

# Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, OCTOBER 6, 2015

At 7:30 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, 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.

Johanne Gambrill – Ravine Road – stated that it was hard to find the video of the meetings on the website and noted that people don't come to the meetings because they expect to watch it.

Carol Geisenheimer – commented that nothing has happened this year with the BID board or stakeholders and that no comments to revitalize the BID have been received. She stated that the usefulness of the BID has finished, a decision has to be made, and she will not return when her term expires this year.

Robin Brown – requested a decision from Council as the board needs to coordinate to communicate with the stakeholders.

## **TO BE CONSIDERED**

### **Housing Element and Fair Share Plan – presented by J. Burgis, Esq.**

The Borough Planner, Mr. Burgis explained the constantly evolving process of COAH and the conflicting affordable housing numbers calculated on behalf of municipalities, Fair Share Housing, and developers. Currently, the NJ Supreme Court is requiring that a new housing plan be adopted by November 8<sup>th</sup>. Since the professional expert for municipalities fell ill, E-Consult was retained and the final obligation numbers will not be approved until December.

Mr. Burgis described the vacant land adjustment under COAH rules. He advised that since the Borough is fully developed with less than 7 acres of vacant land, only 4 are developable. Based on this formula, the Borough's affordable housing obligation moving forward would be 5 units. Of the 30 plans he is working on state wide, Tenafly has the second smallest obligation. Mr. Burgis noted that 126 affordable units have been created during the prior round obligations between 1987 and 2014; however, the Borough can only receive credit for 113 because certain categories are capped.

Mr. Burgis explained that 5 sites have been identified to meet the obligation for 2015-2025. The Planning Board will hold the public hearing on these sites and the plan next Wednesday. He stated that the Special Affordable Housing Counsel requested an extension to the end of December to adopt the plan so that it can be compared with E-Consult's figures, Mr. Burgis is comfortable with the proposed plan as it affirmatively addresses the affordable housing obligation need. He stated that the Supreme Court identified 15 judges to review the affordable housing plans for all of the municipalities.

C. LaMastra inquired that since the properties are not municipally owned, what if owner wants to put only a restaurant or other commercial structure instead of housing. Mr. Burgis responded that once the plan is adopted and approved, the zoning of the sites must be changed by ordinance to make the development of housing possible. The owner will be allowed to continue using the property as being it is used today, but in the future it will be restricted. If another property is identified to develop affordable housing that is not in any of these 5 locations, then the Borough will need to amend the plan.

Mayor Rustin clarified that if this plan is adopted and approved, the zoning changes do not have to be done immediately. Mr. McClure added that the purpose of the plan is to maintain protections in place from builders' remedy. Mr. Burgis summarized that the Planning Board will meet to approve the plan on October 14<sup>th</sup>, which will then be forwarded to the Mayor and Council to approve to file at the October 27<sup>th</sup> meeting in order to meet the November 8<sup>th</sup> deadline.

### **2015 Best Practices Inventory**

CFO, Susan Corrado explained that municipalities must annually prepare best practices inventory, which must be certified by the Borough Administrator, Borough Clerk, and Chief Financial Officer, who files the inventory with the state. The inventory consists of questions covering financial, administrative, and procurement practices, which must be submitted by October 16<sup>th</sup>. Council reviewed the inventory. Mrs. Corrado noted that to receive the full final state aid payment, municipalities must receive a score of 41 out of the 50 questions. She commented that the Borough received a score of 48 out of 50 and will not be penalized. Council authorized the CFO to file the inventory tomorrow.

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

C. Basch inquired that since there is no change from 2012 ordinance why a new ordinance is required. Construction Official, Mr. Byrnes explained that there is new language in the code itself. Mr. McClure confirmed that the ordinance is to stay up to date with the current regulations. The ordinance will be introduced on October 13<sup>th</sup>.

### **CORRESPONDENCE**

Brown, Elias, Geisenheimer, Kreitman RE: Dissolving the BID  
Council reviewed the letter proposed by the BID members present. C. Zinna recommended that the subcommittee meet and speak with the BID board at their next meeting. The outcome would then be presented at the next work session. Council concurred.

### **TO BE CONSIDERED (continued)**

#### **Community Garden Project Rules**

Council reviewed the proposed rules and agreed to a \$25 fee. Carole Hodges described the positive community response based on the article in the newsletter and from Community Night. Mrs. Thompson-Chin advised that a trust account would need to be established to accept the fees. C. Barzelatto noted that the Fire Department is requesting that the garden be fenced so that people do not park in the Fire Department lot to walk to the garden. Council decided to put up signage at the parking lot at this time.

#### **Treatment Works Permit Application – 53 Knickerbocker Road**

C. Basch inquired on why the Borough needs to sign the application and stated that the connection should be done by the owner. Mr. McClure explained that the area where connection is being made is in the public right of way. The resolution authorizing the execution of the permit will be listed on the October 13<sup>th</sup> consent agenda.

### **ADMINISTRATOR'S REPORT**

Mrs. Thompson-Chin noted that a resolution is on next week's consent agenda to execute the grant for an ADA accessible ramp at Davis-Johnson Park for those in wheelchairs to access events at the gazebo. The steps are being removed as part of the construction. C. Basch inquired about the expense of the project. Mrs. Thompson-Chin responded that the cost includes design, construction, and engineering. Projects that are for ADA accessibility purposes are very specific. She noted that she will provide a breakdown of the costs to accompany the resolution.

Mrs. Thompson-Chin advised that the previous bond counsel merged with another firm and the principal has retired. Proposals will be solicited for bond counsel.

With regards to the building at 5 South Summit Street, once the testing results arrive, demolition will proceed.

At the Joint Use meeting, the Board of Education requested assistance for addressing litter at Geissing Field. DPW will coordinate in providing assistance. In reference to the lease for the parking lot at the swim club, Mr. McClure advised that he is waiting for the proposed final version

to review with Council at a future closed session. C. LaMastra commented that she received a call from a resident describing its current condition and drove by the parking lot today. Mrs. Thompson-Chin will have the DPW Director inspect the parking lot and notify the Board of Education.

Council inquired if there is a maintenance schedule for inspecting light fixtures, ramps, and signs. Mrs. Thompson-Chin responded that she will provide a copy of the maintenance schedule, which is focused on infrastructure and statutory items. With regards to other issues, the Borough relies on the public. Mrs. Thompson-Chin explained that the DPW is down 10 positions over the past 4 years. Statutory issues are priority because the State conducts scheduled and inspections and issue penalties. C. Barzelatto commented that code enforcement should also be inspecting for items requiring maintenance. Mrs. Thompson-Chin confirmed that one code enforcement officer has been hired and the Borough is soliciting for the second position.

**CORRESPONDENCE (continued)**

Tenafly Traditional Holiday Committee                      RE: Crèche Display  
Council approved the annual request for a crèche display at Huyler Park during the holiday season.

R. Heller    RE: Inquiry on Bonding for 53  
Knickerbocker Road

Council reviewed the e-mail from Mrs. Heller. C. Zinna noted that a resident, Bob Perez, contacted him to offer to buy 53 Knickerbocker Road and renovate it if the Borough buys the property. Council discussed the concept of bonding \$5.5 million and using open space funds to purchase the property with bidding the house. Mrs. Thompson-Chin advised Council that there are additional costs in seeking a bond and that such an amount affects the Borough's debt, ability for future borrowing for capital projects, and bond rating as well as the loss of a ratable. Council directed the Borough Administrator to coordinate with the CFO to determine the full cost and impact and the Borough Attorney to speak with Mr. Watkins. Mrs. Heller will be advised that Council is researching this topic and will discuss it further.

J. Finch    RE: Historical Society  
Council acknowledged the letter from Ms. Finch.

C. Silverman-Kurtz    RE: Tenakill Swim Club Petition  
Council confirmed receipt of the petition. C. Zinna requested that the discussion of a community center be listed for the second work session in November. Council concurred.

League of Humane Voters of New Jersey              RE: Opposition to Deer Culls  
Council directed the Borough Clerk to let the organization know that deer culls are not a topic on the table in Tenafly.

W. Roehrich    RE: POD Request  
Council approved a 2 month extension for the POD.

**RESOLUTIONS** for meeting of October 13, 2015:

- A. Approve Expenditures as of October 7, 2015
- B. Authorize Refunds – Overpayment of Taxes
- C. Authorize Refunds – Overpayment of Taxes – Corelogic
- D. Support S. 2025 – Establish a "Preservation Zone" for the Palisades
- E. Authorize Execution of CDBG Grant Agreement – Handicapped Accessible Ramps at Davis-Johnson Park

**OLD BUSINESS**

**Pfister's Pond**

C. Zinna referenced an e-mail he received from the Nature Center Executive Director in which the Nature Center is requesting to move forward with the sediment testing before having the ad hoc committee meet with the cost being split equally. Council determined that the ad hoc committee needs to meet first before anything is considered. C. Zinna will advise Mr. Punzi.

**CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 15-343.

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

- B. Collective Bargaining
  - 1. Contract Negotiations Contact

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 resume this public meeting.

On a motion from C. LaMastra, seconded by C. Park, and all present voting in favor, the meeting was recessed to the Closed Session at 9:42 p.m.

*The Work Session resumed at 10:33 p.m.*

**NEW BUSINESS**

C. Barzelatto noted that next year will be the Fire Department's 125<sup>th</sup> anniversary. He commented that the building needs to be painted. Mrs. Thompson-Chin responded that the Fire Department must note that request in their budget submission in order to plan accordingly.

**ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Basch , second by C. Stefanowicz, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:34 p.m.

Respectfully submitted,

Lissette Aportela,  
MPA, RMC, CMC  
Borough Clerk