

REGULAR MEETING OF THE MAYOR AND COUNCIL

BOROUGH OF TENAFLY

TUESDAY, FEBRUARY 9, 2010

7:45 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 Councilman Lattif, second by Councilman Warms and unanimously carried,

RESOLVED that the Minutes of the Closed Session of January 23, 2010 (not for release), Work Session of January 26, 2010, Public Meeting of January 26, 2010, Closed Sessions of January 26, 2010 (not for release) and Closed Session of January 29, 2010 (not for release), are hereby approved.

REVISIONS TO THE AGENDA: Borough Attorney McClure advised that a resolution has been added to the agenda, under New Business, awarding the Contract for Improvements to Huyler Park to Trino Associates, LLC, and a Closed Session item has been added under Personnel regarding Staffing at the Senior Center.

AUDIENCE REMARKS FOR AGENDA ITEMS: None.

CORRESPONDENCE

A. Tenafly Little League Re: Request for Annual Parade

Motion by Councilman Lattif, second by Councilman Barzelatto and unanimously carried, that the request for permission to hold the Little League Annual Season Opening Parade, Saturday, April 24, 2010, from 8:30 a.m. to 10:00 a.m., is hereby approved.

B. R. Meyersburg Re: Request/Waiver of Alarm Fee

Motion by Councilman Lattif, second by Councilman McDermott and unanimously carried, that the request for a waiver of the 2010 Alarm Registration Fee is hereby denied.

C. Boy Scouts of America Re: 100th Anniversary

Borough Clerk Hatten acknowledged receipt of letter from the Township of Wayne noticing that it is the 100th Anniversary of the Boy Scouts of America. The Borough will be sending them a copy of the Proclamation.

Approved: February 23, 2010

CONSENT AGENDA

- A. #R10-73/Approve February expenditures
- B. #R10-74/Approve Refunds/Tax Court Judgment 2008-2009
- C. #R10-75/ Approve Appropriation Transfer Reserves 2009
- D. #R10-76/ Approve Amendment to 2010 Temporary Budget
- E. #R10-77/Approve Refund/County Tax Board Judgment 2009
- F. #R10-78/Approve Escrow Refund/PB#1-09-11/Site Plan Waiver/Island Pools
- G. #R10-79/Approve Escrow Refund/PB#1-09-12/Site Plan Waiver/Sr. Citizens Housing Corp.
- H. #R10-80/Approve Refund/Final 20%/Tree Mitigation Escrow/135 Highwood Ave.
- I. #R10-81/Approve Raffle Application #961/Sisterhood of Temple Sinai/2-27-10
- J. #R10-82/Approve Change Order #1/Engle Street Repaving, Phase 5
- K. #R10-83/Introduce Ordinance No. 10-06/Amend Borough Code/Establish position of Council Liaison to Tenafly Fire Department

Motion by Councilman Warms, second by Councilman McDermott 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. Ordinance No. 10-02/Correction to Zoning Map

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

AN ORDINANCE TO ADOPT A CORRECTED ZONING MAP FOR THE BOROUGH OF TENAFLY, BERGEN COUNTY, 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, February 9, 2010 at 8:00 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 Councilman Barzelatto:

#R10-84/Adoption of Ordinance No. 10-02

Motion by Councilman Barzelatto, 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 TO ADOPT A CORRECTED ZONING MAP FOR THE BOROUGH OF TENAFLY, BERGEN COUNTY, STATE OF NEW JERSEY.

Approved: February 23, 2010

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 Warmes:	aye

B. Other

1. Open Space Hearing/Allocation of Funds for Davis-Johnson Park Improvements

The Mayor recognized Interim Borough Administrator Fehrenbach who explained that the purpose of the public hearing on this matter is to consider the appropriation of monies from the Municipal Open Space Trust Fund for the purposes of park improvements at the Davis-Johnson Park and Gardens. The Open Space Trust Fund is dedicated for either open space preservation or park or recreation improvements. On the Davis-Johnson Park, the plans that have been under consideration for some time call for a series of improvements including rebuilding a wall, installing gates, correcting drainage problems and installing lighting. Two grants have been applied for. One has been granted, and one is to be acted on within the next 45 days which will supply \$111,300.00 toward the \$244,000.00 cost. In addition, there are two other ordinances: one for about \$47,000.00 that is dedicated to improvements at Davis-Johnson Park, and one that would have to be re-appropriated that were monies for park and building renovations of a little under \$25,000.00. In order to provide sufficient monies for this project, approximately \$60,000.00 will be needed from the Municipal Open Space Trust Fund to fund the project fully. That project amount is estimated currently at \$244,000.00. Just to bring this along with the Walnut Park improvements, the municipality has received previously from the County Open Space Grant, just shy of \$75,000.00 of grant monies to go toward that project, the estimated cost of which is \$180,000.00. In addition, there would be \$103,000.00 acquired from capital surplus, \$68,000.00 of that would come from the cancellation of the Roosevelt Monument Phase II project for which grant monies were turned down because of the conditions on the grant approximately one year ago. The total estimated cost of that project is \$180,000.00, and there was another ordinance adopted previously that provided \$15,000.00 for engineering improvements. The bottom line on this public hearing is that approximately \$60,000.00 would be allocated from the Municipal Open Space Trust Account for improvements to Davis-Johnson Park to supplement other funding sources.

Mayor Rustin opened the public hearing on the ordinance.

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

COMMITTEE REPORTS

Mr. Barzelatto: Tenafly Fire Department: The Fire Department responded to a mutual aid to Cresskill.

Historic Preservation Commission: The Commission is preparing a letter, which will be presented to the Mayor and Council for review, to send to certain homeowners alerting them that their homes may be considered historical in nature.

Ms. LaMastra Recreation Commission: A report from the Commission about the lighting policy on the Municipal Center Field was presented to the governing body. It was agreed to by all members of the Commission. They will be reaching out to the residents of Foster Road to explain the policy and gather any input that the residents may have, and send any revisions to the governing body for approval. The Father/Daughter Valentine's Day Dance will be held Thursday, February 11. They have sold 165 tickets with some

families on a waiting list. They will be looking for a larger venue to move the event to next year.

Mr. Lattif

Joint Use Committee: They reviewed the Planner's report on traffic patterns, and it was decided that Smith School should be the main focus. It will be up to the Board of Education to decide if they are interested in working with the governing body on a cost-sharing basis to go forward on their proposal. Discussion included reintroducing buses to ease congestion at all the schools, and charging a fee for their use. They were informed about Green Sky Industries, and the opportunity to shred materials. They were also provided with a light rail update. Discussion also included the Geese Police. The Board of Education was interested to discuss with the municipality cost-sharing to keep the dogs there this season. It was noted that there is no articulated written purpose for the Joint Use Committee, and that it might be a good idea to have such a document, and from that document establish goals for each upcoming year against which the efforts and works of the Joint Use Committee could be measured. Work should begin on that when the new Borough Administrator is in place. The next meeting is scheduled for March 1.

Mr. McDermott

Tenafly Environmental Commission: The Green Team meeting is tomorrow at 5:00 p.m.

Mr. Rouse

Tenafly Library Board: The Library Board met last night. The main topic of discussion was a revised budget. The final proposal would leave the book budget down about 10% compared to what the proposal was. The Board is scheduling a special meeting for two weeks to make a final decision on the proposal. Friends of the Library have agreed to contribute \$5,000.00 towards the book budget.

Tenafly Police Commission: A week ago they received a proposal from the Police Chief to set up a written contract covering the Chief and the Captains. In the past it has always been a tacit agreement that they would get whatever the PBA received. They now would like to have that in writing. Mr. Rouse has some concerns he would like to discuss with Mr. Silber, our Labor Counsel, before the governing body moves forward on the ability to tie one contract to another. Mr. Rouse asked Council for permission to speak with Mr. Silber.

The governing body agreed to have Interim Borough Administrator Fehrenbach speak with Labor Attorney Silber regarding Councilman Rouse's concerns.

Also discussed at the Police Commission meeting was the call box on East Clinton and 9W which is being replaced with a more modern box, and the upgrading of security in the Council Chambers at Borough Hall.

During the storm of January 25, 2010 there were approximately 70 calls during the height of the storm with 11 trees down, a dozen wires down, numerous power outages, schools closed, two fires, and three motor vehicle crashes. Roads were closed and there were traffic signals that failed. A second dispatcher was called in to handle the call volume. One police car was hit by a falling branch. During the storm of January 28 there were 21 motor vehicle crashes, roads closed, and numerous ambulance calls. Also, between January 26 and February 1 three cars were stolen in town. With all three cars the keys had been left in them. Further discussion included placing 'stop, pedestrian walk' signs and restriping of the road near the Senior Center going across

Riveredge Road. It will be done by the Police Department when the weather gets warmer. Also mentioned was the commuter parking situation on Coppell Drive. Placing a three-hour parking restriction will only move the problem somewhere else. Mr. Rouse believes the governing body needs to review the whole parking procedure as he believes it is not working.

Mr. Warms

Chamber of Commerce: The sub-committee headed by Gerry Migliore held its first meeting last Thursday. Discussed was the purpose of the committee. There will be another meeting this Thursday at 7:30 p.m. All are welcome to attend.

Tenaflly Nature Center: The annual Boundary Walk was on Sunday, February 7. They found collections of trash at convenient places on the Nature Center boundary, wherever it is for contractors and landscapers to throw their trash into the Nature Center. The Boundary walkers cleaned up the best they could. The Seventh Anniversary Dinner is being held on March 7, 2010 at the Clinton Inn. The fee is \$75.00/person with Mayor Rustin as the honoree. The Center is progressing with plans to build a new Center for the Nature Center.

OLD BUSINESS:

Councilwoman LaMastra remarked that she read in the Suburbanite about the Department of Public Works and their salt brining process. She would like the Mayor and Council to recognize their creativity, ingenuity, and dedication to the Borough for creating something for \$500.00.

Mayor Rustin remarked that he attended the Mayor's breakfast this morning with the County Executive also in attendance. The salt brine was mentioned, with Tenaflly being mentioned extremely favorably by a number of representatives from different towns. At least half-a-dozen towns have come to Tenaflly on invitation to learn the process and help get started.

The governing body agreed that Borough Clerk Hatten will draft a letter from the governing body to the Department of Public Works.

NEW BUSINESS:

Mayor Rustin recognized Councilman Rouse:

- A. #R10-85/Introduce Ordinance No. 10-07/amend Borough Code to create the Department of Code Enforcement and to abolish the Department of Health

Motion by Councilman Rouse, second by Councilman McDermott:

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

AN ORDINANCE AMENDING CHAPTER II, SECTION 2-22 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY TO CREATE A "DEPARTMENT OF CODE ENFORCEMENT" AND TO DELETE CHAPTER II, SECTION 2-24, THEREBY ABOLISHING THE "DEPARTMENT OF HEALTH"

pass on first reading and remain on file with the Municipal Clerk for public inspection until public hearing shall be held in the Council Chambers, Tenaflly Municipal Center, 100 Riveredge Road, Tenaflly, New Jersey, on Tuesday, February 23, 2010 at 8:45 p.m. prevailing time, or as soon thereafter as the matter can be heard, at which time and place all persons interested in said Ordinance shall be heard.

The Municipal Clerk is hereby directed to publish said Ordinance in full, at least one week prior to the date fixed for further consideration for final passage, together with the notice of hearing thereon in the Press Journal and Record according to law.

Approved: February 23, 2010

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board in the lobby of the Municipal Center, and copies shall be made available to members of the public who shall request the same.

Councilman Rouse commented that the Borough is not abolishing the Health Officer. It is abolishing the Department that is called the Department of Health, and the responsibilities are being dispersed among other departments. The Borough will still have a Health Officer, Environmental Specialist, and Secretary to the Board of Health. This is basically eliminating the current department and allocating those responsibilities in other ways. The anticipated cost savings of the whole package is between \$45,000.00 and \$48,000.00.

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

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

Mayor Rustin recognized Councilwoman LaMastra:

B. #R10-86/Award Contract/Trino Associates, LLC

Motion by Councilwoman LaMastra, second by Councilman Lattif:

WHEREAS, there is a need to make improvements to Huyler Park; and

WHEREAS, bids were to be received on November 17, 2009 for the project known as “**Improvements to Huyler Park**” as authorized via resolution #R09-395 but were cancelled when a challenge to the bid specs was filed too near the bid receipt date to permit an addendum to the bid within the time permitted by law; and

WHEREAS, via resolution #R09-443, bids were reauthorized by the Mayor and Council for receipt on December 22, 2009, at which time bids were received and opened and read aloud; and

WHEREAS, Trino Associates, LLC of 354 Verona Way, Paramus, NJ 07652 submitted the lowest bid at \$96,875.00; and

WHEREAS, by letter dated January 12, 2010, the Borough Engineer reviewed the bid documents and recommended the contract be awarded to the lowest bidder; and

WHEREAS, funding has been provided in Ordinance No. 07-24 and an Open Space Grant award from Bergen County.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly, that the bid for the project known as Improvements to Huyler Park be awarded to **Trino Associates, LLC** in the amount of **\$96,875.00**; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute said contract 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

Mayor Rustin recognized Councilman Rouse:

C. #R10-87/Authorize Construction Documents for Police Headquarters

Motion by Councilman Rouse, second by Councilman Lattif:

Approved: February 23, 2010

BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly, that authorization is hereby given to Architect Iovino to proceed with construction documents based on the concept drawings presented to the Mayor and Council at the Special Meeting held tonight, February 9, 2010 at 7:00 p.m., for the expansion of Police Headquarters.

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

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

Walter Kosman, 31 Woodmere Lane, Tenafly expressed concerns regarding staffing at the Senior Center, amending the Borough Code to create the Department of Code Enforcement and abolish the Department of Health, and the creation of Director of Community Services Programs to oversee Recreation, Senior Center and Youth Services programs. He believes there has been a lack of communication between the governing body and the residents regarding these issues. He also suggested that the governing body use the net square footage when talking about the Police facility expansion.

Mayor Rustin remarked that staffing at the Senior Center is a personnel issue and will be discussed in closed session.

Eleanor Horchler, 101 Columbus Drive, Tenafly expressed concern regarding under-staffing at the Senior Center, and inquired if the Assistant to the Senior Center Director position would be filled.

MAYOR'S REMARKS: None.

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
- B. Personnel
 - 1. Update/Borough Administrator selection
 - 2. Staffing at Senior Center

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 Lattif, the meeting went into closed session at 8:33 p.m.

Following Closed Session, the Mayor reported he had attended a meeting of Mayors at which Bergen County Executive Director McNerney was present. Mr. McNerney expressed his opinion that the Northern Branch extension of light rail won't be built for years, and if then, only to Englewood.

There being no further business to come before the Council, on a motion from Councilwoman LaMastra, second by Councilman Barzelatto, the meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Nancy Hatten, RMC
Borough Clerk