

# Borough of Tenafly

## MAYOR AND COUNCIL

### REGULAR MEETING MINUTES

TUESDAY, DECEMBER 14, 2010

PRESENT: Mayor Peter Rustin and Council members Nadia LaMastra, Michael Lattif, Joseph McDermott, Patrick J. Rouse, and Jon Warms

ABSENT: Councilman Anthony Barzelatto

ALSO

PRESENT: Borough Administrator Jewel Thompson-Chin  
Borough Attorney William R. McClure  
Council-Elect Barry Honig  
Council-Elect Martha Kerge

At 8:09 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 listed in the Annual Agenda; copies are sent to the Press Journal, Record, Suburbanite, Northern Valley News and posted on the bulletin board in the lobby of the Municipal Center."

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

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

RESOLVED that the Minutes of the Work Session of November 23, 2010, Regular Meeting of November 23, 2010, and Closed Session of November 23, 2010 (not for release), are hereby approved.

REVISIONS TO THE AGENDA– Borough Attorney McClure advised that Resolution #R10-403 regarding a proposed change order to the Emergency Response Team vehicle would be added under New Business.

AUDIENCE REMARKS FOR AGENDA ITEMS:

None

CORRESPONDENCE

None.

CONSENT AGENDA

- A. #R10-388/Approve December Expenditures as of December 8, 2010
- B. #R10-389/Approve Refund/Tree Mitigation Escrow/286 Tenafly Road/\$5,800.00
- C. #R10-390/Approve Tax Overpayment Refunds
- D. #R10-391/Adopt Deferred Compensation Plan – AXA Equitable.
- E. #R10-392/Award Contract for Backhoe – Revised Amount
- F. #R10-393/Authorize 2010 Budget Line Item Transfers
- G. #R10-394/Liquor License Renewal – Packard-Bamberger & Co.
- H. #R10-395/Amend Resolution #R10-382/Block 1604 Lot 9
- I. #R10-396/Award Contract – Site Preparation Temporary Trailers/Conquest Industries, LLC
- J. #R10-397/ Approve Refund/Engineer Inspection Escrow/12 Knoll Road/\$5,942.29
- K. #R10-398/Award Contract – Clerk of the Works
- L. #R10-399/Authorize Change Order – Owl Contracting
- M. #R10-400/Establish Restoration of Huyler Park Bandstand Trust Fund
- N. #R10-401/ Approve Refund/Tree Mitigation Escrow/54 Sunderland Road/\$8,200.00

- O. **#R10-402**/Cancel Special Committee of the Whole Meeting Scheduled for 12-21-10

Motion by C. McDermott, second by C. Lattif that the Consent Agenda, be approved.

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

C. Barzelatto:	absent	C. McDermott:	aye
C. LaMastra:	aye	C. Rouse:	aye
C. Lattif:	aye	C. Warms:	aye

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

#### PUBLIC HEARINGS

None

#### COMMITTEE REPORTS

Councilwoman LaMastra

The Recreation Committee will be moving ahead with the fingerprinting program starting in the Spring with the baseball and softball programs. Recreation will hold its annual pictures with Santa in the McCandless Room between 3 pm and 5 pm on 12/15/10. The Board discussed placing a no trespassing sign on the Municipal Field, the exact wording of which will be approved by the Chief of Police.

Councilman Lattif

Mr. Lattif reported that the Senior Center had its Christmas lunch and it was a very heartwarming experience. The seniors who attended this lunch expressed how appreciative they are of the Senior Center and its director, Julie Villafuerte.

Councilman Rouse

Mr. Rouse reported that the Library had its third negotiation with the union. The next meeting is scheduled for December 20<sup>th</sup> at 2:00 pm. At their regular meeting, the Library Board discussed the budget and set up a finance committee.

Councilman McDermott

None

Councilman Warms

Mr. Warms announced that the Chamber of Commerce would be holding its annual Holiday Parade on 12/15. The parade will begin at the semi-circle outside the Library and end at the Elks Club

Mr. Warms reported that the Planning Board will be conducting interviews over the next two week for the new planner.

C. LaMastra asked when the Planning Board revisions to the FAR would be coming before the Council to which the Borough Clerk responded it was to be listed for the 1/4 Work Session agenda. C. LaMastra also made reference to an application filed either with the Planning Board or Board of Adjustment to convert the J. Stincatto building to a multi-family building. She mentioned that this building is in the B2 zone which is in the BID and asked that, in the future, the BID be informed when properties within the BID go before the Planning Board or the Board of Adjustment.

OLD BUSINESS

A. Clerk of the Works

C. LaMastra noted that the Clerk of the Works contract for the Police Headquarters Project was awarded under the Consent Agenda. She asked the Borough Administrator to explain the reasons behind choosing Dedicated Project Services, LLC. Borough Administrator explained that she had submitted a memo dated 12/10/10 in which she had spelled out the reasons. She stated that Dedicated Project Services, LLC went above and beyond the other responders, demonstrating a real understanding of the project. They helped to refine how the clerk of the works can assist the municipality by offering to take on the responsibility to coordinate and centralize dealings with vendors and contractors providing products, materials, equipment, lighting and furnishings. In essence, the Borough Administrator felt that this company was the best fit and had the clearest vision of the project. In addition, this company only handles one project at a time, so their only focus will be this project.

NEW BUSINESS

Mayor Rustin recognized C. Rouse:

A. #R10-403/Authorize Change Order – Emergency Response Transport Vehicle

Motion by C. Rouse, second by C. Warmes:

WHEREAS, via Resolution #R10-322, adopted September 28, 2010, the Mayor and Council awarded a Contract to Specialty Vehicle Solutions, LLC, 1475 Prospect Street, Trenton, NJ 08638, for the construction and provision of an Emergency Response Transport Vehicle in the amount of \$149,984.72; and

WHEREAS, the specifications for the vehicle were previously revised on two occasions in an effort to reduce the total cost of the equipment such that there is a balance of \$7,000 in the project account to enhance the quality of a key component of the ERT vehicle; and

WHEREAS, there is a recommended request to approve Change Order No. 1 to increase the contract in the amount of \$6,500.00 to upgrade the quality of the generator to be installed in the vehicle at the time of manufacture; and

WHEREAS, the total amount of change orders approved to date, which is zero, including this change order is \$6,500 (4%), which amount does not exceed the originally awarded contract price by more than 20 percent; and

WHEREAS, Change Order No. 1 has been reviewed and approved by the Chief of Police and Borough Administrator on behalf of the Borough and funds are available for this change order in Capital Bond Ordinance No. 09-22.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Tenafly, County of Bergen that it does hereby authorize Change Order No. 1, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute Final Change Order #1 in the amount of \$6,500.00.

C. Lattif stated that he is not bothered by the amount of the change order, but rather the fact that there is a change order. Borough Administrator advised that a change order protects the governing body from contractors making decisions unilaterally; they are required to put in a change order as part of the accountability process. C. Lattif expressed his opinion that the governing body should get it right from the start.

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

C. Barzelatto:	absent	C. McDermott:	nay
C. LaMastra:	aye	C. Rouse	aye
C. Lattif:	nay	C. Warmes:	aye
<b>B. Other</b>			

C.Lattif requested that there be an item regarding Professional Service Contracts and a closed session regarding the Bargaining Units added to the 1/4 Work Session agenda.

C. LaMastra noted that under the Consent Agenda there was a resolution authorizing the receipt of private donations for the Huyler Park Bandstand. The Mayor added that there should be mention of these donations in the upcoming newsletter.

#### AUDIENCE REMARKS ON NON-AGENDA ITEMS:

Martha Kerge, 40 Hillside Avenue, expressed that she is a member of the BID Board and feels that it is very important that this board be taken seriously by the other boards. She believes that the BID Board should be included in the transmission of information before action is taken on properties within the BID. She also asked for an update on the leaf collection in town. Borough Administrator informed her that the DPW is continuing leaf collection so long as weather permits. She stated that she is confident that they would be done by the end of next week. She also advised that the upcoming budget is being looked at to see if some of the seasonal help can be reinstated. Mayor Rustin added that he would like the DPW director to give a report to the Council in February to give his recommendations for 2011. The Mayor pointed out that the issues with the leaf collection give the residents a sense of the impact that budget cuts can have on the quality of life.

#### MAYOR'S REMARKS

None.

CLOSED SESSION – To be held after Special COW Meeting.

There being no further business to come before the Council the meeting was adjourned to the Special Committee of the Whole Meeting in the Committee Room at 8:42 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez  
Borough Clerk