

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, SEPTEMBER 4, 2012

At 7:32 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."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 7:48 p.m.),
Barry Honig (arrived at 7:39 p.m.), Martha Kerge,
Nadia LaMastra, Jon Warms, Mark Zinna

Borough Administrator: Jewel Thompson-Chin
Borough Attorney: William R. McClure, Esq.
Chief Financial Officer: Gene Vinci

Absent: None.

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.

Johanne Gambrill, Ravine Road, questioned whether the BID Bylaws were going to be discussed this evening and Mayor Rustin responded that this topic is not on the agenda for discussion.

Mark Feldman, 133 Lylewood Drive, spoke in opposition to the proposed \$6 million bond issue. He expressed his concern that it will place an unnecessary burden on the tax payers.

Mayor Rustin asked that Item 2-E under To Be Considered be addressed first and Council agreed to this request.

Age Restricted-Assisted Living-Nursing Home-Supplemental Regulations

Mayor Rustin reminded Council that in order for this project to be economically viable, a certain number of residents would be needed. David Holland of the Shelter Group advised that they are proposing 100 units on this site as there needs to be a certain economy of scale and in this case, they are asking that the density be equal to that of a skilled nursing use. C. LaMastra questioned whether the increase in population resulting from building an assisted-living facility would affect Tenafly's COAH obligations. Mr. McClure responded that he believes that it would. C. Honig questioned why this property can't simply be granted a variance versus amending the zoning ordinance. Elliot Urdang, Esq., representing the Shelter Group, explained that the purpose of changing the ordinance is to place this application before the Planning Board where he believes it belongs as it is essentially a site plan matter. Council agreed to place this ordinance on the September 11th Public Meeting agenda and Mrs. Thompson-Chin is to provide an answer regarding the effect on COAH obligations prior to the meeting.

PRESENTATIONS

Tenaflly Nature Center – Presentation by Michael Neus, President

Michael Neus, President of the Board of Trustees of the Tenaflly Nature Center, reviewed the benefits of constructing a new building. He advised that he has provided a draft resolution for Council's consideration which outlines the history of the property and approval process. He has also submitted a letter received from the DEP to confirm that the wetlands and waters boundary lines are accurate in the wetlands delineation plan. This area is approximately 5 acres and is located across from Kent Road off of Clinton Avenue and this letter of authorization is valid for 5 years. As Green Acres approval is necessary for any disturbance in the area due to the Lost Brook Preserve being purchased through Green Acres funds, Mr. Neus also provided Council with a letter from Green Acres Program to advise that the proposed project is found to be in compliance with the Green Acres rules and LWCF Grants Manual. He advised that a requirement of Green Acres is once there is a set schematic diagram prepared and the exact location is determined, the Nature Center would then request Council to hold a public hearing, for which there will be at least 30-day notice given. After the hearing takes place, at least 60 days will be given for public comment before the Nature Center seeks final approval from Council. Once Council approval is given, he explained that the requirements of Green Acres are satisfied. Mr. Neus advised that as part of the proposed resolution, the Nature Center is requesting an amendment to the lease so that a 24-year lease will be given for the area around where they would like to build. He explained that without certainty of control over the land area, it would be difficult to solicit donations or obtain grants. He expressed his opinion that the best use for the Nature Center as an association is to create a warm, welcoming building that will attract people and allow them to continue their mission. He advised that they have surveyed the entire Nature Center area and have paid for, out of personal funds raised by the board, an aerial survey and hydrologist and believe that the best possible site is the area across from Clinton Avenue which would be east of the JCC on the Palisades. He advised that their plan is to have a residential and scaled building of approximately 7,000 sq. ft. including areas that are covered outdoor space but are not heated or air-conditioned.

C. Honig questioned where they are in process. Mr. Neus responded that they have had conceptual drawing prepared by Randy Croxton, architect of Croxton Collaborative. He advised that Mr. Croxton was hired through detailed process of RFPs and RFQs. He explained that there is a need to have schematic diagrams prepared before they can be site specific and before money is spent on schematic drawings, they feel that the donors need some certainty that the site will be acceptable to the Council. C. Honig asked for confirmation that this project will be completed through grants and donations as opposed to tax payer dollars. Mr. Neus replied that they have raised funds through the board for the preliminary stage and expect to raise the additional funds through private sources. C. LaMastra noted that a goal given to the Nature Center when reducing their budget to \$30,000 was to have them look to fundraise and she applauded their efforts in doing so. Should Council decide to move forward, C. Zinna asked how long before construction would begin. Mr. Neus advised that it would be approximately a year before they would be ready, but could be longer depending on how well they are able to raise the funds. C. Kerge asked what additional costs may be incurred by the Borough with the addition of the building. Mr. Neus responded that he does not see any additional costs as the DPW already provides plowing during snowstorms and the Nature Center is covered under the Borough's umbrella insurance policy. C. Kerge then questioned how this building fits into the original ordinance. Mr. Neus explained that the building will be accessible by seniors, people with special needs, and teens and will be a way to gather people and bring about community pride which he believes is most definitely in the spirit of Green Acres.

Proposed Soccer Practice Field – Presentation from Jeff Toonkel

Jeff Toonkel advised that he is on board of the Tenaflly United Soccer Club. He provided some background information on this club and informed Council that they are in process of being cosponsored by Recreation. He advised that they currently use Borough and Board of Education field space, but purchase their own equipment and pay for referees. Mr. Toonkel expressed Tenaflly United Soccer's hope that they can have the parking lot on the corner of Tenaflly and Riveredge Roads and use it as a pickup soccer field. He advised that this project would be funded by Tenaflly United Soccer and they would cover the lot in synthetic turf and provide high fencing. He noted that this lot was closed down during Police Headquarters Project. He has spoken to local retailers, done research in the financial office, and spoken to Bob Beutel, DPW Director, about the expense and Mr. Beutel said it would be minimal. Paul Keyes, Landscape Architect, explained the purpose of this type of field. Mayor Rustin pointed out the real issue is whether the Borough can afford the loss of parking. Mr. Keyes responded that it is good for the community as it will be taking dead space and will increase activity in the stores in that area. C. Kerge expressed her concern that the parking will be needed should the stores in that area become occupied. She suggested looking at the space closer to the high school instead as it would also eliminate the need to take up the asphalt. C. Zinna questioned who would be responsible for the maintenance of the turf and fence. Mayor Rustin responded that it would be a gift to the Borough and would then be the Borough's

responsibility to oversee. C. LaMastra expressed her opinion that this field is so needed in the community as there are so many problems with scheduling field space. C. Honig questioned whether there would be lighting installed and although Mr. Keyes agreed that the budget should be looked into to see if lighting could be added, both Mr. Toonkel and C. LaMastra expressed their opinions that it should be the Borough's responsibility to install lighting. C. Honig expressed his opinion that the consultant conducting the downtown traffic circulation study should look at the effect that the loss of parking may have on the downtown. Mayor Rustin asked that the space that C. Kerge suggested be looked at as an alternative location. Mr. Toonkel advised that the proposed location is already considered disturbed land and any other location would require the involvement of the EPA. Council asked that Mrs. Thompson-Chin speak to Urbana Consulting regarding the proposed soccer field to obtain their input. Mrs. Thompson-Chin advised that Urbana's contract has expired and a decision will need to be made whether to renew when the topic of the Downtown Circulation Study is discussed later this evening.

Elizabeth Cady Stanton Statue – Presentation by Dave Wall, HPC Chair

As November 12, 2015 will commemorate the anniversary of Elizabeth Cady Stanton's 200th birthday and she has a lot of history within the Borough, Dave Wall expressed his opinion that a statue of Stanton should be erected in Tenafly. He provided background of Stanton's history in Tenafly. He explained that he would like a committee formed and they would work to solicit private donations and/or grants. He advised that the great, great granddaughter of Stanton, Coline Jennings of Greenwich, CT, has agreed to work as the committee's honorary chair. He explained that her experience would make her a valuable member of the committee, but noted that the consensus is that the chair of this committee should be a resident of Tenafly.

Council agreed that the statue would be a worthwhile concept and the consensus seemed to be to place it in the oval area behind the Municipal Center. Council asked that Mr. Wall seek out volunteers for said committee and Council would agree to vote on a location and open an account to place the funds. Mayor Rustin suggested that Mr. Wall advertise for volunteers in the upcoming newsletter and through a press release to the Suburbanite.

Outstanding Debt Obligations – Presentation by Borough Auditor and CFO

Gene Vinci, CFO, advised that the Council has already had a complete discussion about conducting a bond sale. He explained that there was a presentation and documentation has been provided to show that the Borough would be saving money. He advised that Council had authorized them to move forward with the bond sale and he pointed out that the Borough has already incurred 90% of cost. Paul Lerch, Borough Auditor, advised that the Borough has received an outstanding rating of AA1 which is one notch below AAA. He pointed out that the market is favorable to be in as the interest rates are historically low and 90-95% of the auditor's work is completed. C. Warms asked for an explanation as to why the bonds would be non-callable. He also questioned whether the bonds would be insured. Mr. Lerch responded that they would be insured and expressed his belief that Jack Kraft of the Bond Counsel did address the issue of why the bonds would be non-callable. He advised that they are looking at such a short period of time and in looking at the past 30 years, the rates are at a historic low and there is very little chance of the rates dropping any lower. He added that there would be an additional cost for a call. C. Honig expressed his agreement with C. Warms and asked that a table be provided showing the pricing of the bonds being callable versus non-callable. Council asked that this information be provided at the next Work Session.

Mr. Lerch then explained the arbitrage issue and advised that the \$29,500 fee will allow him to look at all existing obligations. He would need to determine monies spent on each ordinance and whether it pertains to a particular bond issue. C. Honig questioned whether this requirement is statutory and Mr. Lerch advised that it is a part of the 1986 enactment. He further advised that the second proposal in the amount of \$7,500 would allow him to look at 2007 forward. C. LaMastra questioned whether the calculation of the arbitrage rebate had never been done in the past and whether it should have been done as part of audit. Mr. Vinci advised that the Borough had never had an exit conference with the previous auditor and during the exit conference with this auditor, this issue arose. Mr. Lerch noted that the cost for calculating the arbitrage rebate will not be a budgetary cost, but rather will be charged to the capital accounts.

TO BE CONSIDERED General Ledger Proposal

Gene Vinci advised that the Borough does not currently have a general ledger. He has received a proposal from William Nadolny to electronically maintain a general ledger which would be able to utilize the First Byte software and would satisfy the auditor's requirements. Mayor Rustin

questioned whether there is a level of dissatisfaction with First Byte. Mr. Vinci explained that the revenue was not interfacing, but the problem was corrected. C. Honig asked why the vendor's package couldn't simply be purchased. Mr. Vinci responded that there is no package to be purchased as he would simply be interfacing with First Byte's data. Council authorized the acceptance of this proposal.

Council took a brief recess at 9:26 p.m. The meeting resumed at 9:33 p.m.

Parking and Circulation Study

Mrs. Thompson-Chin advised that the consultant has spelled out the additional financial obligations should Council decide to implement the plans for the Parking and Circulation Study. She noted that their contract is complete and they are waiting to receive a decision as to whether to move forward. She stated that they would like to give a closeout presentation and suggested scheduling said presentation for either the September 27th or October 9th. She explained the various options that Council can explore such as having either 30% or 100% of the design drawing completed for Phase I. Council can also decide to have the Borough Engineer take control of Phases II and III.

Council agreed to schedule the consultants from Urbana Consulting and Sam Schwartz Engineering for the October 9th Work Session. C. LaMastra asked that information be provided to Council about what grants may be available for the creation of the pedestrian plazas.

Sanitary Sewer Ordinance

Mr. McClure explained that he was asked to incorporate the provisions relating to the grease traps and in looking at the existing sanitary sewer ordinance, he felt that it was antiquated. He advised that he looked at similar ordinances in other towns and in particular, the City of Summit's ordinance. He made revisions to their ordinance to make it more consistent with Tenafly's needs and then met with Bob Byrnes, Bob Beutel, and Andrew Hipolit and made further revisions based upon their input. He advised that this ordinance is very comprehensive and incorporates the grease trap and RDI provisions among other provisions. C. Kerge questioned how the new provisions would be conveyed to business owners and Council agreed that it should be under the purview of the Building Department. C. LaMastra referenced a requirement that street openings and closures take place after school is closed to prevent a traffic issue and Mr. McClure advised that they did make changes to the ordinance to ensure that requirement was covered. C. Barzelatto expressed his opinion that under the section pertaining to existing conditions, under 2b-2, it should specify the exact number of days it will take for the inspection to take place according to the UCC Code. He suggested that the ordinance specify that inspections are to be conducted by the Construction Official or his designee. He also asked that under section 18-1.8, it state that the trenches are to be filled in accordance with the UCC Code.

Council asked that the changes be presented to Bob Byrnes for his approval and providing Mr. Byrnes agrees to the proposed changes, this ordinance will be listed for introduction at the September 11th Public Meeting.

Fair Contracting Ordinance Revisions

Mr. McClure advised that he has made changes to the ordinance to address Council's concerns. C. Zinna expressed his opinion that the definition of relatives is still too broad and C. LaMastra agreed. Mrs. Thompson-Chin responded that this definition is in reference to individual contracts and advised the question of whether a relative is employed by the Borough is asked in every RFP. Mayor Rustin pointed out that there is no conflict if one is not aware of a relative being employed by a prospective contractor. This ordinance is to be placed on the September 11th Public Meeting for introduction.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin advised that the 2012 Best Practices Checklist will be presented at the meeting on September 27th. She explained that the revised Shade Tree Ordinance was initially anticipated for the September 11th Public Meeting, but has been delayed until October 9th as the Environmental Commission has requested additional time for review. She noted that the 2012 Revenue Report was provided for Council's information and stated that the Borough is in very good

condition due to unanticipated revenue increasing, particularly in UCC and ABC License as well as the general Permits line items.

C. Honig raised a concern that exterior construction is taking place on the weekends and asked whether there is anything that Council should do to address this issue. Mrs. Thompson-Chin advised that she would like to return the Code Enforcement position to a full-time. She explained that the revised Shade Tree Ordinance would include additional oversight that would be carried out by the Code Enforcement Officer as Bob Beutel would be unable to take on the additional responsibilities. C. Honig questioned whether it would be more beneficial to hire an additional inspector to work over the weekend instead of returning the Code Enforcement Officer to full-time. Council will revisit this issue when the revised Shade Tree Ordinance is discussed.

Mrs. Thompson-Chin advised that there was one property in which a couple of sprinkler heads were damaged in the right-of-way during the Downey Drive sidewalk installation. She explained that the property owner was very uncooperative from the onset and would not allow the sprinkler system to be tested. The property owner has been asked for an estimate for the damage, but the figure that has been presented is unrealistic. Mrs. Thompson-Chin advised that the issue will be resolved, but she simply wanted to make Council aware.

Mrs. Thompson-Chin advised that the Borough has taken over the final punch list for the Police Headquarters Project and the contractor is now being cooperative.

CORRESPONDENCE

P. & D. Soussa RE: Proposed Zoning Change

Mayor Rustin explained that this resident lives on a street with mostly two-family homes and is concerned about the proposed zoning change. Mayor Rustin advised that nothing is being proposed that would affect their property.

Trinity Lutheran Church RE: Permission to hold Fair – 10/13/12

Council gave permission to the Trinity Lutheran Church to hold its fair on October 13, 2012.

NJLM RE: 2012 League Conference Resolutions

Mayor Rustin asked that members of the governing body bring any resolutions that they would like the League Resolutions Committee to consider at the 2012 League Conference to the next work session.

National Society Daughters of the American Revolution RE: Proclamation Request – 225th Anniversary of the US Constitution

In celebration of the 225th anniversary of the Constitution, Council agreed to the National Society Daughters of the American Revolution's request to have a proclamation designating September 17th through September 23rd as Constitution Week in the Borough of Tenafly. The proclamation is to be listed for the September 11th Public meeting and Council asked that the requestor be present.

RESOLUTIONS for meeting of September 11, 2012:

- A. Approve Expenditures as of September 5, 2012.
- B. Amend Council Meeting Schedule – October 2012
- C. Authorize Refund/Teen Summer Camp/Goldberg
- D. Authorize Refund/Teen Summer Camp/Rodriguez & L'Heureux
- E. Authorize Refund/Tree Mitigation Escrow/32 Lylewood Drive
- F. Authorize Refund/Tree Mitigation Escrow/108 Buckingham Road
- G. Authorize Release of Performance Bond and Acceptance of Maintenance Bond/
101 Piermont Road
- H. Authorize Receipt of Bids/Furnishing and Delivery of one (1) new 2013 Rearloader
Isuzu Garbage Truck (8 cubic yard) or Equivalent for the Tenafly Department of Public
Works
- I. Authorize Refund/Soil Bond, Road Bond, and Engineer Inspection Escrow /
53 Hamilton Place

- J. Appoint Municipal Representatives to the Community Development Regional Committee
- K. Authorize Refund/Tree Mitigation Escrow/70 Country Club Road
- L. Authorize Refund/Soil Bond, Road Bond, and Engineer Inspection Escrow / 70 Country Club Road
- M. Authorize Refund/Tree Mitigation Escrow/21 Edgewood Street
- N. Authorize Refund/Planning Board Trust Account PB#1-11-02/Tenafly Diner
- O. Authorize Refund/Planning Board Trust Account PB#1-12-03/Capstone Academy
- P. Authorize Refund/Planning Board Trust Account PB#1-12-04/Tenafly Montessori Academy
- Q. Authorize Refund/Planning Board Trust Account PB#1-12-05/Oogi Art NJ, Inc
- R. Approve Additional Engineering Services/Basketball and Tennis Courts
- S. Approve Additional Engineering Services/Lightning Detection System
- T. Approve Additional Engineering Services/Nature Center ADA Doors
- U. Award Contract/2012 Road Resurfacing/Smith-Sondy Asphalt Construction
- V. Approve Additional Engineering Services/Oversight of 2012 Road Resurfacing
- W. Approve Place-to-Place Transfer/Expansion of Premises/Plenary Retail Consumption License #0261-33-016-004

C. Warms asked for an explanation for the resolutions calling for additional engineering fees. Mrs. Thompson-Chin explained that these are all projects that are listed and updated monthly in the engineering report. She advised that they are simply implementing the projects that have been approved in the budget and the word additional is used because the fees are project-related and not part of the usual engineering fees.

C. Honig questioned the \$24,000 in engineering fees for tennis courts as he feels that number is very high. Mrs. Thompson-Chin pointed out that the cost for the total project was \$195,000 and 12% is about the average percentage for engineering fees.

C. Honig inquired whether there are any American-made garbage trucks that can be purchased to support an American company. Mrs. Thompson-Chin is to inquire whether an equivalent American-made garbage truck can be purchased.

Minutes to be approved on September 11, 2012:

- August 14, 2012 Work Session
- August 14, 2012 Public Meeting
- August 14, 2012 Closed Session

OLD BUSINESS

Mayor Rustin reminded Council that a few months ago, he had advised that on S. Summit Street, opposite the senior center, there is a home now for sale, the taylor shop for sale, a vacant parking lot that is privately owned but not currently in use, George's TV Shop which belongs to the Borough, and a parking lot owned by the Borough. He believes that there is a good opportunity to look at the space while it is available. He explained that in speaking with Mrs. Thompson-Chin, she believes that there might be funds in the budget to have a feasibility study conducted to see how that property may be used. C. Kerge advised that there is a possibility that the home might have sold. Mrs. Thompson-Chin explained that they could put together an RFP for a preliminary feasibility study. She advised that the boundaries would be defined and the redevelopment consultant would compile data that would be needed to create the profile for that area and to look at current uses and zoning. C. LaMastra questioned how long that process would take and Mrs. Thompson-Chin responded that it should only take a few weeks.

NEW BUSINESS

None.

FOR THE GOOD OF THE ORDER

None.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 12-319

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
 - 2. Status of Pending PBA Grievances

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 adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. LaMastra, seconded by C. Zinna, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:36 p.m.

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 10:51 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk