

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, MAY 13, 2014

PRESENT: Mayor Peter Rustin, Maxim Basch, Nadia LaMastra, Daniel Park, Jon Warms, and Mark Zinna

ABSENT: Council member Anthony Barzelatto

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

At 7:54 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. Park, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the April 29, 2014 Work Session, April 29, 2014 Regular Meeting, April 29, 2014 Closed Session (not to be released), May 6, 2014 Work Session, and May 6, 2014 Closed Session (not to be released) are approved.

REVISIONS TO AGENDA:

Mr. McClure advised that **#R14-173/**Authorize Submission of Non-Binding Referendum for November 4, 2014 General Election was removed from Consent Agenda and placed under New Business.

AUDIENCE REMARKS FOR AGENDA ITEMS:

Mel Lubins – 33 Stonybrook Road – questioned the demolition of the dump. Mayor Rustin clarified the location of the new DPW building, which he stated would be over by the offices and away from the recycling center. Mr. Lubins recommended relocating scrap yards and junk yards into the recycling center, due to the lack of revenue it yields on its own. Mr. Lubins also noted that his neighbors have incurred a number of zoning violations; however he stated that nothing has been done to enforce any of these code regulations.

David Simpson - 12 Woodland Park Drive – stated criticism of the Building Official has been noted at prior Mayor and Council meetings, however he is not aware of any action taken with regards to the complaints. Mr. Simpson questioned whether Mr. Byrnes has employment at other municipalities. Mayor Rustin assured Mr. Simpson that Mr. Byrnes is a full-time employee, who works five days a week. The Mayor noted that Mr. Byrnes is a volunteer Bergenfield Fireman and will only leave during work if there is an absolute emergency. The Mayor also stated that prior to Mr. Byrnes accepting the position, previous Building Officials had also undergone such scrutiny. Mayor Rustin further added that the position is difficult, but he believes Mr. Byrnes is doing a good job.

Ernest Kollitides - 164 E. Clinton Avenue – Disagreed with the Mayor on Mr. Byrnes work ethic and knowledge. C. Warms stated that it was not appropriate to attack an employee. He further stated that he gave a full report to the council on generators; however he stated they failed to respond and question him on the report.

CONSENT AGENDA:

#R14-169/Approve Expenditures as of May 7, 2014

#R14-170/Cancel Current Fund Miscellaneous Reserve Balance for Prior Year Bills

#R14-171/Authorize Refund – Youth Services Teen Summer Camp – Lee

#R14-172/Approve Raffle Application – RA1086

~~**#R14-173/**Authorize Submission of Non-Binding Referendum for November 4, 2014 General Election~~ *Moved to New Business*

#R14-174/Authorize Change Order #1 – Municipal Building Chiller Replacement

#R14-175/Authorize Refunds – Recreation Programs – Various

- #R14-176/Authorize Refunds – Fingerprint Reimbursements
- #R14-177/Authorize Escrow Refund – Minor Subdivision – PB 1-13-13
- #R14-178/Authorize Escrow Refund – Site Plan Waiver – PB 1-14-02
- #R14-179/Authorize Engineering Escrow Refund – 293 Hudson Avenue
- #R14-180/Authorize Refund - Davis-Johnson Park – Reyes
- #R14-181/Authorize Refund – Tax Court Judgment - Various

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

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

PUBLIC HEARINGS

ORDINANCES 14-09 and 14-10:

The Borough Clerk read into the record:

The following ordinances published herewith were first read by title only on April 17, 2014, and posted on the bulletin board of the lobby of the municipal center.

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”

Public Comments on Ordinances 14-09 and 14-10

Joanne Gambrill - Raven Road – Inquired as to why there are only two parking spaces, which are not listed, at the Tenakill Swim Club. She noted that there are six available spots at the Stop and Shop lot, which are listed under the ordinance. Ms. Gambrill stated the spaces at the swim club are occupied by swim club members and residents. The Administrator noted that previous ordinances addressed the Stop & Shop parking spaces. The Administrator also noted that the swim club and its parking spaces are controlled by the Board of Education.

Motion by C. LaMastra, second by C. Zinna that Ordinances 14-09 and 14-10 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:	aye	C. Zinna:	aye

COMMITTEE REPORTS:

Councilman Basch Attended Historic Preservation Committee meeting, which had seven issues to be discussed. C. Basch noted that they issued a Certificate of Authenticity for a garage at 167 Serpentine Road, however the Chairman solely decided to choose vinyl siding to put over the top of wood. C. Basch stated vinyl siding on wood would seal up the moisture and promote the destruction of the wood. He further stated that a request was made to the HPC not to

issue anymore work without discussing it with the committee first.

The Tenaflly Nature Center would like to receive permission from the Historical Society to dig on the grounds of the Nature Center to be able to see if there are any archeological artifacts established on the land.

There was a short briefing on the Mackay home, but this issue is not ready for public discussion at this time.

C. Basch discussed the damage incurred as a result of those that vandalized monuments in Roosevelt Common, which took place in October, but was never reported. He noted it was suggested that a police report be made in an effort to see if insurance can cover the costs. Mayor Rustin stated that he would like to talk with the Police Chief and remind him to keep an eye on the area.

The Planning Board discussed a report on whether historic sites should be considered a type of cluster zone.

Councilwoman LaMastra

Recreation had its meeting on Monday and discussed whether to have paid coaches. C. LaMastra noted that Lacrosse has 60 kids registered and summer camp has 345 children signed up. C. LaMastra stated there are very few nonresidents due to the amount of residents that signed up this year.

This upcoming weekend is the Safe at Home Tournament. The games are to be played at the high school field, municipal turf and in Sunnyside Park on Friday, Saturday and Sunday.

Key Club is holding their fundraiser this weekend at the snack shack, where 21 teams are competing. Mayor Rustin encouraged the Council to go out and support the fundraiser.

Football has its opening day June 7th.

Geissinger Field is still a work in progress.

Mayor Rustin

The Mayor's Group had its meeting on Monday and the Bergen County Utilities Authority discussed RDI&I, Rain Derived Infiltration and Inflow systems. Mayor Rustin explained when rain water gets into sewer pipes through cracks in the pipes; it limits the capacity of flow, which in turn raises sewage costs. The Mayor stated that the BCUA offers programs to help identify leaks. He added, having a CCO allows the inspector to look for any illegal connections, such as sump pumps during a home inspection.

Mayor Rustin received an invitation from the Elks Lodge for the Mayor and Council to march in the parade on Memorial Day and to participate in the program in Huyler Park. He noted that the lineup begins at 9:00 am in the municipal lot. Mayor Rustin added that longtime resident, Nickolas Oresko, who won a medal of honor serving the US in WWII and passed away last October, will be remembered. He also noted Grand Marshal John Glynos, who served America in Afghanistan, will be speaking at the ceremony.

Councilman Zinna

The Board of Adjustment meeting was held on May 5th. C. Zinna noted that there were 4 items on the agenda, however 2 did not pass. C. Zinna stated most of the setbacks were regarding pool holdups.

The Joint Use Committee meeting was held on Monday. Geissinger Field is still a work in progress with regards to lights and usage. C. Zinna noted that there is still an unresolved issue of insurance for the field. Mayor Rustin added that the field's hours are now resolved and will remain opened.

Councilman Park

Municipal Alliance Committee will hold a drug and alcohol forum, which examines drug and alcohol abuse among teens. The forum will be held Thursday, May 15th at 7:00 p.m. in the high school library.

OLD BUSINESS:
None.

NEW BUSINESS:

- C. LaMastra would like to have new flags put up in the downtown for the Memorial Day Parade.
- Introduction of Ordinances

C. Zinna moved to introduce and pass on first reading Ordinances 14-11 and 14-12 on first reading and setting May 27, 2014 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. LaMastra:

The Borough Clerk read the ordinances into the record:

ORDINANCE NO. 14-11 - AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF THE SCHOOL CROSSING GUARDS OF THE BOROUGH OF TENAFLY IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY FOR THE CALENDAR YEARS 2014, 2015, AND 2016

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

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

ORDINANCE NO. 14-12 – AN ORDINANCE AMENDING SECTION 3(d) OF BOND ORDINANCE NO. 14-08 FINALLY ADOPTED APRIL 29, 2014 IN ORDER TO APPROPRIATE A \$150,000 GRANT EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND REVISING THE DESCRIPTION OF THE IMPROVEMENT THEREIN IN AND BY THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, NEW JERSEY.

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

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

- **#R14-173**/Authorize Submission of Non-Binding Referendum for November 4, 2014 General Election

Motion by C. Zinna, second by C. LaMastra, that #R14-173 be approved

WHEREAS, NJSA 19:37-1 et seq. authorizes the Mayor and Council to include a non-binding referendum on the November 4, 2014 General Election Ballot.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Tenafly, County of Bergen, and State of New Jersey, that the following non-binding referendum be forwarded to the Bergen County Clerk for inclusion on the November 4, 2014 General Election Ballot:

MUNICIPAL QUESTION:

() YES “Shall the Tenafly Nature Center, a private non-profit organization, be allowed to construct a new nature center building on previously undeveloped land

leased to the Tenafly Nature Center, bordering East Clinton Avenue, known as the Lost Brook Preserve which is designated as Green Acres land”?

() NO

INTERPRETIVE STATEMENT:

The Lost Brook Preserve, which is designated as “Green Acres” land, was acquired by the citizens of Tenafly in 1976 utilizing taxpayer approved bonds, Federal and State grants, and contributions from individuals and environmental organizations.

The Tenafly Nature Center, believing that the location is appropriate, has proposed constructing a new educational center on property bordered by East Clinton Avenue, currently known as the Lost Brook Preserve which is designated as Green Acres land. This would replace the organization’s current structure on Hudson Avenue, built in the 1960s which the Nature Center believes to be inadequate to carry out its mission of environmental education.

Other citizens, who oppose the project, believe that the new building should not be located in the Lost Brook Preserve which is designated as Green Acres land because they feel it is inconsistent with the original intent of the parcel’s acquisition and contend that the building should not be relocated.

A “Yes” vote will permit the Tenafly Nature Center to construct a new nature center building on land bordering East Clinton Avenue, known as the Lost Brook Preserve which is designated as Green Acres land and heretofore undeveloped.

A “No” vote will prohibit the construction of a new nature center building by the Tenafly Nature Center, on land bordering East Clinton Avenue, known as the Lost Brook Preserve which is designated as Green Acres land.

BE IT FURTHER RESOLVED that the Bergen County Clerk is hereby requested to print the forgoing Non-Binding Referendum and Interpretive Statement on the official ballot for the General Election to be held November 4, 2014.

On a roll call, the vote on #R14-173 was recorded as follows:

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

All members present voting in favor, #R14-173 was approved as amended.

C. Zinna thanked the six residents who volunteered to successfully to draft the referendum language. The Mayor also wanted to thank the six individuals for their work.

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

David Simpson - 12 Woodland Park Drive – thanked Councilmember Zinna for his work on the referendum. Mr. Simpson questioned C. Basch on whether there are certain aspects of the HPC that are confidential. C. Basch stated it is not confidential; however negotiations are only between property owners, as in the case of 53 Knickerbocker Road.

Mel Lubins - 33 Stonybrook Road – Inquired as to whether a survey has been taken to establish how many residents the Nature Center has versus nonresidents. Mayor Rustin stated that the Nature Center is open to all residents and those that are not residents pay dues, which is beneficial to the town. C. Warms added that since the property is designated and had been funded by Green Acres the facility cannot be limited to local residents.

Gerry Nigro - 5 Stonybrook Road - commended the Council for passing the resolution on the referendum. He also questioned whether there is a time limit for responses on letters written to the borough. Mayor Rustin stated that the goal is to avoid rehashing topics, however if a letter is written to the Borough Clerk and if necessary, it will be heard at the meeting. He further stated a response will be sent out after Council has had a chance to discuss it.

Avishai Kantor - 32 Grandrew Terrace - noted that only 5 out of the 16 lights on the tennis court are working. He stated that the issue was brought up at the February 12, 2013 Mayor and Council meeting, however no action was taken to have the lights fixed. Mayor Rustin agreed the oversight should not have happened, however he assured Mr. Kantor that the tennis court lights will be looked at.

Edith Kornfield - 258 Highwood Avenue - supports planting more trees in town, however she stated that it would be a disservice to the area to take down hundreds of trees for the Nature Center project.

Ernest Kollitides - 164 E. Clinton Avenue - noted that generator noise is not caused by the generator itself, but rather from the turbine. Mr. Kollitides stated that it is unacceptable for the Building Official to disregard procedures and ordinances already in place. He further stated that he has used acoustical equipment, which shows how noise changes at different distances, and based on his equipment, was higher than the ordinance allows. He added that he does not want to jeopardize his health due to the noise level of the generator. The Mayor stated that he is waiting for the state to pass their regulations. He noted that Tenafly cannot exceed state limits. Mayor Rustin advised Mr. Kollitides that it is likely that the state will exempt residential generators from any noise regulations during an emergency.

Alvin Meyerson - 133 Kent Road – questioned whether there were reports on file that indicated the noise levels being produced by generators. Mayor Rusin stated that he is waiting for the state to pass regulations on this issue. The Mayor added that the generator noise levels in residential zones will likely be exempt from any regulations in emergencies. The Borough Attorney, William McClure, stated that while Tenafly has model ordinances, it is not possible to enforce a stricter noise regulation than the state already has in place. Mr. McClure noted that regulations are already exempt from industrial/commercial zones during a power outage. Mr. McClure further added in regards to Mr. Kollitides testing the generators, he noted it is extremely difficult and must be done by a trained engineer due to its complexity. Mr. Meyerson thanked Mr. Zinna for his work on passing the referendum question.

MAYOR'S REMARKS:

- Proclamation – Fibrodysplasia Ossificans Progressiva

WHEREAS, FIBRODYSPLASIA OSSIFICANS PROGRESSIVA IS AN ILLNESS CHARACTERIZED BY NORMAL BONE FORMING IN MUSCLES AND CONNECTIVE TISSUE, FORMING AN EXTRA SKELETON THAT IMMOBILIZES THE BODY; AND

WHEREAS, FIBRODYSPLASIA OSSIFICANS PROGRESSIVA AFFECTS CHILDREN, USUALLY IN THE FIRST OR SECOND DECADE OF LIFE BEING DIAGNOSED BY THE AGE OF TEN, DEPRIVING THEM OF NORMAL DEVELOPMENT; AND

WHEREAS, IT IS ESTIMATED THAT 2,500 PEOPLE WORLDWIDE ARE AFFLICTED WITH FIBRODYSPLASIA OSSIFICANS PROGRESSIVA, WITH 200 DIAGNOSED CASES IN THE UNITED STATES AND 12 CASES IN NEW JERSEY; AND

WHEREAS, CURRENTLY THE UNIVERSITY OF PENNSYLVANIA IS THE ONLY MEDICAL RESEARCH FACILITY INVESTIGATING A CURE FOR FIBRODYSPLASIA OSSIFICANS PROGRESSIVA; AND

WHEREAS, NUMEROUS STATES, COUNTRIES AND INTERNATIONAL ORGANIZATIONS HAVE JOINED TOGETHER TO INCREASE PUBLIC AWARENESS OF THIS DEVASTATING, RARE GENETIC DISORDER, TO PROMOTE RESEARCH TO FIND THE CURE; AND

WHEREAS, THE MAYOR AND COUNCIL OF THE BOROUGH OF TENAFLY WISH TO HELP TO INCREASE AWARENESS OF FIBRODYSPLASIA OSSIFICANS PROGRESSIVA AND TO PROVIDE PUBLIC SUPPORT TO FIND A CAUSE AND A CURE FOR THIS DEVASTATING DISORDER.

NOW, THEREFORE, I, PETER S. RUSTIN, MAYOR OF THE BOROUGH OF TENAFLY, ON BEHALF OF MY COLLEAGUES ON THE BOROUGH COUNCIL, WISH TO RAISE AWARENESS OF THIS DEVASTATING DISEASE AND SUPPORT RESEARCH TO FIND A CAUSE AND CURE FOR FIBRODYSPLASIA OSSIFICANS PROGRESSIVA. WE URGE ALL RESIDENTS OF TENAFLY TO LEARN ABOUT THIS DEVASTATING DISORDER WITH THE HOPE OF DEVELOPING A TREATMENT AND CURE.

ADJOURNMENT:

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

Respectfully submitted,

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