

# Borough of Tenafly

## MAYOR AND COUNCIL

### MINUTES

**THURSDAY, NOVEMBER 10, 2011**

PRESENT: Mayor Peter Rustin and Council members Anthony Barzelatto, Barry Honig, Martha Kerge, Nadia LaMastra, Michael Lattif, and Jon Warms

ABSENT: None

ALSO PRESENT: Borough Administrator Jewel Thompson-Chin  
Borough Attorney William R. McClure

At 7:49 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 in the Annual Meeting, are posted on the bulletin board in the lobby of the Municipal Center, and published in the Record within the first 10 days of the New Year."

The Salute to the Flag was led by Mayor Peter Rustin.

Motion by C. Lattif, second by C. LaMastra and unanimously carried,

BE IT RESOLVED that the Minutes of the September 27, 2011 Work Session, October 4, 2011 Work Session, October 11, 2011 Public Meeting, October 18, 2011 Special Work Session, October 25, 2011 Closed Session (not to be released), October 25, 2011 Work Session, October 25, 2011 Closed Session (not to be released), and November 1, 2011 Special Closed Session (not to be released), are hereby approved.

#### REVISIONS TO AGENDA:

Borough Attorney McClure advised that resolutions #R11-352 authorizing a refund from the Planning Board Escrow to Ari Realty, #R11-353 awarding a contract to Deluxe International Trucks for a DPW Dump Truck, and #R11-354 authorizing the purchase of dispatch and 911 equipment from WPCS International, Inc. under the NJ State Contract for the Tenafly Police Headquarters are being removed from the Consent Agenda and moved to New Business.

#### AUDIENCE REMARKS FOR AGENDA ITEMS:

None.

#### CONSENT AGENDA:

- A. **#R11-347**/Approve Expenditures as of November 2, 2011.
- B. **#R11-348**/Authorize Return of Street Opening Bond – 106 Gordon Avenue.
- C. **#R11-349**/Authorize Refund of Street Opening Bond – 16 Central Avenue.
- D. **#R11-350**/Support S-3062, "Telecommunications-Cable Television Deregulation Ensuring Consumer Protection Act".
- E. **#R11-351**/Authorize Refund/Tree Mitigation Escrow/29 Kenwood Road/\$600.00.
- F. ~~**#R11-352**/Authorize Refund/Planning Board Escrow/Ari Realty, Inc.~~ *Moved to New Business*
- G. ~~**#R11-353**/Award Contract/Deluxe International Trucks/DPW Dump Truck.~~ *Moved to New Business*
- H. ~~**#R11-354**/Authorize Purchase of Dispatch and 911 Equipment from WPCS International, Inc. under NJ State Contract for the Tenafly Police Headquarters.~~ *Moved to New Business*
- I. **#R11-355**/Authorize Redemption of Tax Title TTL09-1/9 Brick Ct.

Motion by C. Latiif, second by C. Kerge that the Consent Agenda be approved as amended.

On a roll call, the vote on the Consent Agenda was recorded as follows:

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

All members present voting in favor, the Consent Agenda was approved as amended.

**PUBLIC HEARINGS:**

**A. Ordinances –**

The Borough Clerk read into the record:

The following ordinances published herewith were first read by title only on October 25, 2011 and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 11-14 -AN ORDINANCE AMENDING CHAPTER XXVII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ENTITLED “STORMWATER MANAGEMENT CONTROL” BY REDESIGNATING SECTION 27-12 TO BE SECTION 27-1.2, ADDING A NEW SECTION 27-12 ENTITLED “REFUSE CONTAINERS/ DUMPSTERS” AND ADDING A NEW SECTION 27-13 ENTITLED “PRIVATE STORM DRAIN INLET RETROFITTING”

ORDINANCE NO. 11-15 -AN ORDINANCE TO AMEND CHAPTER XXVIII, SECTION 28-13(a)(2) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ENTITLED “SOIL-MOVING APPLICATION FEES.”

Public Comments on Ordinances 11-14 and 11-15.

None.

Motion by C. LaMastra, second by C. Lattif that Ordinances 11-14 and 11-15 be passed onsecond and final reading and are hereby adopted and notice of same shall be published according to law.

On a roll call, the vote was recorded as follows:

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

**COMMITTEE REPORTS:**

Councilwoman Kerge

No report.

Councilwoman LaMastra

Ms. LaMastra reported that the Recreation Board held a special closed session with the finalists for the Recreation Director and it went very well. She further advised that the two finalists will come before the Council at the next meeting under Closed Session to meet candidates. Ms. LaMastra asked Council for their thoughts on whether they would like the interview to be structured or more informal. Council decided to have prepared questions, but have the opportunity to ask additional questions should they feel it necessary. Ms. LaMastra advised that Borough Administrator Thompson-Chin will provide the input of the Recreation Board and Borough Administrator Thompson-Chin added that an information packet containing the résumés and a question set for the interviews will be included in the meeting packet. Borough Clerk Aportela-Hernandez questioned when the Closed Session should be scheduled. Council decided to schedule the Closed

Session to begin at 6:45 p.m. on November 22<sup>nd</sup>, cancel the work session, and begin the Public Meeting at the regularly scheduled time of 8:30 p.m.

Councilman Lattif

Mr. Lattif advised that the Senior Center Advisory Committee met on Monday morning and although the minutes of this meeting will not be approved until the next meeting in January, he was given permission to inform Council of a pilot program for homebound seniors. He advised that the purpose of this program is to develop a means for homebound seniors to socialize at no cost. The program will begin with a luncheon that has been scheduled on Saturday, December 10<sup>th</sup> and a limited list of seniors, approximately 20 to 30, will receive a flyer in mail inviting them to said luncheon. The center will then follow up by contacting this list of seniors via telephone. He advised that the Senior Center Director and staff will be volunteering their time to run this luncheon and will be covering costs for County transportation as well as the meal. He advised that the Senior Center will solicit funds from private individuals for future events should this luncheon be successful. Mayor Rustin advised that Community Development Funds are also available to cover said costs.

Mayor Rustin

Mayor Rustin reported that he attended an Office of Emergency Management meeting with C. Barzelatto, OEM Coordinator, Michael Bruno, Chief of Police, Alden Blackwell, Fire Official, Max Moehlen, Ambulance Corps Captain, and Borough Administrator Thompson-Chin. He advised that they had received an update from Bob Beutel on the progress that the DPW is making in clearing the streets of storm debris. Mr. Beutel believes that working this Friday, which is a holiday, and on Saturday at time and half will give the department a handle on the situation so long as the weather holds up. The DPW is using their seasonal help and borrowing equipment from other towns to help facilitate the process and it is moving along well. Mayor Rustin and C. Barzelatto are asking that Council give permission to extend overtime for the DPW. He advised that there is the hope that because it was a state of the emergency, FEMA will reimburse for the costs of cleanup. There was discussion of the shortfalls in the Borough's response to event such as the lack of a shelter for people to go for heat. A suggestion was made to purchase a generator for the library so that in events such as these, residents can have a place to get warm and charge their cell phones. Mayor Rustin reported that the JCC is very interested in getting a generator large enough to create shelter and this facility would be able to provide kitchen, showers, and bathroom facilities.

C. Honig suggested having the high school or middle school set up as a shelter as they would have the same facilities as the JCC and an agreement can be made through the Joint Use Committee. Mayor Rustin agreed that C. Honig's idea is a good concept to explore. C. Lattif criticized the fact that an emergency plan took two weeks to put into place. He expressed his opinion that because of Hurricane Irene and the storm that took place two years ago in March, an emergency plan should already have been in place. He also questioned why there was no outreach to outside companies to assist in the cleanup effort and commented that he has seen no material activity from the DPW in the past two weeks. He also critiqued the fact that no side streets were mentioned in the website notice regarding the storm debris cleanup. He expressed his opinion that Mayor Rustin should take the lead in developing an emergency management plan. Mayor Rustin responded that they did discuss plans for a shelter and commented that the first step in creating a long term plan is to understand the issues that need to be addressed. He pointed out that TVAC was under tremendous stress as there weren't any accommodations for them to stay over. He advised that the Fire Department handled over 300 calls as a result of the storm, most of which were false alarms, and the volunteers became burnt out. He advised that at the OEM meeting, they also discussed the shortfalls of the Borough during the storm. He expressed his opinion that the DPW is doing the best that they can when taking into account the magnitude of the storm, the size of their staff, and the limited amount of equipment. C. Warms added that the role of PSE&G needs to be taken into account as the DPW had to wait for them in order to begin working when wires were involved. Mayor Rustin remarked that if Council would like the work to be done sooner, they need to allocate funds. C. Kerge suggested having the DPW give up their regular routine for a few days in order to allow more time to be devoted to picking up the storm debris. She also expressed her opinion that extra help should be brought in if needed. Borough Administrator Thompson-Chin advised that everyday next week overtime is being scheduled.

Councilman Warms

No report.

Councilman Barzelatto

Mr. Barzelatto advised that he will be meeting with the management team for the JCC to devise a plan to establish a generator and assist them in obtaining a grant to cover the costs. He advised that the OEM team is also looking into installing a generator in a school on the west side of town in order to establish an additional shelter. He reported that the County did provide shelters during the storm and Bergen Community College was one. He advised that there was discussion at the OEM meeting regarding how to enhance communication with residents. He explained that the consensus was to formulate a storm newsletter that is completely storm related and each department will handle their own facet. They also agreed to design a magnet listing critical information such as who to contact when wires are down or there is the loss of power. He discussed the cleanup effort with Bob Beutel and Bob Beutel will report back regarding the need for additional hours. The DPW has rented a tub grinder to help facilitate the cleanup process. He expressed his opinion that the meeting was well received and although all departments were invited, the Board of Education did not attend.

Councilman Honig

Mr. Honig reported that there was a Planning Board meeting last week and the subdivision on 143 Magnolia was discussed. It was decided to continue the hearing to December to have the owner, Al Diasppara, attend to answer questions regarding the application. He advised that the hearing should be completed at that time. Mayor Rustin added that last night the Planning Board reviewed

the master plan and it will come to Council for review in January.

OLD BUSINESS:

None.

NEW BUSINESS:

A. Introduction of Ordinances

C. LaMastra motioned to introduce and pass on first reading Ordinance 11-16 on first reading and setting December 13, 2011 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Tenafly Municipal Center as the place for a hearing on said ordinance. Seconded by C. Warms.

ORDINANCE NO. 11-16 - AN ORDINANCE TO AMEND CHAPTER XXXV, ARTICLE VI, SECTION 606, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "DEVELOPMENT FEES FOR AFFORDABLE HOUSING"

C. Honig requested that the Borough Attorney review the purpose of this ordinance. Borough Attorney McClure advised that this ordinance makes the necessary corrections to the Borough's fee ordinance as was requested by DCA in order to bring the ordinance into compliance to adopt a corrective spending plan.

On a roll call, the vote was recorded as follows:

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

B. **#R11-352**/Authorize Refund/Planning Board Escrow/Ari Realty, Inc.

Motion by C. LaMastra, Second by C. Warms that #R11-352/Authorize Refund/Planning Board Escrow/Ari Realty, Inc. be approved.

C. Honig stated that he cannot support a refund to Ari Realty, Inc. for this project as he had raised opposition to process this project being approved.

On a roll call, the vote was recorded as follows:

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	nay	C. Lattif:	nay
C. Kerge:	abstain	C. Warms:	aye

C. **#R11-353**/Award Contract/Deluxe International Trucks/DPW Dump Truck.

Motion by C. Barzelatto, Second by C. LaMastra that #R11-353/Award Contract/Deluxe International Trucks/DPW Dump Truck be approved.

C. Lattif expressed his concern that only one bid was submitted for this item. He recalled a similar situation in which the Borough went to bid and only two bids were received. The bid was awarded to one of the two companies and the company who was not awarded the bid challenged based on the specifications. C. Lattif commented that because the Council does not have the bid specs, there is no way to know if the same mistake is being made. Borough Attorney McClure advised that the bid specifications were provided to Council in that instance because the lowest bidder had submitted a bid that did not comply with the specifications. He explained that in this case, there is only one bid and no one to challenge. He further advised that when bids are opened, they are reviewed at that time and if someone planned to challenge based upon the specifications, they would have done so at that time. C. Lattif asked that Bob Byrnes, Construction Official, or Andy Hippolit, Borough Engineer, review the specifications. Borough Administrator Thompson-Chin advised that the Borough Engineer was the person who prepared the bid specifications.

On a roll call, the vote was recorded as follows:

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

D. **#R11-354**/Authorize Purchase of Dispatch and 911 Equipment from WPCS International, Inc. under NJ State Contract for the Tenafly Police Headquarters.

Motion by C. Barzelatto, Second by C. LaMastra that #R11-354/ Authorize Purchase of Dispatch and 911 Equipment from WPCS International, Inc. under NJ State Contract for the Tenafly Police Headquarters be approved.

C. Honig expressed his discomfort with the fact that no specifications or technical details were provided to give background information for this purchase. Borough Administrator Thompson-Chin advised that although she has that information, this purchase is not an individualized bid. She advised that she had provided an updated budget estimate to refresh the Council's memories and the 911 equipment was listed. She explained that it is a part of the contract with Dedicated Services. C. Honig commented that Council is being asked to approve large sums of money without background materials. Council asked that a narrative from Janine McDonald, Clerk of the Works, be included in the Administrator's Report describing how she arrived at the cost for each purchase.

On a roll call, the vote was recorded as follows:

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	nay	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

E. Other

C. Honig asked that a discussion regarding the Building Department budget and staffing levels be placed on the December 6<sup>th</sup> Work Session agenda. After some discussion, it was decided to place this item on the first budget meeting in January.

C. Honig also requested that a discussion about the creation of a local 311 and new volunteer agency to deal with disasters be placed on the next work session agenda. Council decided to schedule this item for discussion at the December 6<sup>th</sup> Work Session.

AUDIENCE REMARKS FOR NON-AGENDA ITEMS

None.

MAYOR'S REMARKS:

None.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Warms, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:01 p.m.

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk