

# **Borough of Tenafly**

## **MAYOR AND COUNCIL**

### **MINUTES**

**TUESDAY, AUGUST 12, 2014**

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

ABSENT: Councilmember Nadia LaMastra

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

At 8:37 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. Zinna, second by C. Park, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the July 15, 2014 Closed Session (not to be released), July 15, 2014 Work Session, and July 15, 2014 Regular Meeting are approved.

REVISIONS TO AGENDA:  
None.

PRESENTATIONS:  
Tenafly Nature Center Association – National Park Service Application Update

Mayor Rustin advised residents that the Nature Center presentation was just to report an update on the application process and not to support or oppose the project. Nature Center Director of Special Projects, Ellen Kuhn, introduced the new Executive Director, Peter Punzi, who will begin next week. Ms. Kuhn read into the record a letter she received from Green acres dated July 30<sup>th</sup>. In the letter she noted that Green Acres recommended review for approval for a significant change in use to Jack Howard, from the National Park Service. She noted that TNCA would be responsible for maintaining the new building, which would replace the current nature center's facility. She added that the Environmental Assessment report was made available on the Nature Center website and would be updated after the NPS review.

C. Basch questioned if the letter was a submission of the application. He further inquired about the application process. Ms. Kuhn stated that in an effort to apply for the Federal NPS, applicants must apply through the NJDEP, which is then approved or denied.

#### **PUBLIC COMMENTS**

Gerry Nigro – 5 Stony Brook Road – inquired as to which major issues are appropriate for the Mayor and Council to interact in dialog with the residents at the meetings. He stated he has been requesting a dialog for two years. He further noted that the Nature Center made claims that a hydrology study had been completed, however no hydrology study was provided.

Mark Feldman – 133 Lylewood Drive – expressed concern over what had transpired at the Work Session. He stated the Save the Green Acres Group met with Jack Howard last September to discuss the approval process. He believed that the Borough notified the state and federal government of the referendum, which he believes is improper that the process is allowed.

Mayor Rustin stated that there was a change in the process due to the letters submitted by the Save the Tenafly Green Acres.

Joanne Gambrill – Raven Road – inquired as to the definition of a binding referendum. Mayor Rustin explained the difference between a binding and nonbinding referendum. The

Mayor stated that in a binding referendum, the governing body is required to follow the results. He added that a nonbinding is an opinion poll. He advised Ms. Gambrell that the state regulates which items can be binding and nonbinding, which he added, is the reason why TNC referendum cannot be a binding referendum.

David Simpson – 12 Woodland Park Drive – stated he believes the Mayor and Council are stonewalling the residents by not answering questions.

Ernie Kollitides – 164 E. Clinton Avenue – stated that the former Executive Director of the Nature Center reported that Hudson Avenue is an inappropriate location for the new facility. He noted that he asked other engineers and they said it would be a suitable location. Mr. Kollitides added that the Executive Director did not produce any copies of the report noting Hudson Avenue as inappropriate for the project.

Mel Rubins – 33 Stonybrook Road – questioned if the town of Tenafly guaranteed any additional funding to the Nature Center. Council confirmed that they did not guarantee anything.

Alice Rigney – 43 Knoll Road – inquired as to whether Consent Agenda item K was for bookkeeping. The Borough Clerk confirmed that item K was bookkeeping.

Marie Gioco – 9 Woodhill Road – stated she was a 50 year resident of the Town. She voiced her concern of over the traffic increase, which she says will occur as a result of the development. She noted that she is also concerned over the tax increase that will transpire from the development. Ms. Gioco questioned how the Nature Center was able to change their name to Discovery Center.

Mark Feldman – 133 Lylewood Drive – read a letter into the record protesting the nature center approval package, which he noted, should wait until the referendum takes place. He stated in the event the referendum does not pass, legal actions could ensue.

Gerry Nigro – 5 Stony Brook Road – explained statements in the petition. Mr. Nigro stated that the Nature Center applied for 15 acres, which was approved. He added TNC reserves the right to build on the remaining 13 acres. He noted that there would be 20 times as much traffic. He further added that kids biking to the Nature Center would lose that opportunity if the facility is moved to East Clinton Avenue.

#### CONSENT AGENDA

**#R14-268/**Approve Expenditures as of August 6, 2014

**#R14-269/**Approve Outdoor Seating Application – Deli Express

**#R14-270/**Authorize Refund – New Construction & Soil Moving Escrow – 54 Norman Place

**#R14-271/**Authorize Refund – New Construction & Soil Moving Escrow – 46 DeMott Street

**#R14-272/**Authorize Refund – Recreation Department – Various

**#R14-273/**Authorize Cancellation of Current Fund Balances to Surplus

**#R14-274/**Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for “Law Enforcement – Confiscated Funds”

**#R14-275/**Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the “Summer Concerts and Independence Day Celebration”

**#R14-276/**Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for “Hazardous Material Recovery”

**#R14-277/**Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the “Tenafly Historic Preservation Trust Fund”

**#R14-278/**Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the “Huyler Park Gazebo ”

**#R14-279/**Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the “Police Department Donations Trust”

**#R14-280/**Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for “Teen Center/Teen Camp”

**#R14-281/**Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for “Shade Tree/Tree Replacement Trust”

**#R14-282/**Certify 2013 Audit

**#R14-283/**Award Contract - Purchase of Truck Mounted Vacuum Debris Collector

**#R14-284/**Close Inactive Trust Account – Reward Trust

**#R14-285/**Renew Plenary Retail Consumption License – 115 Sanz County Road, LLC Pursuant to Special Ruling

**#R14-286/**Authorize Refund – New Construction & Soil Moving Escrow – 66 Sherwood Road

**#R14-287/**Authorize Refund – New Construction & Soil Moving Escrow – 84 Newcomb Road

#R14-288/Adopt Corrective Action Plan

#R14-289/Authorize Refund – Youth Services Teen Summer Camp – Decoroce

#R14-290/Authorize Refund – Youth Services Teen Summer Camp – Zicarelli

#R14-291/Authorize Refund – Youth Services Teen Summer Camp – Martin-Fehr

#R14-292/Authorize Refund – Youth Services Teen Summer Camp – Bolkin

#R14-293/Authorize Receipt of Bids – Roll Off Container Truck – DPW

#R14-294/Authorize Receipt of Bids – Installation of Sports Field Lighting – Tenafly Road Soccer Cage

#R14-295/Execute Developer’s Agreement – Bergen County United Way/Madeline Housing Partners, LLC

#R14-296/Award Lease – 5 South Summit Avenue

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

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

PUBLIC HEARINGS

**Ordinance #14-16**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on July 15, 2014, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 14-16 - AN ORDINANCE TO AMEND CHAPTER IX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED “PERSONNEL POLICIES

Public Comments on Ordinances 14-16  
No one came forward

Motion by C. Zinna, second by C. Barzelatto that Ordinance 14-16 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 14-16 was recorded as follows:

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

OLD BUSINESS:

None

NEW BUSINESS:

None

MAYOR’S REMARKS:

Mayor Rustin stated that last year he did not support the referendum, until after the election. Mayor Rustin noted that the Council did not agree that there were no submissions to be made. He added that the Mayor and Council passed a resolution allowing the Nature Center to make any and all submissions required, which he stated, were never to be rescinded or altered. The Mayor emphasized that at any time the State or Federal agency can state that the center cannot be built on the site, which would render the referendum moot. He added that the 7 elected officials have all obliged to abide by the results.

The Mayor noted that the concert series will continue for 2 more weeks. He stated that concerts are held Tuesdays in Huyler Park and Thursdays in Davis Johnson Park.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 14-297.

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. Attorney-Client Privilege
  - 1. 311 Tenafly Road

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 to adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. Zinna, seconded by C. Warms, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:42 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. Barzelatto, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:04 p.m.

Respectfully submitted,

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