

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, JUNE 18, 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 7:55 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 Press 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. Warms, second by C. Zinna, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the April 23, 2013 Special Meeting, May 7, 2013 Work Session, May 28, 2013 Work Session, and May 28, 2013 Closed Session (not to be released) are approved.

Mayor Rustin thanked the Borough Clerk for preparing the Minutes for approval by Council so quickly.

REVISIONS TO AGENDA:

Borough Attorney McClure advised that there are not any revisions to the agenda.

AUDIENCE REMARKS FOR AGENDA ITEMS:

No one came forward.

CONSENT AGENDA:

- #R13-209/Approve Expenditures as of June 12, 2013
- #R13-210/Authorize Renewal of Plenary Retail Consumption, Plenary Retail Distribution, and Club Liquor Licenses - 2013-2014 Term
- #R13-211/Appoint Representatives to the Community Development Regional Committee
- #R13-212/Appoint Representatives to the Open Space Trust Municipal Park Improvement Program Regional Committee
- #R13-213/Cancel Public Assistance Trust Fund Account
- #R13-214/Authorize Tax Court Judgment Refunds
- #R13-215/Authorize Tree Mitigation Escrow Refund – ESD Construction Corp
- #R13-216/Authorize Tree Mitigation Escrow Refund – Grove Street Associates
- #R13-217/Authorize Tree Mitigation Escrow Refund – Isaacs
- #R13-218/Authorize Tree Mitigation Escrow Refund – Kardonski
- #R13-219/Authorize Tree Mitigation Escrow Refund – Rafferty
- #R13-220/ Approve LOSAP Certification List - Tenafly Fire Department
- #R13-221/ Authorize Tree Mitigation Escrow Refund – Shamamian
- #R13-222/ Authorize Tax Court Judgment Refunds – 2011 and 2012
- #R13-223/ Authorize Tax Court Judgment Refunds – 2012
- #R13-224/ Authorize Tax Overpayment Refund – Corelogic
- #R13-225/ Authorize Tax Overpayment Refunds – Various
- #R13-226/ Award Contract – DLS Contracting, Inc. – 2013 Road Resurfacing
- #R13-227/ Authorize Additional Engineering Services – Oversight of 2013 Road Resurfacing
- #R13-228/Authorize Tax Overpayment Refunds – 2nd Quarter of 2013
- #R13-229/Authorize Tree Mitigation Escrow Refund – Sophias Construction
- #R13-230/ Authorize Tax Court Judgment Refunds – 2010 through 2012
- #R13-231/Execute Associate Main Street Program Service Agreement – Main Street New Jersey

#R13-232/Authorize Cancellation of Tax Sale Certificate TTL12-9
#R13-233/Authorize Execution of Settlement Agreement - Ber-L-4365-12
#R13-234/Authorize Outdoor Seating Permits - Various
#R13-235/Reappoint Borough Clerk

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

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

Mayor Rustin congratulated the Borough Clerk on receiving her tenure.

COMMITTEE REPORTS:

Councilwoman Kerge

The Historic Preservation Commission met and received a question from the public regarding their endorsement of the Nature Center project. HPC advised that due to part of this land being a landmark, they would have a major interest in this project.

The Board of Adjustment will not meet until July 1st.

The Library Board is still concerned about devising a plan for the land alongside the brook. Funding is an issue and the board would like information on whether grants may be available. They are planning to do plantings and have spoken with Bob Beutel and have met with some local landscapers to see if services may be donated. Mayor Rustin suggested that the board speak with the Garden Club. C. Kerge advised that the board also hopes that with the new influx of membership for the Friends of the Library group, some additional funds may be generated.

Councilman Warms

The Chamber of Commerce had a networking event on June 5th at Axia. It was very well attended and a success. Tenaflly Kia was ranked number one in customer sales satisfaction on the East Coast and number 3 in the nation.

The Nature Center has its Natural Connections Art Show in progress now and is accepting submissions until July 12th. The winners will be exhibited in the Tenaflly Public Library in August. They will host a Sail on the Hudson on the A.J. Meerwald from July 18th through July 21st. The Dinosaur and Mineral Adventure will also take place in the summer and the program is designed to work in conjunction with the schools and Recreation so that they complement each other.

Councilwoman LaMastra

The Recreation Board met on Monday. Summer Camp is at capacity, with 350 of the 400 slots being filled by residents. As there are a reduced number of non-resident campers and these campers pay an additional fee, the finances of camp will need to be reviewed. Last Saturday was the football program opener and was attended by 3 players from the New York Giants. The event was run by the Football Booster Club and Recreation and C. LaMastra

commented that it was well-attended and quite a success.

As it the time came to hold the Public Hearing, Mayor Rustin advised that Committee Reports would resume at the conclusion of the Public Hearing.

PUBLIC HEARINGS

ORDINANCE 13-14:

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on May 21, 2013, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 13-14 - BOND ORDINANCE OF THE BOROUGH OF TENAFLY, NEW JERSEY PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$191,500 FOR THE IMPROVEMENT REFERRED TO IN SECTION 3(o) OF BOND ORDINANCE NO. 13-11 FINALLY ADOPTED APRIL 30, 2013, INCLUDING A GRANT IN THE AMOUNT OF \$146,500 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE ISSUANCE OF \$42,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

Public Comments on Ordinance 13-14

No one came forward.

Mayor Rustin advised that these funds are being allocated for the reconstruction of Tenafly Road. He noted that the work will be done while school is out of session.

Motion by C. Zinna, second by C. Barzelatto that Ordinance 13-14 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 (continued):

Councilman Honig

The Nature Center Board met and had an active discussion regarding addressing the concerns of those opposed to the proposed Education and Discovery Center. The idea was proposed to take down the Redfield Building once the new center is completed and return this land back to nature. Risa Rosenberg's firm will be preparing FAQs for all of the questions that were raised during the public hearing. This information will be placed on their website. C. Honig advised that there were not three hydrology studies conducted, but rather one wetlands study by an environmental engineer to confirm the boundaries and determine whether the plot of land is adequate and meets wetlands requirements. C. Honig advised that the board was taken on a walking tour to be shown the issues with building on Hudson Avenue, particularly the amount of blasting that would need to be done.

The Joint Use Committee met and had a discussion regarding Geissinger Field. The Board of Education is holding a meeting about the field at the auditorium tonight.

Councilwoman LaMastra

The Ambulance Corps held its Awards Dinner. C. LaMastra commented that it was very nicely attended and was a lovely evening. She asked that

the recipients be recognized at a Council meeting. Borough Clerk Aportela-Hernandez advised it would be scheduled for the August 19th Public Meeting. C. LaMastra asked that Borough Clerk Aportela-Hernandez provide dates in September at 3 p.m to hold a joint meeting with Senior Services to discuss the results of the senior survey.

OLD BUSINESS:

Mayor Rustin advised that at a recent Committee of the Whole Meeting, the Council had denied a request from Michael Feldman to have his false alarm fee waived. Mayor Rustin received an email from Mr. Feldman explaining that he believes the third false alarm to have resulted from an action by the Police Officer who responded to the second false alarm call. Mayor Rustin asked whether Council would like to reconsider their decision. Council agreed to uphold their decision to deny Mr. Feldman's request.

NEW BUSINESS:

- A. #R13-236 – Award Contract – Reggio Construction, Inc. – Tenaflly Road – Road Improvement Project

Motion by C. Warms, second by C. Zinna that the #R13-236 be approved.

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, #R13-236 was approved

- B. Introduction of Ordinance

C. Barzelatto moved to introduce and pass on first reading Ordinance 13-15 on first reading and setting July 9, 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:

The Borough Clerk read the ordinance into the record:

ORDINANCE NO. 13-15 – AN ORDINANCE AMENDING CHAPTER XI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED “FIRE PREVENTION AND FIRE PROTECTION”, AND MORE PARTICULARLY, THE PORTION OF SECTION 11-1.11e REFERRING TO §506.3.2.

C. Warms advised that members of the Ambulance Corps have expressed difficulty in gaining entrance to the Browning House and inquired whether this ordinance would apply to this facility. C. Barzelatto advised that the purpose of the lockbox will be to gain access to any building, but would mainly apply to commercial buildings. Mayor Rustin suggested that TVAC write a letter to the condominium association to explain the issue. C. LaMastra will discuss this suggestion at the next TVAC meeting.

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. Other New Business

Mayor Rustin advised that he received a letter from a resident to complain that there are not any stop signs on Devon Road. He spoke to Chief Chamberlain about said letter and was advised that Devon Road is not designated by ordinance as a thru street and as such, is not entitled to stop signs. Council asked that Chief Chamberlain analyze the situation and report back with his recommendations.

Mayor Rustin advised that 50% of Tenaflly lost power the previous evening and when he contacted PSE&G to find out information on the cause and to find out when power might be restored, he did not receive a satisfactory answer. He advised that he has put a call into

Tenaflly's representative at PSE&G and has requested a meeting to receive an explanation. He will notify Council when said meeting is scheduled should other members of Council want to attend.

Mayor Rustin explained that the Planning Board has concluded making changes to the land use element of the Master Plan. He noted that changes in permitted use had been before Council recently, but those changes needed to be reworked and had been sent back to the Planning Board. Mayor Rustin asked that this item be placed on the next work session for discussion as a number of businesses are waiting for this ordinance to be passed and it will help expedite the potential for new businesses to come into town. He advised that amending ordinances to make them consistent with the Master Plan do not require noticing. Council agreed to list this item on the next work session agenda.

C. Barzelatto asked that the Borough Clerk place Emergency Management on the next agenda for discussion.

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

Johanne Gambrell, Ravine Road, raised the issue of the BID directories and the fact that most were not mailed out due to an error, causing many to be left over. She remarked that although the directory has been discredited, it is now being used as a promotion, being handed out while canvassing businesses. She commented that it all goes back to a level of competency. She noted that District Connect is under contract until December for the website and other projects. She believes that their plans are almost identical to the plans that were heard from the previous director and pointed out that there are errors on the website.

C. LaMastra stated that the members of the BID Board are all volunteers who have full time jobs. She noted that there is always the possibility of information changing after a directory is published. She advised that the directory was a joint effort with the *Suburbanite* and they mailed it from where their headquarters are located. There was an error for which the *Suburbanite* apologized and she expressed her belief that the BID did not pay for postage.

MAYOR'S REMARKS

Mayor Rustin announced that Bill Kaplen passed away at the age of 95 on Sunday. He advised that Mr. Kaplen was a philanthropist and donated significant money to Englewood Hospital and the JCC and commented that he helped make Tenaflly the town that it is today. He asked for a moment of silence for Mr. Kaplen.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-237

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. Collective Bargaining
 - 1. PBA Contract Update
- B. Personnel
 - 1. Administration – Land Use and Housing Liaison

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 for a Special Work Session.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Zinna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez
Borough Clerk