

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

THURSDAY, JUNE 10, 2010

PRESENT: Mayor Peter Rustin and Council members Nadia LaMastra, Michael Lattif, Joseph McDermott, and Patrick J. Rouse

ABSENT: Council members Anthony Barzelatto and Jon Warms

ALSO

PRESENT: Borough Administrator Jewel Thompson-Chin
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 Work Session of May 25, 2010, Public Meeting of May 25, 2010, and Closed Session of May 25, 2010 (not for release), are hereby approved.

REVISIONS TO THE AGENDA – Borough Attorney McClure advised that two matters would be added under the legal closed session. The first would be update on legal matters involving the Cotswold Fountain. The second would be an update on litigation involving the Special Improvement District, titled PAMBAR vs. Borough of Tenafly.

AUDIENCE REMARKS FOR AGENDA ITEMS: None

CORRESPONDENCE

A. B.Denson/Buff Rd Re: Request for Block Party 07-10-10
Motion by Councilman Rouse, second by Councilwoman LaMastra, that the request to hold a block party on Buff Road between Knickerbocker Road and Cambridge Road, Saturday, July 10, 2010, with a rain date of Sunday, July 11, 2010, is hereby approved.

B. Green Door Café Re: Request for Canopy/Outdoor Seating
Borough Clerk Hatten acknowledged receipt of a letter from the Green Door Café requesting a canopy over their outdoor seating area and remarked that there would be a Public Hearing on this matter later this evening.

C. Tenafly Planning Board Re: Support for Environmental Comm.
Green Building resolution
Borough Clerk Hatten acknowledged receipt of a memo from the Planning Board supporting the Environmental Commission's Green Building resolution which will be discussed under New Business tonight.

D. Tenafly Planning Board Re: Review of Ordinance No. 10-15
Borough Clerk Hatten acknowledged receipt of a memo from the Planning Board with a review of Ordinance No. 10-15 which would allow medical offices on the JMP site in the commercial building yet to be built. She remarked that this review is necessary for the Public Hearing on June 22, 2010.

CONSENT AGENDA

- A. #R10-187/Approve June Expenditures
- B. #R10-188/Approve Refund/overpayment of taxes
- C. #R10-189/Approve Refund/Engineering/Soil Moving Escrow/41 Farview Rd
- D. #R10-190/Elimination of program/collection of construction debris at Recycling Ctr
- E. #R10-191/Approve 2010-12 Bergen County Snow Plow Agreement
- F. #R10-192/Reduce Performance Bond and Engineering Escrow/JMP residential component/Piermont Road
- G. #R10-193/Approve Refund/Tree Removal Escrow/93 Churchill Road
- H. #R10-194/Approve Refund/Tree Removal Escrow/Final 20%/245 County Rd
- I. #R10-195/Award Bid/Repair and Maintenance of Police Cars/2010-12
- J. #R10-196/Award Bid/Repair and Maintenance of Traffic Signals/2010-12
- K. #R10-197/Introduce Ordinance No. 10-19/Amend Borough Code/Traffic Chapter VII/Establish part-time one-way streets
- L. #R10-198/Introduce Ordinance No. 10-20/Amend Borough Code/Traffic Chapter VII/Establish time limit parking on Oak Street and Downey Drive
- M. #R10-199/Authorize receipt for new bid/Police Department ERT vehicle

Motion by Councilman Lattif, second by Councilman Rouse that the Consent Agenda be approved.

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

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

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

8:00 P.M. – PUBLIC HEARINGS

A. Ordinances

- 1. Ordinance No. 10-16/Establish CAP Bank 2010

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

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14

The foregoing Ordinance published herewith was introduced at a special meeting of the Mayor and Council of the Borough of Tenafly, in the County of Bergen, New Jersey, held on Tuesday, May 18, 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 Thursday, June 10, 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 of 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:

#R10-200/Consider Adoption of Ordinance No. 10-16

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:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14

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

2. Ordinance No. 10-17/Amend Borough Code/Traffic Chapter VII/establish time limit parking on Coppell Drive and other streets off Engle Street

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

AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC" IN ORDER TO ESTABLISH TIME LIMIT PARKING ON CERTAIN STREETS

The foregoing Ordinance published herewith was introduced at a special meeting of the Mayor and Council of the Borough of Tenafly, in the County of Bergen, New Jersey, held on Tuesday, May 25, 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 Thursday, June 10, 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 of 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 Rouse:

#R10-201/Consider Adoption of Ordinance No. 10-17

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:

AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC" IN ORDER TO ESTABLISH TIME LIMIT PARKING ON CERTAIN STREETS

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

3. Ordinance No. 10-18/Amend Borough Code/Traffic Chapter VII/establish parking restrictions on Columbus Drive

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

AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC" IN

ORDER TO ESTABLISH STOPPING OR STANDING RESTRICTIONS ON CERTAIN STREETS

The foregoing Ordinance published herewith was introduced at a special meeting of the Mayor and Council of the Borough of Tenafly, in the County of Bergen, New Jersey, held on Tuesday, May 25, 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 Thursday, June 10, 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 of 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 Rouse:

#R10-202/Consider Adoption of Ordinance No. 10-18

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:

AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC" IN ORDER TO ESTABLISH STOPPING OR STANDING RESTRICTIONS ON CERTAIN STREETS

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

B. Other

1. Canopy in the Right-of-Way/Green Door Café

Mayor Rustin recognized Leon Bell, owner of the Green Door Café, 1 Highwood Avenue, Tenafly, who explained that the Green Door Café is requesting the use of a shade canopy versus umbrellas in the outdoor seating area. He believes that the canopy not only provides better shade, but is a lot safer than the umbrellas. He stated that the canopy is secured to umbrella bases and does not impede pedestrian traffic.

Mayor Rustin questioned whether the canopy would come down every night. Mr. Bell responded that during the week it would depend on the weather conditions, but will always come down on Saturday night. Mayor Rustin read into the record a letter (attached) from the Tenafly Fire Department detailing seven (7) criteria that the canopy must meet.

Mayor Rustin opened public comment on this Public Hearing.

Giuseppe LaMastra, 42 Dean Drive, Tenafly asked the Council to consider the consequences of asking Mr. Bell to abide by rules and regulations that he has not seen. He believes that Mr. Bell should provide proof by architectural design that this structure will be able to withstand high winds.

Mayor Rustin recommended that Mr. Bell visit the Building Department to find out if the shade canopy complies with the Uniform Construction Code. Borough Attorney McClure advised that the Mayor and Council should only be considering the request to use of the Borough Right-of-Way; the enforcement of the Uniform Construction Code is within the jurisdiction of the Code

Official. Borough Attorney McClure further stated that approval of this application should be subject to compliance with the applicable codes as determined by the Code Official.

#R10-203/Decision on Request for Canopy

Motion by Councilman Rouse, second by Councilman McDermott

BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly, that permission is hereby granted to the Green Door Café (Leon Bell, proprietor), located at One Highwood Avenue, Tenafly for the use of the Borough right-of-way for the placement of temporary canopies over the permitted outdoor seating, conditioned on the requirements of the Fire Official in a memo dated June 10, 2010 as attached hereto, and all other applicable codes and regulations

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

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

COMMITTEE REPORTS

Councilman McDermott

Transportation Committee met and discussed placing a referendum question concerning the Light Rail on the ballot in November's election. This matter will be further discussed in an upcoming Work Session.

Environmental Commission met and discussed two forums that will take place this year. The first is a Wildlife Forum that will take place in July. The second will be an environmentally-friendly vendor fair with a keynote speaker that will take place in September/October.

CAP (Chemical Awareness Program) had a successful dunking booth at the 5k run.

Mayor Rustin

There was a Mayor's Breakfast this past Tuesday with Bill Dressel, director of the League of Municipalities. He announced that SR1, a move to abolish COAH, would be voted on today. Mayor Rustin announced that SR1 was in fact approved by the State Senate and will now go to the State Assembly. James Carroll, Chair of the Board of Chosen Freeholders, also attended this event and he announced that the county assessment went from \$187 billion to \$181 billion this year. Mr. Carroll also discussed a program called the Bergen Wellness Card which allows card holders to have a significant discount on items such as prescriptions, eyeglasses, hearing aids, and pet prescriptions. Mayor Rustin is going to look into this program for Tenafly residents.

Last night there was a joint meeting with Northern Valley and Pasack Mayors with United Water to challenge the increase in hydrant charges.

Sign Committee discussed sign appeals for Tenafly Kia, Stop and Shop, and Woodart Kitchen Design Center. All three of these applications were originally denied because their signs are larger than

the new requirements. The Sign Committee felt that because all three signs are the same size as those already existing and they look appropriate, the three appeals were granted approval.

Councilman Lattif questioned the School of Rock's flags that are still lining County Road. Mayor Rustin said that he would have the Building Department look into it.

Councilman Rouse

Library Board: Mr. Rouse reported that they will be interviewing two finalists for the position of Library Director at their meeting on Monday Night.

Police Department: Mr. Rouse pointed out that the number of motor vehicle accidents has dramatically increased in this past year, with 42 accidents occurring in May alone. There were 565 summons issued for the month of May, 422 of which were for moving violations.

Mayor Rustin remarked that there will be a Police Commission meeting next week and asked the Council for any items that they wished to be discussed. Councilman Lattif expressed his concern over the rise in motor vehicle accidents and summons being issued. He believes that a community-wide campaign to reinforce respect for the speed limit, laws, and each other should be put in place.

Councilman Lattif

None

Councilwoman LaMastra

None

OLD BUSINESS

Councilwoman LaMastra had contacted Frank Mottola, the Zoning Official, with regard to the strip mall located at 33 Riveredge Road, Tenafly. There was a Planning Board resolution that granted them a certain amount of driveway space so long as they planted shrubbery. Councilwoman LaMastra stated that the driveway is now completely blacktop and she wanted to check with Mr. Mottola as to whether there can be enforcement through Zoning. Borough Attorney McClure advised that this resolution would have been part of their site plan approval and it is enforceable as a Zoning violation. Borough Administrator will follow up with Frank Mottola.

NEW BUSINESS

Mayor Rustin recognized Councilwoman LaMastra:

- A. **#R10-204**/Introduce Ordinance No. 10-21/Amend Ordinance No. 08-25/Creating a Special Improvement District and Designating a District Management Corporation

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:

AN ORDINANCE AMENDING CHAPTER XXIX, SECTION 29-5 AND "SCHEDULE A" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY CREATING AND DEFINING A SPECIAL IMPROVEMENT DISTRICT IN THE BOROUGH OF TENAFLY

pass on first reading and remain on file with the Municipal Clerk for public inspection until public hearing shall be held in Council Chambers, Tenafly Municipal Center, 100 Riveredge Road, Tenafly, New Jersey, on Tuesday, July 13, 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 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 same.

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

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

B. **#R10-205**/Adopt Green Building Policy Programs

Motion by Councilman McDermott, second by Councilman Lattif:

WHEREAS, a green building is a key component for sustainability; and

WHEREAS, green building benefits can be spread throughout the systems and features of a building. Green buildings can include use of certified sustainable wood products and high-recycled-content products. Recycling of waste that occurs during demolition, deconstruction, and construction reduces the amount of waste deposited in landfills. The proper orientation and passive solar design of a building reduces demands on its heating and cooling systems. The use of advanced –design heating, ventilating, and air conditioning systems provide increased energy efficiency and improved indoor quality. Enhancement of indoor air quality is also achieved by the selection and use of construction materials that do not emit chemicals which are toxic or irritating to building occupants. The use of water conserving methods and equipment reduce the per capita demand on resources and infrastructure. The installation of alternatives and renewable energy systems can supplement conventional methods of energy productions; and

WHEREAS in recent years, green building design, construction and operational techniques have become increasingly widespread, Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides in green building practices. The U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems and LEED Reference Guide, has become a leader in promoting and guiding green building. Also, the New Homes Green Points Calculator and the Multifamily Green Points Project Tool published by Build It Green are useful documents in evaluating residential green building projects; and

WHEREAS, “green building” is intended to raise the level of construction in order to encourage water and resource conservation, reduce waste generated by construction projects, increase energy efficiency in buildings, provide durable buildings that are efficient and economical to own and operate and promote the health and productivity of residents, workers, and visitors to the Borough, and

WHEREAS, nothing in this ordinance is intended to duplicate, contradict, or enter a field which has been fully occupied by state law, including the New Jersey Uniform Construction Code.

NOW THEREFORE BE IT RESOLVED; by the Mayor and Council of the Borough of Tenafly, that the Borough does hereby support and promote a program of green building by adopting the following practices:

1. The Borough will distribute green building educational information as part of the approval and permitting process to residents, contractors, developers, property owners, and all interested participants in the Borough’s Green Building Policy Programs.
2. The Borough shall undertake to review and update all Ordinances to incorporate recognized green building standards as appropriate.

3. The Borough will consider a proposed green building checklist as part of the documents required for submittal of application for site plan review.
4. The Borough's Green Building Policy Programs shall be publicized periodically in the Borough's newsletter.

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

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

AUDIENCE REMARKS FOR NON-AGENDA ITEMS

Kyle Kavanaugh, 10 Coleman Terrace, Tenafly, explained that his neighbor on Tenafly Road, Raymond Lucas, was granted permission by the Council to place his mailbox right on the property line. Mr. Kavanaugh's mail has frequently been placed in Mr. Lucas' mailbox. He is requesting that Mr. Lucas' mailbox be moved further away from the property line. Mayor Rustin commented that the location of the mailbox had been approved by the Mayor and Council. The Borough Clerk will contact Frank Mottola, the Zoning Official, to review the location again.

Leslie Lipka, 10 Coppell Drive, Tenafly, requested that the signs pertaining to Ordinance 10-17 be placed as unobtrusively as possible.

Yael Wolf, 30 Leonard Avenue, Tenafly, questioned when her request to remove the sidewalk in front of her property was going to be considered. She was informed it would be at the Work Session on June 22, 2010.

Jeff Thompson, 41 Lawrence Parkway, Tenafly, explained that he had requested, via email, to meet with the Borough Administrator regarding his objection to the trees removed within the buffer and has not received a response. Borough Administrator Thompson-Chin acknowledged receipt of Mr. Thompson's email and responded that she would get back to him.

MAYOR'S REMARKS

Mayor Rustin stated that this past Sunday was the 5k run and praised its organizers. This event raised a significant amount of money for the Tenafly Educational Foundation which supports the schools.

Mayor Rustin also acknowledged the passing of Thomas Elefante, Assistant Principal at Tenafly High School, who passed away at the age of 49. Mayor Rustin commented that Mr. Elefante was a very special individual who left his mark on this community.

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. Update PAMBAR et al vs. Borough of Tenafly
 2. Legal issues regarding the fountain at 1 Byrne Lane, Cotswold and a potential offer to donate the fountain.
- B. Personnel
 1. Retirement of the Borough Clerk/Search

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.

There being no further business to come before the Council, on a motion from Councilman Rouse, second by Councilwoman LaMastra, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 8:41 p.m.

Respectfully submitted,

Nancy Hatten, Borough Clerk