

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, FEBRUARY 12, 2013

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

ABSENT: Councilmember Barry Honig

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

At 7:48 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. Zinna, second by C. Kerge, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the January 8, 2013 Work Session, January 15, 2013 Regular Meeting, January 29, 2013 Closed Session (not to be released), January 29, 2013 Work Session, January 29, 2013 Regular Meeting, January 29, 2013 Closed Session (not to be released) are approved.

REVISIONS TO AGENDA:

None.

PRESENTATIONS –

- ❖ Proclamation – Officer Matthew Savitsky – Recognition of Military Deployment

Mayor Rustin read the following proclamation:

WHEREAS, Matthew Savitsky has served as a Class II Police Officer for the Borough of Demarest and graduated from the Passaic County Police Academy; and

WHEREAS, Matthew has been a Police Officer for the Borough of Tenafly since January 17, 2012; and

WHEREAS, in addition to protecting the lives of others as a member of law enforcement, Matthew has been in the US Army Reserve since 2007; and

WHEREAS, Matthew will be reporting to Fort Dix on March 18, 2013 to prepare for his deployment to Afghanistan.

NOW THEREFORE BE IT RESOLVED that on behalf of the Mayor and Council of the Borough of Tenafly, we appreciate Matthew's service to the community as a Police Officer and wish him well in his anticipated service to our country. We wish you great success and that you return safely home after the conclusion of your service. Our thoughts and prayers will be with you and your family.

Mayor Rustin commented that Officer Savitsky is a good example of the quality of men on the force and Tenafly is fortunate to have him.

- ❖ Oaths of Office – Tenafly Police Department
 - Officer Louis Smaragdakis, Officer Ryan Kluz

Mayor Rustin read Officer Louis Smaragdakis' biography:

P.O. Smaragdakis is a lifelong resident of the Borough of Tenafly, NJ. He attended the Mackay School, the TMS and is a graduate of the Tenafly High School. He has a Bachelor

of Science degree in Physical Education/Health from Montclair State University. P.O. Smaragdakis is no stranger to working for the Borough from his work as assistant football coach and his employment as a site supervisor for the Tenaflly Recreation Department. His law enforcement work experience includes being employed by the Police Departments of Upper Saddle River, Maywood, Montclair and most recently Tenaflly, all in the capacity of a Police Dispatcher. He is currently enrolled in the Basic Course for Police Officers at the Bergen County Police Academy.

Borough Attorney McClure administered the Oath of Office to Officer Smaragdakis.

Mayor Rustin then read Officer Ryan Kluz's biography:

P.O. Kluz grew up in Ramsey and is currently residing in Mahwah, NJ. P.O. Kluz joined the U.S. Marine Corps and served his country from 2003-2008 where he reached the rank of Sergeant. During that time, he conducted three separate deployments to Iraq for Operation Iraqi Freedom. All of the deployments together totaled 18 months. Following his time in the service, P.O. Kluz sought an education and received a Bachelor of Arts degree in Sociology from the Ramapo College in Mahwah, NJ. His law enforcement experience includes an internship with the Bergen County Sherriff's Office and as a Police Dispatcher for the Ramsey Police Department. He also is currently attending the Bergen County Police Academy.

Borough Attorney McClure administered the Oath of Office to Officer Kluz.

Mayor Rustin remarked that these are two fine men joining the force and advised that the Council is very proud of them. He explained that the process of selecting new officers is an arduous one as there are many applicants and only the best of the best can be selected. He also acknowledged the sacrifice that their families are making as the officers work around the clock.

- o Sergeant Michael Greeley

Mayor Rustin read Sergeant Michael Greeley's biography:

Sgt. Greeley is a 13 year member of the Tenaflly Police Department and a lifelong resident of Tenaflly. He has Bachelor of Arts degree in Law and Studies from Rowan University. He comes from a lineage of law enforcement in his family. His father, the late Raymond Greeley, reached the rank of Lieutenant in the Englewood Police Department, and his brother, Tom Greeley, is currently serving as a Sergeant with the Englewood Police Department. Sgt. Greeley was hired by the Borough as a police officer in January 2005 and was assigned to the patrol division. From 2009-2010, Sgt. Greeley served in the detective bureau where he conducted investigations and performed other bureau functions. Some of Sgt. Greeley's accomplishments and certifications include being a Crisis Negotiator for the Emergency Response Team, a D.A.R.E. officer, a Community Policing Officer and a member of the Bergen County Pipe Band.

Borough Attorney McClure administered the Oath of Office to Sgt. Greeley.

- o Lieutenant Ralph Lawrance

Mayor Rustin read Lieutenant Ralph Lawrance's biography:

Lt. Lawrance is a 17 year member of the Tenaflly Police Department, and a 2 year member of the Wanaque NJ Police Department. He has been assigned to the patrol division and the traffic division as a police officer. In 2011, he was promoted to Sergeant and supervised the traffic division. His new assignment will require him to run a squad in the patrol division. Lt. Lawrance has received multiple awards for exceptional service, meritorious service, lifesaving and honorable service. He is an original member of the Emergency Response Team and currently serves as Team Leader for the unit. A notable accomplishment of his was his involvement and efforts to revitalize the department's Honor Guard, bringing it up to what it is today. Lt. Lawrance holds numerous certifications and instructs department officers in firearms training, defense tactics and radar operations. He is also a certified motorcycle operator.

Borough Attorney McClure administered the Oath of Office to Lt. Lawrance.

- o Police Chief Robert Chamberlain

Mayor Rustin stated that it is his distinct honor to be a part of Chief Robert Chamberlain's swearing-in ceremony. He commented the he is looking forward to working with Chief

Chamberlain as he is a good man and has been trained by the best. He then read Chief Chamberlain's biography:

Chief Chamberlain is a 20 year member of the Tenafly Police Department. He has a Bachelor of Arts degree in Criminal Justice from St. Mary's of the Plains College in Kansas. He started out in the patrol division in 1994 before being transferred in 2000 to the traffic division. In 2002, he was promoted to the rank of Sergeant and supervised the traffic division until being promoted to Captain in 2011. As Captain, his duties and responsibilities served in the administrative function of the department. Chief Chamberlain was an original member of the Emergency Response Team serving in the positions of Operator, Team Leader, and just recently as Team Commander for the unit. He was also a member of the department's Honor Guard unit as well. He also has a lineage of law enforcement in his family with his late father being a Lieutenant and his late uncle being a Sergeant both in the Bergenfield Police Department.

Borough Attorney McClure administered the Oath of Office to Chief Chamberlain.

Mayor Rustin then acknowledged Jeanne Alcott, Administrative Assistant to the Police Chief, for her key role in the administrative functioning of the Police Department. He also thanked all of the officers present and expressed Council's appreciation for keeping Tenafly safe.

AUDIENCE REMARKS FOR AGENDA ITEMS:

Avishai Kantor, 32 Grandview Terrace, expressed his opinion that suspending the parking permit restriction is a great idea, but believes that it will have to be monitored.

Mayor Rustin clarified that all of the lots will remain commuter lots until 10 a.m. After 10 a.m., the lots will be open to everybody on a 3 hour basis.

CONSENT AGENDA:

- A. **#R13-91**/Approve Expenditures as of February 8, 2013
- B. **#R13-92**/Authorize Person-to-Person Transfer - Plenary Retail Distribution Liquor License - 0261-44-014-004
- C. **#R13-93**/Authorize Tree Mitigation Escrow Refund – 131 Columbus Drive
- D. **#R13-94**/Suspend Permit Restrictions - Commuter Lots from 10am – 6pm - Monday through Saturday
- E. **#R13-95**/Authorize Engineering Escrow Refund – 25 Grandview Terrace
- F. **#R13-96**/Authorize Escrow and Bond Refunds – 111 Oxford Drive
- G. **#R13-97**/Authorize Tree Mitigation Escrow Refund – 60 Depeyster Avenue
- H. **#R13-98**/Authorize Tree Mitigation Escrow Refund – 95 Newcomb Road
- I. **#R13-99**/Authorize Tree Mitigation Escrow Refund – 33 Norman Place
- J. **#R13-100**/Oppose S-2511 – Amendments to the Open Public Meetings Act
- K. **#R13-101**/Authorize 2012 Budget Line Item Transfers
- L. **#R13-102**/Authorize Recreation Program Refunds – Various
- M. **#R13-103**/Support Greater Federal and State Gun Control Measures
- N. **#R13-104**/Authorize Refund Overpayment of Taxes – County Tax Court Judgments - Various
- O. **#R13-105**/Appoint Deputy Borough Clerk – A. Dodd
- P. **#R13-106**/Oppose A-1196 – First Responders' Workers' Compensation Presumption

Mayor Rustin highlighted three of the resolutions on the Consent Agenda. He advised that #R13-94 changes the regulations for the commuter lots to make them open to everyone from 10 a.m. until 6 p.m. for a limit of 3 hours, #R13-103 supports stronger gun control measures, and #R13-105 appoints Anne Dodd to the position of Deputy Borough Clerk.

Motion by C. Zinna, second by C. Kerge that the Consent Agenda be approved.

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

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

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

PUBLIC HEARINGS

ORDINANCES 13-07

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on January 29, 2013, and posted on the bulletin board of the lobby of the municipal center.

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

Public Comments on Ordinance 13-07

None.

Motion by C. Warms, second by C. Zinna that Ordinance 13-07 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:	absent	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

COMMITTEE REPORTS:

Councilman Zinna No report.

Councilman Barzelatto No report.

Mayor Rustin Mayor Rustin advised that he attended a Mayor’s Breakfast which featured David Ganz, Chair of the Bergen County Freeholders, as guest speaker. He was the former Mayor of Fair Lawn and spoke about how much greater a commitment is required as freeholder. Mayor Rustin voiced his concern that more effort needs to be made to have better representation for the entire county.

Councilwoman LaMastra The Recreation Board met last night and honored Tom Swift for his years of service on the board. New signs have been placed at the basketball courts to display the rules regarding their use, particularly that the courts cannot be used for paid lessons. The Recreation Director along with parents conducted a survey on whether to offer lacrosse. They plan to bring it on a clinic basis in the Spring as there seems to be an interest in having this sport offered. The Father/Daughter Dance took place last week and there were approximately 220 attendees.

Councilman Warms The Chamber of Commerce is in the preliminary stages of planning a Tenafly Treasures Sale on April 19th through April 21st, which is envisioned as being a community wide yard sale.

Borough Administrator Thompson-Chin advised that the Chamber is hoping to invite people, for small fee, to set up tables in Huyler Park and the Oval and Municipal Center parking lots and have asked for this event to be mentioned in the Borough Newsletter. Borough Administrator Thompson-Chin expressed her opinion that this event is one that the Borough can support, but Council needs to decide whether to waive the \$10 yard sale fee for the participating residents as has been requested by the Chamber. She recommended that a form of identification be created for those who are participating and have registered with Chamber. She noted that the Chamber will be charging a \$25 fee with a \$100 deposit to participate but plan to offer free advertising as well as \$25 in chamber bucks in return. Mayor Rustin suggested that \$5 of the fee be given to the Borough to cover

the cost of the cleanup. Borough Administrator Thompson-Chin proposed placing a save the date announcement in the newsletter.

Councilwoman Kerge

The Farley application was finally heard and the Board of Adjustment did not rule in favor of the applicant.

The Historic Preservation Commission has discovered that the home of Ozzie and Harriet Nelson has a stone smokehouse that they believe to be historic. They are working to prevent it from being demolished in 10 days by having it designated as historic.

The Library Board met. The Chinese New Year celebration took place on Sunday and was well-attended.

OLD BUSINESS:

None.

NEW BUSINESS:

Introduction of Ordinance

C. LaMastra moved to introduce and pass on first reading Ordinance 13-08 and setting February 26, 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 Tenaflly Municipal Center as the place for a hearing on said ordinance. Seconded by C. Barzelatto:

Borough Clerk read the ordinance into the record:

ORDINANCE 13-08 – AN ORDINANCE AUTHORIZING THE ACQUISITION OF BLOCK 901, LOT 44 COMMONLY KNOWN AS 311 TENAFLY ROAD IN THE BOROUGH OF TENAFLY

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

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

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

Avishai Kantor, 32 Grandview Terrace, advised that the lights at the tennis courts need replacing as a pole has been down for over 2 years.

Mayor Rustin advised that the tennis courts are about to be refurbished.

Elida Kratnoff, 59 Highwood Avenue, requested that either the Council or the Borough Administrator keep on the case of PSE&G regarding the northern end of Tenaflly. She advised that she loses electricity more frequently and for longer periods of time than other parts of town. She attended the recent Emergency Management meeting during which she asked Dave Hollenbeck, PSE&G Regional Public Affairs Manager, what is being done to address this issue and he did not know.

Mayor Rustin responded that the Council shares her concern and can ask Mr. Hollenbeck what has been done or what plans PSE&G has made to improve her section of Tenaflly. He advised that he is asking residents to keep a log of when their power goes out and for how long as it is helpful to have specific information when he calls PSE&G.

C. Warms noted that a 69 kilowatt line as well as taller poles are being installed.

Ms. Kratnoff then expressed her opinion that the outdoor exercise should not be placed in the oval as she feels that the oval should be kept free for events such as the garage sale and Woolstock, would be shame to clutter it up.

C. LaMastra responded that the Recreation Board has plotted out a new location.

MAYOR'S REMARKS:

Mayor Rustin stated that he is very pleased with the ordinance under New Business to purchase the property on Tenaflly Road. He commented that this project will be a real plus for the community as it will serve underserved segment of the population. He noted that all properties built by United Way are exceptional.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-107

BE IT RESOLVED in compliance with NJSA 10:4-12, the Mayor and Council of the Borough of Tenaflly are going into Closed Executive Session to discuss the following matters:

- A. Personnel
 - 1. Finance Department Employee – Litigation Involvement
 - 2. Police Department – Probation Status

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 8:44 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk