

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, FEBRUARY 7, 2023

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

ABSENT: Councilmember Adam Michaels

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

At 7:35p.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

Pfister's Pond Update

Mr. Andrew Mikesh presented to the Governing Body that the Tenafly Nature Center have been researching a NJ DEP Green Acres Stewardship Grant. He added that the grant is for the preservation and protection of natural resources. He expressed that the Grant is a 50% reimbursement grant. He continued that the scope of the application will focus on shoreline and pond related trail restoration, excess nutrient removal, improved biodiversity and increased educational opportunities.

C. Dayton thanked the Tenafly Nature Center for its ongoing work at Pfister's Pond. C. Dayton expressed that she hopes the Borough apply for the grant and continue to support Pfister's Pond.

C. Grossman asked for an approximation of the amount. Mr. Mikesh expressed that it could be somewhere in the low \$100,000' s but don't have an exact number. Mr. Mikesh added that the project would be a buffer designed to keep leaves from entering into the pond. C. Dayton voiced that the funds would be for the future protection of the Pond.

The Governing Body decided to move forward with a letter of commitment.

TO BE CONSIDERED

The Governing Body move the Tenaflly Swim Club Discussion

A. Tenaflly Swim Club

Mr. Hipolit explained that the Borough had applied for a grant for #398,000 for the Swim Club. He continued that the Borough received an amount for \$174,000 in which the County would match at \$87,000. Mr. Hipolit recommended of the eleven items removing the restroom and skate park due to being estimated to be \$150,000 in total cost. C. Dayton asked about the cost of the restrooms. Mr. Hipolit answered \$50,000. C. O' Connor asked if by piecemeal the project would add to the cost. Mr. Hipolit explained that completing the project in phases would increase cost but by having two phases cost could stay low. C. Dayton ask how much would it be to remove the swimming pool. Mr. Hipolit expressed that in Montvale a pool was removed and cost about \$100,000. C. Dayton expressed how could the Borough know if the pool is environmentally sound. C. Dayton expressed that she walked with the DEP and they expressed concerns. Mr. Hipolit expressed that under State regulations the pool could remain. C. Menon asked if there is something that the DPW could do that would not violate the grant. Mr. Hipolit explained that the County specification for public bidding must be followed which in includes prevailing wage.

M. Zinna asked what is the timing. Mr. Hipolit answered that the schedule allows for advertising of bids by July 2023, awarding a contract by August 2023, completing construction by March 2024, and applying for reimbursement by June 2024. Mr. Homsy added that the due date of the grant is December 2024. C. Dayton expressed that she believes that it would be irresponsible to proceed with the project before an environmental study. C. Grossman expressed that the Governing Body reaches a point where when at an impasse nothing is done. C. Grossman continued that the Governing Body needs to do the next step and utilize the area.

M. Zinna posed a question to the Governing Body if they are interested in Mr. Hipolit's recommendation or to fund the entire project. This question was asked to the Governing Body present.

Based answers provided the Members of the Governing Body would like to move forward with funding the entire project. M. Zinna asked the Borough professionals to draft an ordinance.

Mr. Hipolit provided an update on the Library Roof. Mr. Hipolit expressed that found a vendor to look at the roof. He added that they believed that the bid cost would be too much. He added that the vendor recommended a solar panel option that would cover the full roof and not just the library side. M. Zinna asked how quickly can the Borough go out to bid. Mr. Hipolit expressed that the specs are prepared. He added that that project would have to rebid due to lack of funding.

C.Park asked if the Solar Panels be sent. Mr. Hipolit explained that the vendor did not provide but expressed that the bid would be a performance bid. C. Park asked if this project could be accelerated. CFO Corrado expressed that it could be in the Temporary Capital Budget.

The Governing Body decided to place the Library Roof in the Temporary Capital plan.

B. Magnolia Avenue/Leonard Avenue Sidewalks

C. O' Connor asked Mr. Hipolit how deep into the park does the sidewalk takes a person. Mr. Hipolit expressed that it was broken up in three ways one was to bring the sidewalk up to a home on Leonard, another was to bring it up to the handicapped spots by the playground, and another

option was to bring the sidewalk up to a road that curves. M. Zinna recommended to get a recommendation for the Police Department and then to get a site plan.

C. Meeting/Agenda Format

Borough Attorney Wendy Rubinstein Quiroga expressed that she would like to revisit the discussion at the March 7, 2023 meeting. The Governing Body agree to revisit the discussion.

D. Outdoor Dining

Mr. Homsy voiced that outdoor dining would be from April to November. C. Menon expressed that he does not support seating in parking spots. C. Dayton expressed that a majority of the Downtown support and would like the Downtown Committee come and speak at the next meeting. C. Grossman expressed that he is interested in hearing from the business owners. Mr. Homsy expressed that the fees for outdoor dining and was waived due to COVID. Borough Attorney Wendy Rubinstein Quiroga expressed she will look into a fee for an extension of outdoor dining.

C. Evron – 39 Leroy Street – expressed that business owners would not like to come before council to state a position. She added that the Chamber serves as a liaison.

M. Zinna expressed to invite downtown businesses to the next Mayor and Council meeting.

E. Waste Hauling

M. Zinna explained options of how the Borough proceeds concerning waste hauling. M. Zinna outlined that the Borough to go out to bid and reject bids to get a sense of cost in 2024 and to take the data to see much would it cost from DPW to perform the services. C. Grossman fully endorsed the idea. Mr. Homsy added that a bid specs would be presented to the Governing Body.

F. AARP Age Friendly Designation

C. Dayton voiced that she wanted to the Governing Body to be aware that the Senior Service Committee is ready to apply to designate the Borough as an Age Friendly Community.

G. Downtown Parking Ordinance

C. Dayton believed that the Planning Board should consider the concerns of the Governing Body. She added she requested an annual requirement that buildings have adequate parking for its residents. She believes that without protection the building could change plans and owners without having suitable parking and that each building should have a parking space. C. Grossman expressed he is not sure if the Council should be solving the parking problems. Borough Attorney Wendy Rubinstein Quiroga expressed that she will speak to Planning Board Attorney Jeff Zenn regarding the Governing Body's questions and concerns.

H. 2023 Budget Hearing Schedule

The Governing Body expressed no reservations with the dates provided. The resolution to approve will be presented at the March 7, 2023 meeting.

ADMINISTRATOR REPORT

Mr. Homsy reported that the assessment of the Salt Shed was completed and a report would soon follow. Mr. Homsy continued with his report with that grant for the ambulance is ready for submission. He added that circulated photos of the COVID memorial. Mr. Homsy expressed that planning is underway with filling the Human Resources Manager position. Mr. Homsy expressed that the Downtown light post paint had been received and would be ready to be painted once the weather is warmer.

C. Menon inquired about the assessment of the Salt Shed. Mr. Homsy explained that it was to check the integrity of the structure.

M. Zinna asked the Governing Body concerning the how it would like to proceed with the position.

After asking each member present the Governing Body decided to fill the Human Resource Manager position.

C. Dayton announced that Karen Neus, former Historic Preservation Commission Chairperson, daughter wrote a children's book and will be holding a presentation at the Presbyterian Church on March 5th.

PUBLIC COMMENTS

A. Crasnough – 27 West Clinton- Ms. Crasnough voiced that she is optimistic that the library progress is moving forward.

C. Evron - 39 Leroy Street- expressed that the businesses are complaining that there is not enough parking. C. Evron asked for a reallocation of parking spots. C. Evron expressed that she is hearing that the Council does not want to hear from the Council Chamber of Commerce.

CONSENT AGENDA

Resolution R23-82 – Approve Expenditures as of February 1, 2023

Resolution R23-83 - Approve Raffle Application RA 1266

Resolution R23-84 - Approve Refund – Recreation Department

Resolution R23-85 – Authorize Execution of Collective Bargaining Agreement – Tenafly Crossing Guards

Resolution R23-86 - Authorize Expenditures from the Affordable Housing Trust Fund – Special Affordable Housing Counsel

Resolution R23-87 – Authorize Refund – Tax Court Judgment – Various – Jacobus

Resolution R23-88 – Authorize Refund – Tax Court Judgment – Block 1404 Lot 18 - Spiotti & Associates, P.C.

Resolution R23-89 – Authorize Refund – Tax Court Judgment – Various – Hofer

Resolution R23-90 – Authorize Refund – Tax Court Judgment – Block 1502 Lot 15 - Wolf Vespasiano, LL

Resolution R23-91 – Approve Tree Mitigation Escrow Refund and Transfer to the Shade Tree Trust Account – 15 Leslie Place

Resolution R23-92 – 2022 Appropriation Reserve Line Item Transfers

- Resolution R23-93** – Approve Ice Cream License Number I-1-2023
- Resolution R23-94** – Authorize Receipt of Bids - FY 2021 NJDOT Municipal Aid Program
- Resolution R23-95** – Award Contract – Public Health Nursing Services
- Resolution R23-96**- Award Contract – Public Health and Environmental Health Services
- Resolution R23-97** – Accept Resignation of Deputy Treasurer
- Resolution R23-98** – Authorize to Enter into a Cooperative Membership Agreement with The Interlocal Purchasing System (TIPS)

The Governing Body raised a question about Resolution R23-91 – Approve Tree Mitigation Escrow Refund and Transfer to the Shade Tree Trust Account – 15 Leslie Place. M. Zinna expressed question would have to be answered before going onto the March 7, 2023 agenda. M. Zinna asked that a discussion be added to the second meeting in March.

Motion by C. Park second by C. Grossman 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:	absent
C. Grossman:	aye	C. O’Connor:	aye
C. Menon:	aye	C. Park:	aye

RESOLUTIONS

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- ~~**Resolution R23-57** – Award Contract – Sanitary Sewer System – Piermont Road Sinkhole & Piping Repairs~~
- ~~**Resolution R23-58** – Authorize Engineering Construction Inspection Services – Piermont Road Sinkhole & Piping Repairs~~
- Resolution R23-79** – Authorize Contract for the Replacement of Drop Ceiling – Tenafly Firehouse
- ~~**Resolution R23-99** – Amend 2023 Meeting Schedule – 2023 Municipal Budget Hearing Meetings~~
- Resolution R23-100** – Authorize Upgrades to the Electronic Access System – Tenafly Firehouse

Motion by C. Park second by C. Grossman that Resolutions R23-79 and Resolution 23-100 be approved.

On a roll call, the vote on the Resolutions R23-79 and R23-100 was recorded as follows:

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

OLD BUSINESS

C. Dayton asked that survey be available to the residents. M. Zinna asked that the survey be put together and be presented at the next meeting

- Minutes** to be approved:
- January 11, 2022 Closed Session
 - January 25, 2022 Closed Session
 - February 8, 2022 Closed Session
 - March 31, 2022 Closed Session
 - April 25, 2022 Closed Session
 - July 18, 2022 Closed Session I

July 18, 2022 Closed Session II
January 24, 2023 Closed Session

Motion by C. Grossman, second by C. Park and all other members voting in favor,

BE IT RESOLVED that the Minutes of the January 11, 2022 Closed Session, January 25, 2022 Closed Session, February 8, 2022 Closed Session, March 31, 2022 Closed Session, April 25, 2022 Closed Session, July 18, 2022 Closed Session I, July 18, 2022 Closed Session II, January 24, 2023 Closed Session be approved.

FOR THE GOOD OF THE ORDER

None.

UPCOMING MEETINGS

Permit Fees

TVAC Ordinance

Borough Attorney Wendy Rubinstein Quiroga expressed that she had call with TVAC regarding its ordinance.

COMMITTEE REPORTS

C. Grossman reported that the Historic Preservation Commission is interested in applying for a State grant to repair the Inness Road Gates. He voiced the potential of hiring a consultant to guide the Historic Preservation Commission next year.

C. O' Connor reported that a recommendation was been made to honor Bill McClure by naming the dais after Mr. McClure. Mr. Homsy asked for recommended language. M. Zinna asked to place on Old Business. O' Connor reported that the Hackensack River Keeper is meeting with the student liaison of the Environmental Commission and the Trash a ton is May 6th.

MAYOR'S REMARKS

Mayor Zinna appointed Peter Rustin to the Board of Adjustment.

CLOSED SESSION

Mayor Zinna recognized Borough Attorney Wendy Rubinstein Quiroga, who read into the record Resolution 23-101.

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. Lease Negotiations
 - 2. Investigation Update
- B. Collective Bargaining
 - 1. DPW Supervisors Contract
- C. Personnel

1. Administration

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. Grossman seconded by C. Dayton, and all present voting in favor, the meeting was adjourned to the Closed Session at 10:08 p.m.

The Governing Body returned from Closed Session at 11:03pm.

Motion by C. Park second by C. Dayton that **Resolution R23-102**/Adopt Investigation Report be approved.

On a roll call, the vote on **Resolution R23-102**/Adopt Investigation Report was recorded as follows:

C. Dayton:	aye	C. Michaels:	absent
C. Grossman:	aye	C. O'Connor:	aye
C. Menon:	abstain	C. Park:	aye

Motion by C. Park second by C. Dayton that **Resolution R23-103**/Appoint Interim Human Resources Manager be approved.

On a roll call, the vote on **Resolution R23-103**/Appoint Interim Human Resources Manager was recorded as follows:

C. Dayton:	aye	C. Michaels:	absent
C. Grossman:	aye	C. O'Connor:	aye
C. Menon:	aye	C. Park:	aye

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Park, second by C. Dayton and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:02p.m.

Respectfully submitted,

Omar Stovall, MPA, RMC
Borough Clerk