

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

THURSDAY, NOVEMBER 13, 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 9:07 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 October 28, 2014 Work Session, October 28, 2014 Regular Meeting and October 28, 2014 Closed Session (not to be released) are approved.

REVISIONS TO AGENDA:
None.

PUBLIC COMMENTS

Mayor Rustin asked the Tenafly Nature Center and Save Tenafly Green Acres to agree to accept the results of the referendum. He advised that if both parties wish to bring everyone together, the campaign needs to end and as well as the war of words for the healing process to begin.

Mike Neus – Engle Street – read a statement into the record regarding The Nature Center trustees, the project, and the behavior of the opposition group.

Tom Jacobs – 66 Magnolia Ave – thanked the Mayor and Council for allowing a referendum to take place on the issue. He added that he believes it is time to move past the issue and come together in support of The Nature Center. Mr. Jacobs asked the Borough Attorney as to the length of time for paperwork to reverse approvals.

Anna Manos – 74 Stonehurst Drive – stated that in the early 1970's her husband, Mayor John Manos, started Green Acres acquisition. She added that the Borough had successfully devised a referendum against any development. Ms. Manos noted that the referendum response is the same as it was 40 years ago. She asked to have a new ordinance implemented, which would revoke the current ordinance. She also stated that she would like the Borough to notify Green Acres to withdraw application.

Mark Feldman – 133 Lylewood Drive – noted that he expected the Council to follow the referendum vote and notify the state and The National Park Service to withdraw the prior resolution, which backed the project. He added that he heard that the project will not go forward, however he stated that he would like the state and federal government to be notified.

Dave Simpson – 12 Woodland Park Drive – noted that the lack of disclosure hurt The Nature Center building. He added that Mr. Neus is disgraceful. He noted that there is bad behavior in every election. He stated that he expected to hear that the application was going to be withdrawn.

Sylvia Meyerson – 133 Kent Road – inquired as to the meaning of letting the application run its course. Mayor Rustin stated that as a result of all the money and effort spent, the

application will run its course. Mayor Rustin stated that the application will help as a reference for proposals on Hudson Avenue, if renovating that site will be pursued. He noted that whether it is approved or denied, the building will not be built. He further added that the Mayor and Council agreed to the referendum and will not go forward. Mayor Rustin stated that a letter will be sent to the TNC that support is being withdrawn.

Val Block – Stonybrook Road – would like copies of all letters that were sent to The Nature Center. Mayor Rustin advised him to file a request in writing at the Borough Clerk's Office.

Quentin Kennedy – Old Smith Road– stated that it is illogical to continue the application because State and Federal government will still need to work on it, which he added does not make sense.

Ernest Kollitidies – 164 E. Clinton Avenue –stated that people who voted have accepted the referendum. He added that the best way to implement the vote is to rescind all agreements. He noted that unless all agreements are rescinded, there will be a revolution.

Lori Starer – Stanton Road – inquired about getting the Mayor and Council meetings televised. She stated that the televised meetings would act as a lesson in bullying, people blowing their top and threatening. She added that residents need to see how people lose their control. She urged the Borough to move on to other business matters within the town.

Don Kornfeld – 258 Highwood Avenue – he stated that the comments have been downhill since Mr. Jacobs had commented. He added that in an effort to make peace and quiet, he believes that the application should be rescinded. He noted that the Mayor must bring all parties together and put together a nature center building suitable for residents.

Linda Boldini – 175 E. Clinton Avenue – stated that she has spent a lot of time at The Nature Center. She added that she was in support of the new building after hearing all of the facts. She noted that the new building would have been handicap accessible. Ms. Boldini stated that it is unfortunate that an amazing gift did not happen. She further noted that kids interested in politics, saw the ugly side of it when they saw “NO” painted on signs, which she added was disgraceful.

Tom Nigro – 5 Stonybrook Road – noted that he was proud of Tenafly last Tuesday because of the resident's passion for preservation and conservation. He added that he is concerned that the Borough will not withdraw the project. Mr. Nigro further added that if the project is approved, it will instill a corrupt monarchy and revive the project.

Christine Evron – 13 Leroy Street– stated that she saw the email from the opposition group. She noted that when an application is filed and completed, it can be used as reference material for other studies.

Alona Ortofsky – 74 Highwood Avenue – noted that she invited Mr. Mike Neus over on October 27th for neighbors to hear him speak. She stated that the next day, two of her signs were removed from her property. She added that Tenafly has lost a lot. Ms. Ortofsky added that when there is bullying within a campaign, it's not a democracy, but rather Mafioso tactics.

Carl Zipperle – 9 Hillside Avenue – stated that no signs were stolen. Mr. Zipperle noted that the bullying tactics were witnessed from both sides. He added that the Mayor is not abiding by the vote. Mayor Rustin advised that he is standing by the results.

April Uram– 2 The Glen – stated that it was not a fair vote. She added that it is the voter's responsibility to understand the issue, but she noted that there was so much misinformation.

Richard Barrata – 24 Standish Court – stated that all residents were losers in this vote. He added that he does not understand how the project was a bad thing. He further added that there is obstructionism in the town. Mr. Barrata stated that he also does not understand how something that was endorsed by environmental groups was rejected. He added that if the project moves forward on Hudson Avenue, it will be the residents that will be paying for it.

Joanne Gambrill – Ravine Road – stated that she did not realize that residents were relitigating the vote. She noted that the word democracy was used by many residents. Ms. Gambrill stated that it is beyond her comprehension for anyone to question anyone else's patriotism. She added that each person has the right to find out and learn the facts for themselves.

Hercules Ventis – 3 Columbus Drive – noted that he heard both sides and published both sides on his website. He added that some residents may not agree with the vote, but he stated that the residents have to move on.

Edythe Kornfeld – 258 Highwood Avenue – stated that she thinks the Borough should withdraw the application, which she noted would be an appropriate end for the referendum.

David Simpson – 12 Woodland Park Drive – inquired as to the status of the lease.

Richard Press – 116 W. Clinton Avenue – stated that he came to support the people who attempted to give the community a facility that was long overdue. He added that it is the responsibility for everyone to vote.

CONSENT AGENDA

- #R14-354/Approve Expenditures as of November 5, 2014
- #R14-355/Authorize 2014 Budget Line Item Transfers
- #R14-356/Authorize Performance Bond Reduction – Shelter Development, LLC
- #R14-357/Authorize Refund – 2013 Tax Court Judgment
- #R14-358/Approve Developer’s Agreement – Sima Mandelzis
- #R14-359/Preserve Strength of Local Pension Funding
- #R14-360/Authorize Refund – Fingerprint Reimbursements
- #R14-361/Authorize Refunds – Recreation Department - Various
- #R14-362/Authorize Refund – PB# 1-11-13
- #R14-363/Authorize Refund – PB#1-12-06 and PB# 1-12-07
- #R14-364/Approve Tree Mitigation Escrow Refund – 54 Sunderland Road
- #R14-365/Approve Tree Mitigation Escrow Refund – 112 Churchill Road
- #R14-366/Approve Interlocal Agreement with Borough of Paramus - Maintenance and Repair of Fire Department Vehicles
- #R14-367/Approve Tree Mitigation Escrow Refund – 156 Magnolia Avenue
- #R14-368/Approve New Construction and Soil Moving Escrow Refund – 100 Deerfield Drive

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

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

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|----------------|-----|-----------|-----|
| C. Barzelatto: | aye | 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.

OLD BUSINESS:

None.

NEW BUSINESS

None.

COMMITTEE REPORTS:

Councilman Basch

The HPC agreed to create sign for Sgt. Oresko, which will be placed by the semi-circle. He noted that it will be a bronze sign with a depiction and writing of his achievements. He added that the HPC is looking for volunteers to create the sign. C. Basch noted that he will ask at the next meeting as to the timeframe in which the sign will be completed.

Councilwoman LaMastra

At the Senior Center, senior citizens are upset that they will not have a generator in place this winter. C. LaMastra added that they are concerned with losing power and shoveling. She added that she would like to publish a list on the website of individuals and their fees of people who are available to shovel. Mayor Rustin stated that high school students would be a good starting point. C. LaMastra also inquired as to the town van. Mayor Rustin stated that he has tried to partner with surrounding town, but no one has accepted.

The Recreation Board meeting was held earlier this week. She stated that the turf was groomed. She noted that summer camp registration begins in January. Lacrosse clinics will be held in the spring. She stated that a self-defense class will start January 10th and cost \$35.00 per person. She advised that the skate park will be closed for routine repairs. C. Barzelatto inquired as to how much the football coaches were paid.

Councilman Barzelatto Thanked the Borough Clerk for putting together the OEM brochure.

Councilman Park The CAP meeting will be held on January 9th. Prosecutor Molinelli will have detectives discuss heroin issue with high school seniors.

Councilman Barzelatto thanked the public for coming to the meeting. He thanked Mr. Mike Neus for his efforts. C. Barzelatto noted that the town has spoken and the Borough will abide by the vote. He stated that it is disgusting and uncalled for when people threaten, attack or make nasty comments. He added that it is no way for a Tenafly resident to behave. C. Barzelatto stated that stealing signs is not what politics is about. He noted that he has never see that type of behavior in his lifetime and added that whether an individual is for or against the project, the conduct shows a lack of respect.

Councilman Warms stated that he is unhappy with the results of the referendum, but will abide by it. He added that there was a lot of passion coming from the people that opposed the referendum. C. Warms noted that there were also a lot of falsehoods and omissions. He implored those who voted against the referendum to realize that there are consequences.

Councilman Basch stated that he is a “no” supporter. C. Basch stated that he would like to stop relitigating the referendum and move on. He noted that he strongly disagrees with continuing with the application because it is site specific. C. Basch added that the referendum took a nasty tone the last few days with defacing signs, which he stated is not acceptable. C. Basch advised that defacing signs is vandalism.

Councilman Zinna added that he is disappointed with the result, but respects the vote of the people. He stated that the outcome will be respected and the project will not be built.

Councilwoman LaMastra spoke of democracy and everyone’s right to vote. She stated that everyone’s vote needs to be respected. C. LaMastra added that belittling anyone is disheartening. She further stated that it’s becoming more divisive with each issue presented before the governing body. C. LaMastra noted that it’s a learning experience and the town will move forward.

MAYOR’S REMARKS:

The Mayor stated that if people do not know how to vote, then shame on them and the advocates, who use bullying tactics. He added that he is disappointed with both sides leading up to the election as well as tonight’s meeting. He noted that making a decision where some individuals do not agree is part of democracy.

Mayor Rustin stated that there was a discussion and the consensus was to allow the application to continue. He added that The Nature Center spent an unbelievable amount of money to prepare the application. The Mayor noted that The Nature Center, Trenton and Washington are all aware that the building will not be built. He advised that there is value in completing the application. He noted that TNC has a 24 year lease, however if the project is not built within 5 years, the 24 year lease will be voided. Mayor Rustin stated that the Borough does not have the legal ability to void the lease. He confirmed that the facility will not be built. He added that he hopes for better demeanor from the public in the future.

The Borough Attorney stated that from the beginning there were many reasons why the project might not get built. He noted that a provision was included that if it does not get built within 5 years, the lease will end. He added that the lease cannot be voided, due to legal obligation.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 14-369.

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. Collective Bargaining
 - 1. Contract Negotiations Update
- B. Attorney-Client Privilege
 - 1. 5 South Summit Avenue Lease

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. LaMastra, seconded by C. Warms, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:54 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Zinna, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:24 p.m.

Respectfully submitted,

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