

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, MARCH 2, 2010

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

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Nadia LaMastra, Michael Lattif,
Joseph McDermott, Patrick J. Rouse, Jon Warms

Borough Administrator: Interim Administrator Gregory Fehrenbach

Borough Attorney: William R. McClure, Esq.

Exec. Asst. to Clerk: Eileen DeFabiis

Absent: Borough Clerk Hatten

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."

Mark Feldman, 133 Lylewood Drive, Tenafly expressed concern regarding year-end financials of the Borough and where the Borough stands regarding the Downey Drive/Smith School sidewalk issue. He also believes there should be a press release indicating the status of the Transportation Committee. Mr. Feldman pointed out that the Green Team resolution expired on January 1, and a new resolution needs to be passed.

Interim Borough Administrator Fehrenbach remarked that the Annual Report is completed and a copy is in the Library. At the end of the report are four sheets that include the status of the budget at the end of 2009.

Mayor Rustin asked the Interim Administrator to let the governing body know if a new resolution is need for the Green Team at the next meeting.

1. **TO BE CONSIDERED**

A. Planning Board-Proposed Revisions to the LDR

Mayor Rustin explained that the LDR was brought up-to-date. The Chair of the Board of Adjustment sent a memorandum to the Planning Board. A meeting was convened and comments reviewed. Some items were agreed upon and incorporated into the LDR. Points of disagreement will be forth coming in a memo to the governing body. The governing body would like to hear comments from the Planning Board before they review the proposed changes. Board of Adjustment Attorney Harold Ritvo will be doing a review of the LDR. Director of Code Enforcement Department Frank Mottola and Borough Engineer David Hals will attend a work session of the Mayor and Council after they review the LDR book to present their comments. This topic will be placed on the April 1, 2010 work session agenda for discussion.

B. Revisions to Sign Ordinance

Borough Attorney McClure remarked that this is the final document. Councilwoman LaMastra noted that the Sign Committee definition was not included in the document on page 2. The Sign Committee would include the Mayor, two members of the governing body, and one member of the Chamber of Commerce. Mayor Rustin reiterated that the Sign Committee is so applicants do not have to come before the governing body. The Sign Committee would grant permission in cases where an application has been denied. It was agreed to reduce the number of copies of documents required with an application from ten to five. The governing body agreed to have the Sign Ordinance resolution of introduction placed on the March 9, 2010 public meeting agenda.

C. UCC Fees

Interim Borough Administrator Fehrenbach explained that there was a pattern developing between 2008 and 2009 where the cost was exceeding revenues being received. Construction Official Bob Byrnes remarked that the existing Ordinance does not comply with UCC Code, and that annually and semi-annually he is to review fees so that money supports the Department. After further discussion the governing body agreed to have the UCC Fees resolution of introduction placed on the March 9, 2010 public meeting agenda. The Borough Administrator also gave council members a report from the Director of Code Enforcement Department Frank Mottola on the roof collapse at Gourmet Farms.

D. Approve specs and authorize bids for ERT vehicle for Police

Interim Borough Administrator Fehrenbach remarked that last year in a Bond Ordinance the governing body approved an ERT Vehicle for the Police Department. The estimated cost is \$150,000.00 which was what was approved in the Bond Ordinance, and the governing body needs to adopt a resolution authorizing receipt of bids.

The governing body approved going out to bid, and a resolution authorizing going out to bid on this will be placed on the March 9 public meeting agenda.

- E. Nature Center barrier-free walkway/B.C. Block Grant of \$16,000
Interim Borough Administrator Fehrenbach explained that the Borough received a \$16,000.00 grant for this project. The cost of the project will be approximately \$35,000.00. Money was never put aside for this project except for the \$16,000.00 grant. He suggested that Borough Engineer David Hals get quotes and see how low they come in. If quotes are higher than the bid threshold the project will have to wait until the Budget and Capital Budget are approved. Discussion also included whether or not the Nature Center conforms to ADA compliance, and if bathrooms will be able to be accessed from the walkway. The governing body agreed that the Interim Administrator should check to see if handicapped people would be able to access the bathrooms from the walkway.

Councilwoman LaMastra asked if the Chief Financial Officer was a Qualified Purchasing Agent. Interim Borough Administrator Fehrenbach replied, yes. However, he has not been appointed as a Qualified Purchasing Agent, and, if agreed, the governing body would have to adopt a resolution appointing him to the position so the Borough could take advantage of the higher bid threshold under State Statute.

- F. Concession Stand at Municipal Center Field
The plans for the Concession Stand were approved by the Planning Board under the Municipal Land Use Law. The Architect would put together bid documents and do a site plan. This is funded by a Resolution adopted three years ago by various fees paid into a Recreation Trust Account. The Building Department has reviewed this and will continue its review as permits are issued.

2. **ADMINISTRATOR'S REPORT**

- A. Notification to Riverside Cooperative Regarding Streets to be Milled/Paved in 2010 / West Clinton Avenue under TTF grant
Interim Borough Administrator Fehrenbach explained that the Borough received a \$200,000.00 grant for street resurfacing. The project cost would be \$330,000.00. Last year \$285,000.00 was expended for road resurfacing. Joe Thiel of David Hal's office and the Director of the Department of Public Works assembled a list of street repair priorities. The list of streets to be paved must be to the Riverside Cooperative by the end of March. After a brief discussion it was decided that the governing body will discuss this with Bob Beutel, Director of the Department of Public Works during his presentation at the budget meeting on March 6, 2010.
- B. Award of contract for seven-cubic yard compactor
Interim Borough Administrator Fehrenbach remarked that the low bidder does not possess a public works registration certificate, but the high bidder does, and that the Director of the Department of Public Works recommends awarding of the contract to the high bidder, THC Enterprises. The governing body agreed with the recommendation. A resolution awarding THC Enterprises the contract will be placed on the March 9, 2010 agenda.

C. Waiver of fees for US Census for use of Garden Room at Davis Johnson Park 27-30 April 2010

Interim Borough Administrator Fehrenbach explained that the US Census is requesting waiver of fees in connection with use of the Garden Room at Davis Johnson Park for four days of training of Census workers. They are not eligible for a fee waiver under terms of rules. If the governing body agrees they must supply liability insurance. The governing body agreed to waive the fee, and a resolution will be placed on the March 9, 2010 agenda.

3. **CORRESPONDENCE**

- A. JCC on the Palisades Re: Request/Annual Rubin Run
Approval will be given at March 9 meeting.
- B. Tenafly Associates, LLC Re: Request/Return of Performance Bonds
- C. NJ League of Municipalities Re: OPRA Mandates/Support League
Position and oppose legislation
Council agreed; resolution opposing legislation will be on March 9 agenda.
- D. NJ League of Municipalities Re: Interest Arbitration Reform/Support
League position and oppose legislation
Council agreed; resolution opposing legislation will be on March 9 agenda.

Administrator Fehrenbach advised Council that a resolution will be added to the March 9, 2010 agenda appointing Dee Lorberbaum as Municipal Housing Liaison for the administration of the Borough of Tenafly's affordable housing program, and a resolution for a one-year contract with Mid-Bergen Regional Health Commission and a resolution for a two-year contract with Hackensack University Medical Center for public health services will be added to the March 23, 2010 agenda.

4. **CLOSED SESSION** – Interim Administrator Fehrenbach advised that closed session item Fire Sub-Code Official Re-appointment is continued to the March 9 agenda as a Rice Notice had not been sent to the Fire Sub-Code Official.

5. **RESOLUTIONS**

- A. Approve March Expenditures
- B. Approve Refund of Soil Moving Escrows/Building Dept/21 Sunderland
- C. Authorize Appropriation Reserve Transfers
- D. Authorize Temporary Emergency Appropriations

PUBLIC HEARINGS for the meeting of March 9, 2010

6. ORDINANCES: No. 10-08/Improvements to Davis-Johnson Park
No. 10-09/Reappropriation of Funds/Improvements to Davis Johnson Park
No. 10-10/Improvements to Walnut Park
No. 10-11/Repeal Capital Ordinance No. 06-38 / Roosevelt Monument, Phase 2 cancelled

7. **COMMITTEE REPORTS**

A. Councilwoman LaMastra reported that the Joint-Use Committee held its meeting Monday. They addressed Jeff Thompson’s proposal regarding schools having more space than needed. The Board of Ed responded that they are moving an Autism place into the School Shared Services. The Administrator is to meet with Lynn Traeger to discuss shared services opportunities. Ms. LaMastra also reported that Susan Van Poznak has resigned from the Recreation Commission.

B. Councilman Barzelatto attended the Youth Services meeting. They have several questions which he will address with Borough Administrator Thompson-Chin.

Mayor Rustin remarked that he attended the Mayors’ Legislative Day in Trenton last week. Governor Christie gave a 25 minute speech that was forceful without putting blame on anyone.

8. **MINUTES to be approved:** None.

9. **OLD BUSINESS**

NEW BUSINESS – Councilman Barzelatto reported that the roof collapsed at Gourmet Farms in Tenafly during the recent snow storm. Tenafly was assisted by Englewood, Fort Lee and Dumont. They were also assisted by the State Urban Search and Rescue Squad. There were no injuries reported.

Borough Administrator Jewel Thompson-Chin remarked there is a need to expand communication, and push information to the newspapers.

Interim Borough Administrator Fehrenbach advised Council that they will be receiving the recommended budget between March 18 and 24. He also advised that there is a 20% increase in the State Health Benefits Plan, and a 15% increase in State Pension Plan. He will be presenting reasonable alternatives.

10. **FOR THE GOOD OF THE ORDER**

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by Council member Warms, second by Council member LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:44 p.m.

Respectfully submitted,

Eileen DeFabiis
Executive Assistant to the Borough Clerk