added that the testing would give a scope of the project. C. Basch stated that he met with a few people regarding the issue and their solution is to weed harvest. He explained that boats go out on the lake, which cuts and pull the weeds out. C. Basch added that dredging and sediment work is only to be done as a last effort. He noted that dredging and sediment work could cause liabilities issues for the town. C. Basch suggested that the Borough look at firms which specialize in the field and would be able to pull out the weeds. The Mayor advised C. Park to discuss C. Basch's information with the Nature Center to see if they would consider his solution. He suggested that C. Park ask them to discuss the matter at the next work session. C. Zinna added that there needs to be a plan to do the entire project, if the Borough starts spending money. The Mayor addressed C. Basch and stated that Maser is the largest engineering firm in the State and added that they are well versed in the subject.

### **Message Board Sponsorship**

Mayor Rustin noted that a new message board could cost \$25,000.00 to \$30,000.00; however, he suggested getting a sponsor. He added that the intention would be to send out a letter to businesses and the first company to respond would get the ad. C. Basch questioned the reasoning for replacing the sign. The Administrator advised that the sign is past its useful life. The Mayor stated that a letter will be drafted and shown to Council to move forward. C. Basch advised to make sure the company is commercially viable. C. Park questioned how the Borough shops for the message board. The Administrator stated that it was bid on. She also added that she will communicate with municipalities and receive specs to be able to modify them to look at different

options. C. Park questioned if it could be donated. Ms. Thompson-Chin stated that the Borough would still need specifications.

### **Affordable Care Act Implementation**

The Administrator noted that the Borough must provide health insurance information to the IRS for each employee that receives health insurance coverage. She added that Borough will have to provide employees with a statement that gives the value of health insurance covered. The Mayor inquired as to whether there was a cost to the Borough and the employee. The Administrator advised that the cost is incurred by the Borough, which is the cost of the administrative process. She noted that the Borough has received guidance from Balance Point, since it is where the work hours and compensation data is kept. She advised that the Borough's Look Back Period will be October 1, 2014 to September 30, 2015.

### **Supreme Court Decision re Local Sign Ordinances**

The Borough Attorney stated that the court has set restrictions on signs where one has to look at the content to determine the type of sign. He noted that there has to be distinctions between temporary signs, political and ideological signs, which the town refers to as free expression signs. The Borough Attorney added that many towns, including Tenafly, as well as the state are going to have to change their ordinance regarding signs.

### **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.

Mark Feldman – 133 Lylewood Drive – inquired as to why the town has to be involved in dredging the pond. He added that according to the lease, it is not the town's obligation. C. LaMastra stated that the Nature Center asked the Borough for partnership. Mr. Feldman also voiced his concern over accepting donations from private businesses or private individuals' in lieu of spending public money. He stated that the donations create the appearance of a conflict of interest or potential corruption.

Christine Evron – 39 Leroy Street – suggested an alternate option to fund the message board. She noted that businesses put up billboards which cost approximately \$400.00 to \$500.00. She recommended that the Borough limit 4 business ads a month on the billboard and charge \$300.00 for the ad, which she added, would provide ongoing revenue and would not be such a burden to one business.

Johanne Gambrell – Ravine Road – stated that she believes it is strange that the ad would go to the first bidder. She questioned how the first bidder would be determined. The Mayor stated that it will be addressed in the letter.

Gerry Nigro – 5 Stonybrook Road – recommended having a rotating message board to be able to feature ads. He recommended that the Borough hire consultants for 53 Knickerbocker. Mr. Nigro suggested that there is an organization, which distributes news stories and offered the idea for 53 Knickerbocker to get nationwide attention.

### **ADMINISTRATOR'S REPORT**

- The Administrator noted that the Borough's previous independent contractor for preparing the general ledger has stepped down. She added that Ms. Corrado recommended Judy Curran, who is a CMFO and is also a part-time CFO in Norwood. The Administrator added that the accountant will perform some of the work on the premises with Ms. Corrado's supervision, as well as have remote access to the data. She advised that a resolution will be prepared for the September 17th agenda.
- Ms. Thompson-Chin stated that the second individual hired for the Code Enforcement position has had a change of heart and withdrew from the position. She noted that upon re-interviewing candidates 3 and 4, she does not feel they will work out in the position. She added that the position will need to be re-advertised. The Administrator stated that the new hire is working out well. Ms. Thompson-Chin advised that the salary ordinance needs to be revised for the Part-Time Code Enforcement position from salaried to an hourly position.
- The Administrator noted that the Joint Use Committee will meet September 28<sup>th</sup> at 5:00 p.m. She noted that the meeting will primarily focus on the swim club parking lot and

maintenance issues. Mayor Rustin requested that they review the condition of the tennis courts. He stated that there are 4 courts by Geissing Field. He added that the varsity tennis is the only sport at state level; however, he noted that the courts are abysmal. C. Zinna questioned whether there will be a draft lease ready regarding the swim club. The Borough Attorney stated that the draft will be ready to review prior to the meeting.

- The Administrator noted that as a recommendation from Mike Stoller of EMEX, the Borough was advised to decline to contract with an alternative energy company for street lighting due to lowering rates. C. Park suggested going solar. The Administrator stated that going solar was looked into extensively. She noted that the building was not suitable for solar lights.
- The microsurfacing program will begin September 10th due to additional work the contractor has to complete.

## **CORRESPONDENCE**

R. Heller RE: Hiring of Consultants for 53 Knickerbocker Road  
The Mayor noted that he and C. Zinna, Rita Heller, Kevin Tremble and Karen Neus had a meeting to discuss possible avenues to save the property. He noted that at the meeting he was given two names of consultants; however, he stated that neither was willing to take on the job for personal reasons. He added that the consultants did not feel they could finish the application by its deadline on Thursday. C. Zinna stated that he had a conversation with Clifford Zink from the Preservation Organization. He noted that Mr. Zink was looking to reach out to an organization called D&R Green Way to see if they would be interested in the property.

S. Shoshani RE: Block Party Request  
The Council approved the request for the block party.

L. Coughlin RE: Bike MS  
The Mayor noted that there is a rest area by the bike shop on County Road. He stated that people resting during the bike ride overwhelm the facility on County Road.

M. Hagen RE: False Alarm Fine  
The Council denied approval to waive the false alarm fees.

## **RESOLUTIONS** for meeting of September 17, 2015:

- A. Approve Expenditures as of September 9, 2015
- B. Authorize Refund – Youth Services Teen Camp – Simone
- C. Authorize Refund – Planning Board Escrow Account PB#1-12-16
- D. Approve Raffle Application – RA1117
- E. Approve Outdoor Seating Application – Good Taste Restaurant
- F. Authorize Renewal of Plenary Retail Distribution License – Amin Vandana
- G. Authorize Tree Mitigation Escrow Refund – 22 Somerset Road
- H. Authorize Tree Mitigation Escrow Refund – 68 Norman Place
- I. Authorize Tree Mitigation Escrow Refund – 39 Mellon Lane
- J. Approve Tree Mitigation Escrow Refund and Transfer to the Tree Replacement Fund – 35 Grandview Terrace
- K. Approve Transfer to the Tree Replacement Fund – 29 Woodland Park Drive
- L. Approve Transfer to the Tree Replacement Fund – 35 Richard Street
- M. Authorize Tree Mitigation Escrow Refund – 52-54 Madison Avenue
- N. Authorize Tree Mitigation Escrow Refund – 35 Oak Avenue
- O. Approve Transfer to the Tree Replacement Fund – 64 Engle Street

C. Basch stated that he does not agree with the renewal of Plenary Retail Distribution License to Amin Vandana. He noted that there are not enough liquor licenses in town. He stated that she should not have a liquor license if she is not going to use it. Mayor Rustin advised him that there is no choice in the matter. He noted that there has been movement to change state laws. C. LaMastra questioned how long their license has been unseated. C. Zinna inquired as to how long the state lets owners keep an unseated license. The Borough Attorney advised that there are no set limits. C. Basch questioned what the capabilities are for the Borough and how the Borough can influence liquor license owners. The Mayor suggested going to the ABC. The Borough Attorney stated that the approval of a liquor license can be denied and suspended if the owner does not pay their taxes.

## **OLD BUSINESS**

### **Demolition of Historic Properties (C. Basch)**

C. Basch proposed that a request for demolition be made on a building more than 50 years old and get Council approval. He added that historical value should be able to protect the history. The Borough Attorney stated that adopting this regulation would have an impact on that property. The Mayor questioned if C. Basch was suggesting this to save 53 Knickerbocker Road. C. Basch stated

that it would take into account every house that is older than 50 years. Mayor Rustin stated that he believes that adopting such a regulation would create legal issues. The Borough Attorney stated that the procedures to adopt these ordinances change the zoning laws of what a property owner can do. The Borough Attorney added that the Borough would have to notify everyone who has a home older than 50 years old. The Administrator noted that the ordinance in New Mexico only applies to commercial buildings. The Mayor advised that there will be legal fees if Council decides to move forward.

#### **FOR THE GOOD OF THE ORDER**

- The Mayor announced the AFA appointments of Andrew Pecorella and Stacey Goldberg. He added that there are two vacancies. Their next meeting will be Wednesday, September 16th. Mayor Rustin advised that C. Barzelatto, who is the liaison, will not be able to attend the meeting. C. Park stated that he will fill in at the AFA meeting.
- Mayor Rustin advised that the Walk against Breast Cancer will be held on October 18th in Overpeck Park.

#### **CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 15-291.

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. Litigation/Attorney-Client Privilege
  1. Latz v. Borough of Tenafly
  2. Swim Club Leases – Parking Lot
- B. Personnel
  1. Recreation Department Update

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. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Lissette Aportela,  
MPA, RMC, CMC  
Borough Clerk