

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, OCTOBER 25, 2011

PRESENT: Mayor Peter Rustin and Council members Anthony Barzelatto, Barry Honig, Martha Kerge, Nadia LaMastra, Michael Lattif, and Jon Warms

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 listed in the Annual Agenda; copies are sent to the Record, Suburbanite, and Northern Valley News 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:

Borough Attorney McClure advised that resolutions #R11-343 authorizing the purchase of data communications equipment and networking from ePlus Technology, Inc. under NJ State Contract for the Tenafly Police Headquarters and #R11-344 authorizing the execution of the contract between Borough of Tenafly and Tenafly Board of Education for computer management services to the Borough are being removed from the Consent Agenda and moved to New Business.

PUBLIC COMMENTS:

Bruce Baker, 1 Byrne Lane, questioned how many of the 300 signatures on the petition supporting the dog park are those of Tenafly residents as he believes only 4 to 5% of registered voters are in favor of building a dog park. He asked that Council inquire as to budget and cost estimates, land use restrictions, Green Acres funding stipulations, insurance requirements, plans for maintenance and monitoring, and rules and regulations pertaining to dog licensing and veterinary records. He also advised that he had asked the Environmental Commission and Police Department if their input had been sought, but he had been told that they were unaware of this proposal. He expressed his opinion that the consideration of a dog park should be postponed until after election.

Mayor Rustin responded that Mr. Baker's points are valid and do need to be addressed. He commented that the biggest decision is to determine a suitable location.

Jeff Levine, Hillcrest Rd, stated that it is his understanding that the Tenafly Swim Club is asking for a rent reduction, but explained that he had posted a bond fifteen years ago and has made eight requests to receive a refund of his bond. He asked that a rent reduction not be considered until he and others receive the refunds that are due to them.

Alan Prigge, Tenafly House, advised that he lives thirty feet from the proposed location of the dog park. Although he loves dogs, he stated that his neighbors do not want a dog park in their backyard and asked that Council reconsider this location.

Norman Dorf, 105 Hudson Avenue, President of BID Board, advised that Cooktique has been cited for code violations. He commented that Cooktique has been in business a long time and Tenafly is lucky to have specialty store such as this one. He explained that the BID would appreciate anything that can be done to help Cooktique.

Evelyn Komer, 7 Elm Street, stated that she is opposed to a dog park. She explained that she is not in favor of a fenced in area in center of town and pointed out that there are many people present this evening who are also opposed to the dog park.

Cathy McCauley, 9 W. Railroad Avenue, Cooktique, explained that she simply replaced insulation and ceiling tiles in her establishment and does not understand how this project has become a renovation. She advised that the contractor provided an alternate solution to address the code violations, but the Fire Official would allow any flexibility. She stated that if she is unable to continue her cooking classes, she will go out of business.

Mayor Rustin asked that this item be placed on a work session and to have the Fire Official attend or provide a written report to see if there is any latitude. C. Honig expressed his opinion that it is imperative to act quickly to find a way to ensure that the safety requirements are met while allowing Cooktique to remain in business. C. Barzelatto offered to meet with the Fire Official to review the situation and see how he can render his assistance in getting this issue resolved. Council agreed to list this item for discussion at the November 1st Work Session.

Alice Rigney, 48 Knoll Road, Chair of Bandstand Restoration Committee and Borough Historian, requested permission to decorate the bandstand for the holidays this year. Council agreed to request, but asked that they be advised should the plans presented in Ms. Rigney's letter change.

Mel Lubins, Stonybrook Road, advised that in 2008, he had contacted Mr. Mottola and the Police Department to ask that they witness his neighbor pumping water onto his property, but Mr. Mottola did not agree to this request. He advised that James Massaro, Code Enforcement Officer, came to his property two months ago regarding his complaint that trees were illegally cut down on his neighbor's property, but there has been nothing done as a result of said complaint. He questioned who within the Borough is responsible for enforcing the Borough codes.

Mayor Rustin advised that this issue will be discussed when Council returns to the Work Session under Administrator's Report as Mr. Massaro has provided a written a report of this incident.

Ernie Kolidides, 164 E. Clinton Avenue, expressed his opinion that Mr. Massaro does not have enough experience or know enough about the Borough codes. He advised that he had made a complaint to Mr. Mottola about Mr. Massaro with no results.

CONSENT AGENDA:

- A. **#R11-335**/Approve Expenditures as of October 19, 2011
- B. **#R11-336**/Request Permission for Dedication by Rider for Fire Penalty Trust Fund.
- C. **#R11-337**/Authorize Refund/Tree Mitigation Escrow/98 George Street/\$800.00
- D. **#R11-338**/Authorize Refunds/Recreation Programs – Various
- E. **#R11-339**/Approve Raffle Applications #RA1003 & # RA1004/Englewood PBA Local 216 and #RA1005/Presbyterian Church at Tenafly
- F. **#R11-340**/Authorize Refund/Soil Moving and New Construction/205 Jefferson Avenue/\$6,415.00
- G. **#R11-341**/Request Permission for Dedication by Rider for UCC Dedicated Penalty Trust Fund.
- H. **#R11-342**/Authorize Purchase of 2012 Chevrolet Tahoe from Mall Chevrolet under NJ State Contract for the Tenafly Volunteer Ambulance Corps
- I. ~~**#R11-343**/Authorize Purchase of Data Communications Equipment/Networking from ePlus Technology, Inc. under NJ State Contract for the Tenafly Police Headquarters~~ *Moved to New Business*
- J. ~~**#R11-344**/Authorize execution of contract between Borough of Tenafly and Tenafly Board of Education for computer management services to the Borough.~~ *Moved to New Business*

Motion by C. LaMastra, second by C. Lattif that the Consent Agenda be approved as amended.

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

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

PUBLIC HEARINGS:

Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on October 11, 2011, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE 11-13 - AN ORDINANCE TO AMEND CHAPTER XI, SECTION 1 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ENTITLED "ENFORCEMENT OF THE UNIFORM FIRE SAFETY ACT."

Public Comments on Ordinance 11-13.

None.

Motion by C. Warms, second by C. Barzelatto that Ordinance 11-13 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

COMMITTEE REPORTS:

Councilman Honig No report.

Councilman Barzelatto No report.

Councilman Warms No report.

Mayor Rustin Mayor Rustin advised that he and other Bergen County Mayors had attended a private meeting with the BPU, DEP, and PSE&G at the County offices in Hackensack regarding the response to Hurricane Irene. He stated that the meeting was dominated by mayors impacted by flooding. He learned that PSE&G occupies 23 acres in New Milford and if they were to relocate, they would have to find another place of equal size. One solution proposed to resolve the flooding that Westwood experienced as a result of Irene was to have United Water lower the level of water in reservoir, but United Water responded that lowering the reservoir could cause a drought. Mayor Rustin expressed his opinion that the BPU should take stronger stance to get the utility issues resolved.

Mayor Rustin also attended a Public Hearing in Mahwah and advised that it was sparsely attended. The topics of discussion included the lack of communication from PSE&G during and after the storm, need for solutions, and need for municipalities to be alerted when PSE&G is doing work within their borders. Mayor Rustin advised that the BPU will hold additional hearings as Bergen County was one of the hardest hit areas with power outages and flooding. Mayor Rustin commented that those areas serviced by Rockland Electric fared much better during Hurricane Irene. He explained that in recent years, PSE&G changed its structure and provided an 800 number instead of having a local representative. He expressed his

opinion that this new system is not working. He has been given an emergency number, but has found that it is either busy or no one answers.

C. Lattif questioned what the next steps would be to resolve these issues. Mayor Rustin advised that the DEP had two representatives present, one of which was Cindy Randazzo, who expressed her interest in becoming involved. Mayor Rustin expressed his opinion that unless the BPU takes much stronger stance, he does not believe that there will be any change.

Councilman Lattif

No report.

C. Lattif questioned why the Environmental Commission was not advised of the possibility of a dog park. C. Warms responded that they had not met prior to the dog park presentation, but are now preparing comments for Council. C. Lattif expressed his disappointment over the lack of outreach on part of the Dog Park Committee. He commented that they need to understand that they are a part of a larger community.

Councilwoman LaMastra

Ms. LaMastra reported that Recreation is in a transition period as the football program is being taken over by parent volunteers. She advised that they have experienced some complaints along way, but she explained that there was no knowledge transfer as the program had been run solely by the former Recreation Director. She asked for patience from community and explained that everyone is working hard to make the program enjoyable for community. She asked that once the new Recreation Director is hired, that he or she be given time to determine how best to run the program without outside interference. Ms. LaMastra also advised that they have completed the first course of fingerprinting, but asked that the ordinance be reviewed to determine whether fingerprinting is to be done on a yearly basis. Council agreed to have Borough Attorney McClure review the ordinance and place this item on the next work session agenda. Ms. LaMastra also questioned whether there was an answer as to whether the new anti-bullying law pertains to the programs run by Recreation and Youth Services. Borough Administrator Thompson-Chin advised that the Borough's liability would be determined.

Ms. LaMastra advised that the BID had met twice to discuss the replacement of the director and they have voted to bring in Beth Lipman for a six-month term.

Councilwoman Kerge

No report.

OLD BUSINESS:

None

NEW BUSINESS:

Introduction of Ordinances

C. LaMastra moved to introduce and pass on first November 10, 2011 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 ordinances. Seconded by C. Lattif.

C. LaMastra read the ordinances into the record:

ORDINANCE NO. 11-14 -AN ORDINANCE AMENDING CHAPTER XXVII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ENTITLED “STORMWATER MANAGEMENT CONTROL” BY REDESIGNATING SECTION 27-12 TO BE SECTION 27-1.2, ADDING A NEW SECTION 27-12 ENTITLED “REFUSE CONTAINERS/ DUMPSTERS” AND ADDING A NEW SECTION 27-13 ENTITLED “PRIVATE STORM DRAIN INLET RETROFITTING”

ORDINANCE NO. 11-15 -AN ORDINANCE TO AMEND CHAPTER XXVIII, SECTION 28-13a2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ENTITLED “SOIL-MOVING APPLICATION FEES.”

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

B. **#R11-343/**Authorize Purchase of Data Communications Equipment/Networking from ePlus Technology, Inc. under NJ State Contract for the Tenafly Police Headquarters

Motion by C. LaMastra, second C. Lattif that #R11-343/Authorize Purchase of Data Communications Equipment/Networking from ePlus Technology, Inc. under NJ State Contract for the Tenafly Police Headquarters be approved.

C. Honig questioned whether this amount is already included as a part of the overall project plan or if it is additional money that is being requested. Borough Administrator Thompson-Chin responded that this request is a part of the existing budget. C. Honig expressed his discomfort with voting to approve this purchase without a detailed plan. Borough Administrator Thompson-Chin advised that the plans are in possession of Police Department and Janine McDonald, the Clerk of the Works for this project. C. Kerge also expressed her concern over voting to approve this purchase without more information. Mayor Rustin commented that this part of the project has been long approved and questioned whether the project would be slowed down should this purchase not be approved this evening. Borough Administrator Thompson-Chin responded that it could delay the project by a couple of weeks. She further advised that this purchase is a part of the specific contract with Dedicated Services and assured Council that she can vouch for the amount of detail and level of discussion that Ms. McDonald and Chief Bruno have had to get to this point.

C. Lattif questioned whether the scope of work is a part of the final total cost for the Police Headquarters and Borough Administrator Thompson-Chin advised that the oversight of this activity is included in Janine McDonald’s contract and that this number is very close to the original estimate provided in the budget for the project.

C. Kerge questioned why the Council is just now dealing with this cost if it is not a change order. Borough Administrator Thompson-Chin explained that the project has reached this phase in the construction process and at each point in the project, authorization to make individual purchases will be required. Borough Administrator Thompson-Chin advised that the total budget authority is \$5 million, the construction portion of the budget is \$3.1 million, leaving \$700,000 to \$800,000 in additional costs including furnishings, moving into the building, and moving out of trailers.

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	nay	C. Lattif:	aye
C. Kerge:	nay	C. Warms:	aye

C. **#R11-344/**Authorize execution of contract between Borough of Tenafly and Tenafly Board of Education for computer management services to the Borough.

Motion by C. Lattif, Second C. Barzelatto that #R11-344/Authorize execution of contract between Borough of Tenafly and Tenafly Board of Education for computer management services to the Borough be approved.

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	nay	C. Warms:	aye

D. Other

C. Honig commented that debates have been absent from this campaign season and expressed his hope that the residents will be given the opportunity to learn where the mayoral and council candidates stand on the issues. He asked if Mayor Rustin would be available on November 2, 2011 for a debate. Mayor Rustin responded that he is unavailable on that date and remarked that plans for debates usually begin in September.

MAYOR'S REMARKS:

A. Environmental Commission Appointment

Mayor Rustin advised that he will be appointing Lori Scinto to the Environmental Commission. He explained that this seat has been vacated by Joe McDermott and Ms. Scinto came highly recommended by Eileen Pleva, Chair of the Environmental Commission.

CLOSED SESSION:

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution #11-345

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. Personnel
1. Youth Center Assistant Director
 2. Finance Director
 3. Recreation Director – Status Update

Minutes will be taken of the meeting and release 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 the Committee of the Whole.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Kerge, second by C. Lattif, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:04 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk