

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, JANUARY 15, 2013

PRESENT: Mayor Peter Rustin and Council members Anthony Barzelatto, Barry Honig, Martha Kerge, Nadia LaMastra, Jon Warms, and Mark Zinna

ABSENT: None

ALSO PRESENT: Borough Administrator Jewel Thompson-Chin
Borough Attorney William R. McClure

At 7:51 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 Record, Suburbanite, and 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.

REVISIONS TO AGENDA:

Borough Attorney McClure advised that Resolution #R13-64/Support Concept of Partnering with the Board of Education in Financing Improvements to Geissinger Field is being removed from the Consent Agenda and moved to New Business. Mr. McClure also advised that they are adding Resolution #R13-65/ Authorize the Mayor and Borough Clerk to Execute a Memorandum of Lease for Recording in the County Clerk's Office/Tenafly Swim Club under New Business.

AUDIENCE REMARKS FOR AGENDA ITEMS:

None.

CONSENT AGENDA:

#R13-42/Approve Expenditures as of January 9, 2013

#R13-43/Execute Agreement – Public Health Nursing Services with Health Awareness Regional Program (H.A.R.P.) of the Hackensack University Medical Center

#R13-44/Execute Agreement – Public Health and Environmental Health Services with Mid-Bergen Regional Health Commission

#R13-45/Execute Agreement – Animal Control Services with the Bergen County Animal Center

#R13-46/Execute Agreement – Integrated Rat Control Program with Hudson Exterminating Company, Inc.

#R13-47/Authorize Refund – Planning Board Trust Account PB#1-09-14 – Parlamis/Axia Taverna Restaurant

#R13-48/Authorize Refund – Planning Board Trust Accounts PB#1-10-02 and PB#2-09-73 - Nguyen

#R13-49/Authorize Refund – Planning Board Trust Accounts PB#1-10-12 and PB#2-10-29 - C Jon Construction Co., Inc.

#R13-50/Authorize Refund – Planning Board Trust Account PB#1-12-12 – FOCUS

#R13-51/Authorize Refund – Planning Board Trust Account PB#1-12-08 – Arp

#R13-52/Grant Permission - Shelter Group – Submission of Sewer Extension Permit to NJ DEP

#R13-53/Execute Agreement – 2013 Drug and Alcohol Testing Agreement with WorkPlace Connection of Valley Health Medical Group

#R13-54/Execute Agreement - Employee Assistance Program (EAP), with the County of Bergen

#R13-55/Confirm Submission of Grant Application – FEMA STEP Program

#R13-56/Adopt Position Classification of Administrative Land Use and Housing Assistant

#R13-57/Confirm Appointment to the Access for All Committee

#R13-58/Approve Interboro Mutual Aid Agreement

- #R13-59/Approve East Bergen Mutual Aid Agreement
- #R13-60/Authorize Tree Mitigation Escrow Refund – 14 Park Street
- #R13-61/Authorize Tree Mitigation Escrow Refund – 9 Kenwood Road
- #R13-62/ Award Contract – Lighting Improvements at Davis Johnson Park – Roberts Construction, Inc.
- #R13-63/Approve Raffle Application RA1032
- #R13-64/~~Support Concept of Partnering with the Board of Education in Financing Improvements to Geissinger Field~~ *Moved to New Business*

Motion by C. LaMastra, second by C. Kerge that the Consent Agenda be approved as amended.

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

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

COMMITTEE REPORTS:

Councilwoman Kerge

The Historic Preservation Commission met last week. They reviewed items that had been under consideration last year.

The Board of Adjustment met last week and reorganized. They kept the same chairperson and had the swearing-in for the new alternate member.

The Library Board met last evening. They also reorganized and kept the same chairperson. There was discussion regarding special events including celebration of Chinese New Year. There were also concerns raised about the Library not having a generator. C. Kerge asked if this topic can be placed on the next Work Session for discussion as the board believes the Library is a large space that would be very beneficial to community during a storm. C. Barzelatto advised that he would be discussing this issue at next week’s Emergency Management Meeting.

Councilman Zinna

The Police Commission held its first meeting today. They met with Chief Bruno and had a discussion regarding his time on force. He shared his unencumbered thoughts on the state of the department which he believes is in excellent shape. C. Kerge added that Chief Bruno feels that his most important accomplishment is leaving behind a well-organized department.

Councilwoman LaMastra

The Recreation Board met last night. The two new members were sworn-in and Rob Silber is the new Vice Chair. The football program has undergone changes and the board plans to do a better job promoting the program to create new energy. There will be several new programs this spring, including a dance and movement program by Broadway Bound in Dumont for handicapped and differently-abled children and a golf program for adults.

The BID Board has not met, but they are holding a welcome event for the two new members tomorrow at Norman Dorf’s house.

Senior Services has completed its Senior Needs Survey and it will be featured in the next Borough Newsletter.

Councilman Barzelatto

C. Barzelatto advised that there will be an Emergency Management Seminar on January 26th at the Tenaflly Middle School from 10 a.m. until 2:00 p.m. This session will be more advanced and will include discussions about major storms, weapons of mass destruction, and how to prepare for and deal with active shoots. He advised that PSE&G will be in attendance.

Councilman Warms

The Planning Board held its reorganization meeting and Mary Beth Wilmit has again been appointed Chairperson and Gus Allen Vice-Chairperson. Dee Lorberbaum, Land Use Administrator, will be retiring. C. Warms commented that she will be difficult to replace.

The Board of Health will be meeting on Thursday. The flu vaccine will be offered on January 25th from 9:30 a.m. until 11:30 a.m. in the Health Department.

Councilman Honig

The Nature Center met last Wednesday. There was discussion regarding the state of the vegetation in Pfister’s Pond. Although what is happening is a natural progression, they are considering different options on how to stop the overgrowth of vegetation. The Nature Center Dinner is on March 3rd at 5:30 p.m. at the Clinton Inn Hotel. The honorees will be Bruce Baker and Charles Klatskin. On February 9th, they will have a walk around the Nature Center to see about debris and fallen trees. Bagels will be served at 10 a.m. and the walk is to follow, with a rain date of February 10th. There was major discussion about the proposed education center. They are aiming to only use 1.39 acres, have parking and driveways zigzag around the trees, and have the building be screened by trees so as to not be seen from East Clinton. There is a tremendous effort to make this project as environmentally friendly as possible and in line with the original intent for this land.

OLD BUSINESS:

#R13-12/Confirm Appointments to the Tenaflly Business Improvement District Management Corporation

Motion by C. LaMastra, second by C. Zinna that Resolution R#13-12 be removed from the table.

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

Motion by C. LaMastra, second by C. Warms that Resolution R#13-12 to confirm the Council appointments to the BID be approved.

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

C. Barzelatto:	abstain	C. LaMastra:	aye
C. Honig:	aye	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

NEW BUSINESS:

- A. #R13-65/ Authorize the Mayor and Borough Clerk to Execute a Memorandum of Lease for Recording in the County Clerk’s Office/Tenafly Swim Club

Mayor Rustin recognized C. Warms who read the resolution into the record:

WHEREAS, the Tenafly Swim Club desires to record its current Lease Agreement as amended by various amendments since 1986; and

WHEREAS, the original 1986 Lease Agreement and some of the amendments are not in recordable form acceptable to the Bergen County Clerk’s Office; and

WHEREAS, the Borough Attorney has reviewed and approved a Memorandum of Lease that is in proper recordable form and which property summarizes the original lease and amendments;

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Tenafly that the Mayor and Borough Clerk are hereby authorized to execute the Memorandum of Lease as approved by the Borough Attorney, a copy of which is attached to this resolution.

Motion by C. Warms, second by C. Barzelatto that #R13-65 be approved.

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

Table with 4 columns: Name, Vote, Name, Vote. C. Barzelatto: aye, C. LaMastra: aye, C. Honig: aye, C. Warms: aye, C. Kerge: aye, C. Zinna: aye

B. Introduction of Ordinances

C. Zinna moved to introduce and pass on first reading Ordinances 13-01 through 13-06 and setting January 29, 2013 at 8:45 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Tenafly Municipal Center as the place for a hearing on said ordinances. Seconded by C. LaMastra:

Ms. Dodd read the ordinances into the record:

ORDINANCE NO. 13-01 - AN ORDINANCE TO FIX THE SALARY, WAGE, OR COMPENSATION OF CERTAIN MANAGEMENT, ADMINISTRATIVE, LIBRARY, CIVILIAN DISPATCHERS, AND PART TIME EMPLOYEES OF THE BOROUGH OF TENAFLY IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, FOR THE CALENDAR YEARS 2011, 2012 & 2013.

ORDINANCE NO. 13-02 - AN ORDINANCE TO FIX THE SALARY, WAGE, OR COMPENSATION OF CERTAIN SUPERVISORY AND ADMINISTRATIVE EMPLOYEES OF THE BOROUGH OF TENAFLY REPRESENTED BY OPEIU LOCAL 32, FOR THE CALENDAR YEARS 2012 AND 2013.

ORDINANCE NO. 13-03 - AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF THE EMPLOYEES OF THE TENAFLY ADMINISTRATIVE EMPLOYEES BARGAINING UNIT FOR THE CALENDAR YEARS 2011, 2012, AND 2013

ORDINANCE NO. 13-04 - AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS REPRESENTED BY THE TENAFLY PUBLIC WORKS SUPERVISORS BARGAINING UNIT FOR THE CALENDAR YEARS 2011, 2012, AND 2013

ORDINANCE NO. 13-05 - AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS REPRESENTED BY LOCAL 342, LONG ISLAND PUBLIC EMPLOYEES, UNITED MARINE DIVISION, INTERNATIONAL LONGSHOREMEN’S ASSOCIATION, AFL-CIO FOR THE CALENDAR YEARS 2011, 2012, AND 2013

ORDINANCE NO. 13-06 - AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF THE SCHOOL CROSSING GUARDS OF THE BOROUGH OF TENAFLY IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE CALENDAR YEARS 2011, 2012, AND 2013

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

C. **#R13-64**/Support Concept of Partnering with the Board of Education in Financing Improvements to Geissinger Field

C. Kerge stated that she is unsure whether she supports using the Open Space Trust Fund for this project as the original intent of those funds was to purchase open space. She also raised many questions such as where the Board of Education stands in their deliberations and how, when, and who is going to provide funds. Although she does agree that the improvements need to be made and it would be better to use existing funds, she expressed her opinion that the discussion on this topic needs to continue before a resolution is passed.

Mayor Rustin advised that the Council is not approving anything by way of this resolution, but rather passing a resolution of support for the concept of partnering with the Board of Education. He explained that the Board of Education wants to be assured that Council would support the use of funds for this project and the specifics of the project will be discussed when they are known. He noted that this money has been set aside for the acquisition of land or building of recreational facilities and pointed out that Tenaflly is one of few towns in this area that does not have an artificial turf field for their varsity teams.

C. LaMastra commented that she is the biggest proponent of having more field space, but she has an issue with using the Open Space Trust Fund. She explained that in 2005, residents voted that funds would first be used to acquire land and then monies can be used as permitted by law after a public hearing. She noted that the collection of this tax was suspended for 2 years and they are only permitted to collect for a total of 10 years before needing to put the question to the voters again in the form of a referendum. She feels that there is now a piggy bank of money that they may not have again and it should be saved in the event that land should become available for purchase.

C. Honig agreed that the principle intent of the Open Space Trust Fund is to purchase open space, but pointed out that there is no immediate land available and to create a new turf field would be at least a \$2.5 million project. As there is a tremendous demand for field space, he believes that the most tax efficient way to provide this space would be to use the \$2.1 million in the Open Space Trust. He expressed his desire to support this concept and move forward to see how the Borough and Board of Education can partner. He noted that if the field is lit until 10 p.m., residents can get tremendous use out of this field.

C. Zinna stated that he supports this resolution as he feels that this project is a significant potential sharing of services that would benefit the entire community. He commented that the field would have greater use as a result of these improvements and this project is an opportunity to make use of existing tax payer dollars.

C. Warms expressed his opinion that there is general agreement that Geissinger Field is in need of reconditioning and lighting is very important to the use of field. He pointed out that the funds would be coming from the same pot of money, funding exists and there is no other immediate need for use of that funding, and these improvements would make the fields available to more citizens sooner.

C. Barzelatto explained that he is someone who is concerned about open space funds and about that rainy day when they might be needed. He advised that he is very much on the fence as he supports making improvements to the field but has a lot of questions that need answers before moving forward. He stated that if the purpose of this resolution is only to agree to look at this idea further, he would not have any issue with voting in favor.

C. Kerge expressed her concern with the last paragraph of this resolution as she feels that the Borough is committing itself to this project and she questioned whether there are any repercussions should the Council change their mind.

Borough Attorney McClure responded that in reading the entire paragraph, it states that the Borough is willing to explore any lawful arrangements provided that they meet certain conditions. He explained that there has always been a concern that the arrangement entered into would have to allow the Open Space Trust Fund to be expended. He advised that the purpose of this resolution is to demonstrate that the Borough is willing to talk

about what arrangements would allow the use of those funds without any issues and does not commit Council to anything.

Motion by C. Honig, second by C. Zinna that #R13-64 be approved.

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

Al Meyerson, 133 Kent Road, advised that he lived in Tenafly when the 1975 ordinance was passed providing that the land should remain in its natural state in perpetuity. He questioned what has transpired to change that concept. He advised that people would like to have a voice which can be done by having a referendum. He asked that the Council take this request under serious advisement. He noted that the Nature Center filed and received permission for 15 acres of land.

Mayor Rustin responded that nothing has transpired and stated that it is difficult to have a referendum when the details are unknown. He advised that when a plan is presented, both the public and Council will have opportunity to review it to determine its merits or detriments.

Nicolas Pituras, 246 Woodland Street, expressed his opinion that having a referendum would be democratic and fair. He noted that there had been an agreement for Green Acres and money was donated for that purpose. He pointed out that the Nature Center already has a building that can be renovated.

Ruth Bernstein, 140 Thatcher Road, suggested that before there is a referendum which she supports, there be open meetings dedicated solely to this topic with a presentation given by the Nature Center. Although the Nature Center stated that they could not renovate due to the building being in bad condition and the loss of revenue from educational classes, she believes that they can be placed in temporary trailers as is done when a school is renovated. She noted that utilities in will be very expensive and with the economy not being stable, she is concerned that the taxpayers are going to be liable should the Nature Center not be able to raise the necessary funds.

Mayor Rustin explained that if the Nature Center does not raise the money for this building, it will not be built. He advised that once a plan is presented, there will be a meeting where residents can ask questions and voice their concerns.

Tom Jacobs, 66 Magnolia Avenue, advised that he has been a resident since 1976 and uses the Nature Center. He commented that the proposed location of the new building is too close to Pfister's pond and expressed his opinion that the Nature Center should be asked to offer plans to build both on E. Clinton Avenue and Hudson Avenue. He agrees that there is a need for a better educational building but feels that both options should be considered.

Mayor Rustin responded that when the Nature Center had its 50th Anniversary, they announced that they were considering expanding on Hudson Avenue. Mayor Rustin commented that at some point, they decided that they would be better served by placing the building in the new proposed location. He noted that the public can ask why they are choosing this location when they have the public meeting.

Edith Kornfeld, 258 Highwood Avenue, stated that this land was purchased to remain in its natural state. She expressed her opinion that residents should have been notified and this issue should have been discussed before any action was taken.

Mayor Rustin explained that the Nature Center Board of Directors first wanted to be sure that this project met the standards of DEP and Green Acres and as such, they came to the governing body in March to ask for permission to contact those two agencies.

C. Honig noted that the meetings at which the Nature Center proposal has been discussed had the topic listed as an agenda item, the agendas were publicly posted, and those meetings were open to the public. He advised that for every step in the process thus far, Nature Center has asked the Council publicly for approval. He remarked that he will not support expending tax payer money on this project and pointed out that the people behind this project are those whose lives are committed to nature and promoting the land.

David Simpson, 12 Woodland Park Drive, explained that although some residents are opposed to any change, some are concerned with the process and lack of public involvement. He noted that there are problems with lease, ordinance, and application to the DEP. He asked that the Council make a commitment that when there is a definitive plan, it will be taken to the voters in form of referendum so that the public can have input and a lot of ill feelings can be abated.

Sylvia Meyerson, Kent Road, commented that her main concern is the location, not the amount of land that will be used. She stressed the importance of including the history of Green Acres as a part of the public meeting that will be held when plans are presented. She also requested that there be a referendum.

Ernest Kollitides, 164 E. Clinton Avenue, stated that he does not believe that the exact location needs to be known for the Police Department to provide input on the impact that this building might have on E. Clinton Avenue traffic. He noted that he does support a new Nature Center, but is against the proposed location as it does not make good sense and there are already utilities in the current location. He explained that everyone would like to have a voice and the only way to allow the public to have that voice is through a referendum.

Mayor Rustin responded that every part of E. Clinton Avenue is different and the Police Department cannot know whether the location is safe unless the exact location is known.

Bert Greenberg, 167 Leroy Street, asked that a summary be provided on what the process will be from this point forward to give people a better understanding.

Donald Kornfeld, 258 Highwood Avenue, remarked that he has not made up his mind on whether he supports this project as he does not know the details. He expressed his belief that all of the animosity would disappear if Council would agree to having a referendum after plans have been presented.

Dr. Ann Guillory, 235 Buckingham Road, advised that she is a neighbor of the Nature Center and received a certified letter from members of Nature Center regarding this proposal. She explained that when she purchased her property, a selling point was that her property was located across the street from Green Acres and she was told that there will never be a building. She commented that Buckingham and E. Clinton Avenue is a rather perilous intersection and with 1.39 acres of land being disrupted, her home will become a home for deer.

Mary Salpukas, 85 Hillside Avenue, pointed out that when the Nature Center came to the meeting where they presented plans, they stated that their income is declining. She questioned what guarantee there is that if this building is built, enough income will be generated to sustain the building. She noted that they already requested more money this past year and now they will have bigger expenses.

Mayor Rustin explained that the Nature Center is a not-for-profit organization that is independent of the Borough and their financial viability is their own responsibility. He advised that their request for an increase from the Borough was not granted. He commented that the center is run by competent people and he anticipates them doing a good job.

C. Honig pointed out that they did conclude the year in the black and he plans to request a financial projection of expected revenues when plans are presented.

Jackie Bernstein, 39 Grove Street, criticized the state of Pfister's pond and the Nature Center trails and questioned whether they will be cleaned up. She inquired why space cannot be added onto the current building and parking increased. She believes that this expense will eventually come out of the taxpayers' pockets. She commented that all good schools in the area have a turf field.

Mark Desalvo, 121 Kent Road, advised that he lives across from Nature Center and the fact that he was told that this land would be remain virgin land is one of the reasons that he purchased his property. He asked why there would not be a referendum on this issue. He then remarked that he has 3 children and Tenafly is one of few towns without access to a turf field. He expressed his opinion that lighting Geissinger Field should not be deal breaker.

Mayor Rustin responded that the placing turf at Geissinger Field would be done in partnership with the Board of Education. As they would use the field space during day, there would be no opportunity for use by the Borough without the lighting.

Anne Kelly, 24 Midwood Road, commented that E. Clinton Avenue looks like a warzone. She expressed her concern that the proposed building is too close to E. Clinton, posing a danger should children run out into the very bad traffic that exists on that street. She also expressed her opinion that the building being made at least partially of glass could be hazardous with storms and trees falling. She criticized the lack of communication with the residents.

C. Honig pointed out that the description of fallen trees and the state of Pfister's pond are examples of leaving nature undisturbed. He noted that although it seems that people do not want Green Acres disturbed, the conversation seems to be gearing towards bringing in earth moving equipment which would in fact disturb Green Acres.

Ernest Kollitides, 164 E. Clinton Avenue, expressed his opinion that a pristine state does not mean that if a tree falls, it has to be left or if a pond clogs up, it cannot be dredged.

Mayor Rustin explained the timeline for this process which included the Nature Center presenting their plans, putting those plans out to the public through the website, newsletter, newspapers, etc., and having a special meeting at which no vote will be taken and the public can ask questions and voice their concerns. Mayor Rustin advised that at that point in time, the Council will decide whether to move forward. He assured the public that the members of the governing body represent the residents to the best of their ability and take the public's opinion very seriously. He noted that the lease extension is contingent on gaining approval for the project and until new and updated information is presented, the Council is not prepared to make a decision.

C. Barzelatto thanked the public for attending this evening. He advised that Matthew Savitsky, Police Officer, will be honored at the February 12th Public Meeting as he is being deployed to Afghanistan and the Council would like to offer their support and appreciation.

C. Honig expressed that the Council has tremendous respect for all who worked hard to give Tenafly this land and no one wants to squander that effort.

MAYOR'S REMARKS:

None.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-66

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. Personnel
 - 1. Successor to Police Chief
 - 2. Updates
 - a. Department of Public Works
 - b. Finance Department
 - c. Recreation Department
 - d. Youth Services

- B. Purchase/Lease/Acquisition of Real Property
 - 1. 311 Tenafly Road

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. Kerge, seconded by C. LaMastra, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:51 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Warms, second by C. Honig, and unanimously carried, to adjourn this meeting. The meeting was recessed at 11:34 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk