

# Borough of Tenafly

## MAYOR AND COUNCIL

### MINUTES

**THURSDAY, APRIL 17, 2014**

PRESENT: Mayor Peter Rustin and Council member Maxim Basch, Daniel Park, Jon Warms, and Mark Zinna

ABSENT: Council members Anthony Barzelatto and Nadia LaMastra

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

At 7:45p.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. Warms, second by C. Park, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the March 25, 2014 Closed Session (not to be released), March 25, 2014 Work Session, March 25, 2014 Regular Meeting, and April 8, 2014 Special Regular Meeting are approved.

REVISIONS TO AGENDA:

Mr. McClure advised that Resolution #14-137 is being moved to New Business.

AUDIENCE REMARKS FOR AGENDA ITEMS:

None.

CONSENT AGENDA:

**#R14-131/Approve Expenditures as of April 9, 2014**

**#R14-132/Authorize Submission for Tenafly Municipal Alliance Grant for FY2014**

**#R14-133/Authorize Change Order No. 1 – Tenafly Road Section 2 Project**

**#R14-134/Amend Temporary Budget**

**#R14-135/Authorize Recreation Department Refunds**

**#R14-136/Authorize Refund – Fingerprint Reimbursement**

~~**#R14-137/Authorize Execution of Collective Bargaining Agreement – Tenafly Crossing Guards**~~ *Moved to New Business*

**#R14-138/Authorize Refund – Overpayment of Taxes**

**#R14-139/Authorize Submission of Safe Routes to School Program Grant Application**

**#R14-140/Authorize Submission of Transportation Alternatives Program Grant Application**

**#R14-141/Approve Additional Engineering Services – Stormwater Outfalls Inspection**

**#R14-142/Approve Ice Cream Peddler License – Corbo**

**#R14-143/Adopt Complete Streets Policy**

**#R14-144/Authorize Execution of 2014 Public Safety Answering Point Contract with the Borough of Paramus**

**#R14-145/Approve Outdoor Seating Application – Tavlin Restaurant**

**#R14-146/Authorize Increase of Maximum Loan Amount for the Tenafly Housing Rehabilitation Program (THRP)**

**#R14-147/Adopt Affordable Sales and Rental Operating Manuals**

**#R14-148/Award Contract - Municipal Complex Security Cameras Project**

**#R14-149/Approve Raffle Applications RA1075 – RA1084**

**#R14-150/Authorize Refund – Duplicate Payment for Annual Elevator Inspection – County Manor**

**#R14-151/Authorize Refund – New Construction & Soil Moving Escrow – 56 Depeyster Avenue**

**#R14-152/Authorize Refunds – 2014 Tax Court Judgments**

**#R14-153/Accept Donation – Practice Soccer Facility from Tenafly United Soccer Club**

**#R14-154/Authorize Agreement with the State Policemen's Benevolent Association**

**#R14-155/Authorize Receipt of Bids – Repair and Maintenance of Police Vehicles**

**#R14-156/**Authorize Receipt of Bids – Repair and Maintenance of Traffic Signals and Related Equipment

**#R14-157/**Authorize Refund of Tax Court Judgment Interest - Steinberger

Motion by C. Warms, second by C. Park that the Consent Agenda be approved as amended.

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

C. Barzelatto:	absent	C. Park:	aye
C. Basch:	aye	C. Warms:	aye
C. LaMastra:	absent	C. Zinna:	aye

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

#### COMMITTEE REPORTS:

Councilman Warms

The Green Team is coordinating the Earth Day celebration, which is going to be held on April 26<sup>th</sup> at the Tenafly Crescent.

The Recreation Commission communicated with the Health Department in an effort to get camp counselors certified. C. Warms stated the camp counselors must be in good health and have a negative Tuberculosis test. The Board of Health will provide the test at no cost.

Mayor Rustin

Senator Cory Booker spoke at Tenafly High School. The Mayor noted the theme of the speech was to be able to reach full potential by donating one's time and encourage public service.

Councilman Zinna

Youth Services met and they would like to move from monthly to quarterly meetings. The meeting list will be added as needed and listed on the Work Session meetings.

The Nature Center Referendum Committee applied comments from the Mayor and Council and agreed based on those comments to move forth to revise the language, which will be submitted for Council review.

Councilman Park

Earth Day events will be held from 10:00 a.m. to 3 p.m.

The CAP will hold its annual panel discussion at the Tenafly High School on May 15 at 7 p.m. The discussion will focus on educating parents and students of drug and alcohol abuse.

#### PUBLIC HEARINGS

##### **ORDINANCE 14-04:**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on February 25, 2014, and posted on the bulletin board of the lobby of the municipal center.

**ORDINANCE NO. 14-04 - AN ORDINANCE TO AMEND CHAPTER 35 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "LAND DEVELOPMENT REGULATIONS" AND MORE PARTICULARLY: AMENDING SECTION 35-703 AUTHORIZING THE WAIVER OF SITE PLAN REVIEW AND APPROVAL**

Public Comments on Ordinance 14-04

Olga Barbera - 25 Chestnut Street - is concerned that one side of the street is zoned for residential usage and the other side is intended for commercial use. She feels the parking situation would impact residents that live across the street from the commercial businesses because she worries customers will park on the residential side of the street. She also questioned where individuals will park for the new soccer field, since it will only have six

spaces. She asked the Council what provisions the new amendments have to protect the residents.

C. Basch stated that Ms. Barbera's issue was specific to her street and needs to be discussed separately. He further states that the ordinances will make it possible for business to be able to proceed in action without delay.

Robert Obeinauer – 323 Tenafly Road – inquired as to who the ordinance will apply to. The Mayor stated that if an acceptable business use is transferred to another acceptable use, no site plan waiver is needed. Mr. Obeinauer applauded the council for implementing this ordinance, which he believes will be very beneficial to businesses.

Motion by C. Warms, second by C. Park that Ordinance 14-04 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:	absent	C. Park:	aye
C. Basch:	aye	C. Warms:	aye
C. LaMastra:	absent	C. Zinna:	aye

**ORDINANCES 14-05, 14-06, and 14-07:**

The Borough Clerk read into the record:

The following ordinances published herewith were first read by title only on March 25, 2014, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 14-05 - AN ORDINANCE TO AMEND CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "GENERAL LICENSING" AND MORE PARTICULARLY: AMENDING SECTION 4-4, CANVASSING AND SOLICITING

ORDINANCE NO. 14-06 - AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC"

ORDINANCE NO. 14-07 - AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Public Comments on Ordinances 14-05, 14-06, and 14-07

Simon Azulai - 24 N. Summit Street - would like the Council to reconsider ordinance no. 14-06, regarding the 2 hour parking. He noted that he saw improvement, but customers are still parking on N. Summit Street as well as the nearby vacant lot.

Martha Koven - N. Summit Street – stated she emailed council April 9. She read the email into the record. Ms. Koven is opposed to the 2 hour parking regulation. Although she acknowledges there are fewer cars on the street, she notes they are still parking there. She stated that BMW has grown too big for the area. Ms. Koven does not believe that BMW will comply with the 2 hour parking limit.

Joyce Kapovitz – 11 Knoll Road – noted that the parking situation has improved, however she worries that implementing a 2 hour parking limit will decrease the value of her home and impact the ability to sell it in the future.

Carla Boden – 5 N. Summit Street – stated she is pleased to see an improvement in the parking situation. Ms. Boden questioned why BMW is allowed to use residential land for their used car lot.

Lindsay Blatt – 25 Knoll Road – questioned why the BMW's driveway takes up N. Summit Street, which does not allow for sidewalks to be utilized.

The Mayor stated that there is no curb along the parking lot, which has been grandfathered into the area. Mayor Rustin further noted that he drives down N. Summit Street twice a day to observe the parking situation and believes there has been a major improvement. While the 2 hour parking limit has yet to take effect, the Mayor noted it was recommended by police and would only consider no parking on N. Summit Street if it was necessary. C. Basch stated if residents do not see any improvements with the 2 hour parking, he will

make a resolution for no parking. C. Zinna agreed that the 2 hour parking is an essential step, however if it does not yield results, other steps can be taken. The Mayor added that they are all there to help the residents with this matter.

Motion by C. Zinna, second by C. Park that Ordinances 14-05, 14-06, and 14-07 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:	absent	C. Park:	aye
C. Basch:	aye	C. Warms:	aye
C. LaMastra:	absent	C. Zinna:	aye

#### COMMITTEE REPORTS:

Councilman Warms

The Green Team is coordinating the Earth Day celebration, which is going to be held on April 26<sup>th</sup> at the Tenafly Crescent.

The Recreation Commission communicated with the Health Department in an effort to get camp counselors certified. C. Warms stated the camp counselors must be in good health and have a negative Tuberculosis test. The Board of Health will provide the test at no cost.

Mayor Rustin

Senator Cory Booker spoke at Tenafly High School. The Mayor noted the theme of the speech was to be able to reach full potential by donating one's time and encourage public service.

Councilman Zinna

Youth Services were moved from monthly to quarterly meetings. The meeting list will be added as needed and listed on the Work Session meetings.

The Nature Center Referendum applied comments from the Mayor and Council and agreed based on those comments to move forth to revise the language, which will be submitted for council review.

Councilman Park

Earth Day events will be held from 10:00 a.m. to 3 p.m.

The Cap will hold its annual panel discussion at the Tenafly High School on May 15 at 7 p.m. The discussion will focus on educating parents and students of drug and alcohol abuse.

#### OLD BUSINESS:

None.

#### NEW BUSINESS:

Introduction of Ordinances

C. Warms moved to introduce and pass on first reading Ordinances 14-09 and 14-10 on first reading and setting May 13, 2014 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. Zinna:

The Borough Clerk read the ordinances into the record:

ORDINANCE NO. 14-09 - AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC"

ORDINANCE NO. 14 -10 - AN ORDINANCE TO AMEND CHAPTER 35 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "LAND DEVELOPMENT REGULATIONS" AND MORE PARTICULARLY: AMENDING SECTION 35-702 ENTITLED "APPLICABILITY" AND SECTION 35-703 AUTHORIZING ENTITLED "WAIVER"

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

C. Barzelatto:	absent	C. Park:	aye
C. Basch:	aye	C. Warms:	aye
C. LaMastra:	absent	C. Zinna:	aye

C. Zinna moved to adopt **#R14-137**/Authorize Execution of Collective Bargaining Agreement – Tenaflly Crossing Guards. Seconded by C. Warms:

C. Basch opposed the third year salary increase as a result of it being over the cap. C. Zinna stated that the matter needs to be discussed in greater detail, but added that the third year's salary increase of 2.25 percent does not represent an overall budget increase.

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

C. Barzelatto:	absent	C. Park:	aye
C. Basch:	nay	C. Warms:	aye
C. LaMastra:	absent	C. Zinna:	aye

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:  
None.

MAYOR'S REMARKS:

- Proclamation – Arbor Day 2014

**WHEREAS**, *the last Friday of April, April 25, 2014, is designated as NATIONAL ARBOR DAY, which is a day set aside to promote the planting of trees, tree conservancy and appreciation of our environment; and*

**WHEREAS**, *the Borough of Tenaflly has promoted tree conservancy and planting for many years; and*

**WHEREAS**, *trees in our community increase property values, enhance the economic vitality of business areas and beautify our Borough; and*

**WHEREAS** *the Borough of Tenaflly has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices.*

**NOW, THEREFORE**, *The Mayor and Council of the Borough of Tenaflly, do proclaim **April 25, 2014** as*

### ***Arbor Day***

*and urge all citizens to celebrate this day and to support efforts to protect our trees and woodlands.*

Mayor Rustin encouraged planting trees, which he stated would increase property values, as well as beautifies the community. He noted that the DPW Director, Bob Culvert, will work alongside the Tree Committee to plant trees and enhance the area.

- Youth Services Advisory Committee – Appoint Kristy Carruba – 3 year term to expire 1/1/17

The Mayor stated Ms. Carruba will fill the current vacancy in the Committee.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. Park, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC, CMC  
Borough Clerk