

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, JANUARY 11, 2011

The meeting was called to order at 7:40 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin.

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Barry Honig, Martha Kerge,  
Nadia LaMastra, Michael Lattif, Jon Warmis

Borough Administrator: Jewel Thompson-Chin  
Borough Attorney: William R. McClure, Esq.

Absent: None.

## **TO BE CONSIDERED**

### **A. Bond Reduction – Grove Street Development.**

Mrs. Thompson-Chin explained that this request is typical of the requests reviewed by the Borough Engineer. She advised that the Borough Engineer determines whether they had complied with the requirements for reimbursement of fees. C. LaMastra questioned whether there was an agreement that the developer was to pave and whether they completed all the paving agreed upon. Council asked the Borough Administrator to get an update from the Borough Engineer as to the status of the paving on Grove Street.

### **B. 2011 Budget Hearings.**

Mrs. Thompson-Chin reviewed her proposed time frame for the budget process. She advised that the proposed date for the budget book distribution is February 4<sup>th</sup>. She proposed that the budget hearings take place in two phases, pre- and post-budget introduction. The proposed budget introduction date is scheduled for the March 22<sup>nd</sup> Public Meeting and there would be budget hearings scheduled prior to this date. She then advised that there would be several meetings scheduled for post-introduction but pre-adoption. C. Honig expressed his concern about voting on the budget without the labor negotiations having been settled. Mrs. Thompson-Chin explained that the introduction is pro-forma and becomes the base budget; amendments can be made to this budget after introduction. She recommended aggregating anticipated salary increases into a single line item in the budget for contract settlements much like the reserve for uncollected taxes. C. Kerge requested that she and C. Honig be provided with topics that had been covered in the 2010 budget meetings. She also requested that they work with actual to budget figures from this point. Council decided to pick budget meeting dates at the January 25<sup>th</sup> Work Session.

As the time required Council to commence the Regular Meeting, on a motion by C. LaMastra, second by C. Kerge, and unanimously carried, the meeting was recessed at 7:49 p.m. Council will resume reviewing the balance of items upon conclusion of the Regular Meeting.

The Mayor reconvened the Special Committee of the Whole at 8:57 p.m.

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 Gambrell, 15 Ravine Road, asked that item 4A, the Draft Resolution & Letter to Governor Christie Re: Light Rail Referendum, be moved up on the agenda. She also expressed her opinion that having students bring the trash to the curbs for those residents who are unable will not work.

## **TO BE CONSIDERED**

### **C. RFP Process for Labor Counsel.**

Mrs. Thompson-Chin explained Request for Proposals (RFP) process for the Labor Counsel. She outlined the time-frame and commented that the review and evaluation process would be most time consuming. Whether a proposal is accepted or rejected, reasons must be provided that stem from the criteria set forth in the RFP. She also advised Council that in order to award the contract, there would need to be a certification of funds for the retainer. In order to have the certification of funds, Council would need to amend the temporary budget to provide for an emergency appropriation.

Mrs. Thompson-Chin then presented an alternative to the RFP process. She advised that Council could instead prepare a Request for Qualifications (RFQ) and explained the advantage to taking this route. She stated that qualifications can be received without there being a tacit agreement to award at the end and although needs can still be specified, a customized scope of service would not need to be prepared. She also advised that multiple professional titles can be included in the same document; there could be one RFQ for Engineer, Labor Counsel, and Auditor.

C. Honig questioned whether there would be a time savings in using an RFQ versus an RFP. Mrs. Thompson-Chin responded that the basic process is the same, but there would be a savings in time on the front-end with the RFQ. She added that with an RFQ, there is more flexibility as pricing is not the sole criteria to award. C. LaMastra suggested that there be a sub-committee involved with the interview process. C. Kerge asked for Mrs. Thompson-Chin's recommendation and Mrs. Thompson-Chin responded that the RFQ would better serve the Council. C. Honig asked that there be a specification in the RFQ for Labor Council that they represent management side. Council agreed that a draft document would be prepared for the January 25<sup>th</sup> Work Session.

### **D. Computer for C. Honig.**

C. Honig explained that he receives all of his meeting material electronically and his Borough email is only accessible through Web Outlook. A computer with VPN capabilities would allow him to log onto his account from home and enable him to manage his Borough email. The cost would be approximately \$1,000.00. Council agreed to this request.

### **E. Proposed revision to 2011 Meeting Schedule.**

The purpose of the revised meeting schedule is to allow for Committee of the Whole Meetings, if necessary, to follow the Public Meeting and enable Council to address any business that was not concluded at the last meeting. If there is no outstanding business, then the 2<sup>nd</sup> meeting of the night will not be held. Council agreed to the proposed revisions and a resolution amending the 2011 Meeting Schedule would be prepared for the January 25<sup>th</sup> Public Meeting.

F. Confirmation of Appointment of Borough Engineer.

Mayor Rustin advised that he had spoken with Dumont, Englewood Cliffs, and Cresskill in order to get a comparison of engineering fees. He explained that our method is unique as we set a fee schedule; the engineers in the other towns bill by the time. He expressed his opinion that our system is better for the residents and our costs are much lower than the three other towns with whom he spoke. C. Barzelatto advised that he had received a personal letter as well as a phone call in support of reappointing David Hals as Borough Engineer. C. Lattif expressed his opinion that it is time to change. He stated that there have been serious flooding issues resulting from developments that the Borough Engineer has approved causing residents to suffer the consequences of his not having foresight. C. Honig cited several examples of encounters that he has had with Mr. Hals and stated that none were positive. He expressed his opinion that an RFP can give an idea of cost and added that he would rather spend more to receive a better quality product. C. Warms pointed out that several residents on Engle and Dean reported that they no longer have flooded properties as a result of the project that Mr. Hals oversaw.

Mrs. Thompson-Chin stated that she works with the Borough Engineer everyday and he partners with us more than bills us. She advised that if he is reappointed, an RFP or RFQ can still be prepared for later in the year. She pointed out that the engineer is needed on so many projects and there would not be a smooth transition if a change is made this quickly.

C. Honig responded that a proper transition plan involving Mr. Hals should be arranged. C. Kerge remarked that she has known Mr. Hals and Mr. Thiel longer than anyone and that no one is indispensable. She expressed her disappointment at the presentation given regarding the Dean Drive and Engle Street project. She offered her opinion that an RFP or RFQ should be prepared and pointed out that Mr. Hals can always reapply. C. LaMastra expressed her concerns regarding the implications of changing engineers at this point in time and suggested putting out an RFP in June in conjunction with the Board of Adjustment and Planning Board. At the same time, she believes that there should be a mechanism to evaluate the engineering fees charged to the residents for services provided. C. LaMastra also questioned whether there was an issue with the statute regarding the three-year appointment. Borough Attorney McClure advised that it was decided five years ago that the contract would be approved every year making this year the third year of the term. C. LaMastra asked if there would be a liability issue if Mr. Hals were not reappointed. Mr. McClure responded that Mr. Hals had agreed to have his contract approved every year and as such, it would be difficult for him to fight the issue in court. Council agreed to vote to whether to confirm the appointment of the Borough Engineer at the January 25<sup>th</sup> Public Meeting.

G. Restructuring of the Department of Code Enforcement.

Due to time constraints, this issue will be addressed at the January 25<sup>th</sup> Work Session.

**ADMINISTRATOR'S REPORT**

A. Review of 2011 Newsletters.

This topic will be relisted on the January 25<sup>th</sup> Work Session agenda.

**CORRESPONDENCE**

A. Ostrow/Holy Name Medical Center Re: Letter of Endorsement for PACE.

Council agreed to refer this letter to the Board of Health to review.

B. NJLM

Re: Resolution Urging Exemption for Reserve for Uncollected Taxes from the 2% CAP.

Council agreed to this resolution and it will be prepared for January 25<sup>th</sup> Public Meeting.

## **OLD BUSINESS**

A. Draft Resolution & Letter to Governor Christie Re: Light Rail Referendum

Council discussed additional minor revisions to the wording of draft letter and resolution. These revisions are to be presented at the January 25<sup>th</sup> Work Session.

B. Engle Street/Inness Road Parking Restriction.

C. Knickerbocker Road Sidewalk Request.

D. Engineering Review Fee Ordinance.

Due to time constraints, Council agreed to address Old Business items 4B, C, and D at the January 25<sup>th</sup> Work Session.

## **CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 11-54

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. Collective Bargaining
  - 1. Contract Negotiations Review
- B. Personnel
  - 1. Retiree Health Benefits Update
  - 2. Recreation Personnel
  - 3. Borough Clerk Partial Leave of Absence.

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. Kerge, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:22 p.m.

## **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:14 p.m.