

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, MARCH 22, 2011

The meeting was called to order at 8:11 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 Warmes
Borough Administrator:	Jewel Thompson-Chin
Borough Attorney:	William R. McClure, Esq.
Absent:	None.

1. TO BE CONSIDERED

A. Downey Drive Circulation Study – Scope, Timing, & Cost

Mrs. Thompson-Chin advised that she had met with the Borough Engineer to convey the intent of this study. They reviewed a list of traffic engineering firms, developed a scope of work, made calls to firms, and requested emailed responses by March 16th.

C. Lattif expressed his concern that the scope of work was not first presented to the governing body. He expressed his opinion that the vendor should have been directed to receive input from the residents of Downey Drive, HSA, and Board of Education. He also expressed his concern that the role of the Board of Education in solving the problem is not taken into account in this proposal. Mrs. Thompson-Chin responded that it was her understanding that the Council intends to move forward with or without the Board of Education. She stated that she attempted to scale back the scope of the study so that it was not a grand plan, but there is no reason that the Board of Education cannot provide their input.

C. Barzelatto expressed his opinion that Boswell Engineering should not be considered as they were contacted prior deciding to go ahead with this study. He also stated that he shares C. Lattif's concerns as the Board of Education has rejected the study and may not cooperate with the results. Mrs. Thompson-Chin responded that it would be very difficult for a firm to take on this study without input and contact with school officials. Mayor Rustin stated that the Board of Education had opposed conducting a study in lieu of installing the sidewalk and as the study is being done in conjunction with the sidewalk, he does not believe that there would be a failure to cooperate.

C. Kerge stated that she did not believe that anyone contacted Boswell specifically about this study. She expressed her opinion that all of the proposals seem to address the issue of school safety, some taking it much further than others, and this difference seems to be reflected in the price range. She stated that because the Board of Education has placed the obligation of the sidewalk on the governing body, she feels that they should be involved with this study.

C. Honig responded to C. Barzelatto's comment about contacting Boswell Engineering and stated that he had reached out to Boswell to see what types of studies they have done in this area. He expressed his opinion that he did not do anything unethical and Boswell should not be kept from participating. He believes that the decision should be made based upon

price. He also advised that at the last Joint Use Meeting, the consensus was that the Joint Use would submit to pay for half of the study should it be done in conjunction with the sidewalk at a reasonable price.

Mr. McClure pointed out that the results of the proposals for this study are a perfect example of why C. Honig reaching out to Boswell gives the perception that he did something wrong; the fact that Boswell's price quote came in much lower than the others gives rise to questions. C. Honig responded that there was a range in the bids received for the sidewalk as well as the electrical work for the police trailers. Mr. McClure agreed that it is not unusual to see a difference in bid results, but in the bids C. Honig mentioned, they all started out with the same information.

After some discussion, the consensus was to go ahead with the study and Council designated Urbana as their first choice, Boswell Engineering as their second, and Dean & Dolan as their third choice. Council decided that the study should be completed by April 30th. Mrs. Thompson-Chin is to contact Urbana first to see if they would be able to complete the study by April 30th and providing that they can, they would be the firm chosen to conduct said study.

B. Receipt of Bids for Downey Drive Sidewalk

Mayor Rustin advised that in reading the Borough Engineer's recommendation in awarding the Downey Drive Sidewalk project to the lowest bidder, the Borough Engineer advised that he will need to provide additional oversight. C. Honig expressed his opinion that due to the concerns of the residents of Downey Drive, a good contractor should be chosen for this project to ensure that it is done properly. Mayor Rustin stated that he shares C. Honig's concern, but by law, the governing body must award to the lowest qualified bidder. Mr. McClure confirmed that this bid is responsible as their proposal is in compliance, they provided a bid bond, and have not defaulted on any other job. Council questioned whether there is anything that can be done. Mr. McClure responded that you can reject a bid if it is irresponsibly low, but there were a good number of bids that came in close to this number and it would be very difficult to reject on that basis. Although Council may not like their references, he again pointed out that this contractor has not defaulted on any other job. Council decided to ask for an extension to award this bid as they would like to see if the study can be completed first.

C. RFQ Submissions for Municipal Auditor & Engineer – Review Process & Timetable

Council decided that each subcommittee should review the proposals that have been submitted for the positions of Municipal Auditor and Engineer, decide who to interview, and come back with a recommendation to Council. The interview question set should be determined during the initial meetings. Council decided that the CFO should be included in the auditor interviews. They also decided that the governing body as a whole should interview the final candidates.

D. Introduction of 2011 Budget

Council discussed the hiring of additional police officers. Mayor Rustin reminded Council that the consensus at the March 15th Budget meeting was to authorize three police hires and Chief Bruno could decide whether it would be three officers or two officers and one civilian. After allowing each member of Council to vote again, the consensus was to authorize two additional hires. C. LaMastra explained that she has changed her decision due to the auditor's explanation that part of the CAP bank is available should they need to authorize an additional hire next year.

C. LaMastra stated that the CAP still needs to be refined. She noted that a letter was received from the Nature Center requesting \$35,000 that has not been discussed. She also reminded Council that the health benefits for the judge are to be investigated. C. Barzelatto remarked that the garbage contract amendment that had been tabled would save the town a lot of money and this money could be put towards the hiring of a third officer. C. Lattif questioned the penalty should the Council not introduce the budget this evening. Mrs. Thompson-Chin advised that the DCA can fine elected officials individually. C. Lattif expressed his discomfort with introducing as the capital list requires adjustments that are not included in the budget. Mr. Vinci stated that it is not uncommon to amend the budget after introduction. Mrs. Thompson-Chin advised that the budget is still a moving target and they can continue to make changes after it is introduced. She explained that by introducing the budget, it becomes an official draft and will allow the document to be examined by the residents. C. Warms asked whether changes would have to be minor in nature. Mr. Vinci explained that the threshold is a 10% change on an individual line item. If the change exceeds 10%, an amendment would need to be advertised and a

D. Zonta Club

Re: R.A.V.E. Walk/4-30-11

Mayor Rustin advised that the Zonta Club has invited the governing body to attend the R.A.V.E. Walk on April 30th.

5. **RESOLUTIONS** for meeting of February 22, 2011

- A. Approve February Expenditures as of February 16, 2011
- B. Approve Refund/Tree Mitigation Escrow/73 Hazelton Terrace/\$800.00
- C. Approve Refund/Tree Mitigation Escrow/38 Jewett Avenue/\$50.00
- D. Approve Refund/Tree Mitigation Escrow/39 Jefferson Avenue/\$100.00
- E. Approve Refund/Soil, Road, & Engineer Inspection Escrow/4 N. Summit Street/\$6,330.00
- F. Approve Refund/Zoning Permit Application Fee/17 Grandview Terrace/\$25.00
- G. Approve Refund/Marlborough Co-op 73B Demott Street/Tax Exempt
- H. Approve Refund/PB#1-10-06 Trust Account/Brasserie Restaurant/\$1,795.63
- I. Approve Refund/PB#1-10-15/ Trust Account/Lozaki Corp/\$105.63
- J. Approve Refund/PB#1-10-16/ Trust Account/Adesta, LLC/\$488.96
- K. Approve Refund/PB#1-10-17/Trust Account/Café Savoy/\$467.91
- L. Approve Refund/PB#1-10-20/ Trust Account/Knickerbocker Country Club/\$501.32
- M. Approve Refund/PB#1-10-21/Trust Account/Joseph J. Gartner, M.D./\$602.23
- N. Approve Refund/PB#1-10-23/ Trust Account/Kfir Sayag/\$438.30
- O. Approve 2011 Fees for Tenafly Recreation Summer Camp and Recreation Programs
- P. Approve Raffle Applications#RA985/YCS Foundation, Inc./04-09- 11/#RA986/
Sisterhood of Temple Sinai/05-19-11/#RA987/Ben Porat Yosef/03-06-11/ &
#RA988/St. Thomas Armenian Church/05-30-11
- Q. Award Contract for Installation of Water Service to Police Temporary Trailers/Jim Moscone Plumbing & Heating, Inc./\$9,635.00
- R. Award Contract for Electrical Service to Police Temporary Trailers/Margonis Electrical Contracting Co/\$35,500.00
- S. Approve 2011 Appropriation Reserve Line Item Transfers
- T. Approve 2011 Geese Police Contract Extension
- U. Approve Redemption of Tax Title TTL09-6/103 Oak Street

6. **PUBLIC HEARINGS** for the meeting of March 22, 2011:

A. Ordinances:

ORDINANCE NO. 11-02 - AN ORDINANCE TO AMEND CHAPTER XXXV, SECTION 35-1008 (*ENTITLED "PLANNING SUBMISSION"*) AND SECTION 35-1010 (*ENTITLED "FEES AND EXPENSES"*) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Barzelatto, second by C. Honig, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:44 p.m.

Respectfully submitted,

Jewel Thompson-Chin
Acting Borough Clerk