

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, OCTOBER 25, 2011

The meeting was called to order at 7:30 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin, "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 News."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 7:48), Barry Honig, Martha Kerge, Nadia LaMastra, Michael Lattif, Jon Warms

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

Absent: None.

TO BE CONSIDERED

Amendment to Development Fee Ordinance

Mrs. Thompson-Chin reported that at the present time the Municipal Land Use Officer is trying to secure approval for the spending plan to expend moneys in development fee trust. She is waiting to receive an approval in writing. The Department of Community Affairs is seeking 2 amendments to the Development Fee Ordinance in order to complete last steps necessary to move forward. Mr. McClure stated that adopting the amended ordinance is to open pathway towards approval, since the spending plan needs to be approved first in order to obtain 3rd Round certification. The amending ordinance will be introduced on November 10th.

Draft Transient Merchant Ordinance

Mr. McClure reviewed the draft ordinance based on the one Chief Bruno recommended from Summit. He expressed his about fee being too high and that some provisions are quite harsh. He stated that the revisions are a substantial change to current ordinance, but that Council needs to consider other scenarios to make it fitting to Tenafly. C. LaMastra recommended that they need to find out at the very least what the police fee is to cover the costs associated with the investigations. Mr. McClure will update the proposed draft for Council to further review.

Tenafly Swim Club Request for Rent Reduction

Mr. McClure explained that the lease agreement requires the swim club to pay \$300 annually in base rent and make quarterly payments in what the taxes would be on the property if it were privately owned. Council discussed the lack of response from the swim club on providing data on membership as required in the agreement. Mr. McClure explained that there is a buyout provision that will be available to the Borough in 2016 to consider. C. LaMastra reminded that whatever actions are taken with the Tenafly Swim Club, Council needs to execute the same actions with the Tenakill Swim Club.

Mr. McClure reported that the Tenafly Swim Club \$32300.22 paid in rent in 2010. C. Honig advised that in order to talk about rent reductions, Council needs to find out what kind of reduction is being sought, as well as the financials and demographics of the club. Mrs. Thompson-Chin will coordinate with Mr. McClure to submit letters to both swim clubs requesting that they provide information on the financial condition of the facilities and demographics of membership of residents and non-residents. Once a response is received, it will be placed on an agenda.

Mr. Izzard, attorney for Tenaflly Swim Club, explained that a specific percentage for reduction has not been formulated yet by the board members. He apologized for not being responsive citing the turnover in board members. He said that the board wants to work for a reasonable adjustment due to the need to plan for the future and deal with problems such as bond backlog. C. Honig asked if the bonds are deposited into an escrow account or into the general treasury. Mr. Izzard responded that the bonds have become general funds, which were used for capital improvements and bonds are paid back out of operating income.

IT Contract

Mr. McClure reviewed the revised agreement that he had received from new attorney for the Board of Education with regards to the indemnification provisions of the contract. C. LaMastra expressed concern regarding the inability of using their system for e-mail and having to use personal email. C. Honig explained when IT committee last met, the Board of Education advised that the virtualization over the summer would resolve issue. Council discussed postponing the signing of the agreement until the e-mail accessibility issue and back-up server for the Police is resolved. Mr. McClure responded that contract that is proposed is a basic agreement to provide service as it sets the payment for rendering of services. The agreement does not have service level provisions. Mrs. Thompson-Chin reminded Council that there is an outstanding payment of \$49,000 that was due on July 1st. Council decided to have the resolution on agreement voted on in public meeting. Mrs. Thompson-Chin will schedule an IT Committee meeting to address the Council's concerns.

RESOLUTIONS for meeting of October 25, 2011:

- A. Approve Expenditures as of October 19, 2011
- B. Request Permission for Dedication by Rider for Fire Penalty Trust Fund.
- C. Authorize Refund/Tree Mitigation Escrow/98 George Street/\$800.00
- D. Authorize Refunds/Recreation Programs – Various
- E. Approve Raffle Applications #RA1003 & # RA1004/Englewood PBA Local 216 and #RA1005/Presbyterian Church at Tenaflly
- F. Authorize Refund/Soil Moving and New Construction/205 Jefferson Avenue/\$6,415.00
- G. Request Permission for Dedication by Rider for UCC Dedicated Penalty Trust Fund.
- H. Authorize Purchase of 2012 Chevrolet Tahoe from Mall Chevrolet under NJ State Contract for the Tenaflly Volunteer Ambulance Corps
- I. Authorize Purchase of Data Communications Equipment/Networking from ePlus Technology, Inc. under NJ State Contract for the Tenaflly Police Headquarters
- J. Authorize execution of contract between Borough of Tenaflly and Tenaflly Board of Education for computer management services to the Borough. – *to be moved to new business in the public meeting.*

CLOSED SESSION:

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution #11-334A

BE IT RESOLVED in compliance with NJSA 10:4-12, the Mayor and Council of the Borough of Tenaflly are going into Closed Executive Session to discuss the following matters:

- A. Personnel
 1. BID Executive Director

Minutes will be taken of the meeting and release to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Council Chambers to commence the Public Meeting.

On a motion from C. LaMastra, seconded by C. Honig, and all present voting in favor, the meeting was recessed to the Closed Session in the Committee Room at 8:34 p.m. The Mayor and Council will resume the Committee of the Whole Meeting after the Closed Session scheduled to follow the Public Meeting.

The Committee of the Whole Meeting resumed at 10:42 p.m.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin advised Council that she reviewed their concerns with the Suburbanite regarding their newspaper sponsorship proposal. She will reach out to the other communities that have this sponsorship partnership with the Suburbanite, but has

