

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

MONDAY, AUGUST 9, 2021

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

ABSENT: None

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

At 9:36 p.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. NOTICE OF THIS MEETING VIA THE AUGUST 6, 2021 SUNSHINE NOTICE HAS BEEN SENT TO THE RECORD, SUBURBANITE, NORTHERN VALLEY PRESS, AND HAS BEEN POSTED ON THE BULLETIN BOARD AND BOROUGH WEBSITE"

The Salute to the Flag was led by Mayor Zinna

Motion by C. Michaels, second by C. O'Connor and all other members voting in favor, as amended

BE IT RESOLVED that the Minutes of the June 29, 2021 Regular Meeting are approved.

REVISIONS TO AGENDA:

Mrs. Rubinstein advised that R21-329 authorizing fireworks to be added to the consent agenda. She also advised that R21-330 Closed Session be added to discuss Attorney- Client privilege concerning Borough property matters and contract negotiations

PUBLIC COMMENTS:

C. Ervon -39 Leroy Street – Ms. Ervon thanked C. Michaels for his extensive work on outdoor dining. She added that business owners are happy to have outdoor dining. She added that the Borough has two free to use charging stations in town.

M. Ackerman - 33 Inness Road – Mr. Ackerman stated there is a disconnect between state law and federal law and wish that the Governing Body reconsidered its vote. Cannabis is illegal according to the federal government in all cases. It therefore doesn't make sense to try to apply any federal rules regarding cannabis, including those related to drug free zones. Mr. Ackerman added that cannabis law will be onerous when it comes to cannabis sales around places of worship and schools. Mr. Ackerman believed that the Governing Body should explore ideas of where in town cannabis business would best work.

CONSENT AGENDA

- A. **#R21-316/** Approve Expenditures as of August 4, 2021
- B. **#R21-317/** Authorize Receipt of Bids – Library Façade Restoration & Roof Replacement Project
- C. **#R21-318/** Authorize Refund – Security Deposit – Davis-Johnson Park – LaMastra
- D. **#R21-319/** Approve Tree Mitigation Escrow Refund – 252 Jefferson Avenue
- E. **#R21-320/** Authorize Tree Mitigation Escrow transfer to Borough Replacement Tree Fund – 49 Elm Street
- F. **#R21-321/** Authorize Tax Overpayment Refund – Block 603 Lot 16
- G. **#R21-322/** Authorize Tax Overpayment Refund – Block 412 Lot 22
- H. **#R21-323/** Authorize Purchase of 2021 Mechanics Truck Body for the Department of Public Works
- I. **#R21-324/** Authorize Refunds – Recreation Department – Various
- J. **#R21-325/** Authorize Acceptance of Grant Award for Body Worn Cameras – Tenafly Police Department
- K. **#R21-326/** Authorize Purchase of 2021 Ford F-550 Parks Vehicle for the Department of Public Works
- L. **#R21-327/** Authorize Professional Engineering Services – 2022 NJDOT Municipal Aid Grant Application
- M. **#R21-328/** Authorize Refund – Permit Fee – Davis-Johnson Park – Bolt

Added to the Consent Agenda:

- N. **#R21-329/** Award Contract – 2021 Annual Fireworks Display

Motion by C. Menon, second by C. Park 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

PUBLIC HEARINGS

A. Ordinance:

The following ordinances published herewith was first read by title only on July 19, 2021 and posted on the bulletin board of the lobby of the municipal center.

The Borough Clerk read into the record:

ORDINANCE NO. 21-13 - AN ORDINANCE BY THE BOROUGH OF TENAFLY IN BERGEN COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 35 "LAND DEVELOPMENT REGULATIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY

Public Comments on Ordinance No. 21-13

None.

Motion by C. Grossman, second by C. Michaels that Ordinance 21-13 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

On a roll call, the vote on Ordinance No. 21-13 was recorded as follows:

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

Committee Reports

C. Grossman:

C. Grossman reported that the concert series is still proceeding with TEOA performing. He added that they are a terrific band. For Stigma Free, C. Grossman announced that Lauren Brill will be speaking at Hulyer Park on Wednesday at 7 PM. C. Grossman explained that Ms. Brill is a motivational speaker who focuses on mental health. C. Grossman announced that fireworks will be on September 19th. He added that the goal of Tenafly Present is to have a music festival before the fireworks event. C. Grossman apologized for not having the fireworks sooner, but he explained the logistics of the process. C. Grossman reported that no bid were received for the Roosevelt Monument Lighting Project. He explained that this was the second time no bids were received. He added that the Borough now has the ability to negotiate and seek out a company to perform the work. He added that Bob Carpenter, who restored the stonework, would supervise whoever is doing the lighting to ensure no damage is done to the monument. C. Grossman reported that the Planning Board will meeting to hear an application regarding the JCC expansion.

C. Menon;

C. Menon reported the Michele Hausch is looking to have a few events advertised. C. Menon announced that the Senior Center will be having an August Luncheon on August 10th with an Latin and Caribbean theme. He added that there would another luncheon on August 27th with Joey Keys performing. C. Menon announced that the Senior Center is planning a Lancaster trip in October. C. Menon reported that the Senior Center will holding a “Trash to Treasure” event on August 28th. C. Menon reported that the Senior Center would like to invite those who are interested. He reported that an Lancaster trip is upcoming and a trash to treasure event is upcoming. C. Menon reported that the Board of Adjustment met to hear five items on New Business and one item carried over from the previous meeting. He explained that of the five items, one was carried over into the September meeting. He went to explain that application for a pool was carried over to the next Board of Adjustment meeting. He added that there was a requested to install a generator, which was approved. C. Menon explained the application for 27 Chestnut for a two family dwelling was denied.

C. O'Connor:

No report.

C. Park:

No report.

C. Michaels:

C. Michaels reported the Downtown Revitalization Steering Committee with BFJ went well. He added that the mark their calendar for Wednesday, September 29th. He added that there would be multiple sessions for the public, businesses, and a student led session.

C. Dayton:

C. Dayton voiced that that the Tenafly Nature Center is looking to build a pavilion where the old owl and hawk structure once was. C. Dayton asked the Borough Attorney if she had spoken to Deborah Davison of the Nature Center.

Wendy Rubinstein, Borough Attorney, explained to the Governing Body that Ms. Davison was given instruction from the construction office. She added she has to find out what the instruction was. C. Dayton asked if could on this item with the Borough Attorney. C. Dayton reported that the Nature Center held an information session for Psfister’s Pond. C.

Dayton asked if the Borough could do a press release or other notifications. C. Dayton asked Mr. Homsy to reach out to the Nature Center to get more details. C. Dayton announced that the Nature Center's 60th Anniversary dinner would be on September 12th. C. Dayton reported that the Nature Center is looking to have the Nature Center's parking lot repaved. C. Dayton reported that the Nature Center is drafting a social justice statement. C. Dayton reported that the Nature Center is proving Fairy Trails.

C. Dayton expressed the idea in reestablishing the 19th Amendment Committee to help permanently honor Elizabeth Cady Stanton. M. Zinna agreed with the idea. C. Grossman believe it would be good to tie in with the HPC's walking tour.

C. Dayton reported that the Senior Services Committee is looking to promote a "Bridge the Gap" program which engages seniors with high school and college aged students.

C. Dayton reported that the Welcoming Committee is looking to hand out materials at the Summer Concerts.

New Business

C. Dayton asked how the ordinance proceeding because she thought it was still in draft form. Ms. Rubinstein explained that the ordinance was done with the assistance of C. O'Connor, C. Menon, J. Homsy, and Mike Cassidy. C. Dayton believed that the ordinance is making it easier to remove tree and not tougher. Ms. Rubinstein explained it is a flat fee per tree rather than a flat fee up to five trees. She added that the permit fee rises with each additional tree. She continued that it removes grandfather clauses as well as mitigation for any tree removal. C. Dayton expressed that she would like to see in the ordinance to not allow clear cutting of a property. Ms. Rubinstein explained that direction was to not to make those changes. Ms. Rubinstein added that clear cutting is only allowed if the trees are with in the footprint of the property. C. Dayton believed the ordinance needed to be stronger. C. O' Connor voiced that the ordinance is strong and believed that it is prevent healthy trees from being removed. Ms. Rubinstein added that the ordinance would entice people to provide their own mitigation as well as provide the Borough a true opportunity to replace trees if a person forego mitigation.

M. Zinna voiced to introduce the ordinance and then have a discussion with Mike Cassidy at the next meeting.

A. Introduction of Ordinance

C. Menon moved that the ordinance be introduced and passed on first reading and setting September 2, 2021 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Tenafly Municipal Center as the place for a hearing on said ordinance. Seconded by C. O' Connor:

The Borough Clerk read into the record:

ORDINANCE NO. 21-14 - AN ORDINANCE AMENDING CHAPTER 26, "TREES" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY

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

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

MAYOR'S REMARKS

M. Zinna no report

CLOSED SESSION

Mayor Zinna recognized Borough Attorney Wendy Rubinstein, who read into the record Resolution 21-330.

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 (*moved from Closed Session I*)
 - 1. Contract Negotiation

- B. Attorney-Client Privilege
 - 1. Lease Terms Update

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 to adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. Michaels, seconded by C. Park, and all present voting in favor, the meeting was adjourned to the Closed Session at 10:12 p.m.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Michaels, second by C. Park and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Omar Stovall, MPA, RMC
Borough Clerk