

Borough of Tenafly

MAYOR AND COUNCIL

SPECIAL COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, AUGUST 14, 2012

At 7:00 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 Press. Notice of this meeting by the July 31, 2012 Sunshine Notice 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: Anthony Barzelatto (arrived at 7:30 p.m.), Nadia LaMastra, Jon Warms, Mark Zinna

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

Absent: Council members: Barry Honig, Martha Kerge

PRESENTATIONS

Density for Assisted Living – Presentation by David Carliner of The Shelter Group and Borough Planner, Joe Burgis.

Joe Burgis, Borough Planner, explained that the current Zoning Ordinance only allows 30 beds per acre for assisted living facilities and expressed his opinion that this provision clearly doesn't make as much sense with the way that the market is today. He advised that many municipalities are getting away from regulating bed count as it allows applications to stay before the Planning Board. As the ordinance is written now, if a density provision is violated, the application would have to be heard by the Zoning Board of Adjustment.

Mayor Rustin questioned whether the recommendation is to change the density from 30 to 60 beds per acre. Mr. Burgis responded that this change is the easiest solution, but requested a few days to review similar ordinances to see if there are other provisions that may need to be amended or adjusted before the ordinance is introduced. David Carliner of the Shelter Group explained that there are certain sizes that make sense for assisted living facilities. Mr. Burgis added that no matter the number of units, there is a certain economy of scale to be considered and if one would like a more luxurious facility, this new approach is necessary. Mr. Carliner advised critical mass correlates directly with the monthly charges; the less people who are being served within a facility, the higher the monthly charges.

Mayor Rustin noted that the Planning Board looked quite seriously at the location, potential use, and history of this property. He commented that it will be a ratable, will not put pressure on the school system, and parking concerns have been addressed. He advised that the Planning Board is very comfortable with this application. C. Zinna asked whether parking is different in an assisted living facility versus an apartment building. Mr. Carliner responded that most residents cannot drive and the parking is mainly used by the physicians and staff. C. LaMastra raised concerns about traffic as this facility would be located in a tightly constricted area. Mr. Carliner advised that there are no huge periods of time with a lot of traffic coming in or out, but the biggest traffic will be generated just before 7:00 a.m. and just after 3:00 p.m.

Council agreed to have Mr. Burgis and Mr. McClure revise this ordinance to allow the project to move forward.

TO BE CONSIDERED

9-11 Memorial

C. Barzelatto reviewed with Council a sketch of the proposed 9-11 Memorial and asked for final permission to proceed. He advised that Tom Swift is the architect for this project and donations will be solicited from businesses. Mayor Rustin suggested that C. Barzelatto also put a request for donations in the newsletter and recommended that this fundraiser be differentiated from the Fire Association's annual fundraiser. C. Barzelatto advised that a survey would be supplied and plans would be submitted to the Borough, but requested authorization to proceed with the demolition. Mayor Rustin expressed his opinion that a site plan should be supplied first as it will ensure that both the Fire Department and the Council are on the same page as to exactly where the memorial is to be placed. C. Barzelatto advised that the location has already been marked out. Council agreed that Mrs. Thompson-Chin and Mayor Rustin will visit the proposed site with Bob Beutel and then give approval to proceed.

Planning Board Recommendations – Schedule Special Work Session on October 23rd.

Council agreed to schedule a Special Work Session on October 23rd at 7:30 p.m. to discuss the Planning Board recommendations.

Best Practices – Pay to Play Ordinance & Council Training

Mrs. Thompson-Chin advised that a resolution to enact training for local elected officials is on the agenda for action this evening. She further advised that she looked at several Pay-to-Play Ordinances from Bergen County on the NJ League of Municipalities website and the one that she liked the most was from Dumont. She explained that the Borough is already subject to State's Pay-to-Play law, but the State is encouraging municipalities to look at it from the local perspective as well. She explained that the earliest date to take action would be at the September 11th Public Meeting. C. Warms expressed his opinion that the definition of a relative is overly broad and the employment provisions are excessively harsh. Mrs. Thompson-Chin responded that this section is lifted from the definitions that are already included in several other locations. Mr. McClure suggested that there be qualification that family members are not in a position of ownership or decision-making. C. Zinna questioned whether the section concerning awarding professional services is too loose and the criteria not clear enough. Mr. McClure advised that the way that it is written allows the Borough the flexibility to do what is in its best interest.

Council agreed to have Mr. McClure review the proposed Pay-to-Play Ordinance and make revisions to address Council's concerns.

Senior Needs Survey

Mayor Rustin expressed his belief that Council has agreed to move forward with the Senior Needs Survey and asked Mark Feldman, 133 Lylewood Drive, to provide some background. Mr. Feldman advised that at the Senior Services Advisory Committee meeting in July, he supplied a draft survey which asked senior citizens about what needs they might have. A revised survey has been submitted to the Senior Services Advisory Committee and Mr. Feldman expressed his understanding that it would be an insert in the upcoming newsletter. Mayor Rustin suggested that the Senior Center be given three pages in the newsletter rather than doing an insert which could be costly. The Senior Center is to provide a draft of the Senior Needs Survey for the September 4th Work Session as the newsletter deadline is September 12th.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin advised the Housing Rehabilitation Program is in the process of getting back on track as quickly as possible. They are gearing up for a marketing campaign to begin in September or October, but Steve Weinberg, Principal of Community Action Services, has ten boxes of records that he first has to review in order to pick up where the Hackensack Housing Authority left off.

Mrs. Thompson-Chin reported that Santorini Construction has been very slow in closing out the Police Headquarters Project. She advised that the Borough still has a great amount of leverage with financing as monies are still owed to Santorini. She will be giving them a final

deadline in writing and if that deadline is not met, she will then notify them that the Borough will be using a portion of the funds owed to them to hire contractors to complete the work. C. Barzelatto suggested that she also include a stipulation that daily penalties will be imposed until the work is completed.

Mrs. Thompson-Chin informed Council that the Borough has received and processed paperwork from FEMA to confirm the reimbursement amount of \$218,250. She noted that an additional \$1,500 was just received today.

Mrs. Thompson-Chin advised that three private citizens made donations towards the Summer Concert Series. C. Warms pointed out that Mayor Rustin worked very hard to get those contributions and the two concerts held so far were well-attended and a lot of commendations have been received. Mayor Rustin advised that they were able to bring the balance in the account to approximately \$5,000 through donations and is hoping to expand the program next year.

Mrs. Thompson-Chin reported that the summer interns are completing their service this Thursday and all of them were wonderful. The Borough staff will be having a cake for them and each intern be receiving their final check, a certificate, and letters of recommendation.

Mrs. Thompson-Chin noted that the repaving of Columbus Drive will begin tomorrow and should conclude on August 29th. The Downey Drive sidewalk is complete and paperwork will be submitted to DEP. She advised that they are making good progress with the lightning detectors. C. LaMastra requested that Matthew Mercurio, Recreation Director, be kept in the loop as funds can be acquired from co-sponsored sports. Mrs. Thompson-Chin explained that the system will consist of one central location with an antenna and Bob Beutel will be proposing five siren locations. C. LaMastra questioned whether the school fields, swim clubs, and Nature Center will be included in those sites. Mayor Rustin noted that if sirens are placed on school facilities, there may be funds available. Mrs. Thompson-Chin will confirm with Mr. Beutel the five sites that he is recommending and report back to Council. C. LaMastra asked for a status on the Concession Stand Project and Mayor Rustin responded that it is complete. He advised that the keys will be available at the Police Station and anyone who has a permit application for the field will be permitted to sign the key out. C. LaMastra expressed her disappointment with that process as a lot of families play at Froggy Park and will not have access to the bathrooms. She commented that she will need to advise the Recreation Board of this information. Mayor Rustin stated that no one feels comfortable leaving the bathrooms unattended and asked her to advise if the Recreation Board can decide on a better process.

CORRESPONDENCE

This portion of the agenda was discussed during the Public Meeting.

RESOLUTIONS for meeting of August 14, 2012:

- A. Approve Expenditures as of August 8, 2012.
- B. Authorize Submission/Tenafly Chemical Awareness Program-Municipal Alliance Grant
- C. Award Contract/Northeastern Arborist Supply/DPW Tree Chipper
- D. Cancel Checks/Municipal Court Bail Account and General Account
- E. Renew Plenary Retail Consumption License/115 Sanz County Road, LLC
- F. Authorize Refund of Planning Board Trust PB# 1-10-14 and 10% of Performance Bond/Dr. Kevin Song.
- G. Appoint Deputy Municipal Court Administrator
- H. Appoint Representatives to the Bergen County Open Space Trust Municipal Program Regional Committee
- I. Authorize Submission of Grant Application to the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund for Park Improvements & ADA Accessibility for Froggy Park and Griffin Park
- J. Establish Local Elected Official Training Requirement
- K. Authorize Transfer of Funds from Tree Mitigation Escrow to Borough Tree Replacement Fund
- L. Approve Issuance of Outdoor Seating Permit/Sushi Ten Corporation
- M. Approve Raffle Applications RA1023 and RA1024
- N. Authorize 6 Month Suspension of Recycling Decal #3466
- O. Execute Collective Bargaining Agreement/Tenafly Administrative Employees Bargaining Unit

- P. Authorize Refund/Tree Mitigation Escrow/16 Central Avenue
- Q. Establish Policies Regarding the Acceptable Use of the Recycling Center
- R. Adopt Corrective Action Plan
- S. Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Borough of Tenafly, New Jersey into a Single Issue of General Improvement Bonds \$6,260,000 in Principal Amount
- T. Resolution Determining the Form and Other Details of \$6,260,000 General Improvement Bonds of the Borough of Tenafly, New Jersey and Providing for Their Sale.
- U. Authorize Issuance of Purchase Order to Warshauer Electric Supply/Davis Johnson Park Lighting Upgrade.
- V. Authorize Issuance of Purchase Order to Cooper Electric Supply Company/Huyler Park Lighting Upgrade
- W. Authorize Additional Engineering Services/Design and Inspection Services for the Installation of Lighting at Davis Johnson Park and Huyler Park

Minutes to be approved:

July 10, 2012 Work Session
 July 10, 2012 Closed Session
 July 10, 2012 Public Meeting
 July 10, 2012 Closed Session

FOR THE GOOD OF THE ORDER

None.

OLD BUSINESS

None.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
 Borough Clerk