

# **Borough of Tenafly**

## **MAYOR AND COUNCIL**

### **MINUTES**

**TUESDAY, MARCH 24, 2015**

PRESENT: Mayor Peter Rustin, and Councilmembers Anthony Barzelatto, Maxim Basch, Nadia LaMastra, Daniel Park, Paul Stefanowicz, and Mark Zinna

ABSENT: None

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

At 8:54 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 confirmed at the Annual Meeting, are posted on the public bulletin board in the lobby of the Municipal Center, published in the Record within the first 10 days of the New Year, and copies are sent to the Suburbanite and Northern Valley News."

The Salute to the Flag was led by Mayor Peter Rustin.

#### REVISIONS TO AGENDA:

Mr. McClure advised that there were no revisions to the agenda.

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

BE IT RESOLVED that the Minutes of the February 7, 2015 Budget Meeting, February 17, 2015 Budget Meeting, February 21, 2015 Budget Meeting, March 9, 2015 Closed Session (not to be released), and March 10, 2015 Closed Session (not to be released), are approved.

#### PUBLIC COMMENTS

Christine Evron-39 Leroy Street- stated that she was happy to see that Council is moving forward with discussing the dog park. She questioned whether it was possible to obtain details on the Engineer's report and the Fire Department objections in case Foster Road falls through. The Mayor stated that the Engineer's report and the Firemen's objections have been verbalized to the Council.

Fred Robins – 91 Sunset Lane – voiced his concern over warm up music that is played at games during the week. He stated that he has taken a small sample of readings where the sound is persistent at 94 decibels. He stated that the Bergen County Health Services Committee also came to take readings. Mr. Robins added that the Board of Education was informed of the reading. The Mayor noted that the Borough is the enforcement agency regarding noise violations and not the Board of Education. Mayor Rustin stated that he also has an issue with the volume of the warm up music. He stated that the music needs to be at a level where it does not negatively affect the neighbors. He stated that he will visit the field more often. He stated that he heard music playing at 6pm for a 7pm game, which was excessively loud and asked them to turn it down. He added that the music was to benefit the players on the football field. The Mayor noted that at the Joint Use Committee's meeting last year, he believes it was agreed to only play warm up music during varsity level games at a reasonable level. The Mayor stated that he believes Mr. Robins is being realistic in his request.

Andrew Mikesh – 50 Sherwood Road- stated that he is glad that Council is moving ahead and discussing the dog park. He stated that he is aware that finding the right location is a big challenge. He stated that he believes that Foster Road is a great space to use. The Mayor added that another part of the challenge is to make sure there is not a negative impact for residents on Foster Road. The Mayor added that for those with experience with dog parks, there is not a lot of barking dogs or dogs running loose. C. Barzelatto suggested going to Tenakill Parkway. The Mayor stated that Tenakill Parkway is more residential and does not have the parking accommodations.

Hercules Invictus – 3 Columbus Drive- thanked the Mayor and Council for keeping the dog park alive. Mayor Rustin asked Mr. Invictus how many dogs he has. Mr. Invictus stated that he has one Chihuahua named Xena the Warrior Princess.

CONSENT AGENDA

- #R15-107/Approve Expenditures as of March 18, 2015
- #R15-108/Approve Raffle Applications – RA 1108 & 1109
- #R15-109/Authorize Refund - Tenaflly Youth Services Teen Summer Camp
- #R15-110/Amend Temporary Budget
- #R15-111/Authorize 2014 Appropriation Reserve Line Item Transfers
- #R15-112/Authorize Refund of Taxes – Carmody
- #R15-113/Authorize Refund – Recreation Department – Fingerprint Reimbursement
- #R15-114/Authorize Refund – Recreation Department – Summer Camp
- #R15-115/Authorize Redemption of Tax Title Lien – TTL12-7
- #R15-116/Authorize Refund – Tax Court Judgment – Silverman
- #R15-117/Authorize Refunds – Tax Court Judgment – Various
- #R15-118/Authorize Refund – Tax Court Judgment – Baumgarten

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

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

PUBLIC HEARINGS

- **ORDINANCE 15-04**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on February 10, 2015, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 15-04 - REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF OUTSTANDING GENERAL IMPROVEMENT BONDS BY THE BOROUGH OF TENAFLY, APPROPRIATING \$6,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,800,000 REFUNDING BONDS OF THE BOROUGH TO FINANCE THE COST THEREOF

Public Comments on Ordinance 15-04  
No one came forward.

Motion by C. Zinna, second by C. Barzelatto that Ordinances 15-04 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

On a roll call, the vote for Ordinance 15-04 was recorded as follows:

C. Barzelatto:	aye	C. Park:	aye
C. Basch:	abstain	C. Stefanowicz:	aye
C. LaMastra:	aye	C. Zinna:	aye

OLD BUSINESS:  
None.

NEW BUSINESS:  
Introduction of Ordinance

C. LaMastra moved that the following ordinance be introduced and passed on first reading and set April 14, 2015 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 Tenaflly Municipal Center as the place for a hearing on said ordinance. Seconded by C. Zinna:

The Borough Clerk read into the record:

ORDINANCE NO. 15-05 - AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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

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

**#R15-119/Authorize Sale of Refunding Bonds to RBC Capital Markets, LLC**

Motion by C. Zinna, second by C. Park that #R15-119 be approved.

On a roll call, the vote on #R15-119 was recorded as follows:

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

**#R15-120/Introduce 2015 Municipal Budget**

C. Stefanowicz moved to adopt Resolution #15-120 and set April 28, 2015 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 the adoption of the 2015 Municipal Budget. Seconded by C. Park :

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

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

C. Basch stated that he has a letter that was addressed to the Mayor and Council from Mr. Jacobs, which he would like to discuss at the public meeting. The Borough Clerk stated that the issue had previously been discussed as a Council item. Mayor Rustin advised to add the letter under correspondence for the April 7<sup>th</sup> Work Session.

**COMMITTEE REPORTS**

**Councilman Park**

The Green Team and the Environmental Commission had their meetings. He stated that there was a chance to apply for an ANJEC grant for \$1,500 dollars. He noted that there was discussion to start up a community garden; however the Nature Center had a proposal for the grant application. C. Park stated if the Nature Center were to receive the grant, it will fund their trail study. C. Park added that he will be looking for an alternate way to fund the garden.

C. Park stated that he reached out to the Library regarding an Eagle Scout opportunity. He added that the Library would like to redo their outside garden. He advised that DPW Director, Bob Culvert also thought it would be a good idea. C. Park further added that once everything is finalized, the students will be contacted. Mayor Rustin added that he hopes there will be a fence in place to deter the deer.

**Councilman Zinna**

The COAH subcommittee met earlier in the week. C. Zinna stated that he and the Mayor met with members of the Planning Board, the COAH attorney, Borough Attorney and the Planning Board Attorney. He stated that the Supreme Court decided to take over the implementation of COAH rules. C. Zinna advised that there are two things that the Borough must do to protect itself. He noted the first thing that must be done is to file a declarative judgement with the court that states the

Borough either has a COAH plan or the Borough is in the process of making a COAH plan. He added the second step; in which the Planning Board's COAH Attorney will draft a resolution, which will be sent to the Council for approval. C. Zinna stated that once the resolution is approved, a declaratory judgement will be filed in June within the allotted 30 days. He added that Joe Burgis from the Planning Board is going to put together the Borough's plan for COAH, which will be filed by November 8<sup>th</sup>.

C. Basch inquired as to whether COAH has set rules in place. C. Zinna stated that there were two sets of rules. He noted that the one rule was called The Fair Share Methodology from the second round and the other was from the third round called The Growth Share Methodology. He stated that the Growth Share Methodology was deemed exclusionary by the court. The Borough attorney advised that the courts are going back to the Fair Share Methodology. The Mayor stated that we have deadlines for submitting a plan. C. Basch questioned whether there is a plan in which is going to be presented to the Council in the near future. C. Zinna stated that the plan does not have to be filed until November.

Councilman Barzelatto

The majority of all the fire hydrant markers have been installed by the volunteers. He noted that the markers are reflective, which he assists in locating them at any time, not just when there is snow.

He advised that the Fire Department has received their new fire truck. He added that he would like the Council to come and see the new fire truck.

Councilwoman LaMastra

Recreation did not have their meeting this week because there were not enough people for a quorum. The Senior Citizens Advisory Board meeting did not take place. TVAC met this week. She stated that TVAC had a very successful blood drive. C. LaMastra thanked the Mayor for donating blood. She stated that they had 23 units of blood donated, which was more than they expected. She stated that a lot of businesses were reluctant to hang up signs to advertise the event. The Board of Health had questions regarding the Blood Drive. Ms. Reynolds from TVAC attended the Board of Health meeting, where informative information was exchanged. The TVAC annual dinner will be held June 13<sup>th</sup>.

C. Barzelatto questioned whether there are defibrillators in buildings, such as the Sunnyside and the snack shack. C. LaMastra stated that she believes that Sunnyside has defibrillators present; however she is not sure if the snack shack has them. C. Basch stated that the Board of Health is going to do an inventory of all defibrillators and CPR devices and publish a list.

Councilman Basch

The Board of Health met. He stated Ms. Reynolds from TVAC was present. C. Basch stated that everyone was extremely congratulatory of the work the ambulance is doing. He noted that Ms. Reynolds explained that TVAC requires that volunteers who are taking the exam pay the \$1,300 dollar fee up front, which is then reimbursed by the Borough. C. Basch stated that the ten volunteers

who took the test passed. He added several volunteers in Edgewater who took the exam, where the Borough paid upfront, failed the exam. The Mayor questioned if there are instances where an individual does not apply due to their financial situation. C. Basch advised that TVAC has made exceptions and anyone who does not have the money will be covered. C. Basch stated that the new influenza vaccine was also discussed. He noted that Medicare has reimbursed the Borough \$4,500 for the cost of the vaccines, which were administered last year. C. Basch advised that the Borough will buy \$10,000.00 worth of high dose vaccines for next year. C. Basch noted that there is a new member on the Board of Health. He noted that with regards to restaurant inspections, the vast majority passed. He added that a request to increase fees for reinspection will be presented to Council.

Councilwoman LaMastra

The BID met after the Downtown NJ presentation. She noted that Stephanie Pasternak was elected President of the BID, Carol Geisenheimer will now serve as Vice President, Khalid Mansoor was elected Treasurer and Beth Kreitman will serve as the Secretary of the BID. She noted that the BID agreed to pay to join the membership of Downtown NJ. She added that they will attend events and courses held by Downtown NJ before determining to undergo a study. C. LaMastra stated that the BID will fix and put up banners that were taken down for the holidays.

**MAYOR'S REMARKS:**

The Mayor noted that the Mayor's Wellness Campaign is going to take a new initiative called Conversation of a Lifetime, which was suggested by the state's Mayor's Wellness Campaign. He stated that it is an attempt to prepare individuals of all ages for decisions that are made late in life regarding financial and medical preparations. He added that the Borough is in the process of putting together a town wide committee of individuals who have an interest in various aspects of campaign.

Mayor Rustin read into the record a proclamation honoring the Borough's Bond Counsel, Mr. John Kraft.

*WHEREAS, John L. Kraft Esq. has served as Tenaflly's Bond Counsel for longer than anyone can remember; and*

*WHEREAS, John L. Kraft has provided Tenaflly with impeccable and reliable service over that period of time; and*

*WHEREAS, John L. Kraft, in 1971, became New Jersey's first Bond Counsel, setting a tradition of excellence that continues today; and*

*WHEREAS, the New Jersey Law Journal, recognizing his contributions to New Jersey's public finance laws, has chosen John L. Kraft to receive its first Lifetime Achievement Award.*

*NOW THEREFORE BE IT PROCLAIMED, that the Mayor and Council of the Borough of Tenaflly congratulate John L. Kraft Esq. on his receiving the Lifetime Achievement Award and thank him for his continued service to the Borough of Tenaflly.*

**CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 15-121.

BE IT RESOLVED in compliance with NJSA 10:4-12, the Mayor and Council of the Borough of Tenaflly are going into Closed Executive Session to discuss the following matters:

- A. Personnel
  - 1. Finance Department Appointment
  - 2. Pending DPW Employee Complaint
  - 3. DPW Employee Potential Disciplinary Action
  
- B. Attorney-Client Privilege
  - 1. Swim Club Leases

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. Park, seconded by C. Zinna, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:33 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. Park, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:42 p.m.

Respectfully submitted,

Lissette Aportela,  
MPA, RMC, CMC  
Borough Clerk