

# **Borough of Tenafly**

## **MAYOR AND COUNCIL**

### **MINUTES**

**TUESDAY, JANUARY 29, 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 8:31 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.

Motion by C. Kerge, second by C. Zinna, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the 2012 Recess Meeting – January 6, 2013, 2013 Reorganization Meeting – January 6, 2013, January 8, 2013 Closed Session (not to be released), January 15, 2013 Closed Session (not to be released), January 22, 2013 Special Work Session, January 22, 2013 Closed Session (not to be released), January 23, 2013 Special Meeting, and January 23, 2013 Closed Session (not to be released) are approved.

**PRESENTATIONS - Proclamation to DPW General Foreman Kenneth Kraus**

Mayor Rustin read the proclamation honoring DPW General Foreman and member of the Tenafly Fire Department Kenneth Kraus. He commented that one of reasons that Tenafly is such a nice place to live is because of employees like Mr. Kraus.

**REVISIONS TO AGENDA:**

Borough Attorney McClure advised that Resolutions #R13-87/Appoint Tax Collector – C. Anne Doyle and #R13-88/Appoint Police Chief – Robert Chamberlain are being removed from the Consent Agenda and moved to New Business.

**PUBLIC COMMENTS:**

Johanne Gambrell, Ravine Road, expressed her opinion that the director of the BID has been assuming the duties of secretary for almost the entire time that she's been employed by the BID, the most current example being taking possession of the BID ballots. Although

the explanation for the directories not getting to where they were supposed to was due to the post office losing them, Ms. Gambrill advised that she spoke to the postmaster and he stated that the directories came shrink wrapped on a pallet, were distributed to the postmen, and there were not 500. Ms. Gambrill then criticized C. Honig's comment describing those who are opposed to the location of the new education center as being tree huggers. She believes that comments such as those demean the conversation.

C. Honig responded that he supports the new Nature Center being built and advised that Ms. Gambrill misunderstood his comment. He explained that he considers the Nature Center staff to be tree huggers themselves as they are committed to the environment.

Mayor Rustin stated that the comment was taken out of context as C. Honig meant it in an affectionate way. Mayor Rustin noted that the staff is working on a daily basis to protect this area.

Mel Lubens, 33 Stonybrook Road, expressed his disapproval of streets being fabric paved. He then advised that he is involved in a legal suit with Tenafly and stated that he has been unable to obtain recordings from Council meetings as all they have all been destroyed.

Borough Clerk Aportela-Hernandez responded that Mr. Lubens is referring to an OPRA request filed sometime last year. She explained that two years ago, the State gave the Borough a PARIS Grant to have all records reviewed to determine those that can be destroyed. She further explained that under State law, recordings are to be destroyed 80 days after the meeting minutes have been approved as the permanent document is the minutes. She noted that the all recordings permitted to be destroyed were destroyed.

Borough Attorney McClure explained that the Division of Archives and Records Management oversees the retention of records and all destruction was done in accordance with State law.

Mr. Lubens requested that Council adopt a policy that all recordings are kept and Borough Clerk Aportela-Hernandez advised that Council set that policy last year.

#### CONSENT AGENDA:

**#R13-69/**Approve Expenditures as of January 23, 2013

**#R13-70/**Amend 2013 Meeting Schedule – Add 2013 Municipal Budget Hearing Meetings

**#R13-71/**Support the Adoption of a Strong Anti-Idling Policy

**#R13-72/**Support Program to Achieve Sustainable Jersey Silver Certification

**#R13-73/**Authorize Tree Escrow Refund - Chen

**#R13-74/**Authorize Escrow Refund – New Construction and Soil Moving – C. Jon Construction, Co.

**#R13-75/**Authorize Tree Mitigation Escrow Refund - Rafferty

**#R13-76/**Authorize Escrow Refund – New Construction and Soil Moving – Dogwood Estates

**#R13-77/**Authorize Issuance of Purchase Order – Parent Door Hardware

**#R13-78/**Authorize Expenditure from Affordable Housing Trust Fund – Burgis Associates, Inc.

**#R13-79/** Authorize Expenditure from Affordable Housing Trust Fund – Sokol, Behot, & Fiorenzo

**#R13-80/**Authorize Tree Mitigation Escrow Refund - Schutzer

**#R13-81/**Approve Raffle Applications RA 1034 & RA 1035

**#R13-82/**Authorize Recreation Program Refunds - Various

**#R13-83/**Award Contract – Sport Tech Construction Corp. – Improvements to Tennis Courts at Roosevelt Commons

- #R13-84/Award Contract – D’Arminio & Sons – Improvements to Tenafly Road Basketball Courts
- #R13-85/Award Contract – Green Mountain Pipeline Services – Tenafly Road Sanitary Sewer Lining Project
- #R13-86/Authorize Street Opening Bond Refunds - Various
- #R13-87/~~Appoint Tax Collector – C. Anne Doyle~~ *Moved to New Business*
- #R13-88/~~Appoint Police Chief – Robert Chamberlain~~ *Moved to New Business*

Motion by C. LaMastra, second by C. Zinna 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. Warmes:	aye
C. Kerge:	aye	C. Zinna:	aye

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

**PUBLIC HEARINGS**

**ORDINANCES 13-01 through 13-06:**

The Borough Clerk read into the record:

The following ordinances published herewith were first read by title only on January 15, 2013, and posted on the bulletin board of the lobby of the municipal center.

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

Public Comments on Ordinance 13-01 through 13-06.

None.

Motion by C. LaMastra, second by C. Honig that Ordinance 13-01 through 13-06 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

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

COMMITTEE REPORTS:

Councilwoman Kerge

No report.

Councilman Warms

The Board of Health met and endorsed the Mayors Wellness Campaign. The board would like to see as many people participate in order to improve the overall health of the community.

C. Warms noted that two resolutions on the Consent Agenda were of importance to the Environmental Commission. These were the resolution to enforce anti-idling regulations which limits the amount of greenhouse gases that are emitted and the resolution to support achieving the Sustainable Jersey Silver Certification.

Councilwoman LaMastra

The BID Board had its reorganization meeting last night. Bob Kutik was elected President, Robin Brown Vice President, Beth Kreitman Secretary, and Carol Geisenheimer Treasurer, with staggered terms in accordance with the bylaws. C. LaMastra commented that there is excitement within this new group to move forward with ideas and to form committees such as marketing, branding, and business development.

C. Honig expressed his concern about the BID Director and the error in the election results. He expressed his opinion that she never should have been hired and believes that the BID should strongly consider hiring a new director.

C. LaMastra advised that the BID Director has resigned as she felt terrible about what happened. C. LaMastra explained that the correct amount of ballots were returned to the

Borough Clerk and everyone should feel assured that there was not a nefarious attempt to change results, but simply a matter of poor addition. Ms. Lippman will transition off BID at the end of next month.

C. Barzelatto stated that he went to Tenafly Camera and the owner complained that the BID Directory had not come out before Christmas. He also expressed his concern that the BID Director never set foot into his establishment. C. Barzelatto suggested that whoever is appointed as the new director should make it a point to go into every store.

C. LaMastra responded that the board recognizes the concerns that C. Barzelatto just expressed and she advised that there is renewed energy in this group to get out into the community. She asked that the new BID Board be given the opportunity to see what they can do.

C. Kerge questioned whether a definite date was given for the current director to transition off the board.

C. LaMastra advised that Ms. Lippman was ready to resign as of last night, but with a new board it was decided that last night would not have been convenient for her to end her services. C. LaMastra added that the board is not anxious to hire a new director at this point as they are still in a transition period.

Councilman Barzelatto

C. Barzelatto reported that a second seminar on emergency preparedness was held with a presentation by Chief Bruno and Dave Hollenbeck of PSE&G. C. Barzelatto advised that although both speakers did an excellent job, the seminar was not well-attended. He received an email that the Borough will be receiving reimbursement of 75% of the cost for the 2011 storm.

Councilman Zinna

The Access For All Committee met a week ago. They now have community ID cards available for those with special needs, managed by the Recreation Department and coordinated with the Police Department. Geissinger Field is now wheelchair accessible from Virginia Street. There was a question about whether 20% of the cost of the outdoor exercise equipment must be committed to accessibility. Borough Administrator Thompson-Chin advised that the requirement is that 30% of all equipment within the Borough must be accessible, not per project.

Youth Services met and summer camp registration will begin on February 1st.

Councilman Honig

No report.

OLD BUSINESS:

None.

NEW BUSINESS:

A. **#R13-87**/Appoint Tax Collector – C. Anne Doyle

Motion by C. Zinna, second by C. LaMastra that Resolution #R13-87 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

B. **#R13-88**/Appoint Police Chief – Robert Chamberlain

Motion by C. Kerge, second by C. Barzleatto that #R13-88 be approved.

Mayor Rustin asked that Borough Administrator Thompson-Chin explain the meaning of the base salary. Borough Administrator Thompson-Chin advised that the base salary is the salary at which the employee falls on the salary guide, but Robert Chamberlain is also eligible for holiday pay which is 5% of his base salary, an educational credit of \$832, and longevity of 9% which brings his total salary to \$176,000.

C. Honig noted that Tenaflly is realizing a \$14,000 savings relevant to the current salary. He commented that he is happy to support Chief Chamberlain as he believes that he is an excellent candidate.

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. Introduction of Ordinance

C. LaMastra moved to introduce and pass on first reading Ordinance 13-07 and setting February 13, 2013 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Tenaflly Municipal Center as the place for a hearing on said ordinance. Seconded by C. Zinna:

Borough Clerk read the ordinance into the record:

ORDINANCE NO. 13-07 - AN ORDINANCE AMENDING CHAPTER XXVI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ENTITLED "TREES"

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

MAYOR'S REMARKS:

None.

**CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-89

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
  - 1. Contract Negotiations Update
  - 2. PBA Local 376 – Step and Longevity Increases Grievance

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. LaMastra, seconded by C. Honig, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:16 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Kerge, second by C. Zinna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk