

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, APRIL 26, 2011

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

ABSENT: Councilman Anthony Barzelatto

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

At 8:55 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.

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

BE IT RESOLVED that the Minutes January 25, 2011 Public Meeting, April 12, 2011 Closed Session (not to be released), April 12, 2011 Public Meeting, and April 12, 2011 Budget Meeting are hereby approved.

REVISIONS TO AGENDA:

Borough Attorney McClure advised that a personnel matter pertaining to the health benefits for the Municipal Judge and a legal matter entitled Kurtz. v. Borough of Tenafly will be added under the Closed Session. Mr. McClure further advised that resolution #R11-161 amending the eligibility requirements for access to the Recycling Center is being added under New Business.

PUBLIC COMMENTS:

Despina Kolokithas, Branch Manager, Alma Bank, 20 W. Railroad Avenue, advised that Alma Bank is having their grand opening on May 12th and have applied for a permit for said event. She explained that she has a letter providing the details of the event and is asking for the approval of Mayor and Council. Mayor Rustin asked that Borough Administrator Thompson-Chin review this letter in the morning. Council agreed to list this letter for approval at the May 10th Public Meeting.

CONSENT AGENDA:

A. **#R11-150/Approve Expenditures as of April 20, 2011**

- B. **#R11-151/**2010 Recycling Tax Reimbursement Certification
- C. **#R11-152/**Approve 2010 Recycling Tonnage Report
- D. **#R11-153/**Authorize Refund for Use of Davis-Johnson Park – Fried
- E. **#R11-154/** Authorize Refund for Use of Davis-Johnson Park – Johnson
- F. **#R11-155/** Approve LOSAP certification by Tenafly Volunteer Fire Department
- G. **#R11-156/** Approve Raffle Applications #RA990 - #RA996

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

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

C. Barzelatto:	absent	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 – Adoption of 2011 Local Municipal Budget
 - 1. **#R11-157/**Read Budget by Title Only
 - 2. **#R11-158/**Amend 2011 Local Municipal Budget

Motion by C. LaMastra, second by C. Lattif that R#11-157 and R#11-158 be approved.

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

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

Public Comments on 2011 Local Municipal Budget

There was no public comment.

- 3. **#R11-159/**Adopt Self-Examined Budget
- 4. **#R11-160/**Adopt 2011 Local Municipal Budget

Motion by C. LaMastra, second by C. Lattif that R#11-159 and R#11-160 be approved.

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

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

COMMITTEE REPORTS:

Councilwoman Kerge

No report.

Councilman LaMastra

Ms. LaMastra reported that the BID budget will be coming to the Mayor and Council for consideration at the May 3rd Work Session. She also advised that she had attended a meeting with Loretta Weinberg and Gordon Johnson last week to ask that they oppose a bill before the State Assembly that would force property owners to vote whether to opt out or cancel the BID. Borough Administrator Thompson-Chin added that one of the biggest flaws is that if people choose not to vote, it would count as a no. Ms. LaMastra advised that Loretta Weinberg and Gordon Johnson both stated that they would not support this legislation

Councilman Lattif

No report.

Councilman Warms

Mr. Warms advised that the Nature Center is having two eating out fundraisers, one is to take place at the Blue Moon on May 9th and the other at the Tenafly Diner on May 24th. He advised that coupons can be obtained on their website and a portion of the proceeds will go to the Nature Center. He also announced that the Nature Center is participating in the Environmental Commission's Earth Day Project taking place on May 14th in the McCandless Room.

Mr. Warms reported that the Chamber of Commerce will be having a meet and greet tomorrow night at 6:30 p.m. at the Elk's Club and Paula Cozarelli, BID Director, will be in attendance.

Councilman Honig

Mr. Honig reported that the Planning Board heard the 12 Elkwood application and it will be heard again in June. He advised that they also approved a bikini store on Railroad Avenue as well as the Ari Realty parking lot. The Planning Board is looking into the possibility of using the COAH trust fund for projects such as a six to fifteen-bedroom facility for those with disabilities in order to satisfy COAH requirements.

OLD BUSINESS:

None.

NEW BUSINESS:

- A. **#R11-161**/Amend Eligibility Requirements for Access to Recycling Center

Motion by C. LaMastra, second by C. Honig that #R11-161 be approved.

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough to establish a policy for the issuance of decals to identify Borough residents for permission to access the Recycling Center (also known as the Transfer Station) located on Grove Street; and

WHEREAS, in Resolution #R00-193 the Mayor and Council set forth the manner in which residents must identify themselves as being entitled to receive a decal or temporary permission letter authorizing them to use the Recycling Center; and

WHEREAS, the requirement under Resolution #R00-193 that residents display a current New Jersey driver's license and New Jersey vehicle registration has created a hardship for certain Tenafly residents who no longer hold New Jersey driver's licenses and/or registrations; and

WHEREAS, the Mayor and Council desire to adopt a policy which would allow all Tenafly residents and residential property owners fair access to use the Recycling Center;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Tenafly, County of Bergen, and State of New Jersey, that the Borough Clerk is hereby authorized to issue Recycling Center decals at no cost to residents of the Borough of Tenafly upon being presented with a current non-commercial motor vehicle registration issued in the name of the resident or the resident's spouse for a passenger vehicle, sport-utility vehicle, passenger van, or light truck containing no markings indicative of commercial use, plus any two (2) of the following documents identifying the applicant as a resident of Tenafly:

1. A current driver's license showing the Tenafly residential address of the applicant;
2. For new residents who have owned their Tenafly property for less than six (6) months, a photocopy of their executed deed;
3. A current utility bill, not more than 60 days old, addressed to the resident at a Tenafly residential address from Public Service Gas & Electric for gas and/or electric services to the resident's Tenafly residential property;
4. A current bill, not more than 60 days old, addressed to the resident at a Tenafly residential address from Cablevision, Verizon, DirecTV, Dish Network, or any other television/satellite/telephone/internet provider for services to the resident's Tenafly residential property;
5. A current fire/casualty/liability insurance bill addressed to the resident for an insurance policy covering a single-family or owner-occupied two family Tenafly residential property;

BE IT FURTHER RESOLVED that all decals so issued shall be permanently affixed to the lower left corner of the rear window of a vehicle owned by the resident, or the resident's spouse, and it shall be the responsibility of the owner of the vehicle to remove said decal upon the sale or trade of such vehicle, or upon establishing residency outside of the Borough of Tenafly; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to issue a letter permitting temporary use of the Recycling Center, for a period of not more than thirty (30) days, to:

1. Any non-resident owner of residential property in Tenaflly upon submission of a current Borough of Tenaflly tax bill for such residential property; and/or to
2. A Tenaflly resident who does not own a non-commercial motor vehicle, but who can produce a current Borough of Tenaflly tax bill for a residential property located in Tenaflly;

BE IT FURTHER RESOLVED that any letters issued by the Borough Clerk permitting temporary use of the Recycling Center shall contain the name of the Tenaflly property owner, the address of the Tenaflly property, the owner of the vehicle to be used, the make and model of the vehicle to be used, together with the license plate and state of registration, and the time period for which the letter of permission is effective and a copy of the letter shall be forwarded to the operators of the Recycling Center upon issuance; and

BE IT FURTHER RESOLVED that neither decals nor letters for temporary use will be issued to commercial vehicles or non-commercial vehicles containing any commercial lettering or commercial markings of any kind; and

BE IT FURTHER RESOLVED that any person aggrieved of the decision by the Borough Clerk may appeal said decision by submitting a written request for review to the Mayor and Council; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the operators of the Recycling Center with instructions to inspect all non-commercial vehicles entering the Recycling Center for evidence of a Borough-issued decal or letter permitting temporary use, and lacking such evidence, access shall be denied and directions given to contact the Office of the Borough Clerk for instructions on how to proceed to obtain the decal or letter permitting temporary use as set forth in this Resolution.

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

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

MAYOR'S REMARKS:

- A. Arbor Day Proclamation

Mayor Rustin read the Arbor Day Proclamation. He remarked that he received a letter confirming that the Borough of Tenaflly has been confirmed as a Tree City for the 8th year in a row. He expressed his opinion that despite this recognition, we are not doing as much as we should and more trees come down than are replaced. C. Warms added that the Environmental Commission approved a resolution to pursue the goal of 40% coverage. C. Honig remarked that tree removal has an affect on drainage as well as causes noise pollution. C. Lattif commented that there was a substantial amount of funds in the tree trust account a few years ago and questioned whether this money is being used to plant trees. Borough Administrator Thompson-Chin advised that they are in the process of doing so. Mayor Rustin added that they also used to offer a program of planting trees in front of people's homes. Borough Administrator Thompson-Chin responded that they placed a notification in the last newsletter offering this service.

B. 2011 Municipal Clerks Week

Mayor Rustin read a proclamation declaring May 1 through May 7, 2011 as Municipal Clerk's Week.

C. Municipal Budget

Mayor Rustin remarked that the budget is the most important task that the governing body takes on every year. He stated that last year, the Council had not passed the budget until July and they vowed to do a better job this year. He expressed his opinion that every member of the governing body, Borough Administrator, and CFO all deserve credit for the job that they did with this budget.

CLOSED SESSION:

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution #R11-162

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. Borough Engineer – Subcommittee Recommendation
- B. Legal
 - 1. Kurtz v. Borough of Tenafly et al
- C. Personnel
 - 1. Health Benefits Municipal Judge
 - 2. Evaluation of the Borough Administrator

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 this public meeting.

ADJOURNMENT:

There being no further business to come before the Council, on a motion from C. LaMastra, seconded by C. Honig, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:24 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk