

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, MAY 24, 2011

The meeting was called to order at 7:01 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin.

Present: Mayor Peter S. Rustin

Council members: Barry Honig, Martha Kerge (arrived at 7:03),
Nadia LaMastra, Michael Lattif, Jon Warms

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

Absent: Council member Anthony Barzelatto

CORRESPONDENCE:

Galatin/20 Ravine Road Re: Leaf Blowers – Request for Ordinance
C. Honig sympathized with Mr. Galatin's letter. He stated he was in favor of a restriction on the months of the year when leaf blowers can be used, or at least a restriction in the hours of use since this equipment adds to noise pollution. C. Lattif supported the discussion on this matter and recommended banning landscaping contractors on the weekends. C. Warms reported that the Environmental Commission is contemplating a "cut it & leave it" program in which leaving the cutting on the lawn is best for the environment, as well as the mulching of leaves. He stated that grass cuttings are being blown into the gutter. The determination of Council was to list this matter for discussion for a work session in June. Mayor Rustin stated he will obtain the restriction ordained by Pelham Manor as noted in Mr. Galatin's letter. C. Warms stated that he will also bring this matter to the Environmental Commission.

Pet ResQ Inc. Re: Woofstock 2011
Council approved the request to conduct the 2nd annual Woofstock on October 9, 2011. Formal approval will be granted at the public meeting.

TO BE CONSIDERED:

Affordable Housing Administrative Services Proposal.

Mrs. Thompson-Chin expressed concern that COAH may not review the Borough's spending plan on June 8th and that the Borough cannot enter into a contract for affordable housing administrative services until the plan is approved. She reviewed the proposal from Community Action Services, which is a firm with extensive experience, but the proposal of \$53,000 exceeds the bid threshold. The reason for the high cost is due to the fact that the majority of the COAH units are for sale. Due to this price, the Borough may have to bid for these services. The term of the contract is until all

the units are sold. She presented this item to Council at this time because this item deserves more time to review for Council to make an informed decision. This proposal serves as a template since any other responses will have a similar format.

C. Kerge stated that there is no mechanism in place for finding financing to sell the COAH units as it is much more difficult for people to qualify for mortgages.

Mrs. Thompson-Chin will reach out to the CAS Director to determine if this firm has experience in seeking qualified buyers and if the cost of the proposal can be restructured without running afoul of the Local Public Contracts Law. She will also research other vendors and speak with colleague to see if they've solicited bids for these services. She will provide an update for the June 14th work session.

Aesop Time & Attendance Proposal.

Mrs. Thompson-Chin reported that discussions arose from the Joint Use Committee meeting with the Board of Education about the Borough using the Aesop Time and Attendance System. Currently, employee time records are kept manually and require constant follow-up. This system provides the opportunity for the Borough to automate this record keeping and will be used to analyze when employees are out of the office, as a sick day, personal day, vacation day, or at a conference. This will apply to all employees, except the Police Department. The cost is \$2.00 per employee and a one-time set up fee of \$1000. Formal action authorizing participation in this attendance program will be listed for the June 21st public meeting.

Public Assistance Trust Fund.

This item will be listed for discussion on the June 14th work session. As such, the public meeting agenda will be revised, as removing from the table and adopting #R11-166/Authorize the Closing and Cancellation of Inactive Public Assistance Trust Fund will not be considered at tonight's public meeting.

Swim Club ADA Chair Lift – Contract Recommendation.

Mrs. Thompson-Chin noted that on the consent agenda is a resolution awarding the contract for the installation of three ADA compliant pool lift swim chairs to Nautilus Swimming Pool Supplies & Service. Due to delays in communication with the swim club, the chairs will not be installed by the opening date of Memorial Day. The installation will take place in June.

ADMINISTRATOR'S REPORT:

Update Memo.

Mrs. Thompson-Chin reported to Council that the Borough Administrator of Cresskill reached out to her regarding a possible shared service agreement since Cresskill does not have a Qualified Purchasing Agent and is restricted to a lower bid threshold. She noted that the Department of Community Affairs is encouraging this type of shared service agreement. She and Mr. Vinci are reviewing current QPA shared service agreements and will come back to the Council with a recommendation.

Mrs. Thompson-Chin advised that she is reviewing with Mr. McClure Ordinance 09-05, which provides monetary compensation to employees who opt-out of health insurance benefits. The payment currently stands as 50% of the health insurance premium. Although no employee is receiving such compensation for waiving health benefits, the ordinance is inconsistent with state regulation. She will report back to Council with a formal recommendation.

With regards to Huyler Park, the bandstand construction will be completed by Memorial Day, which completes Phase I. Phase II consists of new garbage receptacles, new sign, design and installation of the pavilion, and new lighting. On June 20th, the County will hold a hearing regarding the award of a grant for the lighting. Mayor Rustin stated that he will attend the hearing.

Mrs. Thompson-Chin reported on the redesign of the website. She explained that she is not meeting with other vendors because the Borough owns the system and software. Therefore, the Borough is entitled to the upgrades in the website's platform. The site will be more interactive and user friendly.

On the issue of the swings at Walnut Park, the ADA accessible swing will be removed from Roosevelt Commons and installed at Walnut Park. C. LaMastra noted that Walnut Park will only have one infant swing and the ADA accessible swing, which limits the use of swings for children who visit that park. Mrs. Thompson-Chin will review with the DPW Director the quantity of swings at Walnut Park and advise.

TO BE CONSIDERED (continued):

BID Budget.

BID Director, Paula Cozzarelli, presented the BID budget to the Mayor and Council. She compared the 2010 assessments that were based on 6 month collection with the 2011 assessments. She compared the anticipated revenue with the operating expenses that will be incurred and the marketing events that are planned. Ms. Cozzarelli explained that the measurable goals will be demonstrated in business promotion and reducing the vacancy rates in the downtown. The BID Vice President, Scott Porter stated that the current vacancy rate is at 11% and the BID expects to bring the rate down to 5%. BID President, Norman Dorf explained how surveys are not objective methodology to measure the BID's progress and goals.

C. Kerge mentioned that as the summer progresses, the involvement of the BID in the downtown will be obvious. Ms. Cozzarelli noted that she is cognizant that businesses want assurance that they will get something for their money. The funds that will be collected will go back to the business district. She explained the handbook of how to do business in Tenafly is being compiled and how important it is to have interaction with the businesses in the forms of advocacy and promotion. C. LaMastra inquired on the budget process. The Borough Clerk explained that the budget will be introduced this evening and the hearing date will be scheduled for June 21st for the adoption of the budget and confirmation of the assessment.

2011 Road Resurfacing Program – Contract Recommendation.

In reviewing the cost estimates for the 2011 road resurfacing program, Mrs. Thompson-Chin advised Council that for this project, flaggers will be used to direct traffic. C. Honig inquired under which circumstances are flaggers required. Mrs. Thompson-Chin responded that the determination is made by the Borough Engineer and Police Chief based on the location of the project, anticipated disruption in traffic, safety issues, and if it involves a local road or county road. Council directed the Borough Clerk to list the topic of traffic control for repaving projects on the June 14th work session.

Proposed Date for Continuation of Review of Land Development Regulations.

A subcommittee comprised of C. Honig, C. Kerge, and C. Warms was created to review the permitted uses on the various zones. The subcommittee will review the Land Development Regulations with Mr. McClure and the Borough's MLUL Administrative Officer, Ms. Lorberbaum to develop an action plan and timeline, and report back to Council.

C. Honig advised Council that he will bring the issue of the FAR calculations with regards to stairways, second story foyers, and roof overhangs to the Planning Board.

RESOLUTIONS for meeting of May 24, 2011:

- A. Approve Expenditures as of May 18, 2011
- B. Approve Refund/Soil Moving and New Construction/193 West Clinton Avenue/\$6,500.
- C. Approve Outdoor Seating Permits/Sparkie's Brick Oven Café and Simply Vietnamese.
- D. Approve Refunds – Tax Court Judgments for 2009 & 2010
- E. Approve Refund of Tax Overpayments.
- F. Approve Refund/Tree Mitigation/14 Park Street/\$7,200
- G. Approve Raffle Application #RA997/Tenaflly Nature Center/09-17-11
- H. Approve Ice Cream Peddler License No. I-3-2011/Hilco
- I. Approve Refunds/Recreation Classes.
- J. Award Contract/ADA Compliant Pool Lifts – Nautilus Swimming Supplies & Service, Inc.
- K. Award Contract/2011 Road Resurfacing Program/Riverside Co-Op – D& L Paving.

PUBLIC HEARINGS for the meeting of May 24, 2011:

- A. Ordinances: ORDINANCE NO. 11-06 - AN ORDINANCE AMENDING CHAPTER II, ARTICLE V OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, CREATING A "FIRE COMMITTEE"
- B. Other: None.

Minutes to be approved: February 24, 2011 Budget Meeting
February 28, 2011 Budget Meeting
March 1, 2011 Committee of the Whole
March 1, 2011 Closed Session
March 3, 2011 Budget Meeting
March 7, 2011 Special Closed Session
May 3, 2011 Closed Session
May 3, 2011 Committee of the Whole
May 10, 2011 Special Closed Session
May 10, 2011 Public Meeting
May 10, 2011 Closed Session
May 17, 2011 Special Committee of the Whole

As the time required Council to commence the Regular Meeting, on a motion by C. LaMastra, second by C. Honig, and unanimously carried, the meeting was recessed at 8:45 p.m. Council will resume reviewing the balance of items upon conclusion of the Regular Meeting.

The Mayor opened the meeting of the Committee of the Whole at 11:07 p.m.

CORRESPONDENCE:

Tenaflly Chamber of Commerce

Re: July and October Street Festival Plans
Banners, Signs, & Street Closings

Council reviewed the initial request from the Chamber of Commerce and the revised request received this afternoon. Council directed the Borough Clerk to advise the Chamber to clarify their requests in a revised letter for review at the next work session.

Municipal Clerks Association of NJ

Re: Resolution Opposing S-1351

Council authorized the listing of a resolution on the June 21st consent agenda opposing S-1351.

Grandview Terrace residents

Re: 17 Grandview Terrace.

Council requested that the Borough Administrator review the issue of the construction and soil removal at this property with the Construction Official and Borough Engineer.

Denson/29 Buff Road

Re: Block Party Request (6/11/11)

The block party request was approved in open session.

Leibowitz/77 Engle Street

Re: Engle Street Sewer Project Affect on
Property

Council requested that the Borough Administrator review this matter with the Borough Engineer and advise accordingly.

FOR THE GOOD OF THE ORDER:

Mr. McClure reported that the website created by C. Honig gives the appearance of being a Borough sponsored website, based on the name of Tenaflly Council, the font, colors, site domain, and use of school mascot. He advised that the site needs a disclaimer that it is not a Borough website and that it is not sponsored or affiliated with the Borough of Tenaflly. He reported that the site is registered as being owned by Honig for Mayor.

C. Honig responded that the site had the proper disclaimer indicating that it was created at his own expense and that he would review the registration of the site.

ADJOURNMENT:

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