

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, MAY 8, 2012

At 7:39 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 #12-164 has been sent to the Record, the Suburbanite and Northern Valley News and has been posted on the public bulletin board in the lobby of the Municipal Center."

Present: Mayor Peter S. Rustin

Council members: Barry Honig, Martha Kerge, Nadia LaMastra, Jon Warms,
Mark Zinna

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

Absent: Council member Anthony Barzelatto

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 12-176.

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. LaMastra, seconded by C. Kerge, and all present voting in favor, the meeting was recessed to the Closed Session in the Committee Room at 7:40 p.m.

The Committee of the Whole Meeting resumed at 8:09 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.

Mark Feldman, 133 Lylewood Drive, expressed his concern about the impact that the cancellation of old debt may have on the taxpayers with the need to begin repayment of the principle. He cautioned Council to take their time in making their decision.

Johanne Gambrell, Ravine Road, expressed her opinion that the BID operates with a different set of rules than Council. She questioned how the sign project had been approved and both a promoter and sign company hired when she does not recall a decision being made at a public meeting. She expressed her discomfort with what she believes to be more and more degrees of separation.

Sandra Diasparra, 5 Atwood Avenue, owner of Tenaflly Arts as well as several properties in Tenaflly, advised that she pays an additional \$1,700 in taxes because of the BID. She explained that she has 12 employees to whom she used to be able to give a bonus around the holidays but can no longer afford to do so. She expressed her opinion that the BID is unnecessary and does not help the businesses on the periphery of the downtown. She also expressed her disapproval of the amount of the director's salary.

TO BE CONSIDERED

Status of Outstanding Bond Ordinances/Capital Projects

Gene Vinci, CFO, advised that he has distributed a schedule reflecting the balances in old ordinances available to fund currently approved projects. He advised that these funds will need to be reappropriated through bond counsel and the description of the project will then be changed. He noted that after this process is complete, there is only \$28,000 remaining in old ordinances that can be cancelled by resolution. C. Honig requested that Council be provided with documentation at the beginning of the budget process as to the amounts available in old ordinances.

Mr. Vinci reviewed the debt service and refunding analysis provided to Council. He advised that the proposed bond amount is \$6.2 million, of which \$3.8 million consists of outstanding notes. He explained that most municipalities roll over notes annually rather than take on long-term debt. He noted that there are three different scenarios presented, terms of 10, 12, and 14 years. He explained that the schedule reflects the average home, current debt, and the incremental cost to each home. He expressed his opinion that it is time for a bond sale as the rates are favorable and further recommended the 10-year term. C. Honig questioned whether it would be better to wait one more year as there is probably a low risk of there being a rate increase in the next year. Mr. Vinci responded that there is time to make a decision as the maturity of the notes is in October and the process for having a bond sale would not have to begin until mid-August. He advised that there are soft costs to consider such as \$15,000 for bond counsel, \$20,000 for the auditor and \$10,000 for the rating agency which will decrease the available funds in those ordinances. Council agreed to look at the process in August to decide whether to proceed with the bond sale.

Business Improvement District

i. Recommendation for Revisions to the By-Laws

Mayor Rustin advised that Beth Lippman, BID Director, Norman Dorf, BID Board President, and Scott Porter, BID Board Vice President, are present this evening to discuss the proposed revisions to the BID bylaws. Scott Porter reviewed proposed revisions to the number and composition of the BID Board of Directors. The number of directors will increase from nine to eleven members with one who shall be a member of Borough Council appointed by the Borough Council, two appointed by the Borough Council who shall work, own property in the district, or reside in the Borough, five members elected by the majority vote of the members, and three members to be appointed by the Board of Directors. He then discussed additional revisions to the wording in various sections of the bylaws and advised that they included a section on the authority of the Corporation which was spelled out in the ordinance but not originally included in the bylaws.

After some discussion about the voting process, membership of the Board, and issues pertaining to the Open Public Meetings Act, Council decided that Mr. McClure should put his comments and concerns about the proposed revisions to the bylaws in writing to Mr. Porter so that they can be addressed.

ii. 2012 Budget

C. LaMastra questioned whether the budget should be tabled at next week's meeting so that it can be further discussed. Mayor Rustin commented that it is a very important issue and expressed his concern about making a decision without taking into account the public's input or having a more detailed budget. He proposed holding a special meeting on May 22nd solely to discuss the BID bylaws and budget. He also suggested allowing the public a half hour to an hour to speak. Beth Lippman advised that she had provided a more detailed budget when it was initially submitted. Council agreed to hold a special meeting on May 22nd at 7:30 p.m. in Council Chambers.

Permit Waivers – Storm Events

Mrs. Thompson-Chin advised that it is the recommendation of the Construction Official that the fees only be waived for a State- or Federal-declared emergency and expressed his opinion that 180-day period was too long. Council agreed that a 90-day period should be sufficient. Mrs. Thompson-

Chin commented that Mr. Vinci looked into the possible impact on revenue by reviewing the permit activity the month before and after the major storm events in 2010 and 2011. He did not see an appreciable increase. Council agreed to have the Borough Attorney put the permit waiver for State- or Federal-declared emergencies into ordinance form. Council asked that the ordinance be provided to the Construction Official for his review and comment before final passage.

Developer's Agreement for MDH Builders/Naidrich – 100 Deerfield Drive

Council agreed to place the resolution to execute the Developer's Agreement submitted by MDH Builders, Inc. for the project at 100 Deerfield Drive on the May 15th Public Meeting agenda.

Mayor's Wellness Campaign

Mayor Rustin advised that the Mayor's Wellness Campaign is a statewide drive and he has spoken to the staff members at the JCC who are very interested in becoming involved. C. LaMastra recommended passing the information onto the Recreation Department as well. Mayor Rustin encouraged any member of the governing body who is interested to become involved.

Request for Resolution Supporting *Click It or Ticket* Mobilization

Council agreed to place the resolution supporting *Click It or Ticket* mobilization on the May 15th Public Meeting agenda.

ADMINISTRATOR'S REPORT

Employee Recognition Program:

Mrs. Thompson-Chin advised that she has found a program called PRhelper to help establish an Employee Recognition Program. She recommended purchasing the Morale Booster Pro Pack at a cost of \$12.99. She noted that the recognition program can be either passive or aggressive. Council agreed that the passive approach would be sufficient to start which would include recognition for length of service, promotions, retirements, and professional development. Council decided that the members of the Recognition Committee would be C. LaMastra and C. Barzelatto.

Summer Internship Program:

Mrs. Thompson-Chin advised that the program announcement has been made at Tenafly High School and applications are due by May 18, 2012.

Police Headquarters Expansion and Renovation:

Mrs. Thompson-Chin reported that there are only two major issues remaining in this project, the doors and locks. She explained that the issue has stemmed from the supplier chosen by the contractor. She advised that they are working to ensure that they do not exceed this month's rental for trailers. Mayor Rustin suggested having an open-house for the public to view the new headquarters and asked that an announcement be made in the June newsletter. He advised that he has spoken to Chief Bruno about having residents sign up ahead of time so that tours can be coordinated. Council decided that the open house should be scheduled in the latter half of June.

CORRESPONDENCE

Chamber of Commerce

Re: Monthly Sidewalk Sale – May through September

Council agreed to allow the monthly sidewalk sales on the proposed dates from May through September.

St. John the Theologian

Re: Signs Advertising Hellenic Festival

Council approved the sign request and asked that the Borough Clerk provide St. John the Theologian with the rules pertaining to the number and placement of the signs.

B. Katsiaunis

Re: Request to Install Replacement Fence

Mrs. Thompson-Chin advised that she has spoken with the Construction Official about this request. She explained that he does not believe that the sight views will be impeded, but advised that this request also requires Board of Adjustment approval of a variance for the height of the fence. Council

decided to grant approval to place the fence in the Borough right-of-way contingent upon being granted a variance from the Board of Adjustment for the height of the fence.

R. Levin Re: 2012 BID Budget

Council acknowledged receipt of Mr. Levin's letter regarding the 2012 BID budget.

A. Altschul Re: Request for Lemonade Stand

Council agreed to grant the request for the lemonade stand at the Northeast corner of Hudson Avenue and Peter Lynas Court on June 20, 2012.

American Legion Ladies Auxiliary Re: Electronic Message Board Display – Pasta Dinner to Support Troops

Although the event is not taking place in Tenafly, Mrs. Thompson-Chin expressed her support for this request as it is an event to support the troops. Council agreed that it is a worthwhile cause and agreed to grant the request to display this event on the electronic message board.

RESOLUTIONS for meeting of May 15, 2012:

- A. Approve Expenditures as of May 9, 2012.
- B. Approve Transfer of Plenary Retail Consumption License Number #0261-33-016-004 to ARTA D, Inc.
- C. Authorize Refund/Construction and Variance Escrow/195 County Road
- D. Authorize Refund/Site Work Escrow/63 Suffolk Road
- E. Authorize Refund/Engineering Escrow/172 Tenafly Road
- F. Authorize Refund/Construction Escrow/150 County Road
- G. Authorize Refund/ Variance Escrow/42 West Clinton Avenue
- H. Authorize Refund/Variance Escrow/Tomkin Dom, LLC
- I. Authorize Refund/Tree Mitigation Escrow/48 Depeyster Avenue
- J. Authorize Refund/ Variance Escrow/100 Grove Street
- K. Authorize Refund/Construction Escrow/48 West Railroad Avenue
- L. Authorize Refund/Site Work Escrow/79 Berkeley Drive
- M. Authorize Refund/Site Work Escrow/20 Stanton Road
- N. Authorize Refund/Construction Escrow/ Moses Realty and Builders/ 32 Washington Street
- O. Authorize Refund/Construction Escrow/Doyle/32 Washington Street
- P. Authorize Cancellation of the Planning Board Trust Account Balance to Current Surplus
- Q. Authorize Refund/PB#1-07-08 Trust Account/Metro Golf & Fitness Piermont Golf Associates
- R. Authorize Refund/Construction Escrow/7 Stonybrook Road
- S. Authorize Refund/ Variance Escrow/36 Illingworth Ave
- T. Authorize Refund/PB# PB#1-06-07 Trust Account/DiFeo BMW
- U. Oppose Senate Bills 1451 and 1452
- V. Amend 2012 Meeting Schedule/Add Special Work Session on June 7, 2012
- W. Authorize Application Submission to Natural Historic Resources and Historic Preservation Office/ Tenafly Railroad Station Lighting Replacement Project
- X. Authorize Refund/Various Recreation Programs
- Y. Authorize Refund/Variance Escrow/268 County Road
- Z. Authorize Refund/Various Bonds and Escrows/North American Eagle, LLC
- AA. Authorize Refund/Various Bonds and Escrows/ Eagle Land Construction, LLC
- BB. Authorize Redemption of Tax Title Lien/ Tax Title TTL11-3
- CC. Authorizing Exercise of 2-Year Option on Wachovia Parking Lot Lease

Minutes to be approved on May 15, 2012:

April 3, 2012 Work Session
April 10, 2012 Public Meeting
April 24, 2012 Closed Session
April 24, 2012 Closed Session
April 24, 2012 Work Session

OLD BUSINESS

None.

NEW BUSINESS

None.

FOR THE GOOD OF THE ORDER

C. LaMastra advised that the TEF requested that a member of the governing body man the water station during the TEF 5k run. C. Zinna agreed to volunteer.

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 10:03 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk