

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, JUNE 22, 2010

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: Borough Administrator Jewel Thompson-Chin
Chief Financial Officer, Gene Vinci
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 June 1, 2010, Closed Session of June 1, 2010 (not for release), Regular Meeting of June 10, 2010, and Closed Session of June 10, 2010 (not for release), are hereby approved.

REVISIONS TO THE AGENDA – Borough Attorney McClure advised that a letter from Yael Wolf, 30 Leonard Ave, Tenafly, regarding the removal of the sidewalk in front of her property, would be added under Correspondence. He noted that resolution #R10-213, related to the renewal of the technology agreement with the Board of Education, would be removed from the Consent Agenda and would be placed under New Business. Borough McClure also advised that a legal matter concerning the status of PAMBAR vs. Tenafly litigation would be added to the Closed Session. Borough Clerk Hatten advised that Resolution #R10-227, approval of the contract with Joe Burgis for the Planning Board on COAH, would be added under the Consent Agenda.

PUBLIC COMMENTS:

Martha Koven, 2 N. Summit St., Tenafly, requested a copy of the 2009 draft referendum question regarding the Light Rail and she was told that it would be provided to her.

Yael Wolf, 30 Leonard Ave, Tenafly, explained that the sidewalk in front of her property is aesthetically unpleasant and it is physically impossible for it to be extended. She stated that people walk on the other side of the street where there is a continuous sidewalk and a safe passageway from the school to the park. She will be leaving the sidewalk to the right of her property which is continuous.

Mark Feldman, 133 Lylewood Dr., Tenafly, disputes the administrator's comments that there are adequate funds for the police expansion project. He does not feel there was ever any clear decision as to what the Borough can afford to spend under these economic conditions.

Ernest Kollitides, 164 E. Clinton Ave, Tenafly, stated that he was intrigued by the administrator's comments that there are sufficient funds for the police expansion project. He believes that this project is ill-conceived. He understands that the governing body is concerned with furloughing and laying off employees, but there are many areas in which cuts can be made. One of these areas, in his opinion, is delaying capital projects for the time being. He believes that

providing the police department with two large file rooms should be sufficient and will not cost a significant amount of money.

Anne Kelly, 24 Midwood Rd, Tenaflly, stated that the governing body should have consulted residents with financial backgrounds to help with the budget.

Johanne Gambrill, 15 Ravine Rd, Tenaflly, is concerned about the lack of information on the BID budget. She feels that there needs to be more clarity before this budget is passed.

Gloria Lane, 64 N. Lyle Ave, Tenaflly, questioned how long Mr. Fehrenbach would be employed by the Borough and she was informed that he had been hired to assist in the search for the new Borough Clerk. She then stated that more personnel is needed at the Senior Center.

CORRESPONDENCE

A. E. Shanks Re: December holiday display at Huyler Park
Borough Clerk Hatten acknowledged receipt of a letter from Elizabeth Shanks, Chairperson of the Tenaflly Traditional Holiday Committee, requesting permission to have their December holiday display at Huyler Park. Because of time constraints, she stated this matter would be considered at the July 6th Committee of the Whole meeting.

B. BC County Executive Re: Award/Grant for Aquatic Chair Lifts
Borough Clerk Hatten acknowledged receipt of a letter from the Office of the County Executive granting approval for ADA Aquatic Chair Lifts for the Swim Clubs. A 2010 Community Development Block Grant in the amount of \$12,000 has been allocated for this purpose. One Swim Club has declined this grant. The question arose as to whether the swim club has the authority to reject this grant and Borough Attorney McClure advised that the Swim Club is a private organization and they do have the authority to reject it.

C. BD County Executive Re: Award /BC Open Space Trust Fund/\$61,200
Davis-Johnson Park Lighting Project
Borough Clerk Hatten acknowledged receipt of a letter regarding a grant from the Open Space Trust Fund in the amount of \$61,200 for the Davis-Johnson Park Lighting Project.

D. Chamber of Commerce Re: Request for Street Fair/July 9-11
Motion by Councilwoman LaMastra, second by Councilman Warm, that the request for the Chamber of Commerce Street Fair from July 9th through the 11th, with Washington Street through S. Summit to Railroad and Railroad from West Clinton to Riveredge Road being closed on Sunday, July 11th only, is hereby approved.
Borough Clerk Hatten stated that there was a second request for signage. The Chamber is requesting to place a sign on 9W headed North after the "Tenaflly Next Left" sign and one opposite Wachovia Bank. Borough Clerk Hatten explained that 9W is State property and therefore, only the State can grant permission. She further stated that the sign can be placed on the Northwest corner where 9W meets Clinton Ave. and requested permission to relay this information to the Chamber of Commerce. The other signage request will be referred to Bob Byrnes, the Construction Official.

E. League of Municipalities Re: Increase in Bid Threshold
Borough Clerk Hatten acknowledged receipt of a notice from the League of Municipalities that the 5 year bid threshold increase has been announced. It has increased from \$21,000 to \$26,000 and with a qualified purchasing agent from \$29,000 to \$36,000.

F. Y. Wolf/Leonard Ave. Re: Request/Remove Sidewalk permanently
Mayor Rustin explained that Ms. Wolf is requesting to remove, at her own expense, the sidewalk that runs in front of her property. Councilwoman LaMastra feels that allowing people to remove their sidewalks raises safety concerns.

On a roll call, the vote on granting permission to remove the sidewalk in front of 30 Leonard Ave was recorded as follows:

Councilman Barzelatto	nay	Councilman McDermott:	aye
Councilwoman LaMastra:	nay	Councilman Rouse	aye
Councilman Lattif:	nay	Councilman Warm:	aye
Mayor Rustin:	aye		

CONSENT AGENDA

- A. #R10-206/Authorize Outdoor Seating License/Foova/So Summit Street
- B. #R10-207/Award Contract/Government Advisors/Search for Borough Clerk
- C. #R10-208/Renewal of Liquor Licenses for 2010
- D. #R10-209/Approve State Contract/Borough newsletters/Graphicolor Corp
- E. #R10-210/Approve State Contract/Recreation brochures/Graphicolor Corp
- F. #R10-211/Reject Bids/Municipal Field Restrooms and Concession Stand
- G. #R10-212/Approve Grant Application/Sustainable Jersey/Environmental Resource Inventory Grant
- H. ~~#R10-213/Authorize Renewal of Technology Agreement with Tenafly Board of Education~~ moved to New Business
- I. #R10-214/Authorize Refund/Youth Services Program/Fritz/\$300.
- J. #R10-215/Authorize Refund/Youth Services Program/Gillon/\$700.
- K. #R10-216/Authorize Sale of Surplus Backhoe to Tenafly Board of Education
- L. #R10-217/Approve Redemption/Tax Title Lien TTL05-1
- M. #R10-218/Authorize COAH Trust Funds for Planning Board Attorney COAH services
- N. #R10-219/Authorize COAH Trust Funds for Special Counsel for COAH/ Planning Board legal services/Third Round Housing Element and Fair Share Plan
- O. #R10-220/Introduce Capital Ordinance No.10-22/Multi-Purpose Ordinance
- P. #R10-227/Authorize COAH Trust Funds for COAH Planner/Third Round Housing Element and Fair Share Plan

Motion by Councilman Rouse, second by Councilman Warms that the Consent Agenda, be approved as amended.

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 as amended.

8:00 P.M. – PUBLIC HEARINGS

A. Ordinances

- 1. Ordinance No. 10-15/Amend Borough Code Chapter XXXV/Land Development Regulations/Section 35-811.3b to include ‘medical offices’ as a permitted use in the AHO/C2 Zone District

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

ORDINANCE TO AMEND CHAPTER XXXV, SECTION 35-811.3b OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY TO INCLUDE “MEDICAL OFFICES” AS A PERMITTED USE IN THE AHO/C2 ZONE DISTRICT

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, May 11, 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 22, 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 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 Warms:

#R10-221/Consider Adoption of Ordinance No. 10-15

Motion by Councilman Warms, second by Councilman Barzelatto

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 AMEND CHAPTER XXXV, SECTION 35-811.3b OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY TO INCLUDE "MEDICAL OFFICES" AS A PERMITTED USE IN THE AHO/C2 ZONE DISTRICT

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:	nay
Councilwoman LaMastra:	nay	Councilman Rouse	aye
Councilman Lattif:	nay	Councilman Warms:	aye
Mayor Rustin:	aye		

- 2. Ordinance No. 10-19/Amend Borough Code/Traffic Chapter VII/establish part-time one-way streets

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 PART-TIME ONE WAY STREETS

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 Thursday, June 10, 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, June 22, 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 of the lobby of the municipal center.

Mayor Rustin opened the public hearing on the ordinance.

Martha Kerge, 40 Hillside Ave, Tenafly, asked for further explanation of this ordinance. She was informed that this ordinance creates one-way streets on S. Park Drive, Magnolia, Hamilton, and Downey Drive from 8:00 am to 4:00 pm on school days only.

Gloria Layne, 64 N. Lyle Ave, Tenafly, questioned how the Mayor and Council determined which roads were to become one-way. Mr. Rouse explained that they chose streets around the school in order to ease the flow of traffic.

Steve Savas, 40 S. Park Dr., Tenafly, asked if his street was included in this ordinance and he was informed that it is.

Mayor Rustin again recognized Councilman Rouse:

#R10-222/Consider Adoption of Ordinance No. 10-19

Motion by Councilman Rouse, 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 VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC" IN ORDER TO ESTABLISH PART-TIME ONE WAY 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	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warms:	aye

3. Ordinance No. 10-20/Amend Borough Code/Traffic Chapter VII/establish time limit parking on Oak Street and Downey 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 TIME LIMIT PARKING ON CERTAIN STREETS

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 Thursday, June 10, 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, June 22, 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 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:

#R10-223/Consider Adoption of Ordinance No. 10-20

Motion by Councilman Rouse, second by Councilman 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 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	aye	Councilman McDermott:	aye
Councilwoman LaMastra:	aye	Councilman Rouse	aye
Councilman Lattif:	aye	Councilman Warms:	aye

B. Other/Y2010 Local Municipal Budget

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

1. #R10-224/Read Budget by Title Only

Motion by Councilman Rouse, second by Councilman Warms

WHEREAS, chapter 259 of the Public Laws of 1995 amends the “Local Budget Law”, NJSA 40A: 4 et seq., to provide that the Local Budget may be read by its title only on the date of the public hearing under the following conditions:

1. At least one week prior to the date of the hearing, a complete copy of the budget:

a. shall be made available for public inspection, in the free public library of the municipality and in the free county library located in the county in which the municipality is located, and the public officer delegated the responsibility for delivering copies of the approved budget to such libraries shall forward to the governing body an attestation that each such delivery was made; and

b. is made available to each person requesting same, during said week and during the public hearing; and

2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the conditions set forth in subsection 1.a. and 1.b. of this section have been made; and

WHEREAS, the certification by the Borough Clerk attesting to compliance with item 1.a. above is attached hereto and made a part hereof, and the Budget Summary as allowed by law was published in the Record and Press Journal issues of May 27, 2010.

NOW THEREFOR BE IT RESOLVED, by the Mayor and Council (not less than a majority of the full membership thereof affirmatively concurring) that the said 2010 Local Municipal Budget of the Borough of Tenafly shall be read by its title only, all of the aforementioned conditions of P.L. 1995, c. 259 having been met.

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

The Mayor opened the public hearing.

Steve Stavas, 40 S. Park Dr, Tenafly, stated that he had attended a public forum at the Bergen Community College that discussed ways to reduce costs of government. He expressed his surprise that no officials from the Borough of Tenafly had attended this forum. He believes that although the governing body has worked hard on the budget, this increase is way too high and more can and should be done.

David Simpson, 12 Woodland Park Dr, Tenafly, addressed Resolution #R10-216, which authorizes the sale of a backhoe to the Tenafly Board of Education. He expressed his concern that members of the Council do not seem to know how much was spent to purchase this backhoe and how much it is being sold for. He believes more attention needs to be paid to this subject as it is a matter of spending and recouping.

Mark Feldman, 133 Lylewood Dr, Tenafly, expressed his extreme disappointment that more has not been done to reduce this budget increase. Although he understands some of the underlying reasons why the governing body feels this 7.6 percent increase is necessary, he still finds it to be unacceptable. He also attended the forum at Bergen Community College this afternoon and the clear message from everyone is that the current system that we have in most of the state is unsustainable for the future. He is most disappointed with the fact that this budget is attempting to maintain the status quo instead of exploring ways to reduce costs.

Martha Kerge, 40 Hillside Ave, Tenafly, acknowledged the hard work that the governing body has put into this budget and expressed her hope that the budget has been cut as much as possible. She believes that the governing body should take one final look at the budget. She suggested holding the capital budget flat for a year. She stated that there are between 120 and 130 homes

currently on the market and believes that this increase will be very tough for the residents, causing more people to leave Tenafly.

Ernest Kollitides, 164 E. Clinton Ave, Tenafly, stated that he had also attended the forum at Bergen Community College this afternoon. He believes that the governing body has the opportunity to run this town in a more efficient way and can come up with an increase that everyone can live with.

Mayor Rustin closed the Public Comment.

Mayor Rustin again recognized Councilman Rouse:

2. **#R10-225**/Adopt Self-Examined Budget

Motion by Councilman Rouse, second by Councilman Warmes

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Tenafly has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2010 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Tenafly that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to the law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

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 again recognized Councilman Rouse:

3. **#R10-226**/Adoption of 2010 Local Municipal Budget

Motion by Councilman Rouse, second by Councilman Warms

BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly, that the 2010 Local Municipal Budget as hereinbefore set forth, is hereby adopted and shall constitute an appropriation for the purposes of the sums therein set forth as appropriations, and an authorization of the amount of **\$21,374,225** in taxes for municipal purposes.

Councilman McDermott stated that he is in agreement with the public that this increase is too high. Despite this opinion, he believes that some very positive changes have taken place this year. He stated that there have been a lot of structural changes that have decreased salary costs by a significant amount. One example is the sharing of Health services with Cresskill. He feels that sharing services amongst municipalities is the direction that will need to be sought in the future. He stated that he will be voting no against this budget.

Councilman Lattif believes that 2010 had a lot of action relevant to other years and more action should have been taken this year. He was very disappointed that votes were not there this year to even discuss ideas to provide tax payer relief. He has high hopes that the governing body will be very aggressive in 2011 with contract negotiations, making structural changes, and other major changes that were not specifically discussed this year. He stated that he will be voting no on this year's budget.

Councilman Rouse pointed out that this budget is retroactive to January 1st. He stated that communities that have discussed furloughs and layoffs are those towns that are anywhere from \$500,000 to well over \$1,000,000 above the CAP whereas Tenafly is \$100,000 below the CAP. Although he would like to see less of an increase, the overall increase in the resident's tax bill is 3.1 percent. He agrees with other members of the Council that they need to look to the future, but he will be voting yes on this budget.

Councilman Warms wants the public to know that he takes his job very seriously and he feels very strongly about the comments from the public. He stated that it is the opinion of the professionals that all the cuts have been made that can be made and further stated that many of the increases were forced increases due to past decisions. He also pointed out that the overall increase this year is the lowest it has been in 10 years. He is voting in favor of this budget.

Councilwoman LaMastra stated that although good topics of discussion for decreasing costs were brought up in the budget meetings, the votes to discuss these ideas were not there. She does not believe that the governing body is a cohesive group. She finds the 7.6 percent increase to be unacceptable. Although the Borough has relied on replenishing and then using the surplus to offset budget, she stated they can no longer afford to fund the surplus. She believes that the structure of the municipal departments should be looked into and some hard changes need to be made. She will be voting no on this budget.

Mayor Rustin does not believe that anyone is comfortable with the 7.6 percent increase, but he does support this budget. He believes that it puts the Borough in the position it needs to be in for next year. He does feel that the governing body needs to look at a different way of doing business, but does not believe that any suggestions on how to cut costs were made this year that were realistic.

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

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

COMMITTEE REPORTS

Councilwoman LaMastra

The BID was supposed to meet yesterday, but they had cancelled their meeting. She apologized for the lack of information on the budget.

Recreation Commission met last week. They have a new and improved lighting policy that is ready for the governing body and it should be presented at the next work session. Summer Camp has 373 children registered for camp, 162 of which are non-residents. Many students applied for positions in the camp, more than were needed. As a result, a program was created where students could receive high school credit for volunteering their time at the camp. There was also discussion of the bids received for the Municipal Field Restrooms and Concession Stands and the fact that they came in much higher than anticipated.

Councilman Lattif

Senior Center met this morning. The director has been in touch with Eifert French as to whether the members of the Board of Trustees are covered under the Errors and Omissions Insurance portion of the Municipal Policy. The director was informed by Eifert French that they are covered and this fact will be put in writing with copies being given to the CFO and the Borough Administrator.

Councilman Rouse

Library Board: Mr. Rouse reported that the board met last Friday. They have appointed a new director and her name is Gina Webb-Metz. She has a Masters of Science degree in Library Science from Columbia University. She has served as Assistant Director of the Leonia Public Library for the past ten years. She will begin work on July 12th.

Police Department: Mr. Rouse reported that Captain Dan Regino is retiring and his last day will be October 29, 2010.

Councilman Lattif asked if the police report can include trend information for the past 12 months.

Councilman McDermott

CAP (Chemical Awareness Program) met and will restart in September. He reported that the Council's participation in this program has helped.

Councilwoman LaMastra pointed out that the Municipality helps to fund this program and therefore believes it is important for the governing body to be active. Mayor Rustin asked that Borough Administrator Thompson-Chin look into how this program is run in other municipalities.

Green Team and Environmental Commission met and are anxious to submit their grant.

Mayor Rustin asked about the Transportation Committee meeting scheduled on Thursday. Councilwoman LaMastra raised concerns that Talley Associates, the consultants to the Transportation Committee, would be attending, but only half of the Council would be in attendance. Councilman McDermott said that Talley would be presenting what they have and recommendations would then be brought to the Council. The question arose as to whether members of the Council can be present in the audience and Borough Attorney McClure advised that members of the Council should only attend this meeting as observers with no participation as there was no Public Notice regarding the governing body for this meeting.

Councilman Warms	None
Councilman Barzelatto	Youth Services is proposing to have a concession stand at the Barclays. Mr. Barzelatto believes this will be a good financial opportunity. Fire Department responded to mutual aid calls to Dumont, Cresskill, and Englewood. There are two new members in the Fire Department.

OLD BUSINESS

Councilman Barzelatto expressed his concern over the condition of the flags in town. Mayor Rustin asked that Borough Administrator Thompson-Chin speak to Bob Beutel, Director of Public Works, and ask that they be taken down.

Councilwoman LaMastra questioned whether there was any further information on the subject of the strip mall at 33 Riveredge Road and the removal of the shrubbery. Mayor Rustin responded that they had been issued a summons and in turn, they have written a letter to the Planning Board requesting permission to remove the shrubbery as it has already been removed and blacktopped. The question arose as to whether the governing body would be able to stop them from receiving permission to remove the shrubbery. Borough Attorney McClure advised that the Planning Board makes its own decisions on site plan approvals. He stated that the Council only becomes involved in the Developer's Agreement. It may not come before the governing body unless there is an amendment to the Developer's Agreement.

NEW BUSINESS

Mayor Rustin recognized Councilman Rouse:

- A. #R10-213/Authorize Renewal of Technology Agreement with Tenafly Board if Education

Motion by Councilman Rouse, second by Councilwoman LaMastra:

WHEREAS, the Interlocal Services Act (N.J.S.A. 40:8A-1, et seq.) allows a municipality and school district to enter into a contract to provide any service which any of the parties on whose behalf such services are to be performed may legally perform for itself; and

WHEREAS, via Resolution #R03-159, adopted June 10, 2003, the Mayor and Council authorized an Agreement with the Tenafly Board of Education for the staff of the Board's technology team to manage and maintain the Borough's computer network, assist with day-to-day operation of the Borough LAN and WAN, assist with the installation, configuration, operations and troubleshooting of network operating systems, applications, and hardware, provide application upgrades, provide Internet access and manage email accounts, provide on-site technical service and support, and provide employee training for the period July 1, 2003 through June 30, 2004; and

WHEREAS, the parties have renewed the agreement annually and the parties desire to renew the Agreement for the period July 1, 2010 through June 30, 2011, in order to expand and enhance computer capabilities for Borough staff and manage and maintain the Borough's computer network including files maintained in group folders and software applications on the Board's servers for tax and budget applications, the online remote requisition program, applications for the Building Department including the Mitchell Humphries program, LUCARS and UCARS, and other software applications; and

WHEREAS, it has been mutually agreed that should the Borough investigate a new telephone system during the term of this agreement, the Technology Department will provide technical assistance and advice in evaluating the proposals for a new telephone system; and

WHEREAS, the Technology Department will assure that the Borough's files, including email, are backed up and retained in accordance with the written policy and procedure agreed to by the parties including the establishment of journal accounts for emails; and

WHEREAS, the parties have agreed to renew the Agreement for the period from July 1, 2010 through June 30, 2011, and the Borough shall compensate the Board of Education for such services in the amount of \$96,108.00 for the supervision and maintenance of the Borough's computer infrastructure and internal wiring and networking equipment, and funds are available for this purpose in the Office of the Administrator Budget; and

WHEREAS, such compensation shall be paid to the Board of Education in two equal installments, one on July 15, 2010 and one on January 15, 2011.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Tenafly, County of Bergen, New Jersey that it does hereby authorize the Mayor and Borough Clerk to execute an Agreement with the Tenafly Board of Education for the management and maintenance of the Borough's computer data network for a period from July 1, 2010 through June 30, 2011.

There was discussion among the members of the Council about shortening the Agreement to a six-month period. Borough Administrator Thompson-Chin advised the Council to keep the contract in its current form. She stated that she has already voiced concerns to the Board of Education and she and the Chief Financial Officer are already looking at this contract as part of next year's budget process. After some discussion, it was agreed to keep the agreement in its current form.

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:	nay

B. Councilwoman LaMastra discussed the Board of Education meeting where issues such as the technology agreement, the elimination of construction debris at the transfer station, and the backhoe were discussed. She expressed her concern over the tone of the meeting and wants to look into ways to repair the relationship between the Borough and the Board of Education.

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
- B. Personnel
 - 1. Elevator sub-code official/disciplinary hearing
 - 2. Expiration of Extended Sick Leave/Finance Office Employee

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 11: p.m.

Respectfully submitted,

Nancy Hatten
Borough Clerk