

C. Emy/Oxford Dr. Re: Request/PODs in front driveway
Motion by Councilman McDermott, second by Councilman Rouse, and unanimously approved, that the request for permission to have place two temporary (POD) trailers in the front driveway of 245 Oxford Drive from March 24 to April 16, 2010, is hereby approved.

CONSENT AGENDA

- A. #R10-119/Authorize Refund/2009 Tax Court Judgment
- B. #R10-120/Authorize Refund/Duplicate payment for 2010 dog license
- C. #R10-121/Authorize Refund/Building Dept Escrow/Soil Moving Fees/47 Sunset Lane
- D. #R10-122/Authorize Refund/Building Dept Engineering Escrow /353 E Clinton
- E. #R10-123/Authorize Refund/Board of Adjustment Escrow/353 E. Clinton
- F. #R10-124/Approve renewal of contract/HARP nursing services
- G. #R10-125/Approve renewal of contract/Mid-Bergen Regional Health Commission
- H. #R10-126/Approve Raffle License Applications 964 and 965
- I. #R10-127/Approve Line Item Transfer Reserves
- J. #R10-128/Approve amendment to 2010 Temporary Budget

Motion by Councilwoman LaMastra, 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:	absent	Councilman Warms:	aye

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

PUBLIC HEARINGS:

A. Ordinances

1. Ordinance No. 10-12/SIGN Ordinance

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

AN ORDINANCE AMENDING CHAPTER XIV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "SIGNS"

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, March 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, March 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.

1. Jeffrey Thompson, 41 Lawrence Parkway, Tenafly expressed concern about the size of signs that are permitted, the restriction that signs must be removed within seven days of the advertised event, and the definition of 'campaign signs'.

Borough Attorney McClure responded that there will be amendments to this Ordinance. There should be consistency as to size of signs as permitted in the Ordinance. He explained further, regarding the requirement to remove signs within a specified time limit, that it is not an issue as the case law addressed a sign installed prior to the primary election remaining in place until the subsequent general election, when it should have been removed following the primary election. It was more an issue of the number of days prior to the general election that it had been installed.

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

Mayor Rustin again recognized Councilwoman LaMastra:

#R10-129/Adoption of Ordinance No. 10-12

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 AMENDING CHAPTER XIV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "SIGNS"

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:	absent	Councilman Warmes:	aye

2. Ordinance No. 10-13/FEES/UCC Code

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

AN ORDINANCE TO AMEND THE FEE SCHEDULE, SECTION 10-1.3 OF THE REVISED GENERAL ORDINANCES IN THE BOROUGH OF TENAFLY, N.J. ENTITLED "FEES FOR CONSTRUCTION PERMIT"

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, March 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, March 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.

Mark Feldman, 133 Lylewood Drive, Tenafly expressed his support for raising fees, but urged the Council not to pass the Ordinance unless it is linked to cost saving measures in the department as he felt the department is overstaffed.

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

Mayor Rustin again recognized Councilman Rouse:

#R10-130/Adoption of Ordinance No. 10-13

Motion by Councilman Rouse, second by Councilman Warmes

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 THE FEE SCHEDULE, SECTION 10-1.3 OF THE REVISED GENERAL ORDINANCES IN THE BOROUGH OF TENAFLY, N.J. ENTITLED "FEES FOR CONSTRUCTION PERMIT"

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

Councilwoman LaMastra stated she was not in favor of raising the fees as the current fees are still covering the cost of running the department.

Councilman Warms advised that the UCC fees have not been revised in several years. Costs have increased. Fees are assessed to the user of services. This new fee schedule will bring us closer to expenses. He is strongly in favor of this Ordinance.

Councilman Barzelatto reported he has worked for the Department of Community Affairs and explained the purpose of the fees is to cover cost of running the building department. He felt that since we are already doing that, there is no need to raise the fees at this time.

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

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

The vote being 3-2 in favor, the Ordinance is adopted.

B. Other – Sign Appeal – School of Rock, 33 County Road, Tenafly location

Borough Attorney McClure explained that with the passage of the Sign Ordinance No. 10-12 earlier this evening, the non-conformities in this application are now resolved. He clarified that the size of permitted signs is per tenant at a building address.

Matt Ross, resident of Cresskill, was present to represent the School of Rock. He explained that his location faces Jay Street and County Road, so a sign is needed on both sides of the corner building, as well as signage on the awning over the entrance door. He distributed a new schematic that displays the building number on the signage.

#R10-131/Decision on Sign Appeal/School of Rock

Following brief discussion, on a motion by Councilwoman LaMastra, second by Councilman Warms and all present voting in favor, the request by the School of Rock to display signage on both sides of the building, internally illuminated, of 32 square feet as one tenant, is hereby approved.

COMMITTEE REPORTS

Mr. Warms: Tenafly Nature Center has been closed because of the storm and storm damage. They had storm clean-up last Sunday.
Chamber of Commerce: Bob Kutik has resigned as President of the Chamber; Gerry Migliore of CVS is now President

Mr. McDermott: Environmental Commission: at present it is unclear if they will be able to sponsor an Earth Day event this year; they may have just an event for children. They are working on more Greening Forums to take place this year. Regarding the Green Team/Sustainability, Trenton has changed the point system for achieving certification from 100 points to 150 points. We are currently between 70 and 80 points and are working toward completion of the necessary requirements. The planned Energy Audit will provide points.
Chemical Awareness Program: there will be a meeting tomorrow night in the McCandless Room; the transition of 5th graders to Middle School will be May 19, and they will have a large presence at the 5K run this year.

Mr. Rouse: Library: The annual Book Sale will be held April 16-18; residents may drop off donated books as of April 13. He reported further that the BCCLS inter-library delivery may end at the end of this year due to budget cuts.

Board of Health: Ratified contracts with Hackensack Medical Center for public nursing services (HARPS), and with the Mid-Bergen Health Commission for Environmental Specialist and other health-related services. As Recreation is having a CPR course on April 22, the Board of Health will wait to see if an additional course will be needed before scheduling a session, in conjunction with TVAC.

Ms. LaMastra

Business Improvement District: meets tomorrow night.
Board of Adjustment: having attended the Board meeting last evening, she reported that the Planning Board proposed revisions to the LDR were discussed. The Board of Adjustment Attorney raised questions concerning the definitions in the proposed revisions. She asked that further Council consideration that is scheduled for the April 6 work session be removed from that agenda.

Mayor Rustin said that before it is removed from the work session agenda, he will speak to the respective Chairs of both Boards and encourage there be a meeting with them and the Board attorneys to resolve the issues.

OLD BUSINESS: Reappointment of Fire Subcode Official

As stated earlier, Alden Blackwell, current Fire Sub-Code Official, requested this discussion take place in Open Session, as he was informed via a Rice Notice that discussion on his re-appointment was to take place. His current term expires April 6, 2010. A re-appointment grants him tenure in the position.

Mayor Rustin opened the hearing to the public.

Paul Keyes, 44 Cortlandt Place, Tenafly, also owner of Paul Keyes Associates at 111 No. Summit Street, Tenafly commented that Alden Blackwell is very professional in his handling of applications and very thorough.

Robert Thompson, 33 Leonard Avenue, Tenafly, expressed his satisfaction in his dealings with Alden and appreciated his efforts.

There being no further comments from the public, Mayor Rustin closed the hearing. Mayor Rustin then re-appointed Alden Blackwell to the position of Fire Sub-Code Official for the Borough of Tenafly.

#R132/Council confirmation of re-appointment of Alden Blackwell

Motion by Councilwoman LaMastra, second by Councilman Rouse and all present voting in favor, Alden Blackwell was confirmed as Fire Sub-Code Official for the Borough of Tenafly, beginning April 7, 2010.

NEW BUSINESS: None.

MAYOR'S REMARKS:

Mayor Rustin appointed Monica Zaccario to the Recreation Board to fill the vacancy caused by the resignation of Susan Van Poznak.

The March 13 storm wreaked havoc throughout the Borough. Many trees were down along East Clinton, a ladder truck was damaged by a falling tree on Park Street, and there were significant and lengthy power outages in Tenafly. He had high praise for the Volunteer Fire Department and Ambulance Corps, the Police Department and Public Works, and our OEM Coordinator Tony Barzelatto. All agencies went above and beyond to assist our residents. It was noted that better communication was needed from PSE&G, and he advised that some of his fellow Mayors will be discussing this at their next meeting.

Ms. LaMastra remarked that Building Inspector Bob Byrnes did a great job visiting all the homes with tree damage, and the recap report from the Police Chief was very thorough.

Councilman Barzelatto reported that the Code Red system reached about 60% of the population, and he met with representatives from FEMA, State and County officials to review the Tenafly damage report.

Mayor Rustin noted it was the last meeting to be attended by Eileen DeFabiis, Executive Assistant to the Borough Clerk, who had resigned to take the position of Municipal Clerk for Montague Township. He thanked her for her years of service and wished her well in her new position.

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 matters:

- A. Legal - None
- B. Personnel
 - 1. Resignation of Executive Assistant to Borough Clerk
 - 2. Status of Elevator Sub-code Official
 - 3. Staffing in Recreation
 - 4. Staffing in Code Enforcement
- C. Contract Negotiations
 - 1. Police Contract Proposal

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 9:48 p.m.

Respectfully submitted,

Nancy Hatten, RMC
Borough Clerk