

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, MAY 27, 2014

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

ABSENT: None

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

At 9:10 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. LaMastra, second by C. Zinna, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the May 13, 2014 Regular Meeting are approved.

REVISIONS TO AGENDA:

Mr. McClure reported that **#R14-196** /Approving Payment in Lieu of Taxes - 311 Tenafly Road, was added to the agenda under New Business.

PUBLIC COMMENTS

Sandra Giovinazzo - 295 Tenafly Road - spoke regarding the parking issues she has at her co-op lot. She stated she had a phone conversation with the police, who she claimed, advised her that it would be fine for her to park in the Franklin Street lot. Ms. Giovinazzo noted that she currently has one spot and one garage at the 10 unit complex. Mayor Rustin informed her that the police do not have that authority to designate a parking space in the Franklin Street lot. He also stated that the issue must be discussed with the condo association. The Borough Clerk explained to Ms. Giovinazzo that co-ops do not qualify under the ordinance and to permit parking, there needs to be an ordinance change and a designated parking lot. She also clarified that the police recommended the Franklin lot only if and when a change to the ordinance occurs. The Mayor advised her to write another letter and it would be discussed at the next Work Session. Ms. Giovinazzo also stated that she notified the DPW over her neighbor's unkempt lawn at 311 Tenafly Road. Mayor Rustin stated that it is not a DPW issue, as the Borough does not own the property. He informed her that the owners of the property have hired someone to cut the lawn. He also stated if branches from her neighbor's lawn were going into her yard, she has the right to trim them.

Rocco Barbera - 25 Chestnut Street - noted that underground gym members have taken over Chestnut Street, which he stated have cause dangerous conditions. Mr. Rocco further stated that he asked for the ordinance to be amended from house number 21-35. He noted that all the residents signed the petition; however nothing was done to amend the ordinance to no parking. He questioned Councilman Zinna as to whether he had any answers of how this issue could be handled. C. Zinna asked if sidewalks would improve the situation, however Mr. Barbera did not believe that would help. Mr. Barbera stated that he would like no parking on Chestnut Street, as the yellow line did not improve the issue.

CONSENT AGENDA

#R14-182/Approve Expenditures as of May 21, 2014

#R14-183/Authorize Additional Engineering Services - 2014 Riverside Cooperative Road Improvement Program

#R14-184/Authorize Additional Engineering Services - Senior Center Patio Improvements

#R14-185/Execute Collective Bargaining Agreement - OPEIU Local 32 and Borough of Tenafly

#R14-186/Authorize Inclusion in the Bergen County Community Development Program

#R14-187/Authorize Receipt of Bids - Tenafly Road Section 3 Project

#R14-188/Authorize Refund – Overpayment of Taxes – Wolfrom
 #R14-189/Award Contract – Repair and Maintenance of Police Vehicles – Clinton Auto Service
 #R14-190/Approve Outdoor Seating Applications – Europe Café and Zestt Restaurant
 #R14-191/Approve Raffle Application – RA1087
 #R14-192/Award Contract – Repair and Maintenance of Traffic Signals and Related Equipment – Jen Electric, Inc.
 #R14-193/Authorize Renewal of Plenary Retail Consumption, Plenary Retail Distribution, and Club Liquor Licenses - 2014-2015 Term
 #R14-194/Authorize Refund – New Construction and Soil Moving Escrow - 23 North Brae Avenue
 #R14-195/ Authorize Refund – New Construction and Soil Moving Escrow – 62 Oxford Drive

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

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

C. Barzelatto:	aye	C. Park:	aye
C. Basch:	aye (nay R14-185, 14-189, 14-192)	C. Warms:	aye
C. LaMastra:	aye	C. Zinna:	aye

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

PUBLIC HEARINGS

Ordinances #14-11 & #14-12

The Borough Clerk read into the record:

The following ordinances published herewith were first read by title only on May 13, 2014, and posted on the bulletin board of the lobby of the municipal center.

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

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.

Public Comments on Ordinances 14-11 & 14-12

No one came forward.

C. Basch noted that Ordinance 14-11 regarding the crossing guards’ 2.25% raise increase is beyond the tax limit.

Motion by C. Park, second by C. Barzelatto that Ordinances 14-11 and 14-12 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 for Ordinance 14-11 was recorded as follows:

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

On a roll call, the vote for Ordinance 14-12 was recorded as follows:

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

COMMITTEE REPORTS:

- Councilman Park The CAP held their drug and alcohol forum May 15th. Approximately 30 to 40 people were in attendance. C. Park will attend the Board of Adjustment meeting on June 2nd.

- Mayor Rustin Cablevision is changing to a state franchise contract, which supersedes the local franchise agreement and will offer payment to municipalities based on premium channel packages. Local franchise agreements base the payment only on basic cable packages. Effective October 1st, a 4% franchise payment will be in effect, however 3.5% will go directly to the town and .5% will go to the state. The Mayor stated in 2013 the basic cable payment to the Borough was \$53,000; however he noted with the new contract, which would be increased to \$190,000, would be more revenue for the town.

- Councilwoman LaMastra A special meeting will be held for the Senior Citizen Advisory Board. A speaker from the county will address the different benefits offered in the community.

- Councilman Warms Tenafly Nature Center discussions take place on the first Wednesday of every month in the McCandless Room. The next meeting is on June 4th and will discuss how to deal with deer.

OLD BUSINESS:

C. LaMastra noted that billboards on Clinton Avenue were in violation of the sign ordinance, which allows 3 billboards per spot. The Mayor suggested keeping 3 billboards per spot, however if necessary, implement a shorter time limit in which one can have the billboard displayed. He stated if a fourth person wants their billboard displayed, the display time can be reduced to 15 days.

C. Barzelatto stated when the BID budget was passed that he would like a presentation to be able to see how the BID is using the money they have collected. He would like for them to make their presentation at the July Work Session.

NEW BUSINESS:

- Introduction of Ordinances

C. Warms moved to introduce and pass on first reading Ordinances 14-13, 14-14, and 14-15 on first reading and setting June 17, 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. LaMastra:

The Borough Clerk read the ordinances into the record:

ORDINANCE NO. 14-13 - AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC", AND MORE PARTICULARLY AMENDING SUBSECTION B, ENTITLED "PROPERTIES" IN SECTION 7-40.1, ENTITLED "REGULATION FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON MUNICIPAL PROPERTY AND BOARD OF EDUCATION PROPERTY".

ORDINANCE NO. 14-14 - AN ORDINANCE TO FIX THE SALARY, WAGE, OR COMPENSATION OF CERTAIN MANAGEMENT, ADMINISTRATIVE, CIVILIAN DISPATCHERS, AND PART TIME EMPLOYEES OF THE BOROUGH OF TENAFLY IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, FOR THE CALENDAR YEARS 2014, 2015 & 2016.

ORDINANCE NO. 14-15 - AN ORDINANCE TO FIX THE SALARY, WAGE, OR COMPENSATION OF CERTAIN SUPERVISORY AND ADMINISTRATIVE EMPLOYEES OF THE BOROUGH OF TENAFLY REPRESENTED BY OPEIU LOCAL 32, FOR THE CALENDAR YEARS 2014, 2015 AND 2016.

On a roll call, the vote on Ordinance 14-13 was recorded as follows:

- | | | | |
|----------------|-----|-----------|-----|
| C. Barzelatto: | aye | C. Park: | aye |
| C. Basch: | aye | C. Warms: | aye |
| C. LaMastra: | aye | C. Zinna: | aye |

On a roll call, the vote on Ordinance 14-14 and 14-15 were recorded as follows:

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

- **#R14-196/** Approving Payment in Lieu of taxes - 311 Tenafly Road.

On a roll call, the vote on **#R14-196** was recorded as follows:

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

- C. Barzelatto would like for the Code Enforcer, Mr. Massaro, to inspect properties of overgrown grass. He also stated he would like Mr. Massaro to inspect the Lutheran Church for deteriorating siding and roof. C. Barzelatto further questioned the parking situation for the impending Korean Community Center. He noted that the lot currently holds 40 to 50 spaces; however he estimates that there are approximately 500 members. Mayor Rustin stated that the members are going to park by the railroad tracks. He also noted that none of their programs will end during school dismissal.
- C. Basch would like Mr. Massaro to examine a property at the corner of W. Clinton and Knickerbocker Avenue. He stated the property owners have installed a six foot fence without any clearance. Mayor Rustin added that all code issues should be referred to the Administrator.

MAYOR'S REMARKS:

Mayor Rustin stated that he has a serious concern for the relationship between the school board and the Mayor and Council. Mayor Rustin added that he would like everyone to be able to work together for the good of the town. He noted that he would like to see teamwork regarding the SRO and the use of the track. Mayor Rustin also stated that although he tries to help residents in every situation, it is not always possible to be able to say yes in every case, due to the request being impractical or illegal.

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 9:57 p.m.

Respectfully submitted,

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