

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, SEPTEMBER 29, 2015

At 7:32 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, Paul Stefanowicz, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: Councilmember Anthony Barzelatto

## **TO BE CONSIDERED**

### **2015 International Property Maintenance Code**

Construction Official Byrnes explained that the purpose of the proposed ordinance is to update the Borough Code to the newer codes just released by the International Code Council. C. LaMastra inquired about certain sections of the code that may not be applicable and if snow removal was included. Mr. Byrnes responded that snow removal is covered by local ordinance. Mr. McClure clarified that the Council adopts the International Property Maintenance Code as a whole with specific supplements applicable to the Borough as well. Council will review the property maintenance code and revisit this matter at the work session on October 6<sup>th</sup>.

### **Hudson River Palisades Viewshed**

Mayor Rustin explained that at the last work session, Council reviewed the endorsing resolutions from Alpine and Englewood Cliffs that support the proposed state legislation. The Borough Engineer reviewed the legislation which draws a line 2,000 feet landward from the top edge of the Palisades Cliffs in Fort Lee, Englewood Cliffs, Tenafly and Alpine. The delineation line would affect a church and approximately ten (10) homes along East Clinton Avenue and Essex Drive and the entire Nature Center. According to the proposed legislation, the Borough would not be able to grant a variance to this height restriction. Based on looking at the church and the homes it affects in Tenafly, there may already be structures over 35 feet in that area, which would be grandfathered if the legislation does pass. Council determined to adopt an endorsing resolution on October 13<sup>th</sup>.

### **Drought Watch**

Mayor Rustin noted that the NJ DEP has requested that residents adopt voluntary water restrictions. He inquired if Council wanted to take any action on further notification. Council decided to use a Code Red message to remind residents of the voluntary water restrictions.

## **ADMINISTRATOR'S REPORT**

Mrs. Thompson-Chin reviewed the organization charts that had been requested by C. Basch. C. Basch requested the names and positions for the DPW and Borough Hall employees in order to become familiar with the employees.

Mrs. Thompson-Chin reviewed the information C. Basch requested on the Police records clerk who works 32 hours. C. Basch inquired if it is a full time position. Mrs. Thompson-Chin confirmed that the position is part time since it is less than 35 hours. C. LaMastra asked if the employee is eligible for health coverage. Mrs. Thompson-Chin explained that any employee who works over 30 hours qualifies and this employee has declined coverage. C. Basch inquired about the code enforcement officer. Mrs. Thompson-Chin explained that the 2015 budget accounted for 2 employees in the position and there has been no increase in the cost to that line item.

## **CORRESPONDENCE**

Mackay HSA

RE: Photo Shoot Fundraiser

The Mackay HSA sought permission to conduct a family photo shoot fundraiser at the Nature Center on October 10<sup>th</sup>. The photo shoot has been held previously at Davis Johnson Park, but some parents requested a new location. Council granted permission for the fundraiser.

Board of Elections

RE: Mail-In Ballot Bearers

Ms. Aportela advised that the Board of Elections is seeking to advise elected officials and voters that new legislation has reduced the number of mail-in ballot “bearers” to 3. The person must provide proof of identity and if he/she turns in more than 3 ballots, only the first 3 will be counted.

## **RESOLUTIONS** for meeting of September 29, 2015:

- A. Approve Expenditures as of September 23, 2015
- B. Approve Transfer of Tree Mitigation Escrow to Shade Tree Trust Fund – 64 Engle Street
- C. Approve Transfer of Tree Mitigation Escrow to Shade Tree Trust Fund – 300-302 Tenafly Road
- D. Approve Transfer of Tree Mitigation Escrow to Shade Tree Trust Fund – 42 Madison Avenue
- E. Approve Tree Mitigation Escrow Refund – 162 Jefferson Avenue
- F. Approve Tree Mitigation Escrow Refund – 3 Mountain Road
- G. Approve Tree Mitigation Escrow Refund – 276 Highwood Avenue
- H. Approve Tree Mitigation Escrow Refund – 52-54 Madison Avenue
- I. Authorize Submission and Confirm Endorsement – Community Development Block Grant
- J. Authorize Renewal of Plenary Retail Consumption License – 115 Sanz County Road LLC – Pursuant to Special Ruling by the Executive Director of the Division of Alcoholic Beverage Control – 2015-2016 Term
- K. Authorize Renewal of Plenary Retail Consumption License – New Hong Bo Suk Restaurant, Inc. – 2014-2015 Term
- L. Approve Tree Mitigation Escrow Refund – 45 Oxford Drive
- M. Authorize Utilization of Look-Back Measurement Method for Compliance with the Affordable Care Act
- N. Award Contract – Senior Center Doors and ADA Ramp Installation Project
- O. Amend Municipal Shared Services Defense Agreement
- P. Authorize Refund – Engineering Escrow – 55 Farview Road
- Q. Approve Transfer of Tree Mitigation Escrow to Shade Tree Trust Fund – 21 Jefferson Avenue
- R. Approve Transfer of Tree Mitigation Escrow to Shade Tree Trust Fund – 39 Grove Street
- S. Approve Transfer of Tree Mitigation Escrow to Shade Tree Trust Fund – 30 Leonard Avenue
- T. Authorize Refund – COAH Payment – 240 Hickory Avenue
- U. Approve Tree Mitigation Escrow Refund – 38 Surrey Lane
- V. Approve Tree Mitigation Escrow Refund – 50 Trafalgar Road

**Minutes** to be approved:

September 1, 2015 Work Session  
September 1, 2015 Closed Session  
September 17, 2015 Regular Meeting  
September 17, 2015 Closed Session

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

- Parking During Sunday Services (C. Basch)  
C. Basch advised that he had been approached by neighbors that live by the Presbyterian Church on what can be done about the overflow of parking on the street for services because it makes it difficult to navigate through the street. Mayor Rustin noted that the additional vehicles can also be an overflow from events at Mt. Carmel and requested that the Borough Administrator have the Police evaluate the area for a recommendation.
- C. Basch advised that he had been approached by residents complaining about the lack of parking spaces, particularly at the CVS, which prevent them from shopping in the downtown. Mayor Rustin requested that the Borough Administrator also bring this to the attention of the Police for an evaluation.
- C. Basch noted that residents are upset about teacher not attending the back to school night events and inquired what the Council should tell people when approached. Mayor Rustin responded that residents should express their concerns to the Board of Education at their meeting or speak with the Superintendent Lynn Trager. Mr. McClure confirmed that the

Board of Education is a separate entity and their contract negotiations and personnel are not within Council's purview.

- C. LaMastra commented on the fencing and covering of the construction site for the old Willow Run on County Road and inquired if it can be a model for a similar property maintenance requirement. After discussion and review of the pictures provided by C. LaMastra, the Construction Official was directed to conduct greater enforcement of construction sites to maintain compliance with the Borough's property codes.
- C. LaMastra inquired if the Police Commission reviewed using the lobby as a safe zone site for online transactions. C. Park advised that it was not reviewed at the last meeting.
- C. LaMastra noted that Council should revisit having a member present at labor negotiation meetings. This matter will be reviewed with labor counsel.
- With regards to the polling place changes, information is on the website and the cover of the newsletter. Ms. Aportela advise that there are ads running 4 times in the Record, including one in last Friday's edition, and 3 times in the Suburbanite. A Code Red message will be prepared in late October.
- In reference to seniors, C. LaMastra requested that Council evaluate the costs associated with a senior van to review in detail during budget discussions and requested that at Joint Use, a list of students available to shovel should be prepared to distribute to seniors.

## **OLD BUSINESS**

### **Esmond Place**

Mr. McClure advised that he is seeking to locate the heirs of Clarke Estate. He needs to contact 20-30 different heirs to obtain consent to transfer the property.

### **Pfister's Pond**

TNC Executive Director, Peter Punzi reported that he spoke with the NJDEP and confirmed that unless the Borough is the source of contamination, the Borough is not liable to remove the sediment. Therefore, testing can be done to find out the cost of dredging and the Borough will not be put at risk to pay for the dredging. Weed harvesting cannot be used in lieu of dredging. The Nature Center has been harvesting weeds, but it does not address the sediment issue or the root cause. In an effort to develop a business plan, the TNC has recommended an ad hoc committee of Council, the Borough Administrator, and Nature Center representatives to work out the details. Council confirmed the establishment of the ad hoc committee, which includes C. Park and C. Zinna, to prepare a business plan for Council to review.

### **Electronic Message Board Sponsorship Solicitation Letter**

Council reviewed the draft proposed by Mayor Rustin. C. Basch recommended having a procedure in place for awarding the sponsorship if the Borough receives multiple responses, such as establishing selection criteria. Council will review another draft that clarifies how the sponsorship will be identified on the board at the work session of October 27<sup>th</sup>.

### **HPC Guideline Booklet Price Increase**

Council confirmed the HPC's request to increase the Guideline Booklet to \$30 for color books and \$25 for black and white books.

## **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 8:46p.m.

Respectfully submitted,

Lissette Aportela  
MPA, RMC, CMC  
Borough Clerk