

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, FEBRUARY 15, 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 7:58 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 Press Journal, Record, Suburbanite, 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 THE AGENDA – Mr. McClure advised that Resolutions #R11-83, #R11-84, and #R11-85 will be removed from the Consent Agenda and placed under New Business.

AUDIENCE REMARKS FOR AGENDA ITEMS:

Steve Savas, 40 S. Park Drive, suggested that Council implement a pickup/drop-off system much like the system used in Franklin Lakes before installing a sidewalk on Downey Drive. He remarked that it is a good system and that Sergeant Chamberlain and the crossing guard both agreed.

Scott Lanin, 83 Downey Drive, stated that he is opposed to the sidewalk. He explained that it is a car pool problem, not a pedestrian problem that is creating the safety issues. He expressed his opinion that the school is negligent in their dismissal policy and the installation of a sidewalk will only make it worse. He pointed out that there is already a sidewalk on S. Park Drive and in front of Smith School that are not being properly utilized. He also remarked that snow and ice on the sidewalk during the winter will only make a more dangerous situation. He asked that instead of installing the sidewalk, the Borough work with the Board of Education on how to improve their dismissal policy.

David Simpson, Woodland Park Drive, asked that the Council investigate the car pool solution offered by Mr. Savas rather than rush into this project.

Johanne Gambrell, Ravine Road, questioned whether Resolution #R11-84 was no longer on the agenda. Mayor Rustin explained that it was being removed from the Consent Agenda and placed under New Business.

Joan Finkelstein, 68 Downey Drive, expressed her opinion that the sidewalk will in no way help with the car pool situation. C. Honig responded that there are a few members of the governing body who would like a study done with the input of the residents, Board of Education, and Police to explore alternatives.

Lisa Giordano, 48 Downey Drive, asked that if a study is conducted, the residents of Downey Drive be included. She expressed her opinion that the residents have been kept out of the loop on every aspect including the design. She feels that a sidewalk will negatively affect the appearance of the neighborhood.

Peter Fiddler, Downey Drive, believes that there is a lack of cooperation among the Council, Board of Education, and the residents of Downey Drive. In his opinion, the residents' opinions

are not being heard. He expressed his belief that the sidewalk will not solve the car pool problem.

Sam Acquah, 92 Downey Drive, stated that it makes no sense to go ahead with the sidewalk. He does not believe Chief Bruno's recommendations in regard to the traffic on Downey Drive are working. He asked that the Council reevaluate the situation before going ahead with the sidewalk.

Steve Savas, 40 S. Park Drive, questioned why there is a need to conduct a study. He again suggested trying the pickup/drop-off system that he had mentioned earlier.

CORRESPONDENCE:

- A. Dusedau/Hodskin Place Re: Snow Street Plowing Policy

Mayor Rustin asked if anyone had any suggestions on how to address the issues raised in this letter. He expressed his opinion that the DPW cannot stop at every driveway as it will greatly affect the speed with which the streets are plowed. C. LaMastra remarked that this letter should be addressed at a work session. Council agreed to list this item on the February 22nd Work Session agenda.

CONSENT AGENDA

- A. #R11-69/Approve Expenditures as of February 2, 2011
- B. #R11-70/Approve Refund/Tree Mitigation Escrow/185 Tenafly Rd/\$80.00
- C. #R11-71/Approve Refund/Tree Mitigation Escrow/149 Sunset Ln/\$200.00
- D. #R11-72/Approve Refund/Tree Mitigation Escrow/62 Ridge Rd/\$1,180.00
- E. #R11-73/Approve Refund/Tree Mitigation Escrow/104 Kent Rd/\$690.00
- F. #R11-74/Approve 2011 Agreement with Mid-Bergen Regional Health Commission.
- G. #R11-75/Approve 2011 Agreement with Health Awareness Regional Program of the Hackensack University Medical Center.
- H. #R11-76/Approve 2011 Agreement with Valley Health Medical Group.
- I. #R11-77/Approve Raffle Application #RA984/Temple Sinai of Bergen County Sisterhood/3-19-11
- J. #R11-78/Authorize Request for Approval of Director of the Division of Local Government Services to Establish "Dedicated Trust By Rider" for Accumulated Absence Liability Trust Fund
- K. #R11-79/Award Environmental Resource Inventory Contract/Heyer, Gruel & Associates
- L. #R11-80/Award Bid for Removal and Replacement of Twenty-One Windows at Municipal Center and Firehouse Tower/Panoramic Window & Door Systems, Inc.
- M. #R11-81/Authorize Copier Lease Agreement/Xerox
- N. #R11-82/Authorize Lease Agreement with Orzik, LLC/Tenafly Historic Railroad Station
- O. ~~#R11-83/Authorize Receipt of Bids/Downey Drive Sidewalk Project~~ moved to New Business
- P. ~~#R11-84/Oppose Proposed Light Rail Project~~ moved to New Business
- Q. ~~#R11-85/Authorize Request for Qualifications (RFQ)/Borough Engineer and Municipal Auditor~~ moved to New Business

Motion by C. LaMastra, second by C. Kerge 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.

PUBLIC HEARINGS

- A. Ordinances – None

B. Other – None.

COMMITTEE REPORTS

Councilwoman Kerge

Ms. Kerge expressed her opinion that residents should be made more aware of applications before the various boards and committees. She reported that there are two cell phone tower applications before the Board of Adjustment. The tower on E. Clinton has been built, but has not been given permission to operate. The other proposed location is on Franklin Street.

Councilwoman LaMastra

Ms. LaMastra announced that the BID would meet primarily in Closed Session tomorrow to interview three candidates for the Executive Director position.

The Welcome Committee will hold its Maple Sugaring event at the Nature Center on March 20, 2011 from 2:00 p.m. to 3:00 p.m.

Ms. LaMastra reported that the Recreation Board had met last night, but she was unable to attend. She announced that she would have a report at the next meeting.

The Police Commission met this past Saturday and interviewed 6 of 9 candidates for promotion to Captain. She remarked how impressed she was with the tremendous breadth of knowledge of all of the candidates interviewed thus far. The remaining candidates will be interviewed this Saturday.

Councilman Lattif

None

Mayor Rustin

Mayor Rustin announced that he will be attending the Mayor's Legislative Day in Trenton tomorrow. They will meet with panels of Assemblymen and State Senators and Governor Christie may attend. He would have a report at the next meeting.

Councilman Warmis

Mr. Warmis announced that the Nature Center is celebrating its 50th Anniversary and there will be a series of events throughout the year marking this event. This Sunday they will hold a pancake breakfast at 11:30 followed by the first of three consecutive Maple Sugaring Events. The Nature Center will hold its Gala Event on March 6th and all are urged to attend. In June, they will sponsor an art competition in conjunction with the Library. The artwork entered must depict some aspect of the Nature Center and the winners will be displayed at the Library. The winning artwork will then be auctioned at their Wine Tasting Event in September.

Councilman Barzelatto

Mr. Barzelatto reported that Emergency Management had applied for assistance for the December 26th storm. There will be a meeting on February 24th to start the process of receiving monies.

The Tenafly Fire Department had responded to a house fire in Dumont in which the father of a Tenafly resident had been lost.

Councilman Honig

Mr. Honig announced that the Planning Board met last Wednesday. Joe Burgis has been selected as the new planner. They discussed issues surrounding COAH and whether the Grove Street condominiums should be allowed to rent versus sell. The Planning Board felt that they should be allowed to rent due or it is possible that these units may be turned into regular units and the Borough could fall below its COAH quota.

C. Kerge questioned whether the rent for these units will be calculated using the same formula as when determining the sale price. Mayor Rustin responded that they will still be affordable units and will therefore be at an affordable rent.

C. LaMastra remarked that there has been no report on the Library Board from Council. Mayor Rustin advised that he had spoken to the Library Director and C. Honig would be receiving a packet.

OLD BUSINESS

C. Honig expressed his concern that C. Lattif would not be in attendance at the March 1st Committee of the Whole meeting when the Engineering and Auditor Sub-Committees would be formed. Mayor Rustin responded that it would be possible for C. Lattif to participate telephonically and C. Lattif confirmed that it is his intention to participate in this manner.

NEW BUSINESS

A. Introduction of Ordinances

C. Warms moved to introduce and pass on first reading Ordinance 11-02 and set the hearing for March 22, 2011 at 8:45 p.m. or as soon thereafter as the matter can be heard in the Council Chambers of the Tenafly Municipal Center.

Seconded by C. Lattif

C. Warms read the ordinance into the record:

ORDINANCE NO. 11-02 – AN ORDINANCE TO AMEND CHAPTER XXXV, SECTION 35-1008 (*ENTITLED “PLANNING SUBMISSION”*) AND SECTION 35-101 (*ENTITLED “FEES AND EXPENSES”*) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY

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. #R11-83/Authorize Receipt of Bids/Downey Drive Sidewalk Project

Motion by C. LaMastra, second by C. Barzelatto that #R11-83 be approved.

Should this resolution pass, C. Lattif questioned whether Council would be required to simply award the bid or if they would also need to proceed with the installation the sidewalk. Borough Attorney McClure advised that by voting yes to this resolution, they would be both authorizing the receipt of bids and the award of the contract. C. Lattif asked how much time is permitted between receipt of bids to the award of the contract and Borough Attorney McClure advised that Council would be allowed 60 days to review the bids for consistency with the bid specifications.

C. Honig asked whether Council can elect not to go ahead with the project if they do decide to authorize the receipt of bids. Borough Attorney McClure responded that there should be a reason for abandoning the project. As he believes there is more support for a sidewalk to Thatcher, C.

Honig questioned whether this bid could be bifurcated into two pieces, a sidewalk all the way to Engle and a sidewalk only to Thatcher. Borough Attorney McClure responded that a change of that nature cannot be made at this point as the bid specifications have already been determined.

C. Kerge believes that it is premature to authorize the receipt of bids without first considering whether to do a study. She feels as though Council should wait a few more weeks to allow for a study to take place and the Council should then act on the results of the study. She does not think that this responsibility should be imposed upon private homeowners when there may be other alternatives.

C. LaMastra stated that a lack of a cohesive plan with the Board of Education is unfortunate, but this issue has been going on for way too long. She does believe that there is a need for a study, but is concerned that without the cooperation of the Board of Education, the findings of the study may not be acted upon. She remarked that a drop-off lane has been attempted in the past, but there were not enough volunteers or a provision in the teachers' contract to have them supervise and move the line along. She stated that it is time to forward and get an idea of cost for the installation of the sidewalk.

C. Barzelatto expressed his opinion that a study is not warranted in this situation. He pointed out that the recommendation of the sidewalk installation was made by the Chief of Police and Sergeant Chamberlain as part of a traffic study.

C. Honig stated that a study taking into account the input of the Chief, residents, and Board of Education can be done fairly quickly. He believes that answers on the safest way to deliver and pick children up from school need to be sought. He also pointed out that the maintenance of the sidewalk, particularly during the winter months, is an issue that needs to be considered. He ended by expressing his opinion that the bid specifications should be revised to include both a sidewalk ending at Thatcher and a sidewalk ending at Engle as a sidewalk ending at Thatcher is satisfactory to the H.S.A.

Mayor Rustin remarked that the timeframe from receipt of bids to the award of the contract provides enough time to conduct a study. He stated that the bids can be rejected should the findings of the study be installing a sidewalk that ends at Thatcher.

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. **#R11-84**/Oppose Proposed Light Rail Project

Motion by C. Lattif, second by C. Honig that #R11-84 be approved.

C. Barzelatto stated that he would be voting no as the DEIS has not yet been received.

C. Honig expressed that he is in favor of this resolution as it is a great example of citizens having their voice heard and the Mayor and Council acting in kind.

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

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

D. **#R11-85**/Authorize Request for Qualifications (RFQ)/ Borough Engineer and Municipal Auditor

Motion by C. Barzelatto, second by C. Warms that #R11-85 be approved.

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

AUDIENCE REMARKS ON NON-AGENDA ITEMS:

Judy Stern, 17 Wight Place, remarked that there are at least twelve police cars being unused at any given time. She questioned the number of cars and police officers that are really needed. She further questioned whether the new Police Headquarters needs to have a gym and whether the furnishings and equipment are included in the bond. She expressed her opinion that the governing body needs to put a stop to spending.

MAYOR'S REMARKS

Mayor Rustin responded to Ms. Stern's comments and stated that the governing body has committed itself to replacing the two Captain's positions in the Police Department. He explained that if the positions are filled by promoting a Lieutenant to Captain, then the Lieutenant positions would be filled. However, if one or both positions are filled by the promotion of a Sergeant to Captain, Mayor Rustin informed the public that the governing body has not committed to replacing the vacant Sergeant positions. He pointed out that the Police Department is down approximately five officers between resignations and retirements and the Council will have to decide how many, if any, officers will be replaced. In terms of police vehicles, he explained that Council reviews this issue every year at budget time and it is always a balancing act between how much is to be spent on maintenance versus purchasing new vehicles.

Mayor Rustin then addressed the Downey Drive issue. He remarked that this issue has been before the governing body for a long time and it is a symptom of the way in which the governing body does business. He expressed his opinion that at some point a decision needs to be made and the Council needs to follow through.

CLOSED SESSION – None.

There being no further business to come before the Council, on a motion from C. Kerge, second by C. LaMastra, and all present voting in favor, the meeting was at 9:21 p.m.

Respectfully submitted,

Jewel Thompson-Chin
Acting Borough Clerk