

Approved: February 9, 2010

**REGULAR MEETING OF THE MAYOR AND COUNCIL**

**BOROUGH OF TENAFLY**

**TUESDAY, JANUARY 26, 2010**

**8:30 P.M.**

**MINUTES**

**PRESENT:** Mayor Peter Rustin and Council members Anthony Barzelatto, Nadia LaMastra, Michael Lattif, Joseph McDermott, Patrick J. Rouse, and Jon Warms

**ABSENT:** None

**ALSO**

**PRESENT:** Interim Borough Administrator Gregory Fehrenbach  
Borough Attorney William R. McClure

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 Councilwoman LaMastra, second by Councilman McDermott and unanimously carried,

**RESOLVED** that the Minutes of the Recess Meeting of January 2, 2010, Annual Meeting of January 2, 2010, Work Session of January 5, 2010, Closed Sessions of January 5, 2010 (not for release), Public Meeting of January 12, 2010, and Closed Sessions of January 12, 2010 (not for release), are hereby approved.

**REVISIONS TO THE AGENDA:** Borough Attorney McClure advised that a Closed Session item under Legal on Tenafly Industrial Enterprises a/k/a TIE v. Borough of Tenafly has been added.

**AUDIENCE REMARKS FOR AGENDA ITEMS:**

The following residents spoke in regard to commuters parking along Coppel Drive, and asked for immediate action from the governing body for a three hour parking restriction on Coppel Drive from 6:00 a.m. to 9:00 a.m.

Lauren Kluger, 8 Coppel Drive, Tenafly

John Pitman, 2 Coppel Drive, Tenafly

Helen Rothchild, 5 Coppel Drive, Tenafly

Jeff Isaacs, 6 Coppel Drive, Tenafly

Robert Van Etten, 9 Coppel Drive, Tenafly

Leslie Lipka, 10 Coppel Drive, Tenafly, presented Council with pictures of Coppel Drive from Westervelt Avenue onto Coppel Drive in the early morning hours.

Councilman Rouse remarked that he spoke with the Chief of Police today and requested that this item be put on the agenda for the next Police Commission meeting which will take place Tuesday, February 2, 2010.

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## CORRESPONDENCE

A. Residents of Coppel Drive Re: Commuter Parking issue

Borough Clerk Hatten acknowledged receipt of letters from residents of Coppel Drive regarding commuter parking issues.

## CONSENT AGENDA

- A. #R10-61/Bergen County PARIS Grant project/2010-11/Leverage of Funds
- B. #R10-62/Approve Release of Escrow/Tree Removal Mitigation/Final 20%/32 Buckingham Road
- C. #R10-63/Approve Refund/Soil Removing Escrow/121 Sussex Road
- D. #R10-64/Approve Raffle Application No. 960/Our Lady of Mt. Carmel

Motion by Councilman McDermott, second by Councilman Warms that the Consent Agenda be approved.

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

Councilman Barzelatto:	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse:	aye
Councilman Lattif:	aye	Councilman Warms:	aye

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

## PUBLIC HEARINGS:

### A. Ordinances

1. Capital Ordinance No. 10-01/Amend Cap Ord. No. 09-09/delete reference to Downey Drive Sidewalks

The Mayor recognized Councilman Rouse who read the Ordinance by title only and the Notice:

**BOND ORDINANCE OF THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING BOND ORDINANCE NO. 09-09 FINALLY ADOPTED MAY 12, 2009**

The foregoing Ordinance published herewith was introduced at a regular meeting of the Mayor and Council of the Borough of Tenafly, in the County of Bergen, New Jersey, held on Tuesday, January 12, 2010 and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Tenafly Municipal Center, 100 Riveredge Road, Tenafly, New Jersey on Tuesday, January 26, 2010 at 8:45 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A copy of the Ordinance has been posted on the bulletin board in the lobby of the Municipal Center.

Mr. Rouse move to amend the Ordinance by correcting the typographical error in Section 1 to change the reference from Ordinance Number 02-19 to Ordinance Number 09-09.

Motion by Councilman Rouse, second by Councilman Lattif, and on a voice vote with all members voting in favor, the amendment was approved.

Borough Attorney McClure deemed the change 'not substantial' and that it did not require additional advertisement.

Mayor Rustin opened the public hearing on the ordinance.

There being no comment from the public, Mayor Rustin closed the Public Hearing.

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Mayor Rustin again recognized Councilman Rouse:

#R10-65/Adoption of Capital Ordinance No. 10-01

Motion by Councilman Rouse, second by Councilman Lattif

BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly in the County of Bergen, New Jersey, that an Ordinance entitled:

**BOND ORDINANCE OF THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING BOND ORDINANCE NO. 09-09 FINALLY ADOPTED MAY 12, 2009**

As amended, pass its second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilman Barzelatto	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warms:	aye

2. Ordinance No. 10-03/Amend Code/Section 2-23.1/Chief Financial Officer and Director of Finance positions

The Mayor recognized Councilwoman LaMastra who read the Ordinance by title only and the Notice:

**AN ORDINANCE TO AMEND CHAPTER II, SECTION 2-23 OF THE REVISED GENERAL ORDINANCED OF THE BOROUGH OF TENAFLY, ENTITLED "DEPARTMENT OF FINANCE"**

The foregoing Ordinance published herewith was introduced at a regular meeting of the Mayor and Council of the Borough of Tenafly, in the County of Bergen, New Jersey, held on Tuesday, January 12, 2010 and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Tenafly Municipal Center, 100 Riveredge Road, Tenafly, New Jersey on Tuesday, January 26, 2010 at 8:45 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A copy of the Ordinance has been posted on the bulletin board in the lobby of the Municipal Center.

Mayor Rustin opened the public hearing on the ordinance.

There being no comment from the public, Mayor Rustin closed the Public Hearing.

Mayor Rustin again recognized Councilwoman LaMastra:

#R10-66/Adoption of Ordinance No. 10-03

Motion by Councilwoman LaMastra, second by Councilman Rouse

BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly in the County of Bergen, New Jersey, that an Ordinance entitled:

**AN ORDINANCE TO AMEND CHAPTER II, SECTION 2-23 OF THE REVISED GENERAL ORDINANCED OF THE BOROUGH OF TENAFLY, ENTITLED "DEPARTMENT OF FINANCE"**

pass its second and final reading and is hereby adopted and notice of same shall be published according to law.

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

Councilman Barzelatto	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warms:	aye

3. Ordinance No. 10-04/Amend Ordinance No. 09-03/Defined Contributions Retirement Program Ordinance/Include Director of Finance Position

The Mayor recognized Councilwoman LaMastra who read the Ordinance by title only and the Notice:

**AN ORDINANCE TO AMEND CHAPTER II, SECTION 2-75 OF THE REVISED GENERAL ORDINANCED OF THE BOROUGH OF TENAFLY, ENTITLED “DEFINED CONTRIBUTION RETIREMENT PROGRAM”**

The foregoing Ordinance published herewith was introduced at a regular meeting of the Mayor and Council of the Borough of Tenafly, in the County of Bergen, New Jersey, held on Tuesday, January 12, 2010 and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Tenafly Municipal Center, 100 Riveredge Road, Tenafly, New Jersey on Tuesday, January 26, 2010 at 8:45 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A copy of the Ordinance has been posted on the bulletin board in the lobby of the Municipal Center.

Mayor Rustin opened the public hearing on the ordinance.

There being no comment from the public, Mayor Rustin closed the Public Hearing.

Mayor Rustin again recognized Councilwoman LaMastra:

#R10-66/Adoption of Ordinance No. 10-04

Motion by Councilwoman LaMastra, second by Councilman Warms

BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly in the County of Bergen, New Jersey, that an Ordinance entitled:

**AN ORDINANCE TO AMEND CHAPTER II, SECTION 2-75 OF THE REVISED GENERAL ORDINANCED OF THE BOROUGH OF TENAFLY, ENTITLED “DEFINED CONTRIBUTION RETIREMENT PROGRAM”**

pass its second and final reading and is hereby adopted and notice of same shall be published according to law.

Councilman Barzelatto	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warms:	aye

4. Ordinance No. 10-05/Amend Ordinance No. 09-15/Salary and Wage Ordinance/Director of Finance/CFO/Tax Collector positions

The Mayor recognized Councilwoman LaMastra who read the Ordinance by title only and the Notice:

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 09-15 PERTAINING TO SALARY, WAGE OR COMPENSATION OF CERTAIN**

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**EMPLOYEES OF THE BOROUGH OF TENAFLY IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY.**

The foregoing Ordinance published herewith was introduced at a regular meeting of the Mayor and Council of the Borough of Tenafly, in the County of Bergen, New Jersey, held on Tuesday, January 12, 2010 and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Tenafly Municipal Center, 100 Riveredge Road, Tenafly, New Jersey on Tuesday, January 26, 2010 at 8:45 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A copy of the Ordinance has been posted on the bulletin board in the lobby of the Municipal Center.

Mayor Rustin opened the public hearing on the ordinance.

There being no comment from the public, Mayor Rustin closed the Public Hearing.

Mayor Rustin again recognized Councilwoman LaMastra:

#R10-68/Adoption of Ordinance No. 10-05

Motion by Councilwoman LaMastra, second by Councilman Lattif

BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly in the County of Bergen, New Jersey, that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 09-15 PERTAINING TO SALARY, WAGE OR COMPENSATION OF CERTAIN EMPLOYEES OF THE BOROUGH OF TENAFLY IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY.**

pass its second and final reading and is hereby adopted and notice of same shall be published according to law.

Councilman Barzelatto	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warms:	aye

**COMMITTEE REPORTS**

Mr. Barzelatto: Tenafly Fire Department: The Fire Department responded to 656 calls in 2008 and 670 calls in 2009. For the month of December they responded to 62 calls. A Flash-Over Drill is being held in Mahwah tonight with members of the Tenafly Fire Department in attendance. There was a house fire yesterday on Hillside Avenue. Tenafly received assistance from Englewood, Dumont, Bergenfield and Cresskill. No injuries were reported.

Mayor Rustin praised the members of the Fire Department and Ambulance Corps for their service to the community.

Councilman Barzelatto reported that a tree landed on top of a police vehicle during the recent snow storm.

Councilman Warms remarked that he checked with Bob Beutel, Director of the Department of Public Works, after the storm and reported that there were no drainage problems in the areas where there were drainage problems in the past.

Interim Borough Administrator Fehrenbach remarked that according to the Borough Engineer, installation of a detention basin in Dean Drive is approximately 50% complete, and that the comparison of conditions that existed during the summer and yesterday indicated that all of the flow that had come down from the hill was absorbed by the culverts that were constructed under

Dean Drive, and that there were no indications of any flooding occurring in the manner in which it had taken place prior to last summer.

Ms. LaMastra

Chamber of Commerce: They met on January 13 and reviewed the results of the Street Fair surveys. Over 300 surveys were mailed out with only 28 responses. The street fairs won out by one or two votes. At their reorganization meeting, Bob Kutik was appointed President for the next six months, Gerry Migliore as Vice President, and Joanne Carr as Secretary. A sub-committee was formed with Gerry Migliore in charge. The committee was chosen by the Chamber of Commerce to come up with ways of promotions, and understand how the Borough can have the street fairs and make everyone happy. They will be presenting their recommendations at the February Chamber of Commerce meeting.

Business Improvement District: On January 20, 2010 they met and elected Norman Dorf as President, Scott Porter as Vice President, Kirby Holmes as Treasurer, and Cathy McCauley as Secretary. Interim Borough Administrator Fehrenbach has distributed a list of new and demolished properties in the Business Improvement District for review. Councilwoman LaMastra will be meeting with the Assessor tomorrow morning for the values of the total amount of the properties. They are trying to understand what properties really fit in the BID and they will make recommendations to the governing body.

Mr. Lattif

Senior Citizen's Advisory Committee: The Committee met January 13. The Borough Clerk is assisting the committee on researching their history. They are drafting a purpose statement which will be presented to the governing body. They would like to see more traffic calming methods around town, particularly at the pedestrian crossing sections (specifically Riveredge Road and South Summit St.). Councilman Lattif attended the Board of Trustees meeting and they will be sending Councilman Rouse a letter of appreciation for his time serving as liaison on this Committee.

Councilman Rouse remarked that he will bring this up at the Police Commission meeting. He also reported that the Police Chief and his Traffic Engineer will be looking at the Riveredge Road and South Summit Street site to see what is needed, such as signs or striping at that intersection.

Mr. McDermott

Tenafly Environmental Commission: Eileen Pleva is Chair of the Environmental Commission, with Sandy Divak Moss as Co-Chair. Dave Cavilla will move into the capacity of Secretary in February. They are struggling with goals. They will be following up with C2 water streams and doing more about the reduction of pollution in the Tenakill Brook. The Commission is also focusing on Sustainable New Jersey and those initiatives. Discussion included what they want to get done in 2010.

Mr. Rouse

Tenafly Board of Health: The Board of Health approved a resolution for a Shared Services Agreement for Registrar of Vital Statistics services with the Borough of Cresskill. The Agreement should save the Borough between \$45,000 to \$48,000 per year. The Agreement had to be approved by the Council, the Tenafly Board of Health, Cresskill Board of Health, and Mayor and Council in Cresskill. The effective date is February 1, 2010.

Tenafly Ambulance Corps: During the month of December there were 80 calls for emergency medical care, three mutual aid calls to Englewood, and two to Cresskill. There were no mutual aid reports into Tenafly due to drivers or members not being available.

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Tenafly Police Department: In reviewing the Annual Report of the Police Chief, the number of motor vehicle accidents from 2008 to 2009 decreased by a little less than 10%.

Mr. Warms

Chamber of Commerce: The meeting that Gerry Migliore is Chairman of held its first meeting last Thursday. They discussed the purpose of the committee. There will be another meeting this Thursday at 7:30 p.m. All are welcome to attend.

Tenafly Nature Center: On Sunday, February 7, at 10:00 a.m. the Center will be holding their annual Boundary Walk to check the condition of the grounds and to ensure that there is no encroachment on the property. They will be holding their Annual Meeting Celebration on March 7 which will be honoring Mayor Rustin. The fee is \$75.00/person or \$600.00 for a table of eight. More information on this will follow.

Tenafly Planning Board: The Board received a letter from the League of Municipalities which describes Senate-1 which is a bill introduced by Senator Lesniak. He is a long-time opponent of aspects of COAH. Senate Bill-1 will repeal the COAH structure as we know it. In essence, it will greatly resolve the issues that Tenafly has with COAH.

Councilman Lattif referenced a January 14, 2010 memo from the Planning Board Chair. In the 2009 Annual Report, page 5, it reports that in both November and December there were discussions regarding two-family homes, and that this ordinance will be redistributed in January for the Board to discuss. Councilman Lattif asked where this stands.

Councilman Warms replied that there are a number of subjects that the Planning Board is considering and will be getting ready to submit to the Council for the Council's consideration. The two-family issue has not gone away, and the ordinance will be taken a look at, and we will see what the correct course of action is.

Councilman Lattif remarked that prior to the two-family ordinance coming to Council, the Council requested that prior to ordinances, or amended ordinances, coming to the governing body, that it give the governing body an opportunity to understand what the Planning Board's purpose of objective might be so that the Mayor and Council could have an opportunity to provide input before they get into a formal review, public meeting, and adoption process. He asked Councilman Warms to please remind the Planning Board that Chairman Sellinger had agreed to this so time and energy is not wasted.

Mayor Rustin remarked that Mary Beth Wilmit has been appointed Chair of the Planning Board, and Gus Allen appointed Vice Chairman.

Councilwoman LaMastra asked if Council will be receiving the Land Development Regulations.

Borough Clerk Hatten replied that this will be on the first work session agenda in March.

OLD BUSINESS: None.

NEW BUSINESS:

Mayor Rustin recognized Councilwoman LaMastra:

- A. #R10-69/Adopt Bylaws of District Management Corporation

Motion by Councilwoman LaMastra, second by Councilman Lattif:

BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly, that in accordance with Chapter XXIX of the Revised General Ordinances of the Borough of Tenafly, that the Bylaws of the Tenafly Business Improvement Management Corporation, as attached, are hereby adopted.

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

Councilman Barzelatto:	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warmes:	aye

Mayor Rustin appointed Gene Vinci as Director of Finance.

Mayor Rustin recognized Councilman Rouse:

B. #R10-70/Confirm Appointment of Gene Vinci as Director of Finance

Motion by Councilman Rouse, second by Councilwoman LaMastra:

WHEREAS, there is a vacancy due to the resignation of Karen Palermo, effective October 2, 2009; and

WHEREAS, said vacancy was duly advertised and candidates were interviewed by Interim Borough Administrator and members of the governing body; and

WHEREAS, the Mayor and Borough Council determined it to be in the best interest of the Borough of Tenafly to create the position of Director of the Department of Finance to segregate responsibilities and to oversee financial operations for the Borough, and said position has been established; and

WHEREAS, the Mayor appointed Gene Vinci, C.M.F.O. to the position of Director of the Department of Finance.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tenafly that GENE VINCI, C.M.F.O., Certificate No. 0443, is hereby appointed Director of the Department of Finance for the Borough of Tenafly, effective January 19, 2010, at a salary of \$79,000.00 per annum in accordance with the applicable Ordinance authorizing same.

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

Councilman Barzelatto:	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warmes:	aye

Mayor Rustin recognized Councilman Rouse:

C. #R10-71/Appointment of Gene Vinci as Chief Municipal Finance Officer and Treasurer

Motion by Councilman Rouse, second by Councilman Lattif:

WHEREAS, there is a vacancy in the positions of Chief Financial Officer and Treasurer due to the resignation of Karen Palermo, effective October 2, 2009; and

WHEREAS, the Director of Finance may also serve as the Chief Financial Officer and/or the Treasurer; and

WHEREAS, it was determined to be in the best interest of the Borough of Tenafly that the person holding the position of Director of the Department of Finance should also be appointed to the position of Chief Financial Officer and to the position of Treasurer.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tenafly, that GENE VINCI, C.M.F.O., Certificate No. 0443, is hereby appointed to the position of Chief Financial Officer and Treasurer for the Borough of Tenafly, effective January 19, 2010, at a salary of \$1,000.00 per annum in accordance with the applicable Ordinance authorizing same.

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

Councilman Barzelatto:	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warms:	aye

Mayor Rustin recognized Councilman Rouse:

- D. #R10-72/Approve renewal of contract with Green Sky Industries/marketing of recyclable materials

Motion by Councilman McDermott, second by Councilman Warms:

WHEREAS, there is a need to market the recyclable materials collected throughout the municipality; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 (1) (s), a contract or agreement for the marketing of recyclable materials recovered through a recycling program may be made, negotiated or awarded by the governing body without public advertising for bids and bidding; and

WHEREAS, the Director of the Department of Public Works has been satisfied with the services provided by Green Sky Industries, formally Zozzaro Brothers, and recommends renewing the contract with Green Sky Industries.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Tenafly, that the proposal for a Recycling Agreement, dated January 5, 2010, from Green Sky Industries is hereby accepted for a term beginning January 1, 2010 and ending December 31, 2014 in accordance with the terms and conditions set forth in said Agreement, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute an Agreement for this purpose on behalf of the Borough of Tenafly.

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

Councilman Barzelatto:	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warms:	aye

#### OTHER NEW BUSINESS

Councilman Lattif commented that the change in the monthly meetings has resulted in two changes. The first is that the public now has only three opportunities to speak to the governing body instead of four. The second change or consequence that we also saw tonight is that individuals who are listed under correspondence would not have an opportunity to speak to their issue at the work session. I would not like to restrict the public and their access to the governing body about whatever they want to talk about, but at least to return it to the way it was when we had four meetings. Perhaps there are opportunities to block off 15 minutes in the third work session/public meeting combination for public comment in the beginning of the work session.

Councilman McDermott commented that he thought it might need a little more discussion to work out the right details.

Councilman Rouse remarked that this is the first night that the governing body tried this, and we need to give it a little time to see how it works out.

Mayor Rustin agreed that the governing body does not necessarily have to jump to any conclusion. We have two issues here. First of all, we are compacting a meeting that normally takes two or three hours into one hour, but we are doing that after taking a week off. There is more than one factor involved here. I don't think it is realistic to think that most of our work

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session agendas on the fourth Tuesday of each month are going to be any shorter than this. This is something that needs to be addressed.

Councilwoman LaMastra asked if this could be put on the agenda to be discussed at the next work session.

Borough Clerk Hatten replied that it will be.

Councilman McDermott asked when at tonight's meeting is Council going to discuss For the Good of the Order Item number 4 on this particular agenda.

Borough Clerk Hatten advised that is the Work Session agenda and that meeting was adjourned by the governing body.

#### AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

Johanne Gambrill, 15 Ravine Road, Tenafly expressed concern regarding communication. She heard that Cathy McCauley had sent out 400 inquiries about street fairs at one meeting, and she now hears 300 at this meeting, and 28 people responded. Ms. Gambrill asked who the 28 people were that responded. She opposes the street fairs.

Mayor Rustin replied that the Chamber of Commerce handled this and she would need to contact the Chamber of Commerce directly for answers to her questions. The street fair issue has not been resolved yet, and the governing body is waiting for the Chamber of Commerce to make up their mind as to what they want to do. At that point, we will decide amongst ourselves whether we want to approve what they are suggesting or not.

Martha Koven, 2 N. Summit Street, Tenafly asked when light rail will be placed on an agenda and the governing body articulate their position. She suggested that a referendum be placed on the ballot for the Board of Education elections in April.

Mark Feldman, 133 Lylewood Drive, Tenafly, expressed concern regarding a letter he wrote to Council that is scheduled on the next work session agenda. He asked that at the time it is discussed, the Borough Attorney to give some opinion as to whether an ordinance that has been in establishment for a long time in Tenafly does or does not need to be complied with. He also expressed concern regarding comments by the Borough Administrator today that the Borough might not see even a draft budget until March 19 because of missing information from the State. He asked the governing body to think about ways to deal with aspects of the budget that are thoroughly clear, and don't depend upon State participation at an earlier date, so the public can get more involved and the governing body can make the best informed decisions. He also referred to Resolution #R10-52 from the meeting of January 12, 2010, New Contract Arrangement with Public Service Electric & Gas to upgrade the energy provision to the Municipal building, and he believes there should have been a greater degree of discussion. He asked if this purchase requires competitive bidding, and a capital ordinance to put it into effect. He would also like to know what the effect is on the \$52,000.00 that was supposed to be used for the boiler energy audit. At the Environmental Commission they put \$25,000.00 into their budget next year for some sort of an energy audit. Why would they need this if the governing body already decided to take this step? Mr. Feldman also asked how the Green Team is supposed to work procedurally.

**MAYOR'S REMARKS:** I feel we have a responsibility to the members of the governing body, and I get a sense that Joe McDermott is feeling a little disenfranchised here. I don't like to have anybody on this Board feel that way. I understand why he feels that way, and my concern is that For the Good of the Order will come up at the end of our next work session and the chances of hearing whatever he wants to talk about will be put off for a minimum of three weeks with the possibility of going into the next month because in three weeks time we will have a short work session that we may not be able to get to whatever he wants to get to. I know for a fact that whether he has been following procedure or not is in my mind secondary to the fact that he has wanted to get this on an agenda for a long time. I would like to see it on the agenda for our next full work session.

Borough Clerk Hatten asked for the topics.

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Councilman McDermott replied the way that we do public dialogue and the Mayor's participation in Council meetings.

**CLOSED SESSION:**

Mayor Rustin recognized Borough Attorney William McClure.

RESOLVED in compliance with N.J.S.A. 10:4-12, the Mayor and Council of the Borough of Tenafly are going into Closed Executive Session to discuss the following matter:

- A. Legal
  - 1. Tenafly Industrial Enterprises a/k/a TIE v. Borough of Tenafly
- B. Personnel
  - 1. Status of Administrator Search
  - 2. Status of Staffing in Finance Office
  - 3. Status of possible Department of Community Services consolidation

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:**

There being no further business to come before the Council, on a motion from Councilwoman LaMastra, second by Councilman Warms, the meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Nancy Hatten, RMC  
Borough Clerk