

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, September 28, 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 (arrived at 7:33 p.m.)

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: None

## 1. **TO BE CONSIDERED**

- A. Award Bid for Emergency Response Team Vehicle for the Tenafly Police Department

Mrs. Thompson-Chin explained that this vehicle has undergone three rounds of bidding. At the September 9<sup>th</sup> bid opening, there was only one responsive bid, submitted by a return bidder. The bid is responsive and within budget. She, Mr. McClure, and Chief Bruno have recommended that the bid be accepted and the vehicle be acquired. Mrs. Thompson-Chin provided information regarding SWAT deployment and confirmed that Chief Bruno has emphasized that the vehicle is not limited to SWAT operations as it will be used more for mobile command.

C. McDermott requested that the resolution awarding the bid be pulled from the consent agenda and listed under new business during the public meeting.

- B. Award Bid for Police Headquarters Expansion and Renovation Project

C. Lattif requested that the resolution awarding the bid be pulled from the consent agenda and listed under new business during the public meeting. Mrs. Thompson-Chin supplied the revised budget and construction schedule as well as Mr. McClure's response to the letter of challenge received on behalf of the second lowest bidder.

Council discussed the estimated cost for construction management, bidding for this service during the 3 month preconstruction phase, and the option of selecting a clerk of the works. Mayor Rustin recommended that the Director of Buildings and Grounds for the Board of Education conduct a brief presentation on how two major projects were overseen.

C. Authorize Lease of Temporary Trailers for Police Headquarters

Mrs. Thompson-Chin confirmed with the Council that once the bid is awarded, the Borough must immediately move forward with leasing trailers to temporary house police personnel and operations during construction.

D. Authorize Access Borough Right-of-Way/Kleinfelder/ 24 County Road & 13 Jay Street

Council determined that a resolution be placed for the October 12, 2010 consent agenda authorizing access to install a monitoring well and that the permit be issued afterwards upon receipt of the respective fee and bond required for a street opening.

E. Developer's Agreement/Garber/10 Prospect Terrace

Council determined that a resolution authorizing the developer's agreement be placed on the October 12, 2010 consent agenda.

F. Reorganization Meeting

Mrs. Aportela-Hernandez advised that after reviewing the meeting schedule with Mrs. Thompson-Chin that the 2011 Reorganization Meeting listed for January 2<sup>nd</sup> at noon, although Council decided to hold it on January 1<sup>st</sup> at the September 7<sup>th</sup> meeting. Council determined to conduct the Reorganization Meeting on January 2<sup>nd</sup>, but to change the time to 4pm and to hold the Recess Meeting at 3pm. A resolution confirming the change in time will be listed on the October 12<sup>th</sup> consent agenda.

G. Resident Address/Public Comment

Mrs. Aportela-Hernandez advised Council that since the order of business is not codified, if the consensus was to have residents just state their street name or mention that they are a Tenafly resident, it would only have to be announced at the meeting. Council determined that when a resident wishes to address Council during a meeting, only the street name is required, but not the house number.

H. Performance Bond Protection

Mr. McClure explained that under Local Public Contracts Law, the Borough is required to accept the lowest responsive and responsible bidder. A bidder is responsive if

the bid conforms to the bid specs. The required bid bond provides surety that the bidder is responsible. The bid bond is to ensure against a frivolous bid.

With respect to a performance bond, if during the course of a contract, the contractor defaults, the surety company must pay for the cost to complete the project pursuant to the contract. C. Lattif inquired if the performance bond ensures the quality of the work performed. Mr. McClure responded that the performance bond is a financial risk to the surety company that the contractor will not default. The work only has to be acceptable according to the bid specs. Mr. McClure emphasized that municipalities do not want to resort to the performance bond and that the best way to have the job done right is with project oversight.

2. **RESOLUTIONS** for meeting of September 28, 2010:

- A. Authorize Tax Court Judgment Refund
- B. Approve Refund/Tree Mitigation Escrow/391 Knickerbocker Road/\$250.00
- C. Approve Refund/Tree Mitigation Escrow/235 Churchill Road/\$13,600.00
- D. Approve Refund/Tree Mitigation Escrow/266 Riveredge Road/\$50.00
- E. Approve Refund/Tree Mitigation Escrow/213 Engle Street/\$4,200.00
- F. Approve Refund/Tree Mitigation Escrow/66 Sussex Road/\$50.00
- G. Approve Refund/Soil Moving Escrow/107 Churchill Road/\$6,500.00
- H. Approve Refund/Street Opening Bond/Permit #1051
- I. Approve Raffle Applications #RA977 & #RA978/Our Lady of Mt. Carmel/03-19-10
- J. Approve Outdoor Seating Permit for Good Taste Restaurant, Inc.
- K. Authorize Encroachment in the Public Right-of-Way – 133 Serpentine Road
- L. Authorize Shared Services Agreement between Bergen County and Riverside Cooperative
- M. Award Contract/Sewer Repair – Tenaflly Road at DeMott Street
- N. Authorize Submission of Application to Bergen County Open Space Program/Huyler Park Phase II (Park Lighting)
- O. Appoint Municipal Representative to the Open Space Trust Municipal Program Regional Committee
- P. *Award Bid for Emergency Response Team Vehicle for the Tenaflly Police Department (MOVED TO NEW BUSINESS)*
- Q. *Award Bid for Police Headquarters Expansion and Renovation Project (MOVED TO NEW BUSINESS)*

3. **PUBLIC HEARINGS for the meeting of September 28, 2010:**

- A. Ordinances: No. 10-24/Land Development Regulations (LDR) Chapter XXXV, Article II, Section 35-201/Revise Definitions
  - No. 10-25/Revise Display Building Number Requirements/Chapter 10, Section 10-11/Numbering of Buildings
  - No. 10-26/Amended Sign Ordinance/Chapter XIV/Signs/Amendments to various provisions
  - No. 10-27/Land Development Regulation (LDR)/Chapter XXXV, Article II Sec. 35-201 and Article VIII Sections 35-201 & 808/Revise Definition and Placement of Basketball Hoops in Front Yards

B. Other: None.

4. **Minutes** to be approved: Special Meeting of July 21, 2010  
Work Session of September 7, 2010  
Public Meeting of September 14, 2010  
Closed Sessions of September 14, 2010  
Special Work Session of September 21, 2010

As the time required Council to commence the Regular Meeting, on a motion by C. Lattif second by C. LaMastra, and unanimously carried, the meeting was closed at 8:30 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 10:35 p.m.

5. **ADMINISTRATOR'S REPORT**

- A. Governor's Correspondence re the Best Practices & Best Practices Check List Requirement for State Aid

Mrs. Thompson-Chin advised that the NJ League of Municipalities, NJ Municipal Managers' Association, and the Mayors' Association met with the Department of Community Affairs to address issues concerning the check list and inconsistencies found in the questions. The DCA's response was that municipalities need to make notations on the form where applicable. The deadline remains as October 1<sup>st</sup> and the questions will not be revised. Interpretation of the questions is the responsibility of the municipality.

Mrs. Thompson-Chin reviewed the final version of the Borough's check list responses that will be certified by the CFO, Mr. Vinci. Answers have been revised, two questions were not applicable, and annotations have been made. It is estimated that the responses fall in the 61-75% range, in which there would be a reduction of state aid by 1% or \$532.

- B. Construction Management Options

Mrs. Thompson-Chin sought permission to draft a RFP for a construction firm or clerk of the works. Council authorized her to proceed. The scope of the work for the RFP will be reviewed at the October 5<sup>th</sup> Committee of the Whole Meeting. The process of obtaining construction management will be concurrent with the pre-construction process of the project.

- C. Update Memo

Mrs. Thompson-Chin informed Council that she is working with the Planning Board in drafting a RFP for general planning services. The Planning Board approved Janice Talley's final bill, but Mrs. Thompson-Chin is reviewing the Borough's bills from Talley

Associates. She will reach out to Mark Gordon regarding completing the balance of the work and provide an update for the October 5<sup>th</sup> Committee of the Whole Meeting.

With regards to the UCC report, C. McDermott requested a more detailed report just to review for comparison with the summary.

Mrs. Thompson-Chin provided a computer inventory, which will be used by the Technology Committee. C. Lattif inquired why the audit report cited a physical inventory deficiency. Mrs. Thompson-Chin responded that the physical inventory involves asset tags, which are placed on new equipment; however, she will review this matter in greater detail and advise.

6. **FOR THE GOOD OF THE ORDER**

None.

7. **CORRESPONDENCE**

- A. Capizzi/Tenafly Gourmet Farms  
Re: Request/Awning Encroachment Borough Right-of Way/15 Highwood Avenue

Council determined that a resolution authorizing the encroachment of the awning to be listed for the October 12<sup>th</sup> consent agenda.

- B. Sohng/12 Carmen Rd.  
Re: Request/Overnight Parking Permit

The resident is requesting an on-street parking permit. Council determined not to grant this request since on-street parking permits are not permitted. The Borough Clerk will notify the resident.

- C. Kurtz/Education Foundation of Alpine, Inc.  
Re: Sign Request/Alpine Car Show

Mayor Rustin reported that this matter has been referred to the Sign Committee for review and response.

- D. Weible/CW Solutions  
Re: Installation Cell Tower/Tenafly Nature Center

Council reviewed the request and determined not to decline the proposal to install the cell tower. The Borough Clerk will notify the Mr. Weible.

- D. De Greogoriis/Ringwood, NJ  
Re: Request/Park Bench Roosevelt Commons

Mayor Rustin advised that this matter is being reviewed by Mr. Beutel, who will advise the requestor of a cost estimate for the bench.

8. **ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. Lattif second by C. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez