

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, MARCH 12, 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
Chief Financial Officer Gene Vinci

At 7:57 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 February 19, 2013 Budget Meeting, February 20, 2013 Budget Meeting, February 21, 2013 Budget Meeting, February 26, 2013 Work Session, February 26, 2013 Regular Meeting, February 26, 2013 Closed Session (not to be released) and February 28, 2013 Budget Meeting are approved.

REVISIONS TO AGENDA:

Borough Attorney McClure advised that Resolution #R13-132/ Authorize Encroachment in Borough Right-of-Way - Europe Café & Grill is being removed from the Consent Agenda and moved to New Business and Resolution #R13-136/Authorize Change Order #1/Train Station Lighting Improvements is being added under New Business.

AUDIENCE REMARKS FOR AGENDA ITEMS:

None.

CONSENT AGENDA:

#R13-117/Approve Expenditures as of March 6, 2013

#R13-118/Adopt Flexible Spending Plan

#R13-119/Authorize Submission of Letter of Intent for Hazard Mitigation Grant Program

#R13-120/Approve LOSAP Certification List - Tenafly Volunteer Ambulance Corps

#R13-121/Authorize Refund - Overpayment of Taxes

#R13-122/Authorize Construction Administration Services for the Tenafly Road Sanitary Sewer Improvement Project and Tenafly Road Section 2 Roadway Improvement Project

#R13-123/Authorize Withdrawal from the East Bergen Mutual Aid Association

#R13-124/Authorize Variance Escrow - Board of Adjustment - T-Mobile USA, Inc.

#R13-125/Oppose A3553/S2364 - Early Voting

#R13-126/Authorize Refund - 2012 State Tax Court Judgment

#R13-127/Authorize Insufficient Funds Fee

#R13-128/Authorize Refund - 2012 County Tax Court Judgment

#R13-129/Amend 2013 Meeting Schedule - Add Special Meeting - April 23rd.

#R13-130/Amend 2013 Temporary Budget

#R13-131/Authorize 2012 Budget Line Item Transfers

#R13-132/Authorize Encroachment in Borough Right-of-Way - Europe Café & Grill Moved to New Business

#R13-133/Authorize Assessment of Liens for Property Maintenance Violations

#R13-134/Authorize Refund - Disabled Veteran Property Tax Exemption

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:

Councilman Honig

The Nature Center held their Annual Dinner last Sunday night and it was a success. The two honorees, Charles Klatskin and Bruce Baker, both lent their support to the Nature Center project. There was a display of what the site would look like and C. Honig commented that when the project is completed, it has the potential of reaching national notoriety.

Councilman Zinna

Youth Services Advisory Board is going to have a fundraiser featuring the game Whac-a-Mole. This game will be used as pretesting for concussions as it establishes a baseline for hand-eye coordination. They will be holding a Cottage Party at the Youth Center for next year's incoming 6th graders and their parents.

Councilman Barzelatto

No report.

Mayor Rustin

The Farmers' Market will not be back this year as there was a serious drop in attendance. Mayor Rustin suggested that they hold it on a weeknight and change the location to between the Railroad Station and Huyler Park. He has not received a response yet.

Councilwoman LaMastra

The Recreation Board met last night. A lacrosse clinic for 1st to 8th grade will be held on Sundays and the fee will be \$85. There was discussion about fingerprinting as Chief Chamberlain believes it should be done every 5 years. The consensus of the board was that every 5 years was too long; it was suggested that the fingerprinting be completed the 1st year, years 2 and 3 a social security background check be conducted, and then fingerprinting be done again the 4th year. The Egg Hunt will be held on March 30th at Roosevelt Common. Softball will most likely fall under Little League next year.

Councilman Warms

The Chamber of Commerce will be holding Tenaflly Treasures, a town-wide garage sale, on April 19th in Parking Lot R, Tenaflly Oval, and Huyler Park. They plan to hold monthly weekend sidewalk sales from May through October, the first of which will be May 4th and May 5th. The Holiday Parade will be held on December 6th.

The Nature Center will hold its Boundary Walk this Saturday at 10 a.m. It will begin in the Redfield Building and refreshments will be served.

Councilwoman Kerge

The Board of Adjustment met this month and approved an application on Norman Place.

The Historic Preservation Commission met and discussed names of historic properties as they have

found out that some names may not be complete. The majority of the HPC members felt it was better not to change the names. They are also working on signs for historic properties. A sign will be presented to the home that was designated historic on Thatcher Road.

The Library Board met and discussed concerns about funding. State funding has been diminishing and their book fund is being depleted. They are planning to beautify the area outside the Edna Kawulitzki Gallery.

Mayor Rustin advised that in 201 Magazine there was an article about Tenafly which highlighted Roosevelt Common.

OLD BUSINESS:

None.

NEW BUSINESS:

- **#R13-132/**Authorize Encroachment in Borough Right-of-Way - Europe Café & Grill

Several members of Council raised concerns about ADA compliance and the aesthetics of this structure. They questioned whether approving this structure would set a precedent of having to approve similar structures for other businesses. C. Honig suggested that the owners, instead, consider installing a sliding glass door or internal curtain. As there are regulations for snow removal and ADA compliance, C. Zinna and C. Warms expressed their opinion that this structure should be approved. After some discussion, Council agreed that this structure should not be permanent and should only be allowed seasonally. Council also decided that annual approval will be required and signage cannot be placed on this structure.

Motion by C. Warms, second by C. Zinna that Resolution #R13-132 be approved.

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

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

- **#R13-135/**Introduce 2013 Municipal Budget

C. Kerge moved that Resolution #R13-135/Introduce 2013 Municipal Budget, be approved and set April 30, 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 the adoption of the 2013 Municipal Budget. Seconded by C. LaMastra.

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

- **#R13-136/** Authorize Change Order #1/Train Station Lighting Improvements

The Borough Clerk read the resolution into the record:

WHEREAS, via Resolution #R12-395 adopted November 1, 2012, the Mayor and Council awarded a contract to Facility Services Group (FSG), located at 224 Washington Street, Perth Amboy, NJ in the amount of \$13,650.00 for the Train Station Lighting Improvements; and

WHEREAS, N.J.A.C. 5:34-4.7 permits change orders for construction, reconstruction and major repair contracts; and

WHEREAS, there is a need to consider Change Order No 1 in the amount of \$6,250.00 for the replacement of a broken timer including electrical work to the existing electrical panel and the installation of an additional 100 feet of rope lighting; and

WHEREAS, due to the historic nature of the building, the additional work for the broken timer including the electrical panel work were unforeseen at the time of bidding and the additional rope lighting is required to eliminate any new penetrations in the existing roof to protect the integrity of the historic train station and the replacement of old electrical fixtures at the existing locations only; and

WHEREAS, the total amount of change orders approved to date including this change order is \$6,250.00, which amount does exceed the originally awarded contract price by more than 20 percent; and

WHEREAS, Change Order No. 1 has been reviewed and approved by the Borough Engineer and the Chief Financial Officer has advised that funding is available for this change order.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Tenafly, County of Bergen that it does hereby authorize Change Order No. 1; and

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute Change Order #1 in the amount of \$6,250.00.

BE IT FURTHER RESOLVED that this Change Order shall increase the final contract price from \$13,650.00 to \$19,900.00.

BE IT FURTHER RESOLVED that notice of the change order shall be published as required by law.

Motion by C. Zinna, second by C. Barzelatto that Resolution #R13-136 be approved.

C. Kerge inquired whether funding already exists or whether it will need to be appropriated. Gene Vinci, CFO, advised that funds are already in the existing bond ordinance.

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

- Introduction of Ordinances

C. Warms moved to introduce and pass on first reading Ordinance 13-09 on first reading and setting March 28, 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 ordinance. Seconded by C. Barzelatto:

The Borough Clerk read the ordinance into the record:

ORDINANCE NO. 13-09 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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. Warms moved to introduce and pass on first reading Ordinance 13-10 on first reading and setting April 30, 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 ordinance. Seconded by C. Kerge:

The Borough Clerk read the ordinance into the record:

ORDINANCE NO. 13-10 - AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 35 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "LAND DEVELOPMENT REGULATIONS" AND MORE PARTICULARLY: AMENDING SECTION 35-801 "ZONE DISTRICTS"; SCHEDULE A – "SCHEDULE OF

PERMITTED USES”; SECTION 35-201 “TERMS DEFINED; SCHEDULE C – OFF STREET PARKING SPACE SCHEDULE; AND SECTION 35-604 “TECHNICAL REVIEW ESCROW DEPOSITS”

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

- Other New Business

C. Barzelatto questioned whether the DPW is authorized to fill potholes as he has been told that there are no funds in the budget. CFO Vinci advised that he is not aware of any issues. Council requested that Borough Administrator Thompson-Chin follow up with the DPW Director.

C. Barzelatto inquired whether there is an update concerning the condition of Piermont Road. Council decided to list this item for a closed session discussion.

C. Barzelatto asked that there be a subcommittee formed to look into issues concerning Fire Prevention. Council agreed to list this item for discussion at the next work session.

C. Barzelatto also requested that a discussion regarding accountability be listed on the next work session agenda.

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

None.

MAYOR’S REMARKS

Mayor Rustin congratulated the Council, Borough Administrator, CFO and Department Heads on the great job they did in moving the budget process along. He expressed his opinion that this budget is good and fair and commented that the Administrator, CFO, and Department Heads did a great job.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Honig, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk