

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

MONDAY, JULY 13, 2015

PRESENT: Mayor 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 8:30 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 notice of this meeting by Resolution #15-101 has been sent to the Record, Suburbanite, and Northern Valley Press, has been posted on the bulletin board in the lobby of the Municipal Center and Borough Website"

The Salute to the Flag was led by Mayor Rustin

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

BE IT RESOLVED that the Minutes of the June 30, 2015 Work Session, June 30, 2015 Regular Meeting, and June 30, 2015 Closed Session (not to be released) are approved.

REVISIONS TO AGENDA:
None.

PUBLIC COMMENTS

Stanley Heller – 14 Marcotte Lane – stated that he has been a Tenafly resident for 47 years and had taken pride in the town; however he added that he is ashamed of the town's handling of the McKay-Lowe-Clyman Estate by not designating the property historic. He discussed the landmark preservation law and added that the consent of the owner is not required.

Joshua Lapsker – submitted a proposal and preliminary drawings for a proposed assistant living facility, physical therapy and condos.

Kevin Tremble – 81 Westervelt Avenue – referenced the Cotswold litigation that the Borough prevailed. He noted that since the HPC's inception, they have returned revenue for the Borough. He added that the Borough's income from the railroad station is \$82,000.00 annually. Mr. Tremble further added that the owner's consent is not required.

Jeffery Miller – 187 Leroy Street – questioned if there had been a formal vote for historic designation. Mayor Rustin stated that if there is no consensus to do something, then the governing body does not move forward.

Jim Coyle – 14 Kenwood Road – spoke of the Open Space Trust Fund. He stated that prior use of funds undermined its purpose. He added that there had been a long list of deficiencies in spending. Mr. Coyle added that he hopes the funds will not be altered from its primary purpose. He stated that he has a hard time understanding why Open Space Funds were used for the artificial turf.

Karen Blumenthal – Global Advisor on Smokefree Policy – applauded the Borough for proceeding with the tobacco sale ordinance. She thanked the governing body for the smoke free parks policy. She advised that the Senate in NJ already passed a bill to increase the age of smoking to 21, which is awaiting the Assembly's response to proceed. Ms. Blumenthal informed a about survey that found that 75 percent of the individuals favored the increased smoking age. She added that the policy can help reduce access of products to youths.

Gerry Nigro – 5 Stonybrook Road – questioned the governing body on whether anyone has reached out to a philanthropist. He stated that he would like to call a recess for 6 months, until a 3rd party acquires the property. Mr. Nigro added that developers who work in Tenafly are not residents and stated that it is not fair to the residents. He further urged the Council to tighten up the tree ordinance.

Mayor Rustin asked Mr. Nigro to give him any names of potential philanthropists that he thinks would be helpful.

James Irwin – 40 Jefferson Street – thanked the Mayor and Council for considering the ordinance on tobacco and electronic cigarettes. Mr. Irwin also recognized Mr. Joey Robinson Jr. of Tenafly, who passed away over the weekend.

CONSENT AGENDA

- A. **#R15-237**/Approve Expenditures as of July 8, 2015
- B. **#R15-238**/Approve Outdoor Seating Permit
- C. **#R15-239**/Authorize Renewal of Plenary Retail Consumption License, Plenary Retail Distribution License, and Club License
- D. **#R15-240**/Authorize Additional Engineering Services – Griffin Park Improvements
- E. **#R15-241**/Approve Change Order #2 – Concrete Construction Corp
- F. **#R15-242**/Certify 2014 Audit
- G. **#R15-243**/Adopt Corrective Action Plan
- H. **#R15-244**/Authorize Release of Letter of Credit – Lubavitch on the Palisades
- I. **#R15-245**/Authorize Redemption of Tax Title Lien TTL 2014-3
- J. **#R15-246**/Authorize Tree Mitigation Escrow Refund – 47 Homestead Road
- K. **#R15-247**/Authorize Refund – Youth Services Teen Summer Camp – Diamant
- L. **#R15-248**/Authorize Refund – Youth Services Teen Summer Camp – Kim
- M. **#R15-249**/Authorize Refund – Youth Services Teen Summer Camp – Liu
- N. **#R15-250**/Authorize Refund – Youth Services Teen Summer Camp – Spindel
- O. **#R15-251**/Authorize Refund – Youth Services Teen Summer Camp – Teraguchi
- P. **#R15-252**/Authorize Refund – Youth Services Teen Summer Camp – Zinna
- Q. **#R15-253**/Authorize Receipt of Bids – 2014 HMGP Generator Project
- R. **#R15-254**/Amend Contract – Government Management Advisors, LLC
- S. **#R15-255**/Award Professional Services Contract to Dedicated Project Services LLC for Clerk of the Works Services for the Tenafly Public Works Building Construction Project
- T. **#R15-256**/Award Contract – Tenafly Road Section 4 Project
- U. **#R15-257**/Award Contract – 2015 Micro-Surfacing Project
- V. **#R15-258**/Award Contract – 2015 Road Resurfacing Program
- W. **#R15-259**/Authorize Professional Environmental and Licensed Site Remediation Professional Services

Motion by C. LaMastra, 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	C. Stefanowicz:	aye
C. LaMastra:	aye	C. Zinna:	aye (abstained from #R15-252)

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

PUBLIC HEARINGS

- **ORDINANCE 15-09**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on June 30, 2015, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 15-09 – AN ORDINANCE APPROPRIATING \$46,000 AVAILABLE GRANT FROM BERGEN COUNTY OPEN SPACE AND \$54,500 AVAILABLE IN CAPITAL FUND BALANCE TO PROVIDE FOR IMPROVEMENTS TO GRIFFIN PARK IN THE BOROUGH OF TENAFLY TO BE UNDERTAKEN

Public Comments on Ordinance 15-09

No one came forward.

Motion by C. Park, second by C. Zinna that Ordinance 15-09 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 15-09 was recorded as follows:

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

COMMITTEE REPORTS:

Councilman Stefanowicz

The Board of Adjustment met last Monday. He noted that 2 matters were carried forward and 1 item was postponed.

The HPC's class A member, Richard Bennett drafted his yearend report, which will be submitted to the Administrator once it is finished.

Councilman Zinna

The Chamber of Commerce will hold an art show in August. On September 3rd the Chamber of Commerce will have a networking party.

Councilman Park

The Nature Center met and presented ideas regarding Pfister's Pond.

The Green Team Chair did a site walkthrough for the community garden. He also added that he and the DPW Director did a walkthrough of the library for a garden; however he noted that it is on a steep slope.

Mayor Rustin

The Mayor advised that the Planning Board adjourned discussion regarding 87 County Road until August.

OLD BUSINESS

C. Barzelatto would like to discuss the historic designation of 53 Knickerbocker on the August Work Session.

NEW BUSINESS:

Introduction of Ordinances

C. Stefanowicz moved that the following ordinances be introduced and passed on first reading and set August 10, 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 Tenafly Municipal Center as the place for a hearing on said ordinance. Seconded by C. Park:

The Borough Clerk read into the record:

ORDINANCE NO. 15-10 – AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS REPRESENTED BY THE TENAFLY PUBLIC WORKS SUPERVISORS BARGAINING UNIT FOR THE CALENDAR YEARS 2014, 2015, AND 2016

ORDINANCE NO. 15-11 - AN ORDINANCE CREATING NEW SECTION 3-17 IN CHAPTER III OF BOROUGH REGULATIONS, WHICH SHALL BE ENTITLED "SALES OF TOBACCO AND NICOTINE DELIVERY PRODUCTS".

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

C. Barzelatto:	aye	(nay 15-10)	C. Park:	aye
C. Basch:	aye	(nay 15-10)	C. Stefanowicz:	aye
C. LaMastra:	aye		C. Zinna:	aye (nay 15-11)

MAYOR'S REMARKS

The Mayor stated that he shares the same feelings regarding the tree ordinance; however he added that things have to be put into legal prospective. He noted that all developers and property owners are treated the same and must follow the same rules. He added that he is

shocked by the amount of trees being taken down; however he stated that the current ordinance is one of the strongest in the country.

Mayor Rustin advised that the Open Space funds are to be used for Open Space, Recreation and Historic Preservation. He informed residents that Open Space funds have been used 2 times so far to acquire Hudson Avenue and for Geissinger Field. The Mayor advised that Recreation was included because the fund needs to be established by a referendum. He noted that in two years the fund ends and another referendum will then be needed to be done to extend the funds.

The Mayor gave an overview of the history of 53 Knickerbocker Road. He stated that the HPC did an excellent job explaining why they wanted to save the property. Mayor Rustin noted that the Mayor and Council asked the Planning Board for recommendations. He advised that the Planning Board recommended designating the whole property as historic. On June 24th, 2014 there was a motion to designate just the house, which was not supported. The Mayor added that there was no consensus for the entire property. He added that several months later it was discussed to bring the property up for designation again, however it did not move forward.

He added that it has been suggested that Mr. Lapsker discuss his plans directly with the owner. Mayor Rustin stated that he does not understand why there has not been direct contact with the owner. He explained that putting in 118 units does not save the property. He noted that he would like the property saved as it stands. Mayor Rustin further added that he would be willing to contact philanthropic benefactors. He informed that the word 'tree' is not mentioned in the HPC report, only the house and great lawn. The Mayor noted that the Borough is bound by due process, which is currently going before the Planning Board.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 15-260.

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. Litigation/Attorney-Client Privilege
 - 1. Latz v. Borough of Tenafly

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. Zinna, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:24 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 9:36 p.m.

Respectfully submitted,

Lissette Aportela,
MPA, RMC, CMC
Borough Clerk