

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, APRIL 6, 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: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: None

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."

1. Jennifer Karnich of Price, Meese, et al, of Woodcliff Lake, attorneys for JMP, and Richard Fernicola, Vice President of Development for JMP. They referenced item 3A on the agenda, requesting the governing body change the zoning to allow an additional permitted use for their property for medical and dental offices in the 11,000 sq. ft. commercial building to be built on the site.

Council agreed to suspend the regular order of business to consider the request.

3-A. JMP Tenafly, LLC Re: Request for Zoning Ordinance Change

Mayor and Council will contact the Planning Board to review this request and the report done by the Planner in 2007. Borough Attorney will review the 2003 Court-ordered Settlement Agreement between the Borough of Tenafly and Shopwell regarding the development of the portion of the property in question.

1. **TO BE CONSIDERED**

A. Bus Shelter Request for Piermont at West Clinton (opposite Mt Carmel)

Borough Clerk reported that she had been contacted by NJ Transit for the Borough to consider allowing them to install a bus shelter at the site at the request of several resident commuters who use the bus stop. Council agreed and requested the shelter match the style of shelter to be installed at the Piermont Road and Hillside Avenue bus stop.

B. Environmental Commission proposed Council resolution on Green Buildings

Councilman McDermott explained the resolution proposes a policy of green buildings standards per the Sustainable Jersey program. Councilman Lattif questioned what will be required if this policy is adopted. Borough Administrator will attend next Environmental Commission meeting, obtain feedback from the Construction Official and Director of Code Enforcement, and post information on the Borough website. The resolution will not be on the April 13 agenda. Mr. McDermott requested this item be listed on the next work session agenda for a follow-up discussion after the Environmental Commission meeting.

C. Nature Center/Walkway-Ramp Project-award of contract

Borough Administrator advised she had made a site visit with Nature Center Director Jennifer Kleinbaum who had advised that the Nature Center Board of Directors and she did not feel the current plan for the walkway-ramp project was sensitive enough to their needs. It was decided to hold off on an award of contract. Borough Administrator will take charge of this project. Regarding the Dunham House, Ms. Thompson-Chin advised that Ms. Kleinbaum was preparing a list of items to be addressed that will be reviewed with Public Works Director Beutel upon its submission.

D. Proposal/recognition of 3/13 storm-volunteers & employees (from 3/23 mtg)

Mayor and Council agreed to host a dessert reception at Peace Plaza from 6:30 pm to 7:30 pm on Tuesday, May 25, 2010. Via the website and upcoming newsletter, residents will be invited to attend. Donations will be solicited to fund and provide the refreshments.

E. Revocation of Recycling Center access

Borough Clerk explained a former resident who had not changed his driver's license to reflect his change in address from Tenafly when he moved in Fall 2009 had presented his Tenafly driver's license two weeks ago and obtained a decal. Council agreed to revoke the access for non-resident. A resolution will be on the April 13 agenda.

F. Rescission of Parking Trust Fund Ordinance (Borough Attorney)

Borough Attorney recommended rescinding Ordinance No. 08-16; no funds have been collected to date and rescinding the ordinance will mean the lawsuit against it will be withdrawn. Council agreed and Ordinance rescinding No. 08-16 will be introduced on April 13.

2. **ADMINISTRATOR'S REPORT**

A. Finance System Update

Interim Borough Administrator Fehrenbach and CFO Vinci had been addressing the lack of integration in general ledger (Finance-Assessment-Tax) and spoken with Russell Diehl of First Byte Corporation (software in Finance office) who has been

cooperative in updating the software to address the concerns that were raised. The cost of updating is \$7000, \$2750 of which was paid in 2009. Remaining money has been allocated in the 2010 budget. In addition, the Teen Center Trust Fund will be brought into the budget management system. She also reported that First Byte has a module for their software that is geared to tax collection for the Business Improvement District for an initial outlay of \$1500 and \$375 annually. Authorization was given to the Borough Administrator to move forward with proposed changes to system as they are all within the \$15,000 budget allocation.

It was also reported that the CFO is soliciting fees from banks as the Bank of America fees are rising too far.

3. **CORRESPONDENCE**

- A. JMP Tenafly, LLC Re: Request for Zoning Ordinance Change
Discussed earlier this evening
- B. Cioffi/Oxford Dr. Re: Request/Access to Recycling Center
A special temporary access letter will be prepared by the Borough Clerk
- C. NJ DOT Re: Agreement/\$200,000/W. Clinton, Section 3
Move forward and fund in 2010.
- D. B.Dexter, Esq. Re: Saunders/Return of Police Badge
Borough Attorney to handle.
- E. AXIA Re: Request/Repave Piermont Road
This request will be added to the ongoing list of streets in need of repaving.
- F. Djuknic/Glenwood Rd Re: Request/Remove Borough Tree
Public Works Director Beutel to follow up.
- G. NJ League of Mun Re: Support of Organ and Tissue Donation
Resolution of support will be on April 13 agenda.
- H. J. Doremus/Hamilton Re: Suggestions for Downtown Tenafly
Thank you has been sent by Borough Clerk

5. **RESOLUTIONS for the meeting of April 13, 2010:**

- A. Approve April Expenditures
- B. Approve 2009 Delinquent Tax List
- C. Approve redemption of Tax Title Lien TTL09-04
- D. Approve 2009 Recycling Tonnage Report
- E. Appoint Green Team
- F. 2009 Recycling Tax Reimbursement Certification
- G. Amend 2010 Temporary Budget
- H. Authorize Refunds/Cancelled Recreation Participation
- I. Approve Raffle Application No.966/Youth Consultation-Temple Sinai
- J. Approve Outdoor Seating Permit/Green Door Café
- K. Authorize Receipt of Bids/Repair and Maintenance of Police Vehicles/2010-12
- L. Authorize Receipt of Bids/Repair and Maintenance of Traffic Signals and Related Equipment for 2010-12
- M. ~~Award Contract/Nature Center Walkway-Ramp Project~~

6. **PUBLIC HEARINGS for meeting of April 13: None.**

7. **COMMITTEE REPORTS**

Ms. LaMastra reported that the BID Directors would like to speak with the Council about the current boundaries for the BID. As there is litigation currently about this

subject, it was agreed to have a representative of the BID Board attend a closed session on April 27.

In addition, Ms. LaMastra reported the BID Directors were unanimous in wanting all of the residences listed currently on Schedule A of Ordinance No. 08-25 removed. This item will be discussed at the work session on April 27.

Ms. LaMastra questioned why an email from a resident near Jewett Court about flooding was not listed on tonight's agenda. It was discovered that the Borough Clerk had not been listed on the distribution list in the email; Ms. LaMastra will forward the email to Ms. Hatten who will list it on the April 27 work session agenda for discussion.

Ms. LaMastra also reported that the next Joint Use meeting with the Board of Education is scheduled for April 12.

Mr. Warms distributed a letter from the Chamber of Commerce requesting that Washington Street and West Railroad Avenue be closed for a Street Fair on Sunday, May 2. This request will be considered under Correspondence on the April 13 public meeting agenda for discussion by the governing body.

Mayor Rustin reported on a dinner he attended with the Northern Valley Mayors' Association. Rockland Electric, which services several of the municipalities in the Association, had a representative going from town to town to communicate directly with them during the recent severe storms. This is a strategy that might serve PSE&G well as the lack of communication from them has been an issue.

8. **MINUTES to be approved:** Closed Session of February 23
Closed Session of March 9
Work Session of March 23
Public Meeting of March 23
Closed Session of March 23

9. **OLD BUSINESS**

- A. *[from 2-3-09 COW]* Fire Dept recognition to be scheduled.
- B. *[from 2-3-09 COW]* Building Numbers/Map-Revised Ordinance to be reviewed.
- C. *(from 10-6-09 COW)* Deferred following items:
 - 1. Decrease in revenues in Building Department/possible fee increases *[at 1/5/10 COW, moved to 2010 budget discussions]*
 - 2. Council stance on Light Rail
 - 3. Revision to Fire Department Ordinance
- D. *(from 11-24-09 COW)* Schedule discussion of possible referendum on light rail issue on early 2010 work session agenda.
- E. *(from 2/23/10 COW)* Review GIS

Councilman Barzelatto will find out from the Fire Department when the revision to the Ordinance will be ready for Council consideration. Borough Administrator will follow up with the Department of Code Enforcement on item 9-B, and get a status report from H2M on their report on light rail and their expectation on completing it. It was agreed that items 9C 1 and 2 would be removed, as well as item 9D.

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

Councilman Rouse suggested that the Open Space Trust Fund monies that are collected currently are too high in these economic times. It may be necessary to schedule a referendum question for November to revise the language that limits how much is collected. It was agreed to have this item scheduled for consideration at the May 4 work session.

Councilman Rouse suggested that the entire Commuter Parking Program be reviewed because of the various parking issues throughout town. This item was also scheduled for consideration at the May 4 work session.

Councilman Rouse relayed a request from the daughters of the late Virginia Mosley, former Borough Historian and the HPC for the use of Roosevelt Common for a memorial service in her honor to be held on Saturday, May 1. All agreed.

4. **CLOSED SESSION**

At 9:05 p.m., the Borough Attorney read the following resolution:

Motion by Council member LaMastra, second by Council member McDermott, and unanimously carried:

RESOLVED that in accordance with N.J.S.A. 10:4-12, the Mayor and Council will go into Closed Executive Session for the purpose of discussing the following matters:

- A. Legal
- B. Personnel
 - 1. Finance Office Sick Leave update

Minutes will be taken of the meeting and released to the public at the time the matter is resolved. After the Closed Executive Session, the Mayor and Council will reconvene in the Richard D. Wilson Committee Room to resume the Committee of the Whole meeting.

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 9:25 p.m.

Respectfully submitted,

Nancy Hatten