

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, October 5, 2010

The meeting was called to order at 7:34 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 (arrived 7:36 p.m.),  
Michael Lattif, Joseph McDermott (arrived 8:11 p.m.),  
Patrick J. Rouse, Jon Warms (arrived 7:36 p.m.)

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

Absent: None

## **PRESENTATION:**

Vincent Benenati, Director of Buildings and Grounds, Tenafly Board of Education

Mr. Benenati explained how he had overseen, as the Board of Education representative in conjunction with a construction manager, additions to every public school that were completed ahead of schedule and under budget. The construction manager reported to him, as the Board of Education's representative for the various projects. He recommended that Council obtain construction management services for the Police Headquarters project to ensure that milestones are met. There is a domino effect if milestones are missed, which would cause change orders to occur. He described that construction managers are on site for about 4-5 hours, on a daily basis, whereas architects are on site usually once per week.

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."

Martha Kovin – North Summit Street – mentioned that she had seen Mark Gordon address the issue of light rail in a meeting in Leonia and that he sounded more like a representative for NJ Transit than for Leonia.

Joanna Gambrow – Ravine Road – questioned the value of consultants, expressed that she was leery of putting the issue of the DEIS in the hands of consultants with no opportunity for community response. She stated that there needs to be more discussion and better preparation with this matter.

Mayor Rustin expressed that the governing body and administration share the residents’ concerns, advised that the DEIS is not imminent, expressed concern regarding the volume of documents to be reviewed in 45 days, and affirmed that decisions will be made by the governing body, but that the next step is to wait for the results of the referendum.

Mark Feldman – 133 Lylewood – referenced the \$2 million note that the CFO discussed with Council and stated that there was no resolution of the problem or clear indication of the next step, questioned discussions on the Downey Drive sidewalk in workshop meetings without public awareness.

Mayor Rustin responded that no formal action is taken in a workshop, the issue of the Downey Drive sidewalk was listed under Old Business at last week’s public meeting and discussed, explained that no money can be bonded unless it transpires in a public meeting, and affirmed the background and actions of the Borough’s professional staff.

**1. TO BE CONSIDERED**

**A. Junior Firefighters’ Program.**

C. Barzelatto described the great effort Fire Chief Philpott had taken to propose a Junior Firefighters’ program that would mirror the Tenafly Volunteer Ambulance Corps’ program that uses 16 and 17 year old high school students.

Chief Philpott explained that membership is at a critical level, including the age of current members and family circumstances other members face with young children, which affects response time. The Borough receives about 700 calls annually and he is researching the option of utilizing DPW workers during the daytime. With the Junior Firefighters’ program, which has been successful in other municipalities, the cost incurred involves supplying turnout gear. At 18 years of age, participants can become full members.

Captain Johnston described that this program will encourage future membership of volunteers, will provide parents with the opportunity to join with their children, increase community development, and helps the young participants build a background for college and future employment.

C. LaMastra commended the Fire Department on the open house held this past weekend. C. Barzelatto identified that the growing trend is that students are attending more community colleges than 4-year schools and as such, the numbers are there for potential members.

**B. Transferring Responsibility Re: DEIS and Parking and Circulation Study from Talley Planning Associates, LLC to Urbana Consulting, LLC.**

Mrs. Thompson-Chin referred to the proposed resolution, draft agreement and original proposal submitted by Talley Planning Associates, as well as her update memo. Of the 6 tasks in the original contract, not all were implemented. The 2 that are active are the DEIS and the Parking and Circulation Study. The parking study is about 90% complete. The purpose of having Urbana Consulting complete this project is to tie up loose ends that need to be accounted for and the proposed agreement reflects the balance of work required for this task. She recommended that since the work product is near completion, to use the parking balance to have the

consultant review Chief Bruno's comments on alternatives for reducing pedestrian and vehicular traffic and meet with the Transportation Committee to bring this project to a conclusion.

C. McDermott stated that he recognizes the importance of continuity, but wishes to hold the parking study since the work product received is sufficient, and to prepare for the DEIS review. C. Lattif concurred indicating that if the DEIS comes out in 4 to 6 months, the parking study project would have to be reopened. He prefer the DEIS to trigger the next meeting for parking circulation unless something more prominent arises.

Mrs. Thompson-Chin explained that the issue is getting the true value on what already has been expended. The agreement does not set a date for the meeting, but it should occur sooner rather than later since the area in the study has the BID, as well as safety and traffic concerns. This gives a framework with moving forward in the area that has current needs. The resolution provides the authority to proceed since the Borough needs to account for this project.

The majority of Council determined that the parking study should be completed immediately.

#### C. Meeting Format – re: Ordinances.

Mrs. Aportela-Hernandez advised Council that there is no requirement for a resolution to introduce or adopt an ordinance. She proposed a method of removing the script associated with the introduction and adoption of ordinances that will streamline meetings from an administrative end and provide opportunity to complete listed agenda items since meetings are required to end at 11pm, but will not reduce the opportunity for public input. Council concurred and the format will be implemented on October 12<sup>th</sup>.

C. Lattif requested that ordinances that will be heard at an upcoming meeting be posted on the website in an effort provide the public with greater access to information. The Clerk and Administrator confirmed that they will work on this matter.

#### D. Records Retention.

Mrs. Aportela-Hernandez reported that she is seeking to implement a records retention program in an effort to purge any records that have passed their required retention time periods due to an increasing lack of space and the need to preserve specific documents, such as minutes, ordinances, and resolutions. She explained the checks and balances involved since the auditor must approve the disposal of certain records and the final approval is issued by the state. The approvals received from the state are permanent documents, as well as newsletters and agendas which have supporting documentation on discussed items, among many other identified documents in the retention schedules. At this time, she is working on obtaining access to the state database to transmit any requests received. Once access is obtained, the process of purging records can begin and staff can focus on the PARIS grant program. Mrs. Thompson-Chin cited that as an example, the CFO has identified 40 – 50 boxes of records that are past their retention requirements.

## 2. **ADMINISTRATOR'S REPORT**

### A. Police Headquarters Update.

Mrs. Thompson-Chin reviewed the activities that must be undertaken now that the bid has been accepted. The trailers must be acquired immediately; therefore, she proposed an authorizing resolution for the lease of the trailers for the October 12<sup>th</sup> Consent Agenda. Authorizing resolutions for sewage and site work and for advertising a RFP/RFQ for a Clerk of the Works will be listed for the October 26<sup>th</sup> Consent Agenda. She

provided a draft RFP/RFQ, which states the person selected will have oversight on the project, but cannot interfere with the construction work, but it will be revised to incorporate more specific language, such as submitting a daily report, etc. The contract is being sent to the contractor next week. The architect will produce a billboard of the final project. Notification of the project status will be the newsletter. Council authorized the resolution authorizing the lease of trailers for the October 12<sup>th</sup> Consent Agenda.

B. 2011 Funding for BID.

C. LaMastra noted that the BID ordinance cites the collection of payments on a quarterly basis and the BID wishes to have quarterly payments. The current payment plan does not follow the ordinance.

Mrs. Thompson-Chin explained that the twice a year collection plan was developed with input from the Tax Assessor, Tax Collector and Chief Financial Officer. Two payments would be easier for the BID to budget since they will receive a larger amount of cash flow.

C. LaMastra expressed concern over businesses having two big payments. Council requested that Mrs. Thompson-Chin review with staff the impact of operations by increasing the number of collections to 3 or 4 times a year to facilitate the taxpayer.

At this time, Council recessed at 10:13 p.m. and reconvened at 10:19 p.m.

C. Schedule for Installation of Sidewalks – Downey Drive.

Mrs. Thompson-Chin advised Council that the Borough Engineer was instructed to prepare plans for the installation of sidewalks for Downey Drive. Mayor Rustin commented that only 1 tree would need to be taken down as a result of the installation. Information regarding this project will be included in the November newsletter.

3. **CORRESPONDENCE**

- A. Mitchell/Tenafly United Methodist Church Re: Request/Fall Yard Sale/  
10-23-10

Council authorized the Tenafly United Methodist Church to conduct its annual fall yard sale. The Borough Clerk will notify the Reverend.

4. **RESOLUTIONS** for meeting of October 12, 2010:

- A. Certify 2009 Audit.
- B. Adopt Corrective Action Plan.
- C. Authorize Refund – Planning Board Trust Account – MNM Designs LLC.
- D. Approve Developer’s Agreement/Garber/10 Prospect Terrace.
- E. Amend Time of 2011 Recess and Reorganization Meetings.
- F. Authorize Appointment of Bergen County Housing Authority as the Administrative Agent for Affirmative Marketing and Affordability Controls.
- G. Approve Road Opening Permit - Kleinfelder East, Inc.
- H. Approve Developer’s Agreement/Epstein/35 Sunderland Road.

- I. Authorize Encroachment in the Public Right of Way – 15 Highwood Avenue.
- J. Amend 2010 Budget – NJLM Education Foundation Sustainable Jersey 2010 Small Grant.
- K. Approve Refund/Tree Mitigation Escrow/20 Knickerbocker Road - \$280.00
- L. Approve Refund/Tree Mitigation Escrow/30 Peter Lynas Court - \$1350.00
- M. Approve Refund/Tree Mitigation Escrow/3 West Railroad Avenue - \$100.00
- N. Award Professional Services Contract – Urbana Consulting, LLC (see 1-D)
- O. Authorize Submission of Bergen County Community Development Grant – Tenafly Nature Center/ADA Improvements/Phase II

5. **PUBLIC HEARINGS for the meeting of October 28, 2010:**

- A. Ordinances: Ordinance 10-28/Non-Represented Salary Ordinance
- B. Other:

6. **COMMITTEE REPORTS**

None.

7. **Minutes** to be approved: None.

8. **OLD BUSINESS**

- A. Engineering Review Fee Ordinance.

This item will be listed for discussion on October 26<sup>th</sup>.

- B. Summit Avenue Property.

Mrs. Thompson-Chin explained that there is a prospective tenant interested in leasing the space and have been apprised of what is required to offer the prospective lease for bid. Currently, the electricity and water are shut off. The gas is locked off and would need to be turned on by PSE&G. Also, there is some potential water damage on a wall. The area is zoned for retail use.

Council discussed other potential uses for the property. Mr. McClure advised not to put the property up for bid at this time until a final determination is made since leases are no less than for 5 years.

Council requested that Mrs. Thompson-Chin reach out to the Borough Engineer for an informal analysis to combine the parking areas and to determine how much of the area is privately owned and owned by the Borough, and to reach out to the department heads to determine if there is any use for the building to house Borough activities or operations.

9. **FOR THE GOOD OF THE ORDER**

None.

10. **CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure

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. Schedule performance evaluation of Administrator per contract.

Minutes will be taken of the meeting and release 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.

11. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Lattif, second by C. McDermott, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:52 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez