

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, DECEMBER 13, 2011

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

ABSENT: None

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

At 7:52 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.

Motion by C. Lattif, second by C. Kerge, and unanimously carried,

BE IT RESOLVED that the Minutes of the November 22, 2011 Special Closed Session (not to be released), November 22, 2011 Public Meeting, and November 22, 2011 Closed Session (not to be released), are hereby approved.

REVISIONS TO AGENDA:

Borough Attorney advised that Resolution #R11-377/Appointment of Recreation Director is being added under New Business and Resolution #R11-374/Authorize Purchase of Office Furniture /Global c/o EvensonBest LLC under NJ State Contract for the Tenafly Police Headquarters/\$74,655.65 is being removed from the Consent Agenda and moved to New Business.

PRESENTATIONS - 2011 Fire Prevention Poster Contest Awards

Alden Blackwell, Fire Official, advised that in September of each year the Fire Department conducts a fire prevention poster contest for all students in elementary school and they are presenting awards to the winners of the contest this evening. He advised that there are first, second, third, and honorable mention winners for Kindergarten through 5th Grade. Assistant Fire Chief Chris Robbins, Lori Siccardi, Administrative Assistant to Fire Services, and C. Barzelatto, Council Liaison to the Fire Department, assisted in handing out the awards. The list of the winners is as follows:

KINDERGARTEN

Alon Abergel	HONORABLE MENTION	Maugham School
Sarah Forde	3 RD PLACE	Mackay School
Chase Rubinetti	2 ND PLACE	Mackay School
John Lee	1 ST PLACE	Maugham School

FIRST GRADE

Ely Hamani	HONORABLE MENTION	Mackay School
Clara Wang	3 RD PLACE	Mackay School
Luke Wright	2 ND PLACE	Mount Carmel School
Donald Watres	1 ST PLACE	Mount Carmel School

SECOND GRADE

Jieun (Jenny) Roh	HONORABLE MENTION	Stillman School
Luca Ahn-Cooper	3 RD PLACE	Mackay School
Jack Rinaldi	2 ND PLACE	Mackay School
Gabriella Linde	1 ST PLACE	Mackay School

THIRD GRADE

Ethan Jang	HONORABLE MENTION	Mackay School
Peyton Chadwell	3 RD PLACE	Mackay School
Kira Baltaytis	2 ND PLACE	Smith School
Botem Balaban	1 ST PLACE	Mackay School

FOURTH GRADE

Olivia Pizzurro	HONORABLE MENTION	Smith School
Daniella Hernandez	3 RD PLACE	Mount Carmel School
Grace Yin	2 ND PLACE	Smith School
Jessica Lanin	1 ST PLACE	Smith School

FIFTH GRADE

Emily Matteson	HONORABLE MENTION	Smith School
Ava Florczak	3 RD PLACE	Mackay School
Isabel Yang	2 ND PLACE	Smith School
Ayaka Miyaki	1 ST PLACE	Mackay School

BEST OVERALL POSTER FOR 2011 “Protect Your Family From Fire”

Ayaka Miyanki	Mackay School
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C. Barzelatto thanked Alden Blackwell and Lori Siccardi for all their hard work in preparing for this evening. He stressed that fire prevention should be practiced all year long, not just during fire prevention week.

AUDIENCE REMARKS FOR AGENDA ITEMS:

None.

CONSENT AGENDA:

- A. **#R11-370**/Approve Expenditures as of December 7, 2011.
- B. **#R11-371**/Approve Raffle Applications #RA1006/ Parents Guild of Our Lady of Mt. Carmel
- C. **#R11-372**/Authorize Submission of Grant Application and Execution of Grant Agreement with the NJ Department of Transportation for the Safe Routes to School Project – FY 2012
- D. **#R11-373**/Authorize 2011 Budget Line Item Transfers
- E. ~~**#R11-374**/Authorize Purchase of Office Furniture /Global c/o EvensonBest LLC under NJ State Contract for the Tenafly Police Headquarters/\$74,655.65 Moved to New Business~~
- F. **#R11-375**/Oppose United Water Rate Increase
- G. **#R11-376**/Approve Refund/Tax Court Judgments

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.

ORDINANCE NO. 11-16:

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on November 10, 2011 and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 11-16 - AN ORDINANCE TO AMEND CHAPTER XXXV, ARTICLE VI, SECTION 606, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED “DEVELOPMENT FEES FOR AFFORDABLE HOUSING”

Public Comments on Ordinance 11-16.

None.

Motion by C. Warms, second by C. Lattif that Ordinance 11-16 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:	absent	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

ORDINANCE NO. 11-17:

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on November 22, 2011 and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 11-17 - AN ORDINANCE AMENDING CHAPTER IV, SECTION 4-24.3b OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY REGULATING THE ANNUAL LIMITS APPLICABLE TO "GARAGE SALES" IN RESIDENTIAL ZONES.

Public Comments on Ordinance 11-17.

None.

Motion by C. Warms, second by C. Kerge that Ordinance 11-17 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:	absent	C. LaMastra:	aye
C. Honig:	aye	C. Lattif:	aye
C. Kerge:	aye	C. Warms:	aye

C. Barzelatto stepped away from the dais during Public Hearings.

COMMITTEE REPORTS:

Councilwoman Kerge No report.

C. LaMastra Ms. LaMastra reported that the Recreation Board met last night and discussed the status of the various capital projects, the resolution that is being passed this evening to appoint the new Recreation Director, and Skate Park badges for children of Borough and Board of Education employees. Ms. LaMastra advised that Borough Administrator Thompson-Chin will be discussing fingerprinting with Chief Bruno as the ordinance requires that fingerprinting be done annually, but there are questions as to whether the fingerprints are stored or if they need to be run again.

BID received notification that website is up and running. The website contains dining retail and service sections and the minutes and agendas will start to be posted. There will be a link on the Borough website to the BID website. The website address is tenaflybid.org and contains a direct link to Facebook. Ms. LaMastra explained that the BID Director felt that a website becomes obsolete very quickly and the big draw will be the link to Facebook. Ms. LaMastra advised that everyone should "like" Tenafly BID in order to receive current promotions.

Ms. LaMastra reported that TVAC has elected its new officers and Max Moehlen will continue as Captain and Cheryl Reynolds as President. Ms. LaMastra asked that Council discuss a date to recognize the newly elected officers. Council decided to give TVAC a choice of dates and the Borough Clerk will schedule accordingly.

Mayor Rustin advised that Oxygen, one of the largest businesses in the main section of downtown, went out of business. C. LaMastra responded that Beth Lippman, BID Director, is directing those asking for a refund from Oxygen to contact the NJ Division of Consumer Affairs. She also advised that Ms. Lippman is in the process of gathering contact information for all businesses to input into a database.

Councilman Lattif Mr. Lattif advised that the Transportation Committee met last Thursday and Mayor Rustin will provide further information under New Business.

Mayor Rustin Mayor Rustin reported that he attended a Mayor's Breakfast this morning in Hackensack with speakers from the Federal EPA, Harbor Estuary Project, and Hackensack Riverkeeper. He advised that they found the most significant progress in

Edgewater as they, at one time, had five pipes that pumped sewage into the Hudson River, but no longer have any raw sewage being dumped into the Hudson.

Mayor Rustin stated that he along with Chief Bruno and C. Barzelatto, OEM Coordinator, attended a meeting with Loretta Weinberg, PSE&G and the BPU this afternoon. Chief Bruno expressed his concern that he did not receive any response to his inquiries during the first couple of days after the Halloween storm. He explained that he had contacted the County OEM regarding safety problems of a severe nature and was never given any answers. Mayor Rustin reported that there was a lot of discussion about the reverse 911 system and the difficulties people had because they had no telephone during power outages. It was suggested that people list their cell phone number as cell phones are more likely to work during emergencies.

C. Kerge questioned whether there are municipalities who are suing PSE&G. Mayor Rustin responded that he is unaware of any lawsuits, but Mayor Huttel of Englewood filed a letter of official complaint to the BPU. However, Mayor Rustin advised that the complaint is being withdrawn because Mayor Huttel has seen that his concerns and problems are no different than those of many other towns.

Borough Attorney McClure advised that he has not heard about any lawsuits. He explained that it is very difficult to prevail against a public utility as they have very good protection under Title 59.

C. Warms questioned whether there has been any discussion about underground lines. Mayor Rustin responded that PSE&G does not believe that underground lines are the answer. Mayor Rustin explained that in order to place the lines underground, lawns and sidewalks will have to be dug up and it will cost a lot of money. In addition, when there is a problem with a line, it is much easier to address when it is above ground.

C. Honig suggested putting a more aggressive tree management program in place. Mayor Rustin explained that a few years ago, PSE&G sent crews to do advance pruning and there was a tremendous amount of complaints from residents. Mayor Rustin advised that one possible solution that was discussed was to train local employees on handling wires, but there is concern about insurance costs. C. Honig asked that a discussion about tree pruning be placed on a work session. He expressed his opinion that Bob Beutel should lay out a comprehensive program that includes an assessment of what needs to be done, timeframe, and cost street by street. C. Honig questioned whether the Borough has a legal right to either prune or remove trees on private properties that are threatening power lines. Borough Attorney McClure advised that if trees are on private property, the Borough does not have the authority to cut or trim them. However, if the limbs impinge upon the utilities, and the utility has easement, the utility company has the right to trim those limbs.

Councilman Warms

Mr. Warms reported that the Chamber of Commerce had its annual Christmas parade and party and it was nicely attended. He advised that the Tenafly High School Key Club performed.

Councilman Barzelatto

Mr. Barzelatto advised that he attended an Emergency Management function on people with disabilities and how to prepare for an evacuation. He explained that he is working on an emergency newsletter and magnet containing pertinent emergency information. He advised that at the present time, each resident is responsible to call PSE&G to report that there is a power outage.

C. Kerge commented that there are a few grids in Tenafly that are very old and questioned whether a request can be made to replace those grids. C. Barzelatto responded that he will ask that question of PSE&G at an OEM meeting that he is attending tomorrow.

Councilman Honig

Mr. Honig reported that there was a Joint Use meeting and they discussed the generator for Tenafly High School. He advised that the original estimate for installation was between \$290,000 and \$350,000 and there will be another meeting on January 9th at 5:00 p.m. to discuss the final cost. He explained that the idea of installing a larger generator to allow the high school to be used as a shelter does not seem to be economically feasible.

Councilman LaMastra

Ms. LaMastra reported that Recreation had a presentation by James Mason, Athletic Trainer at Tenafly High School, about concussions. He discussed what the high school is doing in regard to testing and advised that there are different websites for coaches to become certified in how to identify the signs of a concussion.

OLD BUSINESS:

None.

NEW BUSINESS:

- A. **#R11-374**/Authorize Purchase of Office Furniture /Global c/o EvensonBest LLC under NJ State Contract for the Tenafly Police Headquarters/\$74,655.65

Motion by C. Barzelatto, second by C. LaMastra, that Resolution #R11-374/Authorize Purchase of Office Furniture /Global c/o EvensonBest LLC under NJ State Contract for the Tenafly Police Headquarters/\$74,655.65 be approved.

C. Honig questioned why there was not more information regarding this purchase as was requested. Borough Administrator Thompson-Chin advised that a cover letter and backup information were provided by Janine McDonald, Clerk of the Works, in the December 6th Work Session agenda packet.

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

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

- B. **#R11-377**/Appointment of Recreation Director

Motion by C. LaMastra, second by C. Lattif:

WHEREAS, there is a vacancy due to the resignation of Anthony Favorito, effective September 23, 2011; and

WHEREAS, said vacancy was duly advertised and the Governing Body created a Recreation Director Selection Committee made up of the Mayor, two Council members, and the Administrator; and

WHEREAS, the Selection Committee conducted résumé and supplementary submission reviews and conducted screening and formal interviews, and conducted reference and background reviews; and

WHEREAS, the final candidates were interviewed by both the Recreation Board and the entire Governing Body; and

WHEREAS this recruitment and selection process has resulted in the final selection of the most qualified and appropriate of the candidates for the position.

THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Tenafly that it does hereby appoint Matthew Mercurio as the Director of Recreation for the Borough of Tenafly, at the annual salary of \$68,000 effective January 3, 2012 in accordance with the applicable Ordinance authorizing same.

C. Honig questioned whether the terms and conditions of employment agreed upon were those that the Council had discussed and Borough Attorney McClure confirmed that they were.

Borough Administrator Thompson-Chin read Mr. Mercurio's acceptance letter into the record:

Jewel Thompson-Chin and Tenafly Borough Council

It is with great pleasure and excitement that I accept the position of Recreation Director within the Borough of Tenafly, based on the offer of employment that I received on Thursday, December 8, 2011. I appreciate the extensive search and interview process and am pleased that you have selected me to serve the borough. If you need anything else from me in the meantime please do not hesitate to let me know. Thank you and I look forward to working with you and helping make the Tenafly Recreation Department the best that we can be.

Attached is a copy of my bio, as requested.

Sincerely

Matthew Mercurio

Borough Administrator Thompson-Chin advised that she will be using Mr. Mercurio's biography to prepare a press release.

Mayor Rustin thanked the Borough Administrator, C. LaMastra, and C. Lattif for making this a thorough and successful selection process.

C. LaMastra questioned whether it is part of the ordinance that the Recreation Director request permission of the Council to obtain secondary employment and asked the legality of doing so. Borough Attorney McClure advised that it is a stipulation in the personnel manual and Borough Administrator Thompson-Chin confirmed that it is an overall policy of the Borough.

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

C. Light Rail DEIS

Mayor Rustin advised that the DEIS has been delivered to each member of Council and a copy is available in the Borough Clerk's office, Tenafly Library, and on NJ Transit's website, northernbranchcorridor.com. He explained that there will be a Transportation Committee meeting next Tuesday, December 20th at 8:00 p.m. to advise interested groups on how to prepare a response to the DEIS and asked if Council plans to attend. C. LaMastra questioned the process. Mayor Rustin responded that there will be four public hearings held by NJ Transit and the public should be informed of these hearings. C. Kerge expressed her concern over the meeting being held so close to the holidays. She also asked for more information about the qualifications of Mark Gordon, the Borough's transportation study consultant. Borough Administrator Thompson-Chin will supply this information to Council. Council decided to look into alternate dates to hold this joint meeting and will send an email to confirm the date for said meeting.

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

None

MAYOR'S REMARKS:

None

CLOSED SESSION:

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution #11-378

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. Contract Negotiations
 1. Sick Leave & Short Term & Long Term Disability Policy – 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 recess in the Richard D. Wilson Committee Room this public meeting to January 1, 2012.

There being no further business to come before the Council, on a motion from C. LaMastra, seconded by C. Warms and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:02 p.m.

ADJOURNMENT:

On a motion from C. LaMastra, second by C. Honig, and with all present voting in favor, the meeting was recessed at 10:32 p.m. to January 1, 2012 at 3:00 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk