

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, JANUARY 10, 2023

PRESENT: Mayor Mark Zinna Councilmembers Lauren Dayton, Jeffrey Grossman, Venugopal Menon, Adam Michaels, Julie O' Connor and Daniel Park

ABSENT:

ALSO PRESENT: Borough Administrator Jimmy Homsi
Borough Clerk Omar Stovall
Chief Financial Officer Susan Corrado
Borough Attorney Wendy Rubinstein

At 7:32p.m. Mayor Zinna 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. THE 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, AND PUBLISHED IN THE RECORD WITHIN THE FIRST 10 DAYS OF THE NEW YEAR."

The Salute to the Flag was led by Mayor Zinna

PRESENTATION

A. Sidewalk Request Update

C. Dayton asked if the surrounding properties had sidewalks. Director/Zoning Officer/Construction Official Bob Byrnes replied no. He added that within the area, 4 homes have a sidewalk and 7 homes are without a sidewalk. C. Dayton asked Mr. Byrnes why were the sidewalks removed. Mr. Byrnes explained that to his knowledge the sidewalks were never there. C. Menon asked Mr. Byrnes how sidewalk matters are evaluated. Mr. Byrnes explained that sidewalks are designated and installed if a previous sidewalk existed. C. O' Connor asked if it under the purview Building Department to see if sidewalks are need in the area. Mr. Byrnes explained that Building Department does not regulate what is on the site and that zoning regulate other improvements. He added that the Zoning Ordinance does not mandate sidewalks, but there is an existing sidewalk it must be maintained.

C. Menon asked if 62 Leonard Avenue records of a sidewalk. Mr. Byrnes replied that there are no record of a sidewalk existing. C. Menon asked how did sidewalks items originate into an ordinance. Borough Attorney Wendy Rubinstein explained that the sidewalk Ordinance creates a procedure for upgrade to either remove or replace. She added that an amendment was made to the ordinance to allow for an appeal process.

Mr. Ittai Kidron of 38 Leonard Avenue expressed that the sidewalk in front of his home had no value or purpose. He added that water and ice would create dangerous conditions.

C. Michaels asked what is the rationale behind removing the sidewalk. Mr. Kidron express the sidewalk served no purpose and places his children in danger. C. Menon expressed that he recalled from the last meeting there hedges obstructing the right of way. C. Menon asked if this is something Code Enforcement to review. Mr. Byrnes replied yes if the bush is planted in the Right of Way. C. Michaels asked Mr. Byrnes his professional recommendation. Mr. Byrnes expressed that he agrees with the resident that the sidewalk served no purpose.

Mr. Ittai Kidron expressed that the lack of presence of a sidewalk would not matter at all.

Motion by C. Park seconded C. O’ Connor to allow the owner of 38 Leonard Avenue Sidewalk Removal.

On a roll call, the vote on the Removal of 38 Leonard Ave Sidewalk was recorded as follows:

C. Dayton:	nay	C. Michaels:	aye
C. Grossman:	nay	C. O’Connor:	nay
C. Menon:	nay	C. Park:	nay

The Governing Body expressed that it would like to have a discussion regarding sidewalks at the Tuesday, January 24th Mayor and Council Meeting.

B. Library Roof and Bliss Avenue Update

Richard Brown of Colliers expressed that they are exploring cost estimates for the library roof and would share the cost with Andy Hipolit. C. Dayton asked if Colliers is able to review the interior ceiling tiles. Mr. Brown expressed once the roof infiltration issue is fixed and tiles could be addressed. explained that the Borough Administrator Jimmy Homsi asked if the quote would include the pricing on the membrane solution. C. Dayton expressed what is the solution for snowstorms. Mr. Brown expressed to remove the snow safely.

Carl O’ Brien of Colliers provided an updated concerning Bliss Avenue. Mr. O’ Brien explained that its been recommended to use gabion baskets to protect the culvert. Mr. O’ Brien expressed that FEMA, DEP, and Bergen County Soil is allowing the Borough to apply for a permit on an emergency basis. He added that if the Borough does not proceed under the emergency basis the process automatically stops. He added that the change order allows the Borough to be eligible for a reimbursement up to 90% from FEMA though Hurricane Ida funds. He added that if the Borough does not move forward the project is halted and the permit process must started from the beginning and that reimbursement would be at risk. . Mr. O’ Brien expressed that the Colliers recommendation is to proceed with the construction. C. Dayton why is an additional \$30,000 being asked for oversight of the project. Mr. O’ Brien expressed that the cost changed due to the change order with the additional of the gabion baskets.

C. Grossman asked what is the reimbursement between up to 90% and receiving 90% reimbursement. Mr. O’ Brien expressed that in his experience he has seen reimbursements up to 90%.

M. Zinna asked the Governing Body to add resolution R23-61/ Authorize Change Order – Bliss Avenue Culvert Replacement Program and R23-62/ Additional Professional Engineering Services – Bliss Avenue Culvert to the Resolutions.

M. Zinna asked to move Public Comments.

A motion was made to move Public Comments after “To be Considered” and prior to the “Consent Agenda” Motion C. Dayton Seconded C. Park

TO BE CONSIDERED

A. Solid Waste Contract

Borough Administrator Jimmy Homsy expressed the potential possibility bringing the service in house through the DPW. Mr. Homsy added that trucks must be ordered within 18 months.

C. Michaels asked if this topic could be discussed during the budget hearing s. M. Zinna expressed that must go out to bid for the this budget season to see where the Borough stands with a potential vendor. Mr. Homsy wanted to present this discussion to the Governing Body and that nothing is imminent at the time. C. Menon asked if the trucks that were used prior to the automated recycling trucks be retrofitted for trash pickup. Mr. Homsy responded that the truck could not be retrofitted. M. Zinna expressed that more data will be collected regarding this topic.

B. FY2023 Local Recreational Improvement Grant Program

J. Homsy expressed through recommendation of the Recreation Director, she provided two options for the Local Recreational Improvement Grant Program. Municipal Complex Field Improvement and the leveling of the Skate park to provide create areas of activities.

C. Dayton asked what is the Recreation Director looking to do long-term. C. Michaels express that the long-term vision is have Roosevelt Commons as a space friendly for all.

M. Zinna asked Members of the Governing Body which of the two options did they prefer to proceed with proceeding with the Local Recreational Improvement Grant Program.

A majority of Governing Body decided to proceed with the Municipal Complex Field Improvement.

Borough Attorney Wendy advised the Governing Body resolution R23-60/ Authorize FY2023 Local Recreational Improvement Grant Program would allowed the Governing Body to proceed and that R23-63 would be added under Resolutions to allow Millennium Strategies to submit the grant proposal.

C. Tenafly Salt Shed Structural Assessment

Mr. Homsy explained that he was directed by the Governing Body to find options for the Salt Shed Structure. Mr. Homsy proceeded to discuss available options.

The Governing Body offered consensus to proceed with the Salt Shed Structural Assessment.

PUBLIC COMMENTS

J. Thompson – 41 Lawrence Parkway- Mr. Thompson asked if the ordinance with sets the agenda had been replied. Mr. Thompson questioned that the change of the new meeting format. Ms. Rubinstein expressed that meeting notice properly in according of the OPMA.

C. Evron – 39 Leroy Street – Ms. Evron asked what is the life expectancy of the gabion basket. Mr. O'Brien explained that the gabion basket runs with the life of the culvert. Ms. Evron expressed for

advance notice concerning work being done downtown. Ms. Evron announced a book signing at the JCC on Wednesday, February 1st.

CONSENT AGENDA

- Resolution R23-49** - Execute Interlocal Agreement with Paramus – Public Safety Answering Point (PSAP) Emergency 911 Telephone Service
- Resolution R23-50** - Approve Interlocal Agreement with the Borough of Paramus - Maintenance and Repair of Fire Department Vehicles
- Resolution R23-51** - Approve Refunds – Recreation Department – Various
- Resolution R23-52** - Approve Refund – Overpayment of Taxes – Corelogic
- Resolution R23-53** - Approve Refund – Overpayment of Taxes – Lereta
- Resolution R23-54** - Approve Refund – Overpayment of Taxes – Wells Fargo
- Resolution R23-55** - Authorize Refund – Tax Court Judgment – Block 3201 Lot 10 – Jacobus
- Resolution R23-56** – Accept Resignation of Human Resources Manager
- Resolution R23-61** – Authorize Change Order #1 – Bliss Avenue Culvert Replacement Program
- Resolution R23-62** –Additional Professional Engineering Services – Bliss Avenue Culvert

Motion by C. Dayton second by C. O’ Connor that the Consent Agenda be approved.

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

C. Dayton:	aye	C. Michaels:	aye
C. Grossman:	aye	C. O’Connor:	aye
C. Menon:	aye	C. Park:	aye

RESOLUTIONS

~~**Resolution R23-57** – Award Contract – Sanitary Sewer System – Piermont Road Sinkhole & Piping Repairs~~

C. Menon questioned the cost of the contract. M. Zinna expressed the resolution would be removed for clarification. The Resolution was removed from agenda to be placed on the Tuesday, January 24, 2023 agenda.

~~**Resolution R23-58** – Authorize Engineering Construction Inspection Services – Piermont Road Sinkhole & Piping Repairs~~

C. Menon questioned the cost of the inspection services. M. Zinna expressed the resolution would be removed for clarification. The Resolution was removed from agenda to be placed on the Tuesday, January 24, 2023 agenda.

Resolution R23-59 – Authorize Sidebar Agreement with Local 342 Long Island Public Service Employees United Marine Division International Longshoremen’s Association

C. Menon asked for clarification for this resolution. Ms. Rubinstein expressed it clarifies standby on a holiday versus the weekend.

Motion by C. Dayton second by C. Park that the **Resolution R23-59** – Authorize Sidebar Agreement with Local 342 Long Island Public Service Employees United Marine Division International Longshoremen’s Association be approved.

C. Dayton asked for a discussion for the next meeting regarding the COVID Memorial and honoring Former Borough Attorney Bill McClure.

UPCOMING MEETINGS

Resolutions

Resolution R23-XX - Award Contract – Repair and Maintenance of Police Vehicles

Resolution R23-XX - Award Contract – Repair and Maintenance of Traffic Signals and Related Equipment

Mr. Homsy explained that the resolutions to Award Contract – Repair and Maintenance of Police Vehicles and Award Contract – Repair and Maintenance of Traffic Signals and Related Equipment would be on at the next meeting.

COMMITTEE REPORTS

C. Park no report.

C. Grossman reported that Historical Preservation Commission. He reported that Michael Barone is the new Chairperson replacing Karen Neus. He added that Emily Yang is the Vice-Chairperson and that Thorin Tritter and Steven Standler were sworn in as new members. C. Grossman reported that the property at 177 Hudson Avenue is seeking changes, which was unanimously approved by the HPC.

C. Dayton reported that the Welcoming Committee held an event at the Ice Skating rink where one family signed up. C. Dayton announced that the Nature Center is having upcoming winter events and now advertising for summer camp.

C. Menon reported that the Board of Adjustment hear an application with concerning an adjustable pergola which increased the floor access ratio. He added that the Board approved the application. He added that the second application was for an oversized property in the zone to construct a front porch. He added a variance was requested, which was approved.

C. Michaels reported that the Recreation Board meeting was held. C. Michaels expressed that there is massive continued engagement. He added that the Recreation Board wants feedback as to what activity/services should be invested in. C. Michaels announced that the sweetheart skate is Friday, Feb 10th. From 6pm to 8pm.

C. O' Connor asked Mr. Homsy to provide an update concerning the COVID Memorial. Mr. Homsy provided specifications and the location as to where the memorial would be. He added that the bench has been installed and that the plaque has been ordered and is awaiting installation.

MAYOR'S REMARKS

None.

CLOSED SESSION

Mayor Zinna recognized Wendy Rubinstein, who read into the record Resolution 23-64.

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:

- A. Matters falling within the Attorney-Client Privilege, to the extent that confidentiality is required in order for the attorney to exercise her ethical duties as a lawyer.
 - 1. Pending Litigation – Kaplan
 - 2. Pending Litigation – Mektiev
 - 3. Potential Litigation

B. Real Estate

- 1. Potential Property Acquisition

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. Dayton seconded by C. Park, and all present voting in favor, the meeting was adjourned to the Closed Session at 09:52 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Park, second by Dayton and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:35p.m.

Respectfully submitted,

Omar Stovall, MPA, RMC
Borough Clerk