

# **Borough of Tenafly**

## **MAYOR AND COUNCIL**

### **MINUTES**

**TUESDAY, JULY 9, 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 8:00 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.

Mayor Rustin asked that there be a moment of silence in honor of the 19 firefighters who lost their lives in Arizona.

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

BE IT RESOLVED that the Minutes of the June 18, 2013 Special Work Session, June 25, 2013 Work Session, June 25, 2013 Closed Session (not to be released), and June 25, 2013 Regular Meeting are approved.

#### REVISIONS TO AGENDA:

Borough Attorney McClure advised that two items are being added to the Closed Session, an update on litigation entitled Hahn vs. Borough of Tenafly and an attorney-client matter regarding ADA compliance for public facilities.

#### PRESENTATIONS:

Oath of Office to Police Officers Vincent Cooper, Andrew Toal and Jakub Glebocki

Mayor Rustin stated that it is his privilege to introduce three new officers. He noted that these gentlemen are joining a remarkable group of officers. He commented that the moment of silence that was just observed reminds everyone of all the dangers and uncertainties that first responders face and expressed Council's appreciation for the sacrifices that the officers and their families make to protect the community. He wished them long and successful careers.

Mayor Rustin read Officer Vincent Cooper's biography:

Vincent grew up in the Township of Parsippany, NJ where he attended the Township's schools. He then was accepted to the Ramapo College in Mahwah, NJ where he earned a Bachelor of Science degree in Finance in 2006. He most recently was a financial advisor in a major investment company before coming to us. Vincent still resides in Parsippany with his wife. The two are expecting the birth of their first child in August. Having a new baby while attending the police academy (boot camp), should make for an interesting experience to put it lightly.

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

Mayor Rustin read Officer Jakub Glebocki's biography:

Jakub was born and raised in Wilbraham, MA. You can still detect a slight New England accent. After High School, Jakub was accepted to Quinnipiac University in Hamden, CT where he earned a Bachelor of Arts degree in Criminal Justice, a Master's of Business Administration, and the position of Team Captain for the Division-1 Lacrosse team. While

attending Quinnipiac, Jakub also performed an internship with the Hamden Police Department in Hamden, CT. He is fluent in the Polish language and now resides in Hoboken, NJ. Additionally, as a result of his New England roots, he unfortunately is a Red Sox and Patriots fan.

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

Mayor Rustin read Officer Andrew Toal's biography:

Andrew was born and raised in the Borough of Woodcliff Lake, NJ where he attended the Borough's grammar and middle schools. He attended Bergen Catholic High School in Oradell, NJ before being accepted to Siena College in Loudonville, NY where he earned a Bachelor of Arts degree in History. While at Siena, Andrew graduated from the ROTC program for the United States Army. While in the Army, Andrew held the positions of Platoon Leader, Battalion Maintenance Officer, Forward Support Company Executive Officer and Battalion Resourcing and Physical Fitness Officer. He deployed to Afghanistan during Operation Enduring Freedom and received the Bronze Star Medal for Meritorious Service. Andrew earned the rank of Captain before leaving the military. He most recently was employed as a police dispatcher with the Ramsey Police Department.

Mayor Rustin noted that although everyone talks about the fact that people move to Tenafly because of the excellent school system, they also move to Tenafly because it is a safe community which is due to the first responders, especially the Police Department. He then thanked the current members of the force for their service.

C. Barzelatto thanked Officer Toal for his service to the country.

C. Honig congratulated Chief Chamberlain on the impressive selections and expressed his appreciation for Chief Chamberlain taking the time to explain the hiring process.

## **PUBLIC HEARINGS**

### **ORDINANCE 13-15:**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on June 18, 2013, and posted on the bulletin board of the lobby of the municipal center.

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.

Public Comments on Ordinance 13-15

None.

Motion by C. LaMastra, second by C. Barzelatto that Ordinance 13-15 be passed on second and final reading and is 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

## **PUBLIC COMMENTS:**

Edythe Kornfeld, 258 Highwood Avenue, questioned whether there will a referendum regarding the Nature Center proposal as next month would be the deadline to request that said question be included on the November ballot.

Mayor Rustin advised that there has not been any discussion at the Council table about having referendum.

Mark Feldman, 133 Lylewood Drive, expressed his amazement that Council seems to be going ahead with the deed agreement with United Way/Madeline in its current form and questioned the legality of deeding this property to a private, LLP entity. He does not believe that due diligence has been done by the governing body as Madeline Corp has not been fully vetted and noted that their financial statements are not audited. He expressed his opinion that without a board of trustees, there will not be any oversight.

Alida Kratnoff, 59 Highwood Avenue, requested that the results of the formal studies that influenced the choice of the proposed location for the Nature Center building be made available to public.

**CONSENT AGENDA:**

**#R13-246/**Approve Expenditures as of July 3, 2013

**#R13-247/**Execute Contract - Affordable Housing Administrative Agent - Community Action Services

**#R13-248/**Authorize Receipt of Bids – DPW Front End Loader Truck

**#R13-249/**Approve Outdoor Seating Permit - Emanu-El Delicatessen

**#R13-250/**Approve Raffle Applications RA1056 & RA1057

**#R13-251/**Authorize Tree Mitigation Escrow Refund – MIA Homes

**#R13-252/**Authorize Tree Mitigation Escrow Refund – IZAK Construction

**#R13-253/**Authorize Tree Mitigation Escrow Refund - Uri Rapaport Construction

**#R13-254/**Authorize Tree Mitigation Escrow Refund – Shah

**#R13-255/**Authorize Bond and Escrow Refunds – Sophias Construction

**#R13-256/**Authorize Bond and Escrow Refunds – Bunis

**#R13-257/**Authorize Tree Mitigation Escrow Refund – Kong

**#R13-258/**Authorize Tree Mitigation Escrow Refund – Sarnak

**#R13-259/**Authorize Commuter Parking Refunds – Various

**#R13-260/**Authorize Receipt of Bids – Collection of Solid Waste

**#R13-261/**Authorize Tree Mitigation Escrow Refund - Green

Motion by C. LaMastra, second by C. Zinna 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.

**COMMITTEE REPORTS:**

Councilwoman Kerge

The Board of Adjustment met. One case was heard and moved favorably upon.

Historic Preservation Commission expressed an interest in having a summer intern work with them.

The Library Board met. The summer programs are underway with good enrollment.

Councilman Warms

The Nature Center will have Portraits by the Pond in September. There are 20 slots available and people can make reservations through the website. The Sail on the Hudson on the A.J. Meerwald will take place from July 18<sup>th</sup> through July 21<sup>st</sup> and reservations must be made in advance.

Councilwoman LaMastra

The BID will be meeting tomorrow with the CFO to structure their budget in the proper way.

The Recreation Board will hold a special meeting on Monday to discuss softball. The Little League has agreed to accept softball program under their structure and the bylaws and structure will be presented.

Mayor Rustin

Mayor Rustin advised that he along with C. Zinna, Borough Clerk Aportela-Hernandez, Chief Chamberlain, and DPW Director Beutel met with

representatives from PSE&G to receive an explanation for the blackouts in Tenafly. PSE&G was informed that Tenafly is unhappy with the service that PSE&G is providing and PSE&G responded that they are working extremely hard to upgrade their service. They provided a list of 10 projects that they will be completing in Tenafly, causing the power to be out for 2 hours on those days. Residents will be notified by mail that they will lose power and the locations of these outages and the dates have been provided to the Police Department and Borough Hall and will be posted on the website. Mayor Rustin advised that they are trying to build redundancy and urged everyone to call the 800 number, not Borough Hall or the Police Department, should they lose power.

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

## **PUBLIC HEARINGS**

### **Other – Disciplinary Proceeding**

#### **Re: Plenary Retail Distribution License #0261-44-009-005**

Mark Fierro, Borough Prosecutor, advised that Rakesh Patel of R Square & R Square Corporation, owner of the premises and liquor license, and his wife are present this evening along with D/Sgt. Adam Kopesky. Borough Prosecutor Fierro advised that Mr. and Mrs. Patel could not have been more gracious and are very upset that this incident happened within their store. He explained that D/Sgt. Kopesky received reports that underage persons were being sold liquor and he put into place a test that went seamlessly. Borough Prosecutor Fierro advised that the Patels could not have had a better attitude and plan to install cameras and will be asking for identification from everyone. He explained that based upon those facts and recommendations from D/Sgt. Kopesky, they have agreed on a guilty plea and 15-day suspension of their liquor license during which they would be prohibited from selling alcohol. This suspension will take place from July 10<sup>th</sup> through July 24<sup>th</sup>.

C. Honig questioned when the cameras will be installed and whether they will have readers for fake ID's. Borough Prosecutor Fierro advised that the Patels are working under the supervision of D/Sgt. Kopesky.

C. Kerge inquired whether this incident was an isolated case and whether there was blatant participation of the employees in the sale of alcohol to the minors. Borough Prosecutor Fierro advised that the two employees involved are family members who were young and did not receive proper training.

C. LaMastra asked how the 15-day suspension would be handled. Borough Prosecutor Fierro advised that the alcohol would be cordoned off so there will not be access. D/Sgt. Kopesky advised that the Police Department would be conducting spot checks.

## **CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 13-262

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. Proceedings that could result in a suspension, civil penalty, or loss of a license or permit.
  1. Plenary Retail Distribution License #0261-44-009-005

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 Council Chambers to resume 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 8:42 p.m.

The Public Meeting resumed in the Committee Room at 8:48 p.m.

**#R13-263/Impose Penalty on Plenary Retail Distribution License #0261-44-009-005**

Motion by C. Warms, second by C. Honig that #R13-263 be approved.

On a roll call, the vote on #R13-263 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 Zinna

The Transportation Committee met. New generators were used for the traffic lights and they worked perfectly. The committee will be conducting their own reduced version of the downtown traffic circulation study using stop signs and traffic signals. Chief Chamberlain will set up a pilot program of closing the street in front of Café Angelique to determine whether it will ease the flow of traffic. The committee is seeking permission to have the Borough Administrator speak with the County regarding the traffic signal at the intersection of E. Clinton Avenue and Dean Drive. Mayor Rustin advised that if the Transportation Committee meets in the fall, NJ Transit will attend.

Councilman Barzelatto

There will be an Emergency Preparedness Seminar at the Senior Center on July 18<sup>th</sup>.

OLD BUSINESS:

None.

NEW BUSINESS:

Introduction of Ordinance

C. Zinna moved to introduce and pass on first reading Ordinance 13-16 and setting August 19, 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 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. 13-16 – AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT TO DEED BLOCK 901, LOT 44, ALSO KNOWN AS 311 TENAFLY ROAD, TENAFLY, NEW JERSEY TO BC UW/MADELINE HOUSING PARTNERS, LLC SUBJECT TO CERTAIN CONDITIONS

Motion by C. Honig, second by C. LaMastra that Ordinance 13-16 be tabled.

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

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

The majority present voting against the motion to table, the motion was defeated.

On a roll call, the vote to introduce and pass on first reading Ordinance 13-16 was recorded as follows:

C. Barzelatto:	aye	C. LaMastra:	nay
C. Honig:	nay	C. Warmes:	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 13-264

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. Department of Public Works – Retirement
  - 2. Tax Assessor's Office – Employee Replacement
  - 3. Administration – Land Use and Housing Liaison Update
- B. Litigation
  - 1. Hahn v. Borough of Tenafly – Update
- C. Attorney-Client Privilege
  - 1. ADA Compliance for Public Facilities

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 to adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. Kerge, seconded by C. Zinna, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 8:57 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Honig, second by C. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk