

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

THURSDAY, SEPTEMBER 2, 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 Homsi
Borough Clerk Omar Stovall
Borough Attorney Wendy Rubinstein
Chief Financial Officer Susan Corrado

At 9:19 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."

The Salute to the Flag was led by Mayor Zinna

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

BE IT RESOLVED that the Minutes of the August 9, 2021 Regular Meeting, August 9, 2021 Closed Session, and August 9, 2021 Closed Session II are approved.

REVISIONS TO AGENDA:

Mrs. Rubinstein advised that **#R21-339/** Authorize Purchase of an Aerial Fire Truck for the Tenafly Fire Department be removed from the Consent Agenda and to be considered that the September 14th meeting.

PUBLIC COMMENTS:

Aki Benjamin – 57 Evergreen Place – Mr. Benjamin voiced his support for Ordinance #21-14 to amend the Tree Ordinance. Mr. Benjamin asked when is the annual meeting set. Ms. Rubinstein explained that the annual meeting notice is published in January.

CONSENT AGENDA

- A. #R21-331/** Approve Expenditures as of August 25, 2021
- B. #R21-332/** Approve Forfeit of Tree Mitigation Escrow – 161 Newcomb Road
- C. #R21-333/** Approve Refunds – Youth Center
- D. #R21-334/** Authorize Tree Mitigation Escrow Refund – 24 Hillside Avenue
- E. #R21-335/** Authorize Tree Mitigation Escrow Refund – 62 Park Street
- F. #R21-336/** Approve Forfeit of Tree Mitigation Escrow – 64 Day Avenue
- G. #R21-337/** Authorize Tree Mitigation Escrow Refund – 88 Depeyster Avenue

- H. #R21-338/ Authorize Tree Mitigation Escrow Refund – 252 Jefferson Avenue
- I. ~~#R21-339/ Authorize Purchase of an Aerial Fire Truck for the Tenafly Fire Department~~
- J. #R21-340/ Authorize Tax Overpayment Refund – Block 406 Lot 17
- K. #R21-341/ Authorize Tree Mitigation Escrow Refund – 8 Forest Road
- L. #R21-342/ Authorize Tree Mitigation Escrow Refund – 320 Devon Road
- M. #R21-343/ Authorize Tree Mitigation Escrow Refund – 93 Erledon Road
- N. #R21-344/ Approve Forfeit of Tree Mitigation Escrow – 12 Virginia Street
- O. #R21-345/ Authorize Tree Mitigation Escrow Refund – 326 Knickerbocker Road
- P. #R21-346/ Authorize Refunds – Recreation Department – Various
- Q. #R21-347/ Approve Refunds – Recreation Department – Prorated Refunds
- R. #R21-348/ Approve Forfeit of Tree Mitigation Escrow – 10 Day Avenue
- S. #R21-349/ Authorize Change Order #1 – 2020 Micro-Surfacing Project Program
- T. #R21-350/ Appoint Alternate Tax Appeal Attorney
- U. #R21-351/ Execute Shared Services Agreement Addendum – School Resource Officer
- V. #R21-352/ Authorize Additional Engineering Services – 2021 Riverside Cooperative Road Improvement Program – Additional Roads
- W. #R21-353/ Approve Contract – 2021 Riverside Cooperative Road Improvement Program – Additional Roads

Motion by C. Dayton 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 COMMENTS:

A. ORDINANCE:

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

Aki Benjamin – 57 Evergreen Place – Mr. Benjamin expressed his appreciation of tree ordinance being amended. He added that he spoke C. Menon and C. O' Connor where he voiced that the New Milford had a much stricter tree ordinance than Tenafly.

Motion by C. O' Connor second by C. Menon that the Consent Agenda be approved.

On a roll call, the vote on Ordinance 21-14 was recorded as follows:

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

Committee Reports

C. O'Connor reported that the Environmental Commission would like to give feedback to the Planning board regarding the construction at the JCC. She added that the Environment Commission excited about the discussion of electric vehicle infrastructure being expanded. She continued that there has been concern about impervious construction. She added that the

Environment Commission with have some new information for the upcoming newsletter. C. Connor spoke to the nature of the importance of trees to prevent flooding.

C. Michaels reported that the Downtown Revitalization Team and the planner have been doing great work. He expressed that Downtown Revitalization Team is looking for public back through a survey on the Borough's website as well as a public hearing on September 29th. HE added that students forum will be set up at the end of the month. He added that an update of the plan will be shared at the next Chamber of Commerce meeting.

C. Dayton reported that the Tenafly Nature Center dinner would be moved outdoors at the Knickerbocker Country Club due to COVID concerns. C. Dayton asked Ms. Rubinstein the process for the Nature Center to apply for a building permit for an educational pavilion. Ms. Rubinstein explained that the Nature Center will need to show owner approval to build on the property because the Borough is the owner of the property. C. Dayton reported that the Pride Committee will be meeting on October 9th. She added that the President Natalie Kavanagh is looking to purchase a rainbow bench. She added that the Pride Committee is pushing an initiative for a buddy bench. C. Dayton reported that the Welcoming Committee will be present at Back to School night.

C. Menon reported that the Senior Center's "Trash to treasure" event was a success. He reported that the Senior Center would be having a Halloween Pancake Breakfast with a date to be determine in the fall. He reported the Senior Center's September activities is extensive.

C. Park reported that the Green Team expressed concern of unleashed dogs in non-parks, especially Davis-Johnson.

C. Menon voiced that the Bergen County Prosecutor Office has a dog walker program. He added that participants of the program serve as eyes and ears if they spot suspicious activity as they are walking their dogs.

C. Grossman reported the Planning Board met regarding testimony of the expansion of the JCC facilities, camp area, and parking lot. He there was discussion about the parking lot traffic lot. He added that a tree expert explained that 477 trees would be removed that would mitigated with 392 trees. He added that there will be a continuation on this topic and encouraged the Council to attend the next Planning Board meeting. C. Dayton asked if the Land Trust discussion was brought up which allows the Nature Center to exist. M. Zinna and C. Grossman voiced that it was not brought up. C. Dayton asked if the Nature Center weighted in on the discussion and if they were noticed. M. Zinna answered that the Borough was notified because the Borough is the owner of the Nature Center property. C. Grossman reported that Tenafly Presents held its last concert on Tuesday, August 31st. He added that he believed about 300 people had attended C. Grossman announced that the 2021 Fireworks will take place September 19th.

M. Zinna asked C. O' Connor for the Environmental Commission to look into the difference of planting 2 and a half inch trees to planting 3 and a half inch trees.

New Business

A. Introduction of Ordinance

C. Menon moved that the ordinance be introduced and passed on first reading and setting September 14, 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. Dayton:

The Borough Clerk read into the record:

ORDINANCE NO. 21-15 – ORDINANCE OF THE BOROUGH OF TENAFLY, COUNTY OF BERGEN, STATE OF NEW JERSEY SUPPLEMENTING THE CODE OF THE BOROUGH OF TENAFLY TO ADD A NEW CHAPTER 12-7, ENTITLED PLANTING OR GROWING BAMBOO WITHIN THE BOROUGH

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

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

C. Michaels moved that the ordinance be introduced and passed on first reading and setting September 14, 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 Grossman:

ORDINANCE NO. 21-16 – AN ORDINANCE AMENDING CHAPTER 20, SECTION 20-6 “SIDEWALKS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY

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

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

C. Dayton moved that the ordinance be introduced and passed on first reading and setting September 14, 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. Michaels:

ORDINANCE NO. 21-17 – AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, BOUROUGH REGULATION, SECTION 2 NOISE CONTROL, BY REPEALING SECTIONS 3-2.1 THROUGH 3-2.17 AND ADOPTING NEW SECTIONS 3-2.1 THROUGH 3-2.12 NOISE CONTROL PROTECTIONS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

C. O' Connor asked for an explanation of the ordinance. Ms. Rubinstein explained that the proposed ordinance is a model ordinance for the Department of Environmental Protection. She added that when a noise ordinance is adopted that it must align with NJDEP standards to be valid. She added that the noise ordinances could veer off but run the risk of not being approved by the NJDEP. C. O' Connor asked if this ordinance changes hours of what the Borough had before. Ms. Rubinstein explained that the ordinance will repeal and replace and is recommended by the State. C. Menon expressed the ordinance was provided but the Council as a whole did not discussed. He believed that the ordinance should have been on for the “To Be Considered” portion of the meeting. C. Grossman expressed lack of comfort of proceeding without having details of the change. WR explained language differences and nothing substantive. M. Zinna recommended to proceed and at the next meeting have the Chief Chamberlain to provide information at the next meeting.

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

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|--------------|-----|--------------|-----|
| C. Dayton: | aye | C. Michaels: | aye |
| C. Grossman: | no | C. O'Connor: | no |
| C. Menon: | no | C. Park: | aye |
| M. Zinna | yes | | |

C. Park moved that the ordinance be introduced and passed on first reading and setting September 14, 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:

ORDINANCE NO. 21-18 – AN ORDINANCE AMENDING CHAPTER 14, SIGNS, OF THE CODE OF THE BOROUGH OF TENAFLY

C. Menon suggested that this ordinance to be tabled until the next meeting for a chance of discussion. C. O'Connor expressed she wanted to rescind her second due to having questions regarding this ordinance. M. Zinna expressed that free expression sign are permitted on public property. He added that there are potential for signs that members of the community would not be happy about. He added without the ordinance it would not stop anyone from putting anything they want on public property. Ms. Rubinstein explained that the ordinance is a clarification to the public. She added that the ordinance would specify what the Borough does in practice. C. Dayton expressed that she is for freedom of speech no matter the message and find the ordinance is restrictive. Ms. Rubinstein explained that free expression signs on Borough property is not appropriate and not a constitutional right to post on public property. C. Grossman expressed concern regarding the process of having an ordinance on for introduction before discussion from the Mayor and Council. C. O'Connor expressed concerns of procedure and seconded the ordinance again.

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

No Remarks

CLOSED SESSION

Mayor Zinna recognized Borough Attorney Wendy Rubinstein, who read into the record Resolution 21-354.

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. Attorney Client Privilege
 - 1. Affordable Housing Litigation
 - 2. Borough Owned Real Estate
 - 3. General Personnel

- B. Personnel
 - 1. Borough Administrator Evaluation

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. Grossman, seconded by C. Park, and all present voting in favor, the meeting was adjourned to the Closed Session at 10:36 p.m.

C. Park motioned to extend curfew, seconded by C. O' Connor

C. Park moved that to approve the Tenafly Nature Center to allow for an Educational Pavilion permit
Seconded by O' Connor:

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 |

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Park, second by C. O'Connor and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:38 p.m.

Respectfully submitted,

Omar Stovall, MPA, RMC
Borough Clerk