

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, OCTOBER 4, 2011

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 News.”

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 8:12 p.m.),  
Barry Honig, Martha Kerge, Michael Lattif,  
Nadia LaMastra, Jon Warme

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.

Dr. Warner Chen – 35 S. Park Drive – expressed his appreciation for the Mayor and Council for initially approving the relocation of his piers and explained that his insurance company will not name the Borough as an additional insured. He requested permission to relocate the piers and that he will accept full responsibility for them. Mr. McClure advised that an executed hold harmless agreement indemnifies the Borough. Council approved the relocation of the piers upon receipt of an executed hold harmless agreement by Dr. Chen.

## **TO BE CONSIDERED**

### **Ordinances for Consideration**

#### **Sump Pump Discharge & Roof Leader Connections**

Council discussed the enforceability of the ordinance, education as opposed to inspection, and if inspections for illegal sump pumps can be tied in with other inspections or part of the permit process. Council directed the Borough Attorney to coordinate with the Construction Official on revising the language of the proposed ordinance for further review at a future work session.

Mrs. Thompson-Chin reported that the consulting engineers for the BCUA have advised that they are ready to pursue an agreement to allow the BCUA to correct the problems described in the April 5<sup>th</sup> presentation on the sanitary sewer inflow and infiltration reduction program. She will advise Council once she receives more detailed information on this matter.

### **Soil Moving Trust Fund Fees**

Construction Official, Mr. Brynes advised that the purpose for the trust fund is solely for the road repairs and associated infrastructure. Mrs. Thompson-Chin explained that when the Borough applies for road resurfacing to DOT, the full amount requested is not awarded. A mechanism is needed to build up a reserve to supplement the road resurfacing projects. Council authorized the Borough Attorney to prepare an ordinance for introduction on this matter for October 11<sup>th</sup>.

### **Uniform Fire Code Amendments**

Fire Official, Mr. Blackwell advised that the purpose of the proposed ordinance was to enact technical amendments as required by the NJ Division of Fire Safety, which includes Knox Box provisions. These provisions prevent forceable entry that causes property damage and allows for immediate access to a building. Council directed Mr. Blackwell to forward the information to the Borough Attorney to prepare an ordinance for introduction on October 11<sup>th</sup>.

### **Non-Hazard Life Uses**

Mrs. Thompson-Chin advised that the NJ Division of Fire Safety requires the ordinance to be amended and the part-time inspector has been hired to begin on October 17<sup>th</sup>. Council directed Mr. McClure to prepare an ordinance on non-hazard life uses with the corrected fee schedule for introduction on October 11<sup>th</sup>.

### **Stormwater Ordinances – Refuse Containers/Dumpsters and Private Storm Drain Inlet Retrofitting**

Mrs. Thompson-Chin advised that the stormwater ordinances are a required from the NJ Department of Environmental Protection. The ordinances are not applicable to single family homes. Enforcement will be implemented through the monitoring and application for zoning and building permits. Public outreach will be conducted through the newsletter. Council directed Mr. McClure to prepare the ordinances for introduction on October 11<sup>th</sup>.

### **Request for Professional Engineering Services – Train Station Lighting Improvements**

Mrs. Thompson-Chin informed Council that the bulk of construction will occur after the holiday season. The budget for the project of \$66,000 covers the additional engineering services. A resolution authorizing the additional engineering services will be listed on the October 11<sup>th</sup> consent agenda.

### **Request for Professional Engineering Services – Columbus Drive Improvements**

Council directed Mrs. Thompson-Chin to emphasize to the engineer that construction must be performed during the summer break. C. Barzelatto recommended notifying the Board of Education when the improvements will be made so that they can plan accordingly. A resolution authorizing the additional engineering services will be listed on the October 11<sup>th</sup> consent agenda.

### **Shared Service Opportunities with the Borough of Cresskill**

Mayor Rustin informed Council that he is waiting to hear back from the Mayor of Cresskill to set up the meeting. He will report to Council once he receives more information. Mrs. Thompson-Chin advised Council that she will prepare a hand out on the legal steps involved in shared services since state statute guides and directs the process.

### **Downtown Circulation Study/Urbana Contract Extension**

Mrs. Thompson-Chin reported that the current contract expires on October 12, 2011. The purpose was to be on standby for the release of the DEIS report by NJ Transit. In the meantime, related work was undertaken to look at traffic circulation in the Downtown. The preliminary study identified problems in the configuration, traffic lights, and parking. After the Transportation Committee meeting on September 22<sup>nd</sup>, Urbana has revised their proposal to encompass a more detailed look at the Downtown at a cost not to exceed \$15,000. The proposed source of funds would be to shift existing funds from Task #1 – DEIS Review and Report to Task #4 to allow this work to be conducted. Task #1 would remain active under the contract and the remaining amount of \$6,000 would be immediately available to initiate the DEIS review upon submission to the Borough. The available options are to extend the contract for a year under this revised proposal, to extend the contract to only keep the DEIS review active, or to let the contract expire. Council requested Mrs. Thompson-Chin to invite

Urbana to conduct a presentation on their proposal on October 11<sup>th</sup> during the pre-meeting.

**Chamber of Commerce – Downtown Sidewalk Sale in October**

The sidewalk sale will be limited to individual shops from October 15<sup>th</sup> – 17<sup>th</sup>. There will be no street closings. Mayor Rustin will reach out to the Chamber to determine if there is an interest in a seasonal sidewalk sale.

**Change Order #1 for the Resurfacing of West Clinton Avenue, Section #3**

Mrs. Thompson-Chin advised Council that the reason for the change order in the amount of \$26,976.98 is due to the fluctuating price adjustment in asphalt. An asphalt price adjustment is a state requirement in all bids where tons of asphalt for a project to be placed exceeds 1000 tons. A resolution authorizing the change order will be listed on the October 11<sup>th</sup> consent agenda.

**ADMINISTRATOR’S REPORT**

**Smith School Pedestrian and Parking Circulation Study**

Mrs. Thompson-Chin reported that the Borough Engineer and Police Chief have reviewed the remaining issues of the study proposals and have recommended the restoration of the two-way traffic on Downey Drive from Engle Street to Thatcher Road, and installing the sidewalk on the east side of Thatcher Road. They do not recommend the Thatcher Road bump-out and crosswalk and the Borough Engineer does not recommend the installation of the sidewalk on the north side of Downey Drive due to the through-traffic in the area.

Council concurred with the recommendation on restoring two-way traffic on Downey Drive. Mrs. Thompson-Chin will request the Chief Bruno provide the information to draft an ordinance for this item. Council determined to postpone the installation of the sidewalk due to the active school year and cold weather.

**CORRESPONDENCE**

C. Kurtz RE: Stop & Shop Parking Lot  
Council directed Mrs. Thompson-Chin to review this matter with Chief Bruno for recommendations.

W. Chen RE: Request to Move Piers/Insurance Coverage  
This item was addressed during the public comment portion of the meeting.

C. Evron RE: Request for a permitted parking space on Merritt Court to award as an auction prize  
Mr. McClure advised Council that municipal property cannot be awarded as an auction prize. The Borough Clerk will inform Ms. Evron.

**RESOLUTIONS** for meeting of October 11, 2011:

- A. Approve Expenditures as of October 5, 2011.
- B. Authorize Refund/Tree Mitigation Escrow/107 Churchill Road/\$2,250.00
- C. Authorize Participation in the State Health Benefits Program of the State of New Jersey.
- D. Authorize Refund/Tree Mitigation Escrow/81 Park Street/\$7,320.00
- E. Approve Raffle Applications #RA1000/Tenafly High School H.S.A./01-28-12 & #RA1001 & #RA1002/Greek Orthodox Cathedral of St. John/11-17-11
- F. Authorize Acceptance of Quote for Tennis Court Fencing Replacement
- G. Authorize Acceptance of Quote for Basketball Court Re-surfacing
- H. Authorize Change Order #1 for the Resurfacing of West Clinton Avenue, Section #3

There was no comment on the list of resolutions for the October 11<sup>th</sup> Consent Agenda.

**OLD BUSINESS**

C. Honig reported that the ADA Committee met with Andy Hipolit and Bob Beutel. As of March 1, 2012, all municipalities must have either 33% of all their park property

ADA accessible or a compliance plan in place on how this directive will be completed in 3 years. The Committee identified Sunnyside Park, Roosevelt Commons, and Walnut Park as affected properties to be evaluated. C. LaMastra mentioned that Froggy Park is heavily used. C. Honig responded that he will check to determine if Froggy Park is on the list to be evaluated. Council directed the Borough Administrator to contact the Borough Engineer to prepare a cost estimate for the preparation of the compliance plan.

**NEW BUSINESS**

C. Kerge requested that parking be reserved for Council on Tuesday evenings due to the use of the parking lot because of the current football season. Mrs. Thompson-Chin will review this request with Chief Bruno and advise.

**FOR THE GOOD OF THE ORDER**

C. Lattif commented that the confidentiality required from Closed Session discussions has been breached over the course of time and that because there are no consequences for this breach, he recommended that the Police be brought in to investigate and plug the leak. Mr. McClure responded that such an investigation is not within the scope of authority of the Police. He further explained that the governing body is obligated to maintain confidentiality and releasing information is an ethical breach in which a member can be censured.

**CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 11-313.

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. Personnel
- 1. Status of Recreation Director Search

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. Honig, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:48 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 11:03 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk