

# Borough of Tenafly

## MAYOR AND COUNCIL

### MINUTES

**MONDAY, NOVEMBER 24, 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 8:06 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. Notice of this meeting by Resolution #14-301 has been 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.

REVISIONS TO AGENDA: None

Motion by C. Warms, second by C. Park, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the November 13, 2014 Closed Session (not to be released), November 13, 2014 Work Session, November 13, 2014 Regular Meeting, and November 13, 2014 Closed Session (not to be released) are approved.

#### PRESENTATIONS – 2014 Fire Prevention Poster Contest Winners

Mayor Rustin stated that it was great to have so many individuals in Fire Prevention. He added that many people are unaware of what the Fire Department does. He further added that there were two house fires in town on Friday and Saturday which TFD responded to. Mayor Rustin commended the volunteers who put their lives on the line.

Chief Philpott, former Chief Connolly and Captain Semone presented the 2014 Fire Prevention Poster Contest Winners with awards for grades Kindergarten through fifth grade.

Award winners were as follows:

#### Kindergarten

Honorable Mention	Chloe Squillante
3rd Place	Roy Segal Bar Yosef
2nd Place	Emily Hobaichan
1st Place	Pearl Herrera-Lim

#### First Grade

Honorable Mention	Mariella Sabay
3rd Place	Emily Yin
2nd Place	Marisa Garcia Nunez
1st Place	Valentina Reyes

#### Second Grade

Honorable Mention	Christian Jee
3rd Place	Chloe Kim
2nd Place	James Freiser
1st Place	Jessica Guo

#### Third Grade

Honorable Mention	Belen Franco
3rd Place	Hannah Habib
2nd Place	Kaitlyn Acevedo
1st Place	Adam Baptiste

#### Fourth Grade

Honorable Mention	Jamie McClane
3rd Place	Roni Feldman
2nd Place	Esther Shin
1st Place	Goldie Singer

#### Fifth Grade

Honorable Mention	Kara park
3rd Place	Jacob Vougiateis
2nd Place	Dahyun Alice Yoon
1st Place	Gabriella Linde

Former Chief Connolly confirmed that the Best Overall Poster Winner for the 2014 Poster Contest “Working Smoke Alarms Save Lives, Test Yours Every Month” goes to Adam Baptiste, who received a \$50.00 donation from the Tenafly Fire Association.

Former Chief Connolly spoke about the Junior Fire Fighters Program. He stated that residents’ ages 16 to 18 years old are eligible to participate in the program. He added that the program falls within the guidelines from the Department of Labor. Former Chief Connolly added that the teens are allowed to go to the fire academy as a Jr. Fire Fighter; although he advised that they are limited on what they can do on the fire ground. He added that all teenagers are welcome to participate, providing that they are between 16 and 18 years old. Mayor Rustin stated that Tenafly is very fortunate to have a volunteer Fire Department and commended them for their service.

#### PUBLIC COMMENTS

Johanna Gambrill – Ravine Road- stated that there is a car company located near Hillside Avenue, which uses the street to park cars that are being serviced. She noted that the street currently has a 2 hour parking limit. She added that individuals exiting the BP gas station have no visibility, which she deemed as unsafe and unnecessary. Ms. Gambrill does not want the police to check into the matter; however she instead would like no parking on the right side and keep the 2 hour parking on the left side. She further added that the company is advertising with its logo on the cars parked on the street.

David Simpson – 12 Woodland Park Drive – stated that he would like the Mayor and Council to keep their honor and integrity by withdrawing the TNC application. He added that it is one of two reasons that the Borough does not want to withdraw the application. He stated that the Borough is either trying to hide something or there is a serious misunderstanding. Mr. Simpson added that the state and federal agency is able to move forward with the project because there is nothing to prevent it. Mr. Simpson would like the lease rescinded.

Alvin Myerson – 133 Kent Road- inquired about letter from the Mayor on January 15th, 2014, which confirms that TNC will not proceed with the project. Mayor Rustin stated that the letter has been sent to TNC withdrawing approval.

Melvin Lubins – 33 Stonybrook Road – questioned the Council if they have been to 37 Stonybrook Road. C. Warms confirmed that he has been to the address. He further questioned why the Council has not discussed building codes.

Carl Zipperle – 89 Hillside Avenue- inquired as to the Borough’s ability to stop TNC if the approval goes through. He questioned whether TNC would be granted a relief. He stated that he does not see how the Borough would be able to stop TNC from proceeding. Mr. Zipperle added that TNC have not fully withdrawn their support. He prepared an amendment to the contract for TNC to sign. He stated that if they are sincere about their withdrawal, that they will sign it.

Ernie Kollitides – 164 E. Clinton Avenue – stated that at the last meeting he was waiting to hear a dignified speech from Mr. Mike Neus; however he noted his speech was full of sour grapes. Mr. Kollitides calls members in support of the Save the Green Acres the caring majority. He stated that he believes the Mayor and Council underestimated Save the Green Acres. He added that he would like all applications withdrawn. Mr. Kollitides stated that while the Mayor will keep the nonbinding referendum, in a few years a new mayor may open the project back up.

David Simpson – 12 Woodland Park Drive- noted that there is a flaw in relying on the letter. Mr. Simpson stated that there is an ordinance, resolution and lease in place. Mr. Simpson added that TNC is not bound by the withdrawal letter.

Carl Zipperle – 89 Hillside Avenue- stated that it is the Borough’s responsibility to get a written opinion from the Borough Attorney.

Sylvia Myerson – 133 Kent Road – Read a statement into the record. She urged the Mayor to be a man of his word and terminate the approval to the DEP.

Edyth Kornfeld – 258 Highwood Avenue- stated that applications to the State and Federal Government should be withdrawn.

Gerry Nigro – 5 Stonybrook Road – thanked the Mayor and Council for honoring the referendum. He stated the Mayor and Council reserve the right to terminate their partnership with TNC. He urged the Mayor and Council to act before November 30th.

David Weisockiec – 22 Glenwood Road – sought clarification on how the borough is supporting the referendum by allowing the application to continue. He stated that the Borough is allowing another government agency to waste resources by proceeding with the application. Mr. Weisockiec inquired as to the risk associated with keeping an application pending without intent to follow through with the project called the False Claims Act.

Risa Rosenberg – Newcomb Road- stated that she was a former board member of TNC, however she added that she is speaking as a private citizen. She further stated that she was involved with the application process. She added that TNC has acknowledged that if they are advised in writing that there is no support, they will not move forward with the project. She noted that the Park Service was informed that the project was not going to be moving forward. Ms. Rosenberg advised that the application includes an evaluation of the Hudson Avenue site, which can be referred to for any future work on Hudson Avenue. She noted that it is of value. She urged the Mayor and Council to move onto more constructive matters.

Tom Jacobs – 66 Magnolia Avenue- strongly urged the Mayor and Council to withdraw the application. He noted that the last 2 losing Council candidates were strong supporters of the Nature Center.

Sylvia Meyerson- 133 Kent Road – questioned why the letter to TNC will be discussed, if it had already been sent. Mayor Rustin stated that an issue raised by C. Basch will be discussed.

Tom Nigro – 5 Stonybrook Road – thanked the Borough Clerk for her work and professionalism. He stated that he would like the TNC matter to be closed. He added that the only reason why the Land and Water Conservation Fund is involved is because they provided funding to the 1976 acquisition of the Blankman tract. Mr. Nigro questioned why the Borough would continue with the application, if the Blankman tract is not being considered.

Mayor Rustin stated that it is frustrating to hear residents say that the project is not dead; when it is in fact the project is dead to the governing body. He added that the National Park Service is aware that the project is not moving forward. He noted that one of the reasons the application has not been closed out is because there is value in keeping it active in an effort to get a sense of what the NPS considers a change of use. The Mayor stated that while Council can make all the requested changes, a future council could reverse any action. He noted that anytime there is a gift in any nature, approval of that gift requires official Council action. The Mayor added that there are several steps for the governing body for approval of the gift. He stated that the referendum decided that the building will not be built.

#### CONSENT AGENDA

- A. **#R14-370**/Approve Expenditures as of November 19, 2014
- B. **#R14-371**/ Establish a Dedicated Trust by Rider and Escrow Account for “Payment of Off-Duty Police officers for Outside Employment”
- C. **#R14-372**/Schedule 2014 Recess/2015 Reorganization Meetings and January 6, 2015 Work Session Meeting
- D. **#R14-373**/Authorize Refund – New Construction and Soil Moving Escrow – MDH Builders
- E. **#R14-374**/Authorize Refund – Tax Court Judgment
- F. **#R14-375**/Authorize Refund – Fingerprint Reimbursement
- G. **#R14-376**/Authorize Refunds – Recreation Department – Various
- H. **#R13-377**/Authorize Refund – Use of Davis-Johnson Park – Panmun
- I. **#R14-378**/Authorize Refund – New Construction and Soil Moving Escrow – 147 Newcomb Road

- J. **#R14-379**/Authorize Refund – Use of Davis-Johnson Park – Raff
- K. **#R14-380**/Approve Change Order #2 – Municipal Building Chiller Replacement
- L. **#R14-381**/Authorize Professional Engineering Services – Borough Zoning Map Revisions
- M. **#R14-382**/Authorize Redemption of Tax Title Lien 13-7
- N. **#R14-383**/Authorize Refund – Addition and Soil Moving Escrow – 11 Forest Road
- O. **#R14-384**/Authorize Refund – Tree Mitigation Escrow – 31 Dogwood Lane
- P. **#R14-385**/Authorize Refund – Tree Mitigation Escrow – 411 East Clinton Avenue
- Q. **#R14-386**/Authorize Submission of Community Development Block Grant Application – Davis Johnson Park ADA Accessibility for Gazebo Concert Area

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

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

**NEW BUSINESS:**

- Introduction of Ordinance

C. LaMastra moved to introduce and pass on first reading Ordinance 14-20 on first reading and setting December 9, 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. Park :

The Borough Clerk read the ordinance into the record:

ORDINANCE NO. 14-20 - AN ORDINANCE TO AMEND CHAPTER II, ARTICLE III, SECTION 2-45 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ENTITLED "POLICE DEPARTMENT."

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

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

**COMMITTEE REPORTS**

Councilmember Warms

The Environmental Commission and the Green Team met. The Borough was recertified at the bronze level. He stated that the Environmental Commission and the Green Team are planning ahead to achieve the silver certification for Sustainable Jersey. C. Warms stated that it was requested that a committee meet to discuss the use of the Open Space trust fund.

Mayor Rustin

The NJ League of Municipalities held had its conference. COAH was discussed at the conference. He stated that COAH is in a state of flux, but must be watched carefully.

C. LaMastra questioned C. Barzelatto if there are any new members in the Fire Department. C. Barzelatto confirmed that there are new members in the Fire Department.

**OLD BUSINESS:**

C. Basch stated that Council agreed to abide by the referendum. He added that he would like to move on from the issue; however he noted that the dividing factor is the application. He stated that the Governing Body has an obligation to look at and discuss the application. C. Basch urged the Council to reconsider moving ahead with the application.

Mayor Rustin stated that he would like to discuss the future of the application.

The Borough Attorney stated that there was no official action taken on the application. He added that the application serves for practicality and legal obligations.

C. Zinna noted that the feedback from the public is that there is confusion, which is creating acrimony.

Mayor Rustin noted that the consensus of the majority of the Council was to withdraw the application. He added that the upcoming Work Session and Closed Session will further discuss the issue.

**MAYOR'S REMARKS:**

Mayor Rustin noted that he would like the battle over the TNC application to end. He added that when people use phrases such as stalinistic or gestapo, it demeans what is being said. The Mayor stated that he is glad the meetings are not televised yet because the conversations are embarrassing. He further added that demeanor is important and inappropriate behavior is not acceptable. Mayor Rustin stated that democracy is not working when people are screaming and calling each other names.

**ADJOURNMENT:**

As there was no further business to come before the Council, on a motion by C. Lamastra, second by C. Basch, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:59 p.m.

Respectfully submitted,

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