

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, OCTOBER 9, 2012

At 7:02 p.m. Mayor Rustin read the Open Public Meetings Act Statement: "In compliance with the Open Public Meetings Act P.L. 1975, chapter 231, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting, are posted on the public bulletin board in the lobby of the Municipal Center, published in the Record within the first 10 days of the New Year, and copies are sent to the Suburbanite and Northern Valley News. Notice of this meeting by Resolution #12-321 has been sent to the Record, the Suburbanite and Northern Valley Press and has been posted on the public bulletin board in the lobby of the Municipal Center."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 7:05 p.m.), Barry Honig, Martha Kerge, Nadia LaMastra (arrived at 7:04 p.m.), Jon Warms, Mark Zinna

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

Absent: None

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 12-367.

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. Collective Bargaining.
 - 1. Contract Negotiations Update

Minutes will be taken of the meeting and released 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 resume the Committee of the Whole meeting.

On a motion from C. Kerge, seconded by C. Honig, and all present voting in favor, the meeting was recessed to the Closed Session in the Committee Room at 7:03 p.m.

The Committee of the Whole Meeting resumed at 8:03 p.m.

PUBLIC COMMENT:

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.

Johanna Gambrell – 15 Ravine Road – asked the Borough Attorney when the latest revisions to the bylaws were provided from the BID and when the public will be able to review the documents. Mr. McClure responded that the materials regarding the BID that are discussed in the worksession are deliberative material. He explained the revision process and that before approving any change to the bylaws first requires a change to the Borough's ordinance.

Mark Feldman – 133 Lylewood Drive – stated that he hoped Council will not go ahead with Phase 1 of the Traffic Circulation Plan until the Borough receives funding from other sources.

TO BE CONSIDERED

Outdoor Fitness Center

Mayor Rustin referenced an e-mail received from a resident, who expressed his concern about liability to the Borough should someone get hurt on the equipment. C. Kerge expressed her thoughts regarding the purchase of the equipment with Open Space funds, the potential usage of the equipment, potential crowding of the parks and expansion of installation of the equipment for other parks.

C. LaMastra explained that the fitness equipment is constructed for outdoor use and that older versions of equipment seen elsewhere were mainly for stretching exercises. C. Honig inquired if the Recreation Department will offer instructions on how to use the equipment or incorporate the equipment with current classes, if there will be a coordinated program with the Youth Center, and if the equipment will be incorporated with camp activities. C. LaMastra advised that the equipment has a diagram for usage, the high school trainer is interested in providing instruction and the use of the equipment can be incorporated with existing programs.

Mrs. Thompson-Chin noted that the Borough cannot rely on Bergen County Open Space as funds are limited and the Borough has currently submitted an application for ADA compliance for Froggy and Griffin Parks. C. LaMastra inquired about which department has purview regarding parks. Mrs. Thompson-Chin responded that the Site Supervisor issues reports to the Recreation Department and DPW is responsible for the maintenance and signage component of the parks.

C. Honig stated if the Borough's Open Space funds are used, this is money that has been collected already and he asked the Borough Attorney about potential exposure. Mr. McClure explained the protection municipalities have under the Tort Claims Act and the difference in the insurance premium would be an insignificant amount. C. Honig expressed his support for the equipment as it will enhance the value of the town.

C. Warms suggested installing the equipment in Walnut Park. Mayor Rustin stated that he likes the proposed area of the Oval and suggested the area near the Municipal Complex parking lot. C. LaMastra explained that the Oval is more conducive because can get the Senior Center can also use the equipment with their programs.

Downtown Traffic Circulation and Pedestrian Mobility – Presentation by Mark Gordon of Urbana Consulting and John McCormack – Sam Schwartz Engineering

Mr. Gordon explained that the proposed project will change the physical character of the downtown and he believes the renovation will increase foot traffic retail patronage and revitalize the business district. The project has been split into 3 phases and the next step would be to move to design since currently in the concept stage. One option would be to just commit to 30% of design of Phase 1 because will incorporate most of the important decisions.

Mr. McCormack described the purpose of Phase I as an opportunity to create a core to the downtown and simplify the more confusing intersections. Two pedestrian plazas would be created with eliminating traffic flow on Piermont Road, revising traffic signals, constructing, and creating curbing and sidewalk enhancement. At a minimum parking will be maintained or a couple of spaces could be gained. The key to the second plaza is the rerouting buses, which would require working with NJ transit. Phase II addresses issues along Riveredge Road and Phase III addresses issues along county road.

C. LaMastra mentioned that while the plans are fantastic and would help bring business to downtown, she cannot see the Borough affording the project without grants. Mayor Rustin advised that the North Jersey Planning Authority has been known to fund projects of this nature. Mr. Gordon remarked that the project would be eligible for grants as it is pedestrian friendly and revitalizes central business district. He advised that Fairlawn received 2 grants involving pedestrian safety and has a third grant pending. The grants applications need to demonstrate shovel ready or almost shovel ready project. This project can be phased as funding becomes available. C. Honig stated that he was not convinced that the project will bring any new businesses or address vacancies, and he requested a case study. Mr. Gordon replied that the project will be a positive for the business environment to garner more interest, but other things need to go along with it such as the BID ramping up recruitment and the governing body to review regulatory processes in addition to the physical improvement. Mr. McCormack described the momentum beginning in Montclair, which recently completed a streetscape project.

C. Kerge cited her traffic concerns and congestion of Jay Street. C. Zinna requested a clarification about being shovel ready. Mr. Gordon responded that a municipality maximizes the amount for grant awards when there is a detailed cost estimate for construction. C. Zinna asked how much it would cost to get to that point. Mr. Gordon explained to advance to 30% of the design phase, the cost is \$84,000, which includes design, county approvals, and NJ Transit approval. During design

process, the firm will research grant cycles for the submission of applications. C. Zinna recommended conducting a test and close Piermont Road for a week or two to see the effects. Mr. Gordon noted that a study and evaluation must be made before conducting such a test. Mrs. Thompson-Chin recommended share the work and have the Borough Engineer coordinate with the county and the consultant coordinate with NJ Transit.

C. Barzelatto recommended that the consultant needs to speak with the Fire Department, at least out of courtesy, to obtain a full emergency services review. The Borough Administrator will ask the Borough Engineer to speak with the Police and Fire department to review closing Piermont Road as a test. Council will advise consultants on how they plan to proceed.

Ordinances

1. Revision to Chapter 26 - Trees

Council directed the Borough Administrator coordinate with the Construction Official, DPW Director, and Borough Engineer to attend an upcoming work session to review the revision with Council. C. LaMastra suggested inserting a chart in the ordinance to assist residents in navigating through requirements depending on their zones.

2. Vacate Phelps Avenue

Council authorized that the ordinance be listed for introduction on October 16th.

BID Bylaws

Mr. McClure explained that the revision to the ordinance is for consistency and the revision makes a clear distinction between members and directors. He explained that the restriction for Class C Directors was removed as recommended by the BID. C. LaMastra clarified that the current ordinance has strict distinctions and by removing the restrictions it allows selection of vested and interested parties with expertise to sit on the board. Mr. McClure added that although specific language regarding qualifications was removed, the Class C Directors are voted by the members that are subject to the impound. Mr. McClure confirmed that removal of any director requires a supermajority vote.

C. Kerge expressed concern about the BID being able to borrow money, fund improvements through grants or loans, and the redistribution of funds, which is granted to the BID under the authority provision of the bylaws. Mr. McClure responded that the language cited is word for word from the state statute. He explained that his role was to review draft of bylaws to ensure consistency with the Borough's ordinance and state statute. He further noted that the BID has to cite the use of funds in the budget that is presented to Council.

C. LaMastra stated that she would like to have listed on a future work session a discussion regarding the role of the BID and its interaction with Borough.

Council authorized listing the ordinance for introduction on October 16th.

Tenaflly Nature Center

Mr. McClure reported that he reviewed the materials that the Nature Center provided and the deeds to the property. He determined that an amendment to lease must be done by ordinance. He described the difference between the leases for the main property and the Lost Brook Preserve, which is a 5 year renewable lease with a cancellation provision. The Nature Center cannot obtain contributions if lease can be terminated in a short term. He recommended that the lease for the Lost Brook Preserve amended to 24 years, which is the maximum allowed by Green Acres and include a provision to allow building a project on or about 5 acres, which provides the Nature Center with greater flexibility as opposed to subdividing the property.

C. Barzelatto inquired why the Nature Center selected this particular location. Nature Center President, Mr. Neus explained that the process initially started with renovating current building, but there was an issue to do the proximity to a residential area and topography issues for parking. They then looked at a site on Hudson Avenue, but found a similar problem with topography for parking and proximity to residential area. The Nature Center then hired a hydrologist to look at wetlands and identified an area that is far enough wetlands and safe enough to build from an environmental perspective.

Mr. McClure reminded Council that any progression with the project requires a hearing for Green Acres. Mayor Rustin recommended including a provision to revert lease to short term status if project does not go through. C. Honig advised that the public needs to keep in mind that the property is not being turned over to developers, but to naturalists who seek to educate others about preserving nature.

Mr. Neus explained that the extension of the lease is to give comfort to potential donors to obtain funding for schematic drawings and to put all the elements of the project together. He affirmed that the Nature Center has no intention to use taxpayer money.

The unanimous consent of Council was to support extending the lease. Council directed the Borough Attorney to prepare the applicable ordinance and have it listed for review at the work session on October 30th and introduction on the public meeting on October 30th, with the hearing for November 20th.

At 10:15 p.m. Council recessed the work session and resumed the meeting at 10:27 p.m.

ADMINISTRATOR'S REPORT

- Mrs. Thompson-Chin reported that JIF funds still available for financing accreditation. A resolution authorizing the grant agreement with the JIF for the accreditation process can be adopted next week. She will ask the CFO to finalize source of funds, as he noted that there is funding in the Police Department budget, and then she can begin to prepare the RFP.
- The Police Commission meeting has been scheduled for Monday, October 15, 2012 at 3:00 pm.
- The positions of Records Clerk and Dispatcher have been filled. There was competitive solicitation for both positions. The Records Clerk is a former Records Clerk in Fairfield. Mr. Louis Smaragadakis, current site supervisor for the Recreation Department has been selected as the Dispatcher as he has experience in being a dispatcher in other communities.
- As previously reported, a process has been put into place to address problem properties. The process has been implemented and the DPW has cut the grass at two locations, which are not bank owned properties; it's just that the property owners refused to cut the grass. The property maintenance enforcement will be reviewed seasonally. The current season involves high grass and in the winter staff will look at snow removal.
- The testing of the metal detector went well. The equipment is currently stored in the Court office.
- The message board is out of service. It needs 3 electronic boards to be replaced, which is a special order. The vendor advised that he may not have the boards until the first week of November. The equipment is 11 years old, which is one year past the useful life. In next year's budget, funding will be allocated to maintain the message board, but Council will need to think about replacing it in a couple of years.

CORRESPONDENCE

Lubavitch on the Palisades RE: Parking on Harold Street
Council requested that the Borough Administrator forward the letter to Chief Bruno for his comments and recommendations.

Hastings Drive/Trafalgar Road Residents RE: Pothole in area caused by PSEG
Mayor Rustin advised that when PSEG was done with repairing the gas lines in these streets, they resurfaced only half of the street. The problem is the section that was not resurfaced has potholes. He spoke to the Borough Engineer who mentioned coating of streets at one-third to one-quarter the price and lasts about 20 years, known as micro-resurfacing. Council requested that the Borough Administrator schedule the DPW Director and Borough Engineer to attend a future work session to present more information about micro-resurfacing. Council directed the Borough Clerk to advise the residents that the governing body is reviewing the condition of streets listed in the letter and others in town and looking are into a process and cost to get the roads repaired.

RESOLUTIONS for meeting of October 16, 2012:

- A. Approve Expenditures as of October 10, 2012.
- B. Authorize Street Opening Bond Refund/Uri Rapaport Construction
- C. Authorize Tree Mitigation Escrow Refund/28 North Browning Avenue
- D. Support S180 – A640/Amend Megan's Law
- E. Authorize Engineering Escrow and Soil and Road Bond Refunds/
28 North Browning Avenue

- F. Authorize Engineering Escrow and Soil and Road Bond Refunds/
20 Mountain Road
- G. Authorize Engineering Escrow and Soil and Road Bond Refunds/
85 Sunset Lane
- H. Authorize Engineering Escrow Refunds/134 Essex Drive
- I. Award Contract/Beyer Bros. Corp/DPW Garbage Truck
- J. Authorize Change Order/Marini Brothers Construction Company/Sidewalk
Installation on Downey Drive and Thatcher Road

There were no comments on the proposed resolutions.

Minutes to be approved on October 16, 2012: September 4, 2012 Work Session
September 4, 2012 Closed Session
September 27, 2012 Work Session

There were no comments on the minutes scheduled for approval.

OLD BUSINESS

Police Accreditation Update

This topic was addressed in the Administrator's Report.

311 Tenafly Road

Mayor Rustin reported that the Kim property had been before the Planning Board for numerous years and Dave Hals had been involved with the property on a continual basis. Dave offered to walk the application to the DEP at no cost. The MAP Consulting was contracted by the United Way and Madeline as they are responsible for the soft costs involved with the development. C. Honig expressed his concern with the entire process and questioned why the Borough would want Dave Hals to be involved in a million dollar project, since he was not selected to be Borough Engineer. He requested to speak to the Borough Engineer as to why he is not involved.

Mr. McClure responded that the Borough's obligation with the project is contingent upon a number of things, one of which is DEP approval. If the Borough Engineer was involved, he would bill the Borough. The Borough is not obligated to Dave Hals in these circumstances since he was not engaged by the Council. C. Barzelatto clarified that Dave Hals' contract was not renewed.

NEW BUSINESS

None.

FOR THE GOOD OF THE ORDER

C. LaMastra advised Council that Mr. Toonkel is seeking a firm approval from Council regarding the proposed soccer cage as there are costs associated with getting cost estimates for lighting. Council directed the Borough Clerk to request that Mr. Toonkel attend the pre-meeting on October 16th to provide him with clear direction how to proceed in the next step of the process. Wants firm approval.

ADJOURNMENT

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

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk