

**REGULAR MEETING OF THE MAYOR AND COUNCIL**

**BOROUGH OF TENAFLY**

**TUESDAY, FEBRUARY 23, 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:** Borough Clerk Nancy Hatten

**ALSO**

**PRESENT:** Interim Borough Administrator Gregory Fehrenbach  
Borough Attorney William R. McClure  
Executive Assistant to the Borough Clerk Eileen DeFabiis

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 Lattif and unanimously carried,

**RESOLVED** that the Minutes of the Work Session of February 2, 2010, Closed Session of February 2, 2010 (not for release), Special Meeting of February 9, 2010, Public Meeting of February 9, 2010, and Closed Session of February 9, 2010 (not for release), are hereby approved.

**REVISIONS TO THE AGENDA:** Borough Attorney McClure advised that a Closed Session item has been added under Legal regarding Industrial Enterprises vs. Tenafly litigation.

**AUDIENCE REMARKS FOR AGENDA ITEMS:**

Shama Haider, 156 Stonehurst Drive, Tenafly urged Council to take a strategic view of the 2010 budget, and to start thinking about what can be done to save a tax increase for the residents.

Mark Feldman, 33 Lylewood Drive, Tenafly expressed concern on the lack of resolution of the issue of cost for the Police Headquarters expansion, and he feels there should be greater publicity as the Borough goes forward with this process.

**CORRESPONDENCE:** None.

**CONSENT AGENDA**

- A. #R10-88/Approve Raffle Applications 962 and 963
- B. #R10-89/Approve Refund of Tree Removal Escrow/180 Elm Street
- C. #R10-90/ Approve Refund of Tree Removal Escrow/49 Buckingham
- D. #R10-91/Approve Refund of Engineering Escrow/Building Dept/159 Buckingham
- E. #R10-92/Correct Resolution #R09-411/cancellation of capital improvement balances/ Cap Ord. No. 02-12 re Roosevelt Monument restoration should be \$535.33 cancelled
- F. #R10-93/Approve Redemption of Tax Title Lien #08-6
- G. #R10-94/Establish 2010 Recreation Summer Camp/Program Fees
- H. #R10-95/Establish 2010 Youth Services Camp Fees

Motion by Councilman Lattif, 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. Ordinance No. 10-06/Amend Borough Code/ Establish position of Council Liaison to Fire Department

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

**AN ORDINANCE AMENDING CHAPTER II, SECTION 2-47 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY TO CREATE THE POSITION OF “COUNCIL LIAISON” TO THE TENAFLY FIRE DEPARTMENT**

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, February 9, 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 23, 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 Councilman Lattif:

#R10-96/Adoption of Ordinance No. 10-06

Motion by Councilman Lattif, second by Councilwoman LaMastra

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 CHAPTER II, SECTION 2-47 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY TO CREATE THE POSITION OF “COUNCIL LIAISON” TO THE TENAFLY FIRE DEPARTMENT**

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. 10-07/amend Borough Code to create the Department of Code Enforcement and to abolish the Department of Health

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

**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”**

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, February 9, 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 23, 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 Councilman Lattif:

#R10-97/Adoption of Ordinance No. 10-07

Motion by Councilman Lattif, 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 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 its second and final reading and is hereby adopted and notice of same shall be published according to law.

Mayor Rustin recognized Councilman Rouse.

Councilman Rouse remarked that this ordinance is not abolishing the position of Health Officer or the Board of Health.

Mayor Rustin recognized Councilman Barzelatto.

Councilman Barzelatto commented that even though he is supportive of the consolidation of the Health Department with the Department of Code Enforcement, he is not in favor of having a Director of the Department of Code Enforcement. He believes it is a position that is not needed because it should be handled as a Construction Official, not as a separate line item. He plans to discuss this extensively during the budget meetings.

Mayor Rustin recognized Councilman Lattif.

Councilman Lattif underscored what Councilman Barzelatto said. He feels the same way and is hopeful that in discussions that will occur over the next several weeks, this issue will be addressed in a way that will provide taxpayers with the same or better services from that department, and at the same time remove a portion of the tax burden.

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

COMMITTEE REPORTS

Mr. Barzelatto: Tenafly Fire Department: The Fire Department responded to 59 calls with three mutual aids, two to Cresskill and one to Englewood. They manned 36 hours in the fire house during the last snow storm.

Ms. LaMastra No report.

Mr. Lattif Tenafly Senior Center: The Board of Directors met February 22 with discussion including the bequeath of \$20,000.00 from Cynthia Wilson. They have spent \$4,000.00 on fix-ups with a few hundred being spent on memorial art items to Ms. Wilson. They will be exploring the possibility of pushing out a small section of the north wall to put a seating area there in memory of Ms. Wilson. They also discussed an update on the officer and director’s indemnity insurance, and are continuing to revise their By-Laws. The Director also noted that on March 24 the High School will be holding a dress rehearsal of the musical “Anything Goes” at which they invited the seniors to attend free of charge. Roberta Scioscio and Tess Peters are both performing services to help the Senior Center Director on a part-time temporary basis.

Mr. McDermott No report.

Mr. Rouse Tenafly Library Board: The Library Board held a special meeting last night to discuss their budget.  
  
Tenafly Board of Health: The Board of Health does not meet this month.

Mr. Warms No report.

OLD BUSINESS: None.

NEW BUSINESS:

Mayor Rustin recognized Councilman Rouse:

- A. #R10-98/Appointment of Borough Administrator

Motion by Councilman Rouse, second by Councilman Lattif:

WHEREAS, there is a vacancy in the position of Borough Administrator due to the retirement of Joseph DiGiacomo, effective November 1, 2009; and

WHEREAS, the Mayor and Council engaged Government Management Advisors, LLC to assist them in the conduct of a search to fill this position; and

WHEREAS, the Borough received and processed in excess of 40 employment applications for this position and conducted multiple interviews over the period of December, January and February, and

WHEREAS, the Mayor in accordance with Article 2-8.2 of the Revised General Ordinances of the Borough of Tenafly has appointed Jewel V. Thompson-Chin, as the Borough Administrator effective March 1, 2010.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tenafly, that the appointment of JEWEL V. THOMPSON-CHIN is hereby granted advice and consent for the position of BOROUGH ADMINISTRATOR for the Borough of Tenafly, and that said appointment is subject to Schedule A which is attached and made a part hereof and shall be in accordance with the applicable Borough Ordinances 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 Warms:	aye

Mayor Rustin recognized Councilwoman LaMastra:

B. #R10-99/Introduce Capital Ordinance No. 10-08/Improvements to Davis-Johnson Park

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, State of New Jersey, that an Ordinance entitled:

**ORDINANCE APPROPRIATING \$171,300 TO PROVIDE FOR IMPROVEMENTS TO DAVIS-JOHNSON PARK IN AND BY THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, NEW JERSEY.**

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, Tenafly Municipal Center, 100 Riveredge Road, Tenafly, New Jersey, on Tuesday, March 9, 2010 at 8:00 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.

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.

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. #R10-100/Introduce Capital Ord. No. 10-09/Reappropriation of Funds/Improvements to Davis-Johnson Park

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, State of New Jersey, that an Ordinance entitled:

**ORDINANCE REAPPROPRIATING \$24,757.28 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR IMPROVEMENTS TO DAVIS-JOHNSON PARK AS MORE FULLY DESCRIBED HEREIN IN AND BY THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, NEW JERSEY**

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, March 9, 2010 at 8:00 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.

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.

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 Warms:

D. #R10-101/Introduce Capital Ord. No. 10-10/Improvements to Walnut Park

Motion by Councilman Warms, second by Councilman Rouse:

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:

**ORDINANCE APPROPRIATING \$177,654 TO PROVIDE FOR IMPROVEMENTS TO WALNUT PARK IN AND BY THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, NEW JERSEY.**

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, March 9, 2010 at 8:00 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.

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.

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 Warms:

E. #R10-102/Introduce Capital Ord. No. 10-11/Repeal Capital Ordinance No. 06-38/Roosevelt Monument, Phase 2 Cancelled

Motion by Councilman Warms, second by Councilman Lattif:

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:

**BOND ORDINANCE REPEALING BOND ORDINANCE NO. 06-38 FINALLY ADOPTED NOVEMBER 9, 2006 OF THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, NEW JERSEY AS REFERRED TO HEREIN**

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, Tenafly Municipal Center, 100 Riveredge Road, Tenafly, New Jersey, on Tuesday, March 9, 2010 at 8:00 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.

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.

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: None.

MAYOR’S REMARKS: Mayor Rustin offered condolences to Borough Clerk Nancy Hatten and her family on the passing of her father. He also thanked Interim Borough Administrator Gregory Fehrenbach for his service to the Borough and the community during the transition period.

Mayor Rustin appointed Anthony Barzelatto as Council Liaison to the Fire Department.

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 vs. Borough of Tenafly
- B. Personnel
  - 1. Police Administration Contract negotiations
  - 2. Elevator Sub-Code Official issue

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 went into closed session at 8:57 p.m.

Respectfully submitted,

Eileen DeFabiis  
Executive Assistant to the Borough Clerk