

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, AUGUST 15, 2016

PRESENT: Mayor Rustin and Councilmembers Maxim Basch, Shama Haider, Daniel Park, Paul Stefanowicz and Mark Zinna

ABSENT: Councilmember Anthony Barzelatto

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

At 9:08 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 Rustin

Motion by C. Zinna, second by C. Haider, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the July 11, 2016 Work Session, July 11, 2016 Regular Meeting, and July 11, 2016 Closed Session (not to be released) are approved.

REVISIONS TO AGENDA:

Mr. McClure advised that #R16-297 would be added to the consent agenda approving the settlement recommendation between PBA and the Borough.

PUBLIC COMMENTS

Robike Noll – Westwood business owner – provided a copy of Wyckoff's ordinance banning the sale of dogs and cats from pet shops. Ms. Noll stated that she fosters and rescues animals. She emphasized that towns are relying on the state wide ban on the sale of commercial dogs and cats. Ms. Noll informed that the USDA law stated that an animal must have 6 inches of space above their heads when standing and 6 inches on each side of their cage. She described that a lot of states have started to look at these conditions where the animals are kept. She highlighted that bill S63 had passed through the Senate and has to go to the house. She noted that some towns believe that they do not need the ordinance because they do not have pet store; however she added that this is a safety net in the event that someone tries to open a store in the town.

Gloria Layne – stated that she had read about different town ordinances regarding rentals. She stated that the rentals involved tourists and is approximately 6 months. She urged the Council to review the matter. Mayor Rustin noted that Cresskill passed a similar ordinance. He added that there was an incident involving a home that was leased out on a weekend basis to hold large parties. Mayor Rustin acknowledged that it would be difficult to pass an ordinance, unless the issue arises. Mrs. Layne also voiced her concern over residents putting up signage that is not in English. She stated that signs should have English wording and if needed another language. She urged the Council to further review the issue.

Johanna Gambrill – Ravine Road – commented that the parking plan that is considered by Council, should have been facilitated by more than an 8th grader. Mayor Rustin corrected her and advised that the parking plan was created by a 12th grade honor student. He added that they are citizens just like all the other residents. Ms. Gambrill advised that if the Borough wants to see more customers in town, they have to enforce ordinances, such as no skateboard and scooter use. She suggested that a sign be posted on each end of Washington Street stating prohibited use of such items. Ms. Gambrill believes it would be a good idea to stand behind the climate change resolution.

Mark Feldman – 133 Lylewood Drive – voiced his concern over the increase the amount for the county portion of his annual tax bill. He calculated 2009 to 2016 for the municipal and county portion. He informed that the municipal portion has gone up 26.7%. Mr. Feldman advised that the county's portion has raised 42.3%. He urged the Borough to verify the amount to determine if the calculations are done correctly.

Christine Evron – Chamber of Commerce President - Thanked the Council for proceeding with the 3 month moratorium for employee parking. She assured the Council that the Police Department is very diligent in enforcing the parking regulations.

CONSENT AGENDA

- #R16-274/Approve Expenditures as of August 10, 2016
- #R16-275/Approve Tree Mitigation Escrow Refund and Forfeit to Shade Tree Trust Fund – 18 N. Lyle Avenue
- #R16-276/Approve Engineering Escrow Refund – 63 Homestead Road
- #R16-277/Approve Raffle Applications – RA1140 – 1142
- #R16-278/Approve Refund – Tax Court Judgment – Block 1005, Lot 5.01
- #R16-279/Approve Engineering Escrow Refund – 163 Highwood Avenue
- #R16-280/Approve Board of Adjustment Escrow Refund – 42 Madison Avenue
- #R16-281/Approve Board of Adjustment Escrow Refund – 52-56 Madison Avenue
- #R16-282/Appoint Qualified Purchasing Agent
- #R16-283/Approve Refund – Street Opening Bonds – Various
- #R16-284/Approve Transfer of Street Opening Bonds to Current Fund
- #R16-285/Approve Planning Board Escrow Refund – PB#1-14-03 & PB#1-14-09
- #R16-286/Renew Membership – Joint Insurance Fund – 2017-2020
- #R16-287/Authorize Additional Funding - Municipal Shared Services Defense Agreement
- #R16-288/Authorize Professional Engineering Services - 2016 Bergen County Community Development Grant Application
- #R16-289/Authorize Professional Engineering Services - 2016 Bergen County Open Space Grant Application
- #R16-290/Authorize Cancellation of Taxes – Tenafly Swim Club
- #R16-291/Approve Refunds – Recreation Department – Various
- #R16-292/Authorize Purchase 2017 Ford Transit 350 High Roof Extended Cargo Van for the Department of Public Works via State Contract
- #R16-293/Approve Corrective Action Plan
- #R16-294/ Authorize Redemption of Tax Title Lien - TTL12-5
- #R16-295/ Approve Purchase of Cabling Materials for the New DPW Building
- #R16-296/ Authorize Bidding of Roosevelt Common Tennis Court Lighting Project

Motion by C. Zinna, 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:	absent	C. Park:	aye
C. Basch:	aye (nay #R16-295)	C. Stefanowicz:	aye
C. Haider:	aye	C. Zinna:	aye

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

PUBLIC HEARINGS

• **ORDINANCE 16-13**

Ms. Schryver read into the record:

The following ordinance published herewith was first read by title only on July 11, 2016, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 16-13 - AN ORDINANCE AMENDING CHAPTER II, SECTIONS 2-47.19 AND 2-47.23 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ESTABLISHING THE ELIGIBILITY AND ALLOWABLE DUTIES FOR MEMBERS OF THE JUNIOR FIREFIGHTER'S AUXILIARY

Public Comments on Ordinance 16-13

No one came forward.

Motion by C. Zinna, second by C. Park that Ordinances 16-13 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 16-13 was recorded as follows:

C. Barzelatto:	absent	C. Park:	aye
C. Basch:	aye	C. Stefanowicz:	aye
C. Haider:	aye	C. Zinna:	aye

COMMITTEE REPORTS:

Councilmember Stefanowicz

The Welcome Committee met and prepared gift bags for their new resident event held on September 8th.

Councilmember Haider

The Board of Adjustment received an application from 16 Marcott Lane, which was recently denied. She noted that the residents came back with a substantially changed application, which the board approved.

C. Haider stated that she attended the Senior Services Committee and informed that there is an annual Senior Citizens picnic in Van Saun Park. The Picnic will be held September 14th. She stated that the committee questioned how to notify residents of the cooling station. Mayor Rustin responded that there are several facilities that have air conditioning, including the library. C. Haider added that the Senior Services Committee is working to put together a survey to determine what resources the seniors need.

Councilman Park

The Green Team would like to schedule a soft opening of the community garden.

Councilman Zinna

The Chamber of Commerce has organized coffee week in Tenafly from September 23rd through October 2nd. C. Zinna advised that residents can buy cards for \$10.00 at the Recreation Department. He informed that the money collected will raise funds for local sports teams.

Mayor Rustin

Mayor Rustin stated that he and C. Park met with Mr. Peter Punzi at the Nature Center to discuss Pfisters Pond. C. Park informed that the County has tried to fix the Nature Center's pond, which has gone out to bid and contracted to hydrorake, which he added is a temporary fix. He advised that if the Borough wants to move forward with that option, the Borough could do a simple shared service with them and would not need to go out to bid. The Mayor stated that he met with Mr. Punzi as well as wrote the Mayor of Alpine due to issues they have with the country club. He advised that the issues consist of fertilizer runoff and construction work debris. Mayor Rustin stated that the Borough would like to maintain good relations with the country club so it can be accessed in the event that hydroraking is done.

Mayor Rustin advised that he attended the swim club meeting with C. Zinna. He noted that the swim club is looking to change their relationship with the Borough. He stated that some of the possibilities in which they may want are a new lease or getting the Borough more involved in the maintenance of the property. He explained that the swim club is a private entity that exists on Borough property. Mayor Rustin commented that he advised them to think about what they would like to do and submit it to the Borough for the Governing Body's consideration. He asked them to provide the number of residents to non-residents in the club. C. Zinna stated that the swim club estimated that 75% of the members are residents. Mayor Rustin noted that the DPW Director, Bob Culvert, was also in attendance at the meeting.

OLD BUSINESS:

None.

NEW BUSINESS:

#R16-297/Accept "Recommendations for Settlement" between the Borough of Tenafly and PBA Local 376.

Mr. McClure read into the record #R16-297, which approves the June 23, 2016 recommendation by the arbitrator, who acted as a mediator in the grievance settlement between the Borough and the PBA. He advised that it is subject to the PBA accepting the agreement.

Motion by C. Haider, second by C. Park that #R16-297 be approved.

C. Barzelatto:	absent	C. Park:	aye
C. Basch:	nay	C. Stefanowicz:	aye
C. Haider:	aye	C. Zinna:	aye

C. Basch stated that while the majority of the Council is in favor of the agreement, he opposes it. He commented that he is troubled that over for 2 years, one entity within the Borough, which is the Police Department, received a 9.3 percent raise. He explained that there is a cap of 2 percent. He stated that money would have to be taken away and put towards one entity, which he added, puts a burden on other activities. C. Basch commented that over the past few years, the Police Department has shown a lot of disrespect for the town. He noted that the Police Department refused to give traffic violations to those that are stopped.

MAYOR'S REMARKS

None.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 16-298.

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. Zoning Complaint – Block 1401, Lots 3 and 4
- B. Personnel
 - 1. Activity Overview in Senior Center and Finance Department
 - 2. FMLA Updates
- C. Collective Bargaining
 - 1. Contract Negotiation Updates

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.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. Haider, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 11:16 p.m.

Respectfully submitted,

Lissette Aportela,
MPA, RMC, CMC
Borough Clerk